

# The Blueprint for Safety: An Interagency Response to Domestic Violence Crimes

## Essential Elements

The Blueprint for Safety’s understanding of essential elements related to effective response to domestic violence crimes reflects the culmination of over thirty years of criminal legal system reform, the results of local Safety and Accountability Audits, and a review of recent research. Each element addresses a gap or issue identified through this work.

[The Blueprint for Safety: Foundations of Effective Intervention](#)  
[Research Supports the Intervention Strategies of the Blueprint for Safety](#)

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## 911 Emergency Communications

<b>911 EMERGENCY COMMUNICATIONS</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
1. Set priority-level response for domestic assault calls.	In some communities, domestic calls are treated as “disturbances” with a low priority. The Blueprint starts with the assumption that these are potentially dangerous calls and therefore high priority, which can be downgraded if certain conditions exist that rule out the likelihood that danger is present.
2. Elicit and relay to responding officers information about: <ul style="list-style-type: none"> <li>• Type &amp; level of danger, weapons, types of violence used, etc.</li> <li>• Exact report of what caller saw/heard/experienced</li> <li>• Who is at the scene</li> </ul>	<p>Often the only information officers receive is the domestic designation with some indication of whether violence has been alleged, e.g., “physical domestic” or “verbal domestic” or “man and woman fighting.” This does not provide officers with sufficient information to prepare them to respond to the level of danger at the scene.</p> <p>It is not unusual for officers to find when they arrive that those at the scene deny that any violence occurred. If officers have some information about what the caller told 911, this can be used for follow-up questioning at the scene.</p> <p>If 911 transmits this information to officers, supervisors can compare CAD entries or radio traffic recordings to police reports to monitor whether officers are writing reports in all domestic cases.</p>
3. Collect and relay information to aid officers in apprehending suspects who have left the scene.	Suspects who leave the scene before officers arrive are often more dangerous suspects who have learned that if they are not present when police arrive they may be able to avoid consequences. Beginning with 911, the Blueprint organizes everyone to pay attention to these cases, beginning with providing officers information that may be able to aid in apprehending these suspects right away, thereby hastening safety and accountability.
4. Communicate effectively and respectfully with callers.	The most common concern relayed by victims of violence regarding 911 is a perception that the call-taker is uncaring and abrupt when talking with them. Victims who feel a partnership with interveners are more likely to use the legal system in the future.
5. Tell callers when a squad has been dispatched.	Victims who are afraid and anxious need reassurance that the next step is in progress. Victims tell us in focus groups that they do not need to know when the squad will arrive, but rather that the next step has been taken and the squad has been dispatched.

**911 EMERGENCY COMMUNICATIONS**

Essential Element	Designed to address:
6. Determine how and when to safely keep callers on the line.	Call-takers sometimes see their jobs narrowly as getting information about the nature and location of a call to officers, rather than more broadly as helping the caller access safety. Understanding when safety is enhanced by keeping the caller on the line vs. encouraging the caller to retreat to a safer location is critical to a safe 911 response. The Blueprint lays out guidance for making these determinations.
7. Respond to people having difficulty with communication.	Callers who are very upset or impaired by alcohol, drugs or cognition can be frustrating for call-takers to deal with and can lead to ineffective ways of communicating with them. It is not uncommon for call-takers to be very focused on getting the information they need to dispatch the appropriate responders, but in doing so can come across as impatient with callers who are having difficulty communicating or not responding to the call-taker's questions.
8. Safely respond to interrupted calls.	Suspects sometimes interfere with 911 calls; sometimes it's dangerous for the suspect to know that 911 has been called and the caller has to hang up; call-takers need to distinguish between these to the extent possible and respond accordingly.
9. Safely respond to children on the line.	Children need connection and reassurance and may be in physical danger. It's important for the child to be able to communicate safely with the call-taker and to maintain connection with a helper. Sometimes children act as instruments of the batterer and try to stop the police response or defend the actions of the batterer.
10. Communicate in a person's first language and in ways that address limited English proficiency; provide access to language interpretation and TTY/TDD when required.	Law enforcement agencies are required by federal law to provide free language access to LEP persons who request it. It is best to secure a professional interpreter as soon as possible; however, to address the emergency, call-takers may use the most reliable <i>temporary</i> interpreter available. Although tempting, it's best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect's family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).
11. Utilize all available databases and information sources to obtain history on suspect.	The more information responding officers have about history, the more prepared they can be to respond safely. The many databases that exist to capture criminal history don't necessarily talk to each other or include the same information, so call-takers

<b>911 EMERGENCY COMMUNICATIONS</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
	and dispatchers need to be prepared to use as many information sources as possible.
12. Code calls accurately according to Blueprint protocols.	Accurate coding is essential to aid in setting the priority response, preparing officers to respond appropriately, collecting data, and aiding in later monitoring of 911 and patrol response.
13. Record and keep calls and related documents in a manner which allows later access by bail evaluators, investigators, prosecutors, probation, and defense attorneys.	Gaining access to 911 calls is difficult and/or time-consuming in some communities. The 911 recording is a key piece of evidence in a criminal case and should be made readily available to criminal justice workers who need it.
14. Adopt Blueprint victim engagement protocols.	911 personnel can play a significant role in helping victims feel safe and supported, and can have a huge influence on whether victims will feel confident about calling for help in the future. This idea is rarely embedded in 911 training and protocol; the Blueprint provides this guidance.
15. Conduct regular supervisory review of calls and practice according to Blueprint policies and protocols.	Without regular oversight, practice tends to “fall off.” A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.
16. Provide structure for managers to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.	Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.
17. Meet regularly with law enforcement, prosecution, and community-based advocates to discuss and resolve problematic cases and responses.	It is very common that practitioners experience frustration with their counterparts in other agencies, but generally there is not a structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes this by providing a mechanism whereby everyone has an opportunity to bring forward problematic cases for discussion and resolution.

## Law Enforcement Patrol and Investigation

LAW ENFORCEMENT PATROL AND INVESTIGATION	
Essential Element	Designed to address:
<b>PATROL</b>	
<p>1. Obtain or request enhanced information from dispatch, including:</p> <ul style="list-style-type: none"> <li>• Type &amp; level of danger, weapons, types of violence used, etc.</li> <li>• Exact report of what caller saw/heard/experienced</li> <li>• Who is at the scene</li> <li>• Information to aid in locating suspect who has left the scene</li> </ul>	<p>Officers generally have little information about what is occurring at the scene as they approach. Knowing some detail about what the call-taker is reporting, specifics about the violence, weapons involved, and who is present can more adequately prepare officers to address their own safety as well as safety of those at the scene and to be able to probe more deeply if those present are not forthcoming with information.</p> <p>Suspects who have left the scene are more likely to be apprehended if officers have sufficient information to locate them.</p>
<p>2. Separate the parties and minimize sight and sound contact between suspect and victim(s) as safety permits.</p>	<p>Victims of violence will more readily disclose information if the offender is not able to overhear or to send visual signals to victims.</p>
<p>3. Communicate in a person's first language and in ways that address limited English proficiency and literacy.</p>	<p>Law enforcement agencies are required by federal law to provide free language access to LEP persons who request it and when the officer needs it to conduct a thorough investigation. To secure the scene, officers may use the most reliable <i>temporary</i> interpreter available and, once the scene is secured, seek a professional interpreter. At no time should the patrol officer use on the offender in the incident to interpret on behalf of the victim. Although tempting, it's best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect's family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).</p>
<p>4. Interview everyone at the scene (including children) and obtain contact information for all.</p> <ul style="list-style-type: none"> <li>• Obtain detailed contact information for the victim.</li> <li>• Obtain suspect's statement if present at the scene or if s/he can be located.</li> </ul>	<p>It is not uncommon for officers to fail to talk to all witnesses at the scene or get their contact information. Thus, officers may not have all relevant information about the totality of the circumstances in order to make a probable cause determination, and prosecution does not have access to witness accounts. Assuming investigators will follow up is insufficient because patrol has the best and most immediate access to people.</p> <p>Waiting to obtain statements at a later time can mean that</p>

<b>LAW ENFORCEMENT PATROL AND INVESTIGATION</b>	
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	<p>information important to the case gets lost. Likewise, victims often move around or go to safe locations, so getting complete contact information is very important.</p> <p>Obtaining the suspect’s statement is necessary in order to evaluate the totality of the circumstances that will inform the officer’s subsequent actions, and locks the suspect into a story from the outset. Suspects may also make admissions that can bolster the case against them.</p>
<p>5. Identify and check on the welfare of all children at the scene.</p>	<p>Children are often ignored by officers who are uncertain if they should talk to them or take the word of the adults that the children are unaware of what has occurred. Given the vulnerability of children and their limited ability to comprehend the implications of what is occurring, officers should find out who the children are, where they are, whether they witnessed anything or were harmed or otherwise drawn into the incident.</p>
<p>6. Document and collect all available evidence, including photographs of all injuries, the scene, broken or damaged belongings, weapons, witness statements, electronic (e.g., recordings of text messages, voice-mail, social media), indicators of strangulation, indicators of stalking.</p> <ul style="list-style-type: none"> <li>• Do not seize telephone if it would leave victim without a working phone.</li> <li>• Request the victim sign a medical release if medical treatment will be sought.</li> <li>• Collect and secure evidence related to probable cause regardless of suspect’s absence from the scene.</li> <li>• Note spontaneous statements by those at the scene.</li> <li>• Note physical appearance and emotional demeanor of parties.</li> </ul>	<p>Even when officers are organized to gather evidence at the scene, it is not uncommon for these tasks to be overlooked or missed at the patrol response, so the Blueprint directs them to consider everything. It is insufficient to assume investigators will pick this up later as much of the evidence will be gone before they are able to do so.</p> <p>Telephones can be a source of evidence (text messages, voicemail, caller ID or email; or broken or damaged phones). We want officers to be considering all evidence but we also do not want the safety of victims to be compromised by leaving them without a working phone.</p> <p>Obtaining a medical release at the scene ensures that it gets done promptly; an investigator tracking this down later is at a disadvantage if they can’t find her or if she doesn’t want to talk to them.</p> <p>It is not uncommon for officers to conduct a more cursory on-scene investigation if the suspect has left. The Blueprint response directs officers to investigate these cases in the same way as cases where the suspect is still on scene as they often involve more dangerous suspects hoping to evade law enforcement consequences.</p>

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	<p>Spontaneous statements made by those present, as opposed to statements made in response to police questioning stand a better chance of being viewed by the court as “non-testimonial”, increasing the chances that they might be admissible hearsay if the victim does not appear in court.</p> <p>Officer observations about physical and emotional demeanor are important and often overlooked evidence, provided they are captured as concrete, specific descriptions of what the officer observes.</p>
<p>7. Determine the existence of civil protection orders, harassment restraining orders, and criminal no-contact orders.</p>	<p>Document possible charges, provide the basis for probable cause determination. Inquiring about and responding appropriately to protective orders or no-contact orders sends a clear and consistent message to the victim that the system is coordinated and designed to help protect her and to the suspect that he/she will be held accountable.</p>
<p>8. Ask about and document past history of violence and stalking.</p> <ul style="list-style-type: none"> <li>• Victim and witness informants</li> <li>• Law enforcement and criminal history records</li> </ul>	<p>Stalking is an under-investigated and under-charged crime and patrol has an opportunity to strengthen recognition and investigation early on. An incident-focused system is not well-equipped to identify a crime that by its very nature is a pattern of activity. Officers need to be tuned into this fact, including the reality that some stalking behaviors are not by themselves criminal (for example, sending letters or flowers).</p>
<p>9. Ask and document responses to the 3 Blueprint risk questions and follow-up:</p> <ol style="list-style-type: none"> <li>1) Do you think he/she will seriously injure or kill you, your children, or someone else close to you? What makes you think so? What makes you think not?</li> <li>2) How frequently does he/she intimidate, threaten, or assault you? Is it changing? Getting worse? Getting better?</li> <li>3) Describe the time you were the most frightened or injured by him/her.</li> </ol>	<p>These questions provide a window into what is currently happening in the relationship to help interveners understand the extent and nature of the violence. In contrast to a checklist, they require a conversation between the officers and the victim which in turn supports victim engagement. If both people have been alleged to have used violence, these questions can help illuminate who has been harmed, who is most at risk and who is afraid of whom, providing assistance in making self-defense and predominant aggressor analyses, making charging decisions, and requesting conditions of release. The number of questions reflects the reality of patrol work and the time available to talk with victims.</p>



<b>LAW ENFORCEMENT PATROL AND INVESTIGATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>10. When both parties have used violence:</p> <ul style="list-style-type: none"> <li>• Assess <u>first</u> for self-defense; arrest the party who was not acting in self-defense.</li> <li>• If cannot determine self-defense, assess for the predominant aggressor; arrest the predominant aggressor.</li> <li>• Discourage dual arrest.</li> </ul>	<p>All people have a legal right to defend themselves or others from physical harm. Self-defense must be ruled out before a predominant aggressor analysis takes place.</p> <p>Victims who are arrested after using force to stop the battering will be less likely to call police in the future. Batterers know this and will use this knowledge to strengthen their position of power in the relationship.</p> <p>We know statistically that victims of violence who use force against their batterers are more likely to plead guilty because they want to get the proceedings behind them as quickly as possible so they can return to their children and their jobs, and they often feel guilty about their use of force. This can create significant disadvantages for victims of violence in child protection or family court custody cases.</p> <p>In <b>rare situations</b>, a person who has been a victim of ongoing violence at the hands of a partner will be determined to be the predominant aggressor, or the level of mutual violence is so severe that both must be taken into custody.</p>
<p>11. Mandatory arrest with probable cause for any one or more of the following conditions:</p> <ul style="list-style-type: none"> <li>• Felony-level crime</li> <li>• Injury or impairment to victim</li> <li>• Dangerous weapon involved</li> <li>• Violation of order for protection, harassment restraining order, or no-contact order</li> <li>• Victim fears imminent bodily harm</li> </ul>	<p>Historically, giving officers broad discretion in domestic violence cases would often mean no or few arrests. The Blueprint limits officer discretion to ensure there will be a firm and appropriate police response when certain conditions exist. While arrest may not be appropriate in every circumstance, officer discretion should be quite limited in order to avoid failing to intervene and thereby reinforcing a perpetrator’s ability to act with impunity.</p>
<p>12. Ask about and document threats to victim for seeking help or attempts to dissuade victim from seeking help.</p>	<p>This question sets the stage for the prosecutor to use the doctrine of forfeiture by wrongdoing to get victim statements admitted if she is not present at trial. Each case should be approached with the idea that the victim may be unwilling or unable to participate in the prosecution. Law enforcement can play a key role in establishing from the outset the offender’s interference in the victim’s participation in the legal process, thereby providing the prosecutor with information that can be used to establish that the victim’s lack of availability is a result of the defendant’s actions.</p>



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<b>Essential Element</b>	<b>Designed to address:</b>
<p>13. Whether or not there has been an arrest, provide assistance to victims before clearing the scene:</p> <ul style="list-style-type: none"> <li>• At a minimum, address: medical care, transport to a safe place, notice of victim’s rights and compensation, advocacy and community resources, civil protection orders.</li> <li>• Encourage victim to call 911 if suspect returns to the scene.</li> </ul>	<p>The Blueprint organizes officers to see their jobs more broadly than simply responding to an alleged crime. Engaging with victims in this way improves safety in the short term and strengthens the victim’s relationship with the criminal legal system and increases the likelihood she will call again if necessary.</p>
<p>14. When probable cause exists to make an arrest and the suspect has left the scene, collect all evidence, take measures to locate the suspect and protect the victims; submit an investigation report.</p>	<p>In those cases where a suspect has left the scene prior to police arrival, it is not uncommon for law enforcement to conduct a limited on-scene investigation with little or no follow-up. The Blueprint response recognizes that these are cases often involving more dangerous suspects hoping to evade law enforcement consequences, so officers are directed to actively search for the suspect and to submit a full report.</p>
<p>15. Document patrol response and arrest decision in a report utilizing the Domestic Violence Patrol Report Checklist.</p>	<p>Each element in the Checklist is included to address a specific need that prosecutors have in proving a case, help subsequent interveners identify and act upon the level of risk and danger, and provide complete information for practitioners who will need to contact the victim.</p>
<p>16. If there is insufficient probable cause for an arrest, write a brief report to document the complaint and the response. Do not re-code any call coded as a domestic where the relationship between the parties fits the domestic relationship definition or if the relationship is unknown.</p>	<p>Many state laws require that a report be written on all domestic calls whether or not probable cause is established. Recognizing that writing a complete report is time-consuming, the Blueprint permits officers to meet this requirement by writing brief comments in the CAD about the no probable cause determination.</p> <p>If the officer is permitted to re-code domestic calls there is no way for supervisors to trace back those calls and monitor compliance with patrol response. Only those calls later determined to not involve a domestic relationship should be re-coded.</p>

<b>LAW ENFORCEMENT PATROL AND INVESTIGATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<b>INVESTIGATION</b>	
<p>17. Conduct prompt supervisory review and (1) assign follow-up investigation when patrol has determined probable cause for an arrest or (2) forward to charging attorney without further investigation.</p>	<p>Prompt review, follow-up, and referral helps ensure a swift response and minimize a drawn-out process that opens opportunities for offenders to intimidate or otherwise discourage victim participation in the criminal case process.</p>
<p>18. Cases with one or more of the following receive high priority regardless of whether offender is in custody or out of custody (GOA):</p> <ul style="list-style-type: none"> <li>• Imminent time deadline</li> <li>• Significant injury or impairment</li> <li>• Strangulation or stalking alleged</li> <li>• Victim’s response to risk questions indicates significant risk</li> </ul>	<p>Investigators sometimes must prioritize cases due to time constraints. This element is designed to ensure that cases are prioritized by risk and danger or legal procedures that might require release of an in-custody defendant if charges are not filed imminently, rather than prioritizing by date of offense or date the report is received.</p>
<p>19. In gross misdemeanor and felony cases:</p> <ul style="list-style-type: none"> <li>• Conduct an expanded domestic violence risk assessment as warranted, starting from responses to the three risk questions.</li> <li>• Evaluate for all possible charges.</li> </ul>	<p>All felony and gross misdemeanor cases should receive additional review by investigators. Some investigative units may not have time to conduct a more comprehensive risk assessment in every case, so the Blueprint guides them to do so in cases where the patrol risk questions indicate elevated risk.</p> <p>In the event that patrol officers have not fully identified all possible charges, investigators should review and determine if the facts support additional charges.</p>
<p>20. Be alert to and investigate types of crimes associated with domestic violence:</p> <ul style="list-style-type: none"> <li>• Stalking/harassment</li> <li>• Strangulation</li> <li>• Sexual coercion and sexual aggression</li> <li>• Witness tampering</li> </ul>	<p>These crimes are often under-charged and under-reported.</p> <p>Stalking and harassment in particular, are by definition patterned crimes and thus easy to miss in an incident-driven response, particularly if the acts of stalking and harassment alleged would not by themselves be criminal in nature.</p> <p>Strangulation cases are potentially lethal, even several days after the incident. Responding officers and investigators need specific training and guidance to know what to look for in these cases.</p>

<b>LAW ENFORCEMENT PATROL AND INVESTIGATION</b>	
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	Sexual aggression in the context of intimate partner cases is under-identified. Victims themselves may be confused about whether the conduct is illegal or not, or may be embarrassed or afraid to disclose it. Since sexual aggression can be an indication of increased danger, investigators should pay attention to clues that this could be occurring and follow up.
21. Promptly notify the victim when a case is declined for referral to prosecution.	If the case is declined, the criminal legal system will not have the ability to place controls on the offender’s behavior. Not only does this mean that the victim may need to take additional steps to provide for her safety and that of her children, but the offender may feel more empowered to retaliate against her for having involved the legal system in the first place. It is important that the prosecutor communicate with the victim to encourage continued connection with the criminal legal system in the event of future violence.
22. Determine if the suspect is on probation; if so, notify probation of the circumstances of the case, including any offenses where the suspect left the scene and has not been located.	If probation knows that a new offense has occurred they can respond promptly. The more time that passes between the incident and action taken by a probation officer, the less effective intervention is likely to be.
23. Adopt Blueprint victim engagement protocols to protect victims from retaliation, prioritize safety, offer resources, build collaboration over time, and increase access to services and protection.	<p>Confronting the suspect with information obtained from the victim can further endanger her and create additional risk of harm.</p> <p>Victims will be more likely to use the criminal legal system in the future if they feel partnership with interveners.</p> <p>Research shows that victims who have support within the court system and from advocates are more likely to be able to be successful in ending the violent relationship sooner.</p>
<b>SUPERVISION</b>	
24. Conduct regular supervisory quality and compliance review of departmental practice according to adapted Blueprint policies and protocols. <ul style="list-style-type: none"> <li>• Patrol and investigation</li> </ul>	Without regular oversight, practice tends to “fall off.” Supervisory oversight of exceptions to policy will reduce the likelihood that these exceptions will be used inappropriately. A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.

<b>LAW ENFORCEMENT PATROL AND INVESTIGATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>supervisors conduct regular review of reports and files</p> <ul style="list-style-type: none"> <li>• Refer reports to supervisors and commanders for review, redrafting, and policy/protocol clarification</li> <li>• Approve officers' actions when exceptions to arrest policy are contemplated</li> </ul>	
<p>25. Provide structure for supervisors to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.</p>	<p>Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.</p>
<p>26. Meet regularly with 911, prosecution, probation, and community-based advocates to discuss and resolve problematic cases and responses.</p>	<p>It is very common that practitioners experience frustration with their counterparts in other agencies, but generally there is not a structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes this by providing a mechanism whereby everyone has an opportunity to bring forward problematic cases for discussion and resolution.</p>
<p>27. Incidents involving department employees:</p> <ul style="list-style-type: none"> <li>• Investigate, make arrest decision, process evidence, and conduct follow-up investigation in accordance with adapted Blueprint policies and protocols.</li> <li>• Send a supervisor of higher rank than the suspect to the scene.</li> <li>• Supervisor shall recover arrestee's badge, law enforcement identification card, and weapon.</li> </ul>	<p>This element is included to ensure that law enforcement officers do not receive preferential treatment by their peers, and that officers who are alleged to have committed violent offenses against family or household members are restricted from performing their duties pending a review of the case.</p>
<p>28. Incidents involving public figures:</p> <ul style="list-style-type: none"> <li>• Investigate, make arrest decision, process evidence, and conduct</li> </ul>	<p>Intense media scrutiny may accompany an incident involving someone who is well-known to the public. This can also mean increased media attention to the victim, who may not find such attention welcome.</p>

<b>LAW ENFORCEMENT PATROL AND INVESTIGATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>follow-up investigation in accordance with adapted Blueprint policies and protocols.</p> <ul style="list-style-type: none"> <li>• Send a supervisor to the scene.</li> <li>• Take precautions to protect the victim’s safety and confidentiality.</li> </ul>	<p>It is important that officers are not influenced in their actions by their opinions or perceptions of the individuals involved and that they perform their duties in the same way they would other cases.</p> <p>In recognition of the fact that increased attention and scrutiny may come to the case, a supervisor should be included in all aspects of the response.</p>

## Pretrial Release / Bail Evaluation

<b>PRETRIAL RELEASE/BAIL EVALUATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>1. Present a bail evaluation that includes severity and context, criminal history, risk to the victim and community as well as likelihood of reappearance.</p>	<p>The general function of pretrial conditions of release is to protect the public and to ensure that the defendant will appear at subsequent proceedings. Too often in domestic violence related cases, however, the primary concern has been on securing the defendant’s appearance, followed by concern about general public safety but without consideration of the specific nature of safety for victims of domestic violence.</p> <p>In pretrial release, the Blueprint upholds the important goals of securing the victim’s safety, the safety of the general public, and defendants’ appearance at proceedings. The Blueprint focuses attention to the reality that the victim is the member of the public who is most at risk. Under the Blueprint, an equally important part of determining bail and conditions of release is the history of violence, the severity of the offense and the risk posed to the victim and the public of continued violence by the defendant. The pattern of abuse is made visible and considered in determining the suspect’s likelihood to reoffend. Conditions and monitoring balance the constitutional presumption of innocence, victim safety (which may require restricting the defendant’s behavior), and steps that will assure the defendant’s appearance at trial.</p>
<p>2. Inform the victim of limits of confidentiality; put procedures in place to protect information obtained from victim to the extent possible under law.</p>	<p>A victim’s cooperation with the criminal legal system carries complex and often dangerous implications. Victims often experience threats or acts of violence and other retaliation from their abusers or the abuser’s family or friends. They are rarely able to speak freely and openly. They need to know whether and how what they say will be used.</p>
<p>3. Differentiate recommendations for bail and conditions of release based on risk, context, and severity.</p>	<p>Not every act of domestic violence is the same. The Blueprint provides mechanisms to adjust the level of intervention to the level of violence and the context in which it is committed. When bail and conditions of release are tailored to the level of violence and dangerousness, interveners are better positioned to make decisions and enact sanctions that protect the public (including current and possible future victims) and hold offenders accountable while extending opportunities to change violent and abusive behavior.</p>

<b>PRETRIAL RELEASE/BAIL EVALUATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
	The Blueprint positions those making recommendations on pretrial conditions of release to evaluate and make decisions according to whether the defendant is an offender who is at high risk to continue, escalate, or turn lethal in his or her use of violence; or a defendant with minimal or no history of violence; or a defendant who is a victim of ongoing abuse who appears to be responding with violence.
4. Contact the victim about the incident, history of violence, and wishes concerning conditions of release, including no- contact orders.	Victims have unique information about their experience and about the arrest incident, the defendant’s reaction to different conditions of release, and which kinds of conditions may be most effective.
5. Inform the victim promptly of ordered conditions of release.	Fragmentation and lack of coordination have characterized much of the criminal legal system’s response to domestic violence related crimes. Victims have too often been among the last to know about what is happening in the case, whether the defendant has been released, and what kind of controls or sanctions have been put in place. The Blueprint emphasizes a collective, coordinated response where all practitioners are prepared to identify, document, and communicate risk and danger factors—and to keep victims informed and use each interaction as an attempt to build collaboration.
6. Supervise defendants granted conditional release, monitor for compliance with conditions of release, and respond promptly to violations of conditional release; take action based on the nature of the violation and risk and danger.	<p>Reoffending is common in domestic violence cases. Conscientious monitoring and supervision can help discourage and interrupt the domestic violence offender’s efforts to intimidate the victim.</p> <p>A prompt response reinforces messages of accountability for defendants and the authority of the court and criminal legal system. It may also interrupt the likelihood of escalating violence and witness intimidation.</p>
7. Inform victim of who to contact and how to report violations or harassment by defendant.	Informing victims that there are conditions of release is an inadequate response without making clear how those conditions will be enforced and how to report violations.
8. Adopt Blueprint victim engagement protocols.	Victims will be more likely to use the criminal legal system in the future if they feel partnership with interveners. Research shows that victims who have support within the system and from advocates are more likely to be able to be successful in ending the violent relationship sooner.



<b>PRETRIAL RELEASE/BAIL EVALUATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>9. Communicate in a person’s first language and in ways that address limited English proficiency and literacy.</p>	<p>Law enforcement agencies are required by federal law to provide free language access to LEP persons who request it. At no time should the offender be used to interpret on behalf of the victim. Although tempting, t’s best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect’s family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).</p> <p>Additionally, assuming that those with limited English proficiency—whether victims or offenders—understand what is said or printed can lead to inadvertent misunderstanding about what is expected of the offender.</p>
<p>10. Conduct regular supervisory review of pretrial/bail evaluation practices according to Blueprint policies and protocols.</p>	<p>Without regular oversight, practice tends to “fall off.” Supervisory oversight of exceptions to policy reduces the likelihood that these exceptions will be used inappropriately. A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.</p>
<p>11. Provide structure for managers to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.</p>	<p>Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.</p>
<p>12. Meet regularly with prosecution, court administration, and community-based advocates to discuss and resolve problematic practices and responses.</p>	<p>It is common for practitioners to experience frustration with their counterparts in other agencies, but generally there is no structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes such shared problem solving by providing a mechanism whereby everyone has an opportunity to bring forward problematic practices for discussion and resolution.</p>

## Sheriff's Office: Warrants, Jail, and Court Security

<b>SHERIFF'S OFFICE: WARRANTS, JAIL, AND COURT SECURITY</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<b>WARRANTS</b>	
1. Use widest possible sources of information to locate defendant.	The Blueprint provides a clear directive to deputies to be diligent in their efforts to locate people.
2. Obtain and act upon information from victims related to locating the defendant.	Some victims report that when they call warrant offices with information they are not taken seriously, their motives are questioned and/or the warrant office does not want their information. Victims can be a valuable, ongoing source of information about how to locate domestic assault defendants.
3. Prioritize warrants based on crime level and risk and danger.	The FBI requires that felony warrants be prioritized. While that is a given, it is also important to recognize that some misdemeanors pose even greater danger to people than some felonies. Violent misdemeanors should be elevated in priority alongside felonies, and violent felonies should get priority over non-violent felonies.
4. When new information is received, reactivate dormant warrants and renew attempts to locate defendant.	Most communities have a backlog of warrants that can go dormant when deputies have exhausted their information about how to locate someone. This should be revisited periodically in case the situation has changed.
5. Capture and report to law enforcement the defendant's behavior at time of service regarding threats, intimidation, risk and danger.	Deputies are generally not organized to capture this kind of information, but defendants who exhibit this type of conduct in the presence of officers, particularly when experiencing the consequence of arrest, may be more dangerous offenders. It may be necessary to notify the victim of possible increased danger, and such conduct may constitute additional crimes.
<b>JAIL</b>	
6. Capture and report to law enforcement information regarding threats and risk and danger during booking and defendant's stay in the jail.	Jail staff are generally focused on those duties that facilitate the completion of their tasks to book, house, maintain security, and transport inmates as needed, and so on. They are frequently not directed to pay attention to the conduct of defendants not directly related to these tasks, yet they can be a valuable source of information to law enforcement and prosecutors when defendants make statements or exhibit behaviors that indicate they intend further harm to the victim. Such behavior may constitute additional crimes and victims may need the information to aid in safety planning.

<b>SHERIFF'S OFFICE: WARRANTS, JAIL, AND COURT SECURITY</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
7. Provide prompt notification to victim of defendant's impending release.	Required by law in some states; important for victim safety and increasing her faith and trust in the system.
8. Prohibit visits, correspondence, and phone calls between defendant and victim if a no-contact order is issued.	Defendants frequently harass, intimidate and coerce their victims from the jail. This element positions jail staff to take affirmative steps to protect victims and prevent offenders from committing additional crimes while in their custody.
9. Block victim's phone number unless victim wants contact and a no-contact order is not in place.	It is assumed that if a no-contact order is in effect the number should be blocked because the defendant should not be permitted to use the jail phone system to commit additional crimes. The Blueprint suggests that even in those cases where a no-contact order is not in effect that the default position should be to block the number unless the jail staff has information to the contrary. This is somewhat controversial, and an acceptable alternative would be to block the number in these circumstances only if the victim requests it.
10. Make jail audio readily available to law enforcement and prosecution.	This is valuable information to prove witness intimidation and to enable prosecutors to argue for the use of the forfeiture by wrongdoing doctrine. It also may be evidence of a crime. Often such information, though technically available, may be cumbersome to access. Law enforcement agencies and the jail should establish mechanisms to streamline access.
<b>COURT SECURITY</b>	
11. Establish procedures to obtain, accept, and act on victims' reports of harassment or threats.	The courthouse presents many opportunities for victim intimidation. Deputies and court personnel often see their jobs as maintaining order, but not necessarily to look for and prevent and act upon such intimidation.
12. Establish procedures to act upon violations of court orders or victim intimidation.	It is not uncommon for deputies in court to assume that contact is inevitable in these cases while in the courtroom. The presence of the victim and the defendant in the same courtroom does not require contact between them, however, and procedures must be in place to address prohibited and/or unwanted contact in order to enforce the integrity of the court's orders and to protect victims from intimidation. Ideally, when permitted by law, offenders should be taken into custody immediately for violations of the law.
13. Provide a secure area for victims in the courthouse.	Often victims must be or wish to be present at court, but do not feel free of intimidation while in the actual courtroom. Some state laws require secure waiting space; it is strongly recommended in those jurisdictions where it is not required.

<b>SHERIFF'S OFFICE: WARRANTS, JAIL, AND COURT SECURITY</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
14. Report to prosecutors any intimidation or harassment of victim by defendant.	Prosecutors need to be aware of these incidents so that they can add additional charges when warranted, bring the defendant's conduct to the judge's attention or take other steps to protect the victim.
<b>CROSS-DIVISION/AGENCY-WIDE</b>	
15. Adopt Blueprint victim engagement protocols.	A feeling of partnership between victims and system practitioners has been shown to increase victim satisfaction with criminal justice intervention and to increase the likelihood that victims will use the criminal legal system in the future. Giving specific guidance to workers about the ways in which this partnership can be nurtured is important to ensuring that it happens.
16. Communicate in a person's first language and in ways that address limited English proficiency and literacy.	<p>It is necessary to provide mechanisms for effective communication for those who are not fluent in reading and writing English. This can include a range of categories, including immigrants who are English Language Learners, those who are blind or deaf, and those with cognitive impairments. Do not assume that an English Language Learner who appears to have strong English-speaking skills will be able to communicate in English about the criminal legal system.</p> <p>Additionally, assuming that those with limited English proficiency—whether victims or offenders—understand what is said or printed can lead to inadvertent misunderstandings.</p>
17. Conduct regular supervisory review of Sheriff's Office practice according to Blueprint policies and protocols.	<p>Without regular oversight, practice tends to "fall off."</p> <p>A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.</p>
18. Provide structure for managers to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.	Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.
19. Meet regularly with law enforcement, prosecution, court administration, and community-based advocates to discuss and resolve problematic practices and responses.	It is common that practitioners experience frustration with their counterparts in other agencies, but generally there is not a structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes this by providing a mechanism for everyone to bring forward problematic cases for discussion and resolution.

## Prosecution

<b>PROSECUTION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>1. Approach charging domestic violence cases in ways that minimize dependence on the victim and maximize other sources of information.</p> <ul style="list-style-type: none"> <li>• Post-arrest witness intimidation is very common in domestic violence cases. Know the doctrine of forfeiture by wrongdoing and prepare the case accordingly.</li> <li>• Expand the focus to include illegal behavior after patrol arrives.</li> <li>• Charge all relevant crimes except where victim safety, including safety of victim-defendants, warrant otherwise.</li> </ul>	<p>Throughout the country, prosecutors routinely dismiss domestic violence cases when victims do not appear for court. Victims are rarely in a position to actively support prosecution even if they desire it; they are often intimidated, coerced and manipulated by the defendant. The Blueprint directs all workers to help position the prosecutor to proceed with evidence-based prosecution, that is, being able to proceed in the event the victim is not present or cannot participate.</p> <p>Beginning in 2004, Supreme Court decisions have limited the ways in which victim statements can be admitted if the victim does not appear to testify. This legal development makes it especially important for prosecutors to know that if they can show that the defendant is responsible for the victim’s failure to appear, the prosecutor may still be able get those statements admitted under the doctrine of forfeiture by wrongdoing. Prosecutors must understand this doctrine and know how to use it.</p> <p>Acts of intimidation or violence committed in the presence of officers may indicate that a suspect is particularly dangerous, so it is important to pay particular attention to allegations in a police report that defendants have engaged in this conduct.</p> <p>Generally, it is best to include the broadest range of possible charges. This sends a message of accountability to the offender for all crimes committed and provides prosecutors flexibility in negotiating cases. Exceptions can be made if the prosecutor has information that would suggest that this strategy may further endanger the victim. This will usually apply when reviewing cases involving victims of ongoing violence who have used force against their batterers. In those cases, it is often better to charge more conservatively, considering what is minimally necessary to discourage future use of force. Occasionally prosecutors will charge only the highest level of crime if they believe it will strengthen their negotiating stance.</p>
<p>2. Evaluate the risk and lethality factors and the context of the violence and adjust prosecutorial response accordingly.</p>	<p>Within the context of ethical charging standards, if the appears to be high and the evidence in the case is minimal or weak, it may be appropriate to consider charging in order to gain some control over the offender.</p>

<b>PROSECUTION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
3. Request further investigation rather than decline a case that might be charged with additional evidence.	Prosecutors should be diligent in working with law enforcement to ensure that the quality of investigations will support criminal charges. If the reports suggest that more information could be developed law enforcement should be asked to investigate further.
4. Reevaluate the case for additional charges or amended charges as additional evidence is gathered.	Once a case is charged, there is a tendency not to revisit the charging decisions. Particularly if information surfaces about more serious offenses, prosecutors should respond accordingly.
5. Be aware of potentially undercharged crimes in domestic violence cases: strangulation, stalking, sexual coercion/sexual aggression, and witness tampering.	Prosecutors act as the repository of information gathered by others, but can be alert to elements of crime that law enforcement may have missed. For example, a pattern of protection order violations could be indications of stalking behavior; victims stating that an assault took place in a bedroom could suggest a sexual assault; victims who express fear or reluctance to talk to police could be victims of witness tampering.
6. Relay charging decisions, including declining charges, promptly to law enforcement, victim, and victim-advocate.	<p>Victims report lack of communication from prosecutors and others in the criminal legal system as a problem. Victims need to know if the suspect is charged as she plans for how to manage the details of her life and how to keep herself and her children safe.</p> <p>Advocates will want to monitor the case as it progresses through the courts and ensure that the victim’s information is considered throughout the process.</p> <p>In many communities officers do not know what has happened to the cases they are involved with unless they are subpoenaed to testify in court. The Blueprint strengthens this linkage and encourages officers and investigators to think beyond their specific tasks to the end of the case.</p>
7. Adopt Blueprint victim engagement protocols.	Victims will be more likely to use the criminal legal system in the future if they feel partnership with interveners. Research shows that victims who have support within the court system and from advocates are more likely to be able to be successful in ending the violent relationship sooner.
8. Communicate in a person’s first language and in ways that address limited English proficiency and literacy.	Agencies are required by federal law to provide free language access to LEP persons who request it. This can include a range of categories, including immigrants who are English Language Learners, those who are blind or deaf, and those with

<b>PROSECUTION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
	<p>cognitive impairments. Do not assume that an English Language Learner who appears to have strong English-speaking skills will be able to communicate or read in English about the criminal legal system. Victims are more likely to be willing and able to participate in the legal system if they are communicated with in ways they can understand.</p> <p>Whenever possible, proactively seek a professional interpreter. Although tempting, it's best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect's family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).</p>
9. Engage in and document early and continuing contact with victims.	One of the most frequently reported frustrations expressed by victims is that they don't know what is happening in their cases. Respectful, regular communication is key to victim satisfaction and willingness to participate in the criminal legal system.
10. Adopt process to obtain and consider input from victim and/or victim's advocate about pretrial conditions of release.	Crafting conditions of release are very important to victim safety and security. Victims are in the best position to inform practitioners about what conditions will provide protection and what the likely impact will be.
11. Consider each no-contact order individually.	Blanket policies to issue pretrial no-contact orders are common, but can undermine victim safety and well-being and lead to disparate impact on certain offenders. The Blueprint establishes that, generally, a no-contact order should be sought, but if a victim requests contact, these requests should be considered to avoid negative unintended consequences for the victim and her family. The sudden removal of an adult from a home can create significant disruption in the life of a victim and her children, or it can provide protection from a violent offender. Prosecutors must seek out sufficient information to balance the individual needs and desires of a victim against the obligation to take steps to deter future violence. Victims who do not want a no-contact order will more than likely disregard it. Prosecutors must weigh all of this carefully when determining whether to request a no-contact order.
12. Do not threaten to or place a victim in custody to ensure witness availability.	Victims decide not to appear in court for a number of reasons—intimidation by the defendant, concerns about taking time away from work or family, conflicting feelings about the prosecution, and a myriad of others. Arrest or



<b>PROSECUTION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
	threats of arrest only exacerbate these concerns, punishing the victim for her life circumstances and making it far less likely that she will seek help from the legal system in the future.
13. Approach cases with the understanding that the victim may not appear for trial or may recant.	The relationship between the victim and the defendant and the complexities of risk, danger and life circumstances involved mean that many victims will not appear at trial, or will decide to support the defendant. If prosecutors begin with the assumption that this will happen they will position themselves far more effectively to be able to continue the case in this event.
14. Do not file criminal charges against a recanting victim.	This will almost certainly mean that this victim will not seek help from the legal system in the future. It is also disingenuous if the prosecutor believes that the victim was telling the truth to begin with.
15. Make recommendations for bail and pre-trial conditions of release that reflect context and severity of the offense, the risk and danger, and safety needs of the victim and public.	Make sure that bail and pretrial recommendations do not consider likelihood of reappearance only, but also safety of the community and the victim.
16. Unless provided by another agency, keep victim informed of bail and pretrial release conditions and procedures.	In some communities, the court or pretrial services may provide this notification. The victim needs this information for her own safety planning, and she can be an important source of information about compliance with pretrial conditions.
17. Take prompt action upon notice of violation of conditional release to ensure sure and swift consequences.	Rather than waiting for the next scheduled court appearance, if the prosecutor learns that a defendant has violated conditions of release it's important that action be taken right away. Delay undermines the principle of sure and swift consequences for the defendant, which research has shown to be effective.
18. Obtain and take into account input from victim and advocate about plea and sentencing recommendations.	Since a domestic assault case presupposes a relationship between victim and defendant, it is necessary to consider that any steps taken to contain the defendant could affect the victim as well. The victim is usually a good source of information about how dangerous the suspect is and what might be necessary to discourage future violent conduct.

<b>PROSECUTION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
19. Ensure access to victim’s rights protections under state statutes, including the right to restitution, compensation and offering victim impact statements.	State laws generally requires this.
20. Adjust the response when considering plea agreements and sentencing with victim-defendants.	Avoid strengthening the hand of the batterer, who may be the identified victim in a specific case. Focus intervention with the victim-defendant on assisting her with obtaining support, information and community resources to reduce the likelihood that she will feel compelled to use violence in the future. Reduce opportunities for the identified victim in the case to use the prosecution to discourage the victim-defendant from using the criminal legal system in the future.
21. When recommending probation conditions, request a probationary no-contact order only at the victim’s request, or where the suspect poses significant danger to the victim or the community.	The issuance of probationary no contact orders carries different implications than issuance of these orders at the pretrial stage. Research tells us that the pretrial period carries particular dangers for victims of domestic violence. Once the case is resolved, concerns about the likelihood of further violence are reduced. Additionally, while pretrial no-contact orders are typically in place for a period of weeks or perhaps months, probation periods are typically much longer, often a year or more, creating additional hardships for victims of violence who intend to continue a relationship with the defendant.
22. Provide information on plea and sentencing to appropriate persons and agencies including the victim.	Usually required by law; however, the Blueprint requires meaningful consultation with the victim on plea negotiation and sentencing, not mere notification. When victims feel as though they are included in decision-making and some measure of influence, their satisfaction with the process improves.
23. Provide probation presentence investigation writer with already gathered information.	When possible, the Blueprint directs practitioners to share information to avoid having to duplicate work and to expedite case processing.
24. Take prompt action to address violations of probation conditions to ensure sure and swift consequences.	In those situations where a defendant violates probation by committing a new offense it is common practice to join the probation violation to the new offense and wait to consider whether to revoke probation until the new case is resolved. This can take weeks or months. Research tells us that responding swiftly to these violations reinforces the seriousness of the offense and increases the likelihood that a defendant will connect the consequence to his actions.

<b>PROSECUTION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
25. Conduct regular supervisory review of prosecution files and practices according to Blueprint policies and protocols.	Without regular oversight, practice tends to “fall off.” A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.
26. Provide structure for managers/supervisors to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.	Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.
27. Meet regularly with 911, law enforcement, court administration, and community-based advocates to discuss and resolve problematic practices and responses.	It is very common that practitioners experience frustration with their counterparts in other agencies, but generally there is not a structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes this by providing a mechanism whereby everyone has an opportunity to bring forward problematic cases for discussion and resolution.

## Victim-Witness

<b>VICTIM-WITNESS</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
1. Inform victim that communication is not confidential.	Because of their location within the prosecutor’s office, victim-witness advocates are uniquely situated to facilitate victims’ access to prosecutors and the legal system. But because of the prosecutor’s legal requirement to disclose information to the defense, it is critical that victims be informed that there is no promise of confidentiality with the victim-witness advocate.
2. Connect victims with community-based advocates who can provide assurance of confidentiality	Victims need to be able to explore freely all aspects of their situation without concern for how that information will be used or potentially disclosed to the defense.
3. Make contact as soon as possible and maintain contact throughout the criminal court process.	Research shows that victims who have support within the legal system process and from advocates are more likely to be able to be successful in ending the violent relationship sooner.
4. Communicate in a person’s first language and in ways that address limited English proficiency and literacy.	<p>Agencies are required by federal law to provide free language access to LEP persons who request it. This can include a range of categories, including immigrants who are English Language Learners, those who are blind or deaf, and those with cognitive impairments. Do not assume that an English Language Learner who appears to have strong English-speaking skills will be able to communicate or read in English about the criminal legal system. Victims are more likely to be willing and able to participate in the legal system if they are communicated with in ways they can understand.</p> <p>Whenever possible, proactively seek a professional interpreter. Although tempting, it’s best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect’s family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).</p>
5. Seek input from the victim at all stages of the process and communicate information to prosecutor.	<p>When victims are not consulted from the beginning and throughout the case, prosecutors miss the unique perspective that victims have about their experience, the arrest incident, the defendant’s reaction to prosecution, and which kinds of disposition and sanctions might be most effective.</p> <p>Victim-witness advocates provide a bridge between victims</p>

<b>VICTIM-WITNESS</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
	and prosecutors. Extended contact with victims provides an opportunity to build responses that reinforce safety and to collaborate with victims in ways that acknowledge the nature of domestic violence as a patterned offense versus a one-time, isolated act.
6. Facilitate victim’s access to the prosecutor and legal system to ensure that the victim has a voice in process and that her/his expressed concerns are communicated and considered.	Victim-witness advocates are uniquely situated to ensure that the victim’s wishes and safety needs are made central to managing the criminal case. Their extensive knowledge of the legal process and their relationships with prosecutors position them to help move a case forward, ensure that victim’s needs are accounted for at each step, and promote victim engagement with the legal system.
7. Explore victim’s concerns about safety and problem-solve to address questions and concerns, including the implications of a no-contact order.	<p>The criminal legal system process can be frightening and overwhelming. A victim’s cooperation carries complex and often dangerous implications. Victims often experience threats or acts of violence and other retaliation for seeking help. They are rarely able to speak freely and openly.</p> <p>No-contact orders, in particular, can have negative, unintended consequences, such as when the defendants are themselves victims of ongoing abuse; when victims are dependent on the defendant for physical care, financial or child care support, or housing; or when a victim operates a farm or other business together with the defendant. Some victims may also fear likely retaliation for turning to the criminal legal system for help.</p> <p>When victim-witness advocates are proactive in exploring such concerns and bringing them to the prosecutor’s attention, there are more opportunities to address them and reassure victims that interveners are acting in their best interests.</p>
8. Provide required victim notifications related to the criminal case process pursuant to state law and assist victims in exercising their rights.	Victims of domestic violence related crimes have the same rights as other victims of crime, including notifications about proceedings and remedies available.
9. Ensure access to victim’s rights protections under state statutes, including the right to restitution, compensation and offering	Restitution and crime victim compensation often go missing from sentencing in domestic violence cases unless victims are well-informed and have assistance in making the request.

<b>VICTIM-WITNESS</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
victim impact statements.	<p>Victim impact statements provide a voice in a process that otherwise provides little opportunity for them to articulate their thoughts and feelings to the defendant and the judge. Victims are rarely prepared to write and present a statement on their own, however.</p> <p>Under the Blueprint principle of continuing engagement, it is the victim-witness advocate who helps pull it together. This includes: a realistic discussion with victims of what “impact” the statement is likely to have, what they hope will be accomplished with the statement and whether the victim impact statement is the best option for meeting those goals. By identifying any fears a victim has about delivering the statement, the victim-witness advocate can help create a plan that accounts for those fears.</p>
10. Offer support, information, and resources throughout the process.	Research shows that victims who have support within the legal system process and from advocates are more likely to be able to be successful in ending the violent relationship sooner.
11. Arrange assistance as needed to facilitate victim’s participation in court proceedings.	Victims have a range of needs related to court proceedings, including transportation, communication with employers, and feeling secure and safe when they have to be in close proximity to the offender.
12. Facilitate victim’s connection to probation throughout presentence investigation, sentencing, and supervision.	Probation has an ongoing relationship with domestic violence offenders but needs to engage with victims in order to understand what makes the ongoing situation dangerous, what sanctions and conditions are most appropriate, and what particular signs might signal reoccurring violence. Victim-witness advocates can help facilitate this connection.
13. Provide for post-conviction assistance, information, and support.	Victims’ questions and concerns do not end at sentencing.
14. Adopt Blueprint victim engagement protocols.	Victims will be more likely to use the criminal legal system in the future if they feel partnership with interveners. Research shows that victims who have support within the system and from advocates are more likely to be able to be successful in ending the violent relationship sooner.
15. Conduct regular supervisory review of Victim/Witness agency practice according to Blueprint	Without regular oversight, practice tends to “fall off.” Supervisory oversight of exceptions to policy reduces the likelihood that these exceptions will be used inappropriately.

<b>VICTIM-WITNESS</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>policies and protocols.</p>	<p>A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.</p>
<p>16. Provide structure for managers to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.</p>	<p>Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.</p>
<p>17. Meet regularly with law enforcement, prosecution, and community-based advocates to discuss and resolve problematic cases and responses.</p>	<p>It is common for practitioners to experience frustration with their counterparts in other agencies, but generally there is no structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes such shared problem solving by providing a mechanism whereby everyone has an opportunity to bring forward problematic cases for discussion and resolution.</p>



## Probation

<b>PROBATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
1. Establish procedures to obtain victim input regarding presentence investigation (PSI) and conditions of probation, including imposition of no-contact order and response to violations.	A key role of probation is to manage risk, which involves recommendations for sentencing and sanctions appropriate to the risk, and ongoing supervision that focuses on signs that abuse and violence may be reoccurring. Victim engagement and input helps probation understand what makes the ongoing situation dangerous and what particular signs might signal reoccurring violence.
2. Conduct presentence and pre-supervision investigations that search all available records and capture complete information about the current offense and defendant's past use of violence.	The immediate crime/conviction may not accurately reflect the nature of the risk or factors that should be addressed in sanctions and rehabilitation programs. Stopping future violence requires that probation develop as complete an understanding of the defendant's use of violence as possible, including criminal history and civil orders for protection involving the current and past victims.
3. Incorporate history, context, severity, risk and danger in the PSI report, with particular attention to those cases involving apparent victim-defendants (i.e., where the defendant appears to have been abused in the past by the identified victim in the case).	<p>Probation's role in any case is to work with offenders who pose a risk to the public. In domestic violence cases, very specific, identifiable members of the public bear that risk.</p> <p>A PSI that presents the history, context, and severity of the violence positions the court to recognize victim-defendants and to act in ways that will not put them at further risk.</p>
4. Make PSI recommendations based on context, severity, risk, and danger.	When the event leading to the conviction and the offender's history of violence are presented in context, the court can impose a sentence which addresses victim safety, offender accountability, and offender rehabilitation—and the supervising probation officer is better positioned to enforce the sentence.
5. Attempt to meet with or contact the victim prior to the first meeting with the defendant.	Batterers can be skilled at shifting attention and blame to the victim and away from their own actions. Early contact with the victim helps the supervising probation officer obtain information about the offender's pattern of violence and any markers for escalation, identify whether and how the victim has been threatened or harmed for seeking help, and reinforce probation's role in furthering victim safety and offender accountability.

<b>PROBATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
<p>6. Meet promptly with offender to review all probation conditions and obtain signed releases.</p>	<p>The more time that lapses between sentencing and supervision, the more opportunity there is for ongoing coercion and intimidation of the victim. What might have been a strong message from the court diminishes when there is no one to reinforce it. The supervising probation officer is the only practitioner in the system that develops an ongoing relationship with the probationer. The quicker that begins, the quicker the probation officer can relay and reinforce the messages intended by the overall Blueprint response: <i>change is possible, being accountable is the first step toward change, continued abuse will not be tolerated, and there is help available to support efforts to change.</i></p>
<p>7. Establish and provide supervision that is appropriate to risk and danger and consistent in holding offender accountable for his actions.</p> <ul style="list-style-type: none"> <li>• Ensure that supervision of victim-defendants does not make the defendant more vulnerable to further violence.</li> <li>• Identify high risk offenders and place them under enhanced supervision.</li> </ul>	<p>Not all probationers in domestic violence crimes need to receive the same level of supervision, nor can probation provide the same level in all cases. To maximize protection and safety for victims most at risk requires maximizing probation resources to the most high risk offenders.</p> <p>Harsh or overly burdensome probationary requirements on a victim-defendant can embolden a batterer (a victim in the case). The batterer may interfere with the victim-defendant's ability to complete probation requirements, may taunt the victim-defendant about the criminal justice intervention or otherwise undermine her confidence that the police or courts will help her. Intervention with victim-defendants must take into account the reality of her experience as a victim of ongoing control and abuse rather than treating her as a perpetrator of battering.</p>
<p>8. Provide immediate response to probation violations, differentiated based on risk posed to the victim and the community.</p>	<p>An immediate response reinforces messages of accountability and may interrupt the likelihood of escalating violence. Research shows that close probation supervision of domestic violence probationers coupled with swift and sure responses to all violations can reduce future abuse.</p>
<p>9. Establish procedures to hear probation violations based on new criminal activity before the new charge is resolved, if the activity is associated with increased risk to victim.</p>	<p>Too often probation violations are allowed to accumulate without attention, regardless of relationship to risk. The Blueprint approach calls for a prompt response to probation violations based on an allegation of assaultive, threatening, or stalking behavior; a crime against any victim or the property of a current or former victim; or violation of a no-contact order provision.</p>

<b>PROBATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
10. Provide timely and thorough notification to victims of terms and conditions of probation.	A victim who knows what is required of the offender is better positioned to incorporate that information into ongoing safety planning. Timely and thorough notices reinforces the messages of the Blueprint approach: (a) the focus is on the offender’s actions and behaviors and resulting harm; (b) interveners are there to help, protect, and build safety; and (c) the offender will be held accountable and offered opportunities to change violence and abusive behavior.
11. Seek information from victims about their concerns during supervision, including how to report violations in a manner that does not increase risk to victim.	Victims face complex and often dangerous implications for collaborating with the criminal legal system. Probation needs to know the specific implications and strategize accordingly on how to safely report violations.
12. Ensure programming, including appropriate domestic violence treatment, that fits risk and danger.	Programming that is anchored in a full picture of the risk and danger and the offender’s personal history identifies those most in need of enhanced supervision, connects batterers with batterer intervention treatment (versus anger management), and keeps victim-defendants <i>out</i> of batterer intervention groups.
13. Coordinate and share information with treatment programs and monitor compliance with all probation conditions.	It is easy for probationers in domestic violence cases to slip through the cracks—some offenders may count on poor communication and follow-through by those involved in treatment and compliance and use this to play one part of the system against the other. Consistent coordination and monitoring reinforces accountability.
14. Communicate in a person’s first language and in ways that address limited English proficiency and literacy.	<p>Agencies are required by federal law to provide free language access to LEP persons who request it. This can include a range of categories, including immigrants who are English Language Learners, those who are blind or deaf, and those with cognitive impairments. Do not assume that an English Language Learner who appears to have strong English-speaking skills will be able to communicate or read in English about the criminal legal system. Victims are more likely to be willing and able to participate in the legal system if they are communicated with in ways they can understand.</p> <p>Whenever possible, proactively seek a professional interpreter. Although tempting, it’s best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect’s</p>

<b>PROBATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
	family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).
15. Adopt Blueprint victim engagement protocols.	Victims will be more likely to use the criminal legal system in the future if they feel partnership with interveners. Research shows that victims who have support within the system and from advocates are more likely to be able to be successful in ending the violent relationship sooner.
16. Conduct regular supervisory review of Probation practice according to Blueprint policies and protocols.	Without regular oversight, practice tends to “fall off.” Supervisory oversight of exceptions to policy reduces the likelihood that these exceptions will be used inappropriately. A key Blueprint feature is for supervisors to establish a means of regularly reviewing agency practice to determine the level of compliance with Blueprint protocols.
17. Provide structure for managers to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.	Rarely does a community build in a response that allows workers across agencies to review together how their collective response is working and its impact on the community. This Blueprint element ensures that agencies come together to monitor the extent to which the Blueprint is being followed and its impact on practice as well as to assess for disparate or unintended negative outcomes.
18. Meet regularly with law enforcement, prosecution, and community-based advocates to discuss and resolve problematic cases and responses.	It is common for practitioners to experience frustration with their counterparts in other agencies, but generally there is no structure in place to help people resolve those problems when they arise. The Blueprint institutionalizes such shared problem solving by providing a mechanism whereby everyone has an opportunity to bring forward problematic cases for discussion and resolution.

## The Bench and Court Administration

<b>THE BENCH AND COURT ADMINISTRATION</b>	
<b>Essential Element</b>	<b>Designed to address:</b>
1. Allow prosecutors/probation to present relevant information regarding the violence, risk, context, and severity at all stages of criminal process.	The bench has the ability to impact recidivism. When the event leading to the conviction and the offender’s history of violence are presented in context, the court can make a determination and issue sanctions that address victim safety (for both the current and future victims), offender accountability, and offender rehabilitation.
2. Determine pretrial conditions of release and bail based on risk factors present, victim safety, public safety and likelihood of reappearance.	The general function of pretrial conditions of release is to protect the public—and, specifically, the apparent victim or another family or household member—and to ensure that the defendant will appear at subsequent proceedings. Too often in domestic violence related cases, however, the primary concern has been on securing the defendant’s appearance, followed by concern about general public safety. The Blueprint emphasizes the protection of victims as equally, if not more, important to the goal of public safety.
3. Determine the issuance of no-contact orders on an individual basis.	<p>For some victims, a no-contact order in a criminal case complicates safety. Pretrial no-contact orders can have negative, unintended consequences for many victims of battering, such as when the defendants are themselves victims of ongoing abuse; when victims are dependent on the defendant for physical care, financial or child care support, or housing; or when a victim operates a farm or other business together with the defendant. Some victims may also fear likely retaliation for turning to the criminal legal system for help.</p> <p>In keeping with the emphasis on differentiation among types of domestic violence related cases, the Blueprint rejects mandatory, universal no-contact orders and promotes flexibility in determining whether a no-contact order is an appropriate response.</p>
4. If victim objects to issuance of a no-contact order, assess the risk to victim if the no-contact order is not issued, and assess the difficulty for victim if it is ordered.	When victims object to the issuance of a no-contact order, they are often making a reasoned choice between the better of two poor options. Making a decision that is most protective of victims and ensures that the defendant will make future appearances requires careful attention. Judges are positioned to make the most informed decision when they review patrol reports, risk indicators, and any other information relevant to danger assessment and victim safety. A victim has a right to speak and be heard in open court but should not be required to speak or be asked in front of the defendant if she or he is

**THE BENCH AND COURT ADMINISTRATION**

Essential Element	Designed to address:
	afraid.
5. Set conditions of release and bail in gone-on-arrival (GOA) cases on same basis as in-custody cases.	If some period of time has elapsed between the incident and the defendant’s appearance in court and the defendant has been out of custody without supervision during this time, it is not uncommon for the court to assume that supervision is not necessary. However, research shows that offenders who leave the scene prior to officer’s arrival are more likely to reoffend than those who stay to talk to police. It is appropriate to place controls on these defendant’s behavior in the same manner as in those cases where the suspect is arrested at the scene.
6. State pretrial and probationary conditions in clear and precise language.	Legal terminology can be confusing for lay people. Presenting conditions in clear, non-technical language helps ensure that offenders—and victims—understand what is expected of someone charged or convicted of a domestic violence related crime.
7. Read key conditions of probation aloud during sentencing.	Conditions of probation carry messages of accountability for the harm that has been caused, along with an opportunity to change such behavior. Reading conditions aloud reinforces those messages and the court’s expectation that the offender is responsible and can change.
8. Communicate in a person’s first language and in ways that address limited English proficiency and literacy.	Agencies are required by federal law to provide free language access to LEP persons who request it. This can include a range of categories, including immigrants who are English Language Learners, those who are blind or deaf, and those with cognitive impairments. Do not assume that an English Language Learner who appears to have strong English-speaking skills will be able to communicate or read in English about the criminal legal system. Victims are more likely to be willing and able to participate in the legal system if they are communicated with in ways they can understand. Whenever possible, proactively seek a professional interpreter. Although tempting, it’s best not to use children, family, or friends, who may be motivated to inject their own ideas into the conversation, and if they are the suspect’s family, may not interpret accurately. (see <a href="http://www.niwap.org">www.niwap.org</a> for more information).
9. Establish a process to allow victims to request modification or dismissal of no-contact orders.	Circumstances change and a no-contact order that once may have been helpful may be complicate safety or be unnecessary. Determining whether to cancel or modify an order includes the same considerations as the decision to

**THE BENCH AND COURT ADMINISTRATION**

<b>Essential Element</b>	<b>Designed to address:</b>
	<p>issue the original order: victim, defendant, and prosecutor’s preferences (and reasons for those preferences), the facts of the case, defendant’s history, victim safety, and a review of danger and lethality considerations.</p>
<p>10. Provide a prompt response to violations of conditions of pretrial release.</p>	<p>A prompt response reinforces messages of accountability for defendants and the authority of the court. It may also interrupt the likelihood of escalating violence and witness intimidation.</p>
<p>11. Distribute court orders, including conditions of pretrial release, no-contact orders (and any modifications or cancellations), and probation conditions to involved parties and agencies, including to victim unless provided by another agency.</p>	<p>Fragmentation and lack of coordination have characterized much of the criminal legal system’s response to domestic violence related crimes. Victims have too often been among the last to know about what is happening in the case, whether the defendant has been released, and what kind of controls or sanctions have been put in place. The Blueprint emphasizes a collective, coordinated response where all practitioners are prepared to identify, document, and communicate risk and danger factors. It also emphasizes the role of the court in conveying the messages of help and accountability.</p>
<p>12. Order a presentence Investigation (PSI) in all cases where the original charge is a domestic violence-related offense, regardless of conviction charge.</p>	<p>Recognizing the nature of the risk; constraining ongoing coercion, intimidation, and violence; and offering opportunities to change abusive behavior begin with the PSI. A PSI that presents the history, context, and severity of the violence positions the court to recognize victim-defendants and to act in ways that will not put them at further risk.</p>
<p>13. Issue a disposition that reflects risk, context and severity.</p>	<p>Not every act of domestic violence is the same. The Blueprint provides mechanisms to adjust the level of intervention to the level of violence and the context in which it is committed. When charges and requests made to the court are tailored to the level of violence and dangerousness, the court is better positioned to make decisions and enact sanctions that protect the public (including current and possible future victims) and hold offenders accountable while extending opportunities to change violent and abusive behavior.</p> <p>The Blueprint positions a judge to evaluate and make decisions according to whether the defendant is an offender who is at high risk to continue, escalate, or turn lethal in his or her use of violence; or a defendant with minimal or no history of violence; or a defendant who is a victim of ongoing abuse who appears to be responding with violence.</p>



**THE BENCH AND COURT ADMINISTRATION**

<b>Essential Element</b>	<b>Designed to address:</b>
14. Except in rare cases involving particularly dangerous defendants who place victims or the community at high risk of serious or lethal harm, do not issue warrants for victims who do not appear in court pursuant to a subpoena.	A victim’s cooperation with the legal system has complex and often dangerous implications for safety. Retaliation is common and victims are rarely in a position to “tell all.” Any routine practice of issuing warrants to victims who do not appear in response to a subpoena or charging victims for refusing to testify only replicates or reinforces actions of the abuser.
15. Obtain victim input on pleas and sentencing.	The Blueprint principle of continuing engagement extends to victim input in pleas and sentencing, whether via a formal victim impact statement or other means. Consulting the victim about the nature of the plea or sentence helps ensure that it will reflect the impact of the violence and abuse and contribute to victim safety and well-being.
16. Except in very rare cases after an assessment of risk and danger, do not order a probationary no-contact order over the victim’s objection.	As with an initial no-contact order, a probationary no-contact order that extends over a period of months or years can complicate safety. A civil order of protection provides a more appropriate and flexible options for victims seeking a longer period of no contact with abusers.
17. Hear probation violations promptly.	An immediate response reinforces messages of accountability and may interrupt the likelihood escalating violence. Research shows that close probation supervision of domestic violence probationers coupled with swift and sure responses to all violations can reduce future abuse.
18. Establish procedures to order surrender of firearms based on state and federal law.	Research has established that the presence of and access to firearms is associated with lethality in domestic violence related cases.
19. Facilitate victim input and participation as provided for in Blueprint victim engagement protocols.	Research shows that victims who have support within the court system and from advocates are more likely to be able to be successful in ending the violent relationship sooner.
20. Establish a courtroom atmosphere that enhances criminal justice system intervention to support victim safety and offender accountability.	A judge can relay direct messages that challenge justifications for battering. As the person embodying society’s response to breaches of its values, the judge is in a unique position to challenge rationalizations for violent and abusive behavior. When the judge articulates the societal values underlying the basis for the criminal charge and the sentence, such statements reinforce the expectation of behavioral change and place responsibility for the behavior on the defendant.



**THE BENCH AND COURT ADMINISTRATION**

<b>Essential Element</b>	<b>Designed to address:</b>
	<p>Statements from the court can reinforce the efforts of the entire criminal legal system to support change in those who wish to stop their use of violence and to hold accountable those who do not.</p>
<p>21. Conduct regular supervisory review of court practices according to Blueprint policies and protocols.</p>	<p>Without regular oversight, practice tends to “fall off.” Supervisory oversight of exceptions to policy and agreed-upon practice reduces the likelihood that these exceptions will be used inappropriately.</p>
<p>22. Provide a structure for court administration to participate in ongoing interagency Blueprint monitoring, evaluation, and maintenance.</p>	<p>Agencies that adopt Blueprint practices rely on the bench—as the culmination of case processing—to support the Blueprint’s basic tenets. If the bench operates in harmony with the Blueprint’s coordinated, risk- and context-focused approach, the likelihood of successfully enhancing the community’s ability to reduce recidivism, protect victims from additional harm, and hold offenders accountable increases significantly.</p>