**Examples of How Best Practices are institutionalized in the Criminal Justice System’s Response to Domestic Violence**

|  | Laws and Case Laws | Policy, procedures, protocols, forms P-policy; RWG -report-writing guide; S-Supervision,  PR-Protocol/ working agreement |
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| Law Enforcement | * Warrantless probable cause (PC) misdemeanor arrestsfor domestic assault within 12 hours * PC arrest where there is a “significant romantic or sexual relationship” * 72 hour protection orders issued by law enforcement * Interruption of a 911 call = gross misdemeanor * Stalking is a gross misdemeanor, aggravated stalking is a felony * Criminal enhancement for prior convictions or there is/has been protection order * Written report on arrests and non-arrests * Victim provided with “victim rights cards” with advocacy contacts * Detention rather than citation in arrests * Arrest for violations of protection order (PO) exclusion clause * Jail holds for DV arrests until arraignment * Jail makes reasonable attempts to notify victims of release of DV offenders * Jail notifies arresting agency when releasing * Officers share reports with DV programs, when requested * Written DV policies, created and evaluated with DV programs, that include self-defense and predominant aggressor determinations * Petitioner not in violation of PO by admitting excluded respondent into residence * When not arresting, victim provided immediate assistance, including medical treatment and “victim rights cards” * Fed VAWA legislation requirements regarding guns | * Officers must be dispatched in DV cases (P, S) * DV calls assigned high priority (P, S) * Victim not asked whether she wants suspect arrested (P,S) * Dual arrests discouraged (P, S) * Self-defense investigations required (P, RWP, S) * Predominant aggressor determinations required (P, RWP, S) * Arresting victims on petty warrants discouraged (P, RWP, S) * Interview all witnesses at scene (P, RWP, S) * Time of dispatch, arrival (P, RWP, S) * History and risk questions asked (P, RWP, S) * Discourages use of family, friends or neighbors as interpreters (P, S) * Check on welfare of all children at scene (P,S) * Use of report-writing guidelines (P, S) * Supervisory oversight for reports (P, S) * In non-arrest cases, * Investigations support going forward with case without victim cooperation (PR, S) * Law enforcement contacts advocacy program to provide *Advocacy Initiated Response* (PR, S) * Designate liaisons in dv program and law enforcement to respond to complaints (PR, S) * Share arrest and non-arrest reports with dv programs (PR, S) |

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| **Prosecution** | * Victim notification for bail hearings required * Require victim input on plea negotiation and sentencing * Relevant victim input required at pre-trial release * For safety reasons, disclosure of victim or witness’s addresses and phone number not required * Prosecutors must have policies developed & evaluated with DV programs with provisions regarding dismissal, deferral, victim subpoenas, evidence-based prosecution, and others. * Forfeiture by wrongdoing clause & exceptions to hearsay rule increases admissibility of evidence under certain conditions | * Block victim’s phones from jail at victims request * Make 3 calls to victims before releasing offender * Contact DV program when unable to locate victim * Design alternative response for victims who fight back * Build case understanding victim will likely not fully participate * Evidence-based strategies * Forfeiture by wrongdoing * Do not drop because victim doesn’t want to testify * Work with DV program and hire victim support staff * Prioritize fast track disposition |
| **Advocacy/CCR Coordinating Agency Practices** | * Identify and document current response problems and potential best-practice solutions * Coordinate meetings to set goals, activities, address problems, policy development * Coordinate tracking, monitoring, evaluation activities—provide reports * Provide Advocacy-initiated response asap after arrest * Provide legal advocacy, maintain contact with victim throughout case * Review police reports * Contact liaisons with response concerns in individual cases/ address systemic issues * Involve victims in CCR effort | |
| **Other Key Points in the Criminal Justice System Response to Battering** | * OP Violations of can also be contempt of court * Minimum 3, 10, and 30 day sentence for misd., gross misd. and felony violations of Po’s, respectively * Notify victim when sentence mod is being considered * 2- year probation for dv * Increase length of probation for misd DV offense to 2 years * Conduct P.S.I. on all domestics * Crime to own a gun if convicted of DV * Victim impact statements are confidential * Counseling for all convictions of OFP violations * Enhancement of penalties for repeat offenders against same victims | * Agree on bail schedule on DV cases to gain consistency * Use supervised release to monitor suspects in DV cases * Contact or no-contact based on victim * Request * Stopping violence primary rehab goal. * Use jail to gain compliance. * Avoid couples counseling (rare exception) * Special D.V offender programs; account for (a) victims fighting back; (b) specialized groups, i.e., Spanish speaking, Native men, lesbians etc. |