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DECEMBER ACTIVATION DESCRIPTION	-
BEST PRACTICES FOR PROSECUTION MATT WIESE, PROSECUTING ATTORNEY	
MARQUETTE COUNTY, MICHIGAN	
RURAL BUILDING BLOCKS WEBINAR TRAINING	
WEDNESDAY, JULY 16, 2014	
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Praxis International – Rural Technical Assistance on Violence Against Women	
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If using audio only:	
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please include your discipline TEST CHAT NOW	
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Session is recorded:	
Available on our website: http://praxisinternational.org/praxis rta audio event recordings.aspx	
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Poll question: What is your role in your CCR?	
A. Prosecutor	
B. Law Enforcement Officer	
	-
C. Community Advocate	
D. Systems Advocate	
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Other—chat it in	

Making Victim Safety a Central Feature of the Criminal Justice System's Response to Domestic Violence 1. Change How We Think About The Violence 2. Change How People Act on Cases 3. Change How We Network & Communicate with each Other

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Making Victim Safety a Central Feature of the Criminal Justice System's Response to Domestic Violence 4. Develop Written Policies that Include Community Based Advocacy Programs • Vertical Prosecution • Working with Community Based Advocates • Develop Written Policies that Include Community Based Advocacy Program

Making Victim Safety a Central Feature of the Criminal Justice System's Response to Domestic Violence 5. Create Direct Confrontation of Offender-Hold Offender Accountable 6. Evaluate the Intervention From the Standpoint of How it Impacts Victims 7. Design the Intervention in a Way that Addresses Harm Done to Children 8. Intervene in a Way that Does Not Cause More Harm to Victim Safety Praxis International – Rural Technical Assistance on violence against women

The distinct and collaborative roles of the systembased and community-based advocate in working to enhance prosecution

- Written Policy
- MOU
- Standardized Practices
- Standardized Forms
- Implementing Institutional Changes
- Focus on Process not Personalities

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How prosecutors work with law enforcement and advocacy agencies to enhance safety for women while holding offenders accountable

- Identify Key Practices to be Achieved
- Develop a Consistent Message
- Identify Roles and Responsibilities
- Incorporate Community Based Advocates into the Process
- Don't Compromise the Integrity of Community Based Advocates

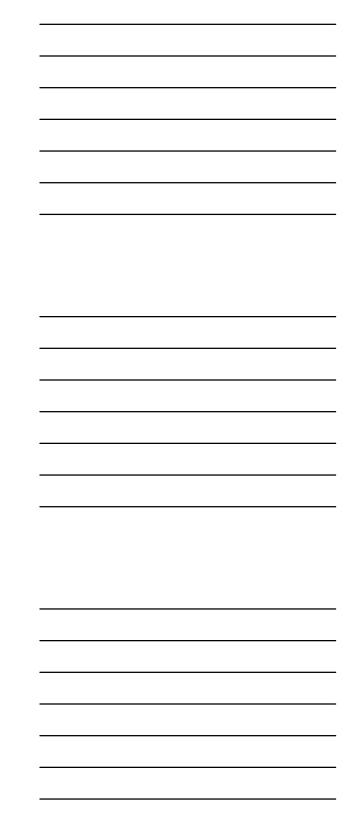
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Example:

Key practices in prosecution charging decisions

- Request and consider a wide range of information
- Evaluate the history, context, and severity of violence
- Consider harm to children and use of children as instrument of abuse
- Evaluate risk and lethality factors
- Charge with attention to victim safety, including safety of victim defendant
- Understand factors related to victim availability to the prosecution process
- Evaluate prior incidents and convictions
- Consider options in declining cases
- Engage and collaborate with victims in making charging decisions
- Communicate charging decisions and respond to inquiries

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Example: Key practices to evaluate risk & lethality factors by including attention to Aggression toward interveners Stalking Strangulation Threats to family, coworkers Threats to kill the victim or victim's new partner Abuse of or killing of animals Threats of suicide Forced sex or pressuring Damaging victim's property for sex Violence during pregnancy or shortly after giving birth • Serious injury to victim Weapons Hostage-taking or restraint Acts exhibiting extreme hostility toward the victim · Violence outside the home See handout: Practitioner's Guide to Risk and Danger Praxis International – Rural Technical Assistance on violence against women

Example: Key practice evaluate prior incidents & convictions Review prior recent Evaluate prior convictions to incidents & charge if determine possible sufficient evidence: enhancements Against the same victim · Use flexibly to serve both victim safety & Against another victim offender accountability

How to build a case that reduces reliance on battered women's testimony in the aftermath of the Crawford Decision

Forfeiture of Confrontation Right by Wrongdoing

Sth Amendment Requires Production of the Witness to Satisfy the Confrontation Clause

Once Produced; Hearsay Statements Should be Admissible

Balance Victim Safety
vis-à-vis

Offender Accountability

How to build a case that reduces reliance on battered women's testimony in the aftermath of the Crawford Decision

"The old fashioned way, like we did before Crawford.

By conducting a thorough and complete investigation, including accurately recording the nature and circumstances of all witness statements, and documenting and gathering all available evidence."

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Reviewing policy

- Underlying principles and philosophy
- Criteria and procedures
- Monitoring and supporting compliance

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Principles and philosophy

- Adhere to an interagency approach and collective intervention goals
- Build attention to the context and severity of abuse
- Recognize that most domestic violence is a patterned crime requiring continuing engagement
- Seek sure and swift consequences
- Messages of help and accountability
- Reduces unintended consequences and the disparity of impact

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Agree Upon & Define Your Policy

The Any County District Attorney's Office has a zero tolerance policy on domestic violence.

Zero tolerance means the district attorney's office will not drop cases when factors indicative of danger are present.

Those factors include but are not limited to:

- Severe injury to a victim resulting in hospitalization
- Threats to kill a victim
- Strangulation
- Defendant with a history of many police encounters

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Agree Upon & Define Your Policy

The Our County District Attorney's Office has a **no-drop policy** on domestic violence.

No-drop means prosecutors should pursue cases for which there is strong evidence, even when victims refuse to cooperate.

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Criteria and procedures

- Decrease reliance on memory
- Account for how victims use violence
- Recognize and guard against retaliation by offender towards victim
- Document the pattern and history of abuse
- Reinforce a swift, timely response
- Recognize that batterers use children to control adult victims
- Recognize that the adult victim parent is critical to the welfare of children
- Victim notification and advocacy

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Monitoring & compliance

- Link to next points of intervention
- Specify the how, when, and with whom for informationsharing
- Track practitioner compliance and exceptions
- Ensure compliance and address non-compliance
- · Continuing education and training
- Establish a process of record sharing and external monitoring

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Questions?

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- Maren Woods, Praxis Rural TA Program Manager <u>maren@praxisinternational.org</u>

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