

**Maricopa Association of Governments
2012 Best Practices on Domestic Violence Arrest and Prosecution Policies Summary**

“Best practices”	States using “best practices”	Impacts resulting from “best practices”	Research sources
Arrests			
<p>1. Repeal mandatory arrest policies for pro-arrest or officer discretion policies. Note: AZ has “Mandatory /Discretionary language: An officer shall arrest where infliction of physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument. Otherwise, discretionary.” (ABA Commission on DV)</p>	<ul style="list-style-type: none"> • Maryland: (Md. Crim. Proc. § 2-204 (A)(1), (A)(2), and (B); Ann sec. 10-103 § 5-202 (e) Arrest is at the officer’s discretion if probable cause of abuse or evidence of an injury and the person may flee, cause further injury/damage or destroy evidence. Warrantless arrests only valid if a police report was made 48 hours of the incident. • Minnesota: (Minn. Stat. Ann. § 629.341 Subd.1, § 609A.01-03, § 609.2242-2243) Discretionary warrantless arrest valid if the officer has probable cause that within the previous 24 hours the suspect committed domestic abuse. 	<ul style="list-style-type: none"> • Reduces “dual arrests” rates. • Research shows that states with discretionary policies have a lower homicide rate (U.S. Department of Justice). • Arrests were less likely to result in conviction if made in a state with a mandatory arrest law as opposed to a state with a discretionary arrest law (U.S. Department of Justice). • In mandatory arrest agencies, with other factors held constant, the odds of arrest in intimate partner incidents increase by 97% compared to discretionary arrest agencies. In preferred arrest agencies the increase is even higher: about 177%. (U.S. Department of Justice). 	<p><i>1. Wider Opportunities for Women (WOW), Economic Security for Survivors Project: Policy Brief, October, 2012. Arrest Policy and Survivors:</i> The report discusses the unintended effects of arrest policies on survivor safety and economic security and provides recommendations for best practices, including the three state innovative policies.</p> <p>Key Findings:</p> <ul style="list-style-type: none"> • VAWA 2005 reauthorization changed language from “mandatory arrest” to “pro-arrest.” • Mandatory arrest states have a domestic homicide rate around 50% higher than discretionary states. • Convictions are 60% less likely in states with mandatory arrest laws. Mandatory arrests often fail to end in convictions.
	<ul style="list-style-type: none"> • New Hampshire: (N.H. Rev. Stat. Ann. § 594:10 (I)(B), § 173-B:9, §651:5) Warrantless arrest is at the officer’s discretion if probable cause exists that in the previous 12 hours the person committed an abuse, including domestic violence. 		<p><i>2. Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases:</i> Report by the U.S. Department of Justice, 2007</p>

<p>2. Discourage dual arrests - Use primary aggressor policies. Dual arrests are significantly increased due to mandatory arrest policies. Arrest appears on criminal record even without a conviction creating barriers to housing, employment, restitution, crime victim compensation, protection orders, and reduced credibility.</p>	<p>Create primary aggressor policies. These policies direct officers to verify who the “real” offender is and often include exceptions for self-defense. They currently exist in 24 states, including New Hampshire and Maryland, and in 44% of law enforcement agencies in states without them (National Institute of Justice).</p> <ul style="list-style-type: none"> • New Hampshire: (N.H. Rev. Stat. Ann. § 594:10 (I)(B), § 173-B:9, §651:5) Directs that police should arrest the primary aggressor and set guidelines for them. • Maryland: (Md. Crim. Proc. § 2-204 (A)(1), (A)(2), and (B); Ann sec. 10-103 § 5-202 (e) Instituted a policy of determining the primary aggressor to reduce dual arrests. 	<ul style="list-style-type: none"> • The laws reduced dual arrest rates by 75%. • Mandatory arrest policies significantly increase dual arrests rates, but preferred arrest laws do not (National Institute of Justice). 	<ol style="list-style-type: none"> 1. <i>Making arrests in domestic violence cases: What police should know. In Short: Toward Criminal Justice Solutions. Hirschel, D. (2009). Washington, DC: National Institute of Justice.</i> 2. <i>Explaining the Prevalence, Context, and Consequences of Dual Arrest in Intimate Partner Cases: Report by the U.S Department of Justice, 2007</i> 3. <i>Security for Survivors Project: Policy Brief, October, 2012 . Wider Opportunities for Women (WOW), Economic.</i>
Prosecution			
<p>3. Soften “No Drop” prosecution (evidence-based prosecution) policies. "Hard policies" dictate that prosecution proceed regardless of the victim’s wishes whenever there is sufficient evidence to do so, while soft policies allow the victim to drop out of the system under special circumstances (e.g., there is reason to believe that the violence will escalate if she proceeds) (WOW).</p>	<ul style="list-style-type: none"> • Minnesota: (Minn. Stat. Ann. § 629.341 Subd.1, § 609A.01-03, § 609.2242-2243) • Maryland: (Md. Crim. Proc. § 2-204 (A)(1), (A)(2), and (B); Ann sec. 10-103 § 5-202 (e) • New Hampshire: (N.H. Rev. Stat. Ann. § 594:10 (I)(B), § 173-B:9, §651:5 	<ul style="list-style-type: none"> • “Hard” no-drop policies force the victim to participate through subpoenas, warrants and threats to hold her in contempt (National Institute of Justice). • Besides being personally disempowering, these policies can reduce a survivor’s willingness to report domestic violence if she is dependent on him economically (Justice Research and Policy). • One study found that giving survivors the option to drop charges resulted in lower abuser recidivism and recurring abuse (National Institute of Justice). 	<ol style="list-style-type: none"> 1. <i>A comparison of two prosecution policies in cases of intimate partner violence: Mandatory case filing vs. following the victim’s lead. O’Sullivan, C.S., Davis, R.C., Farole Jr., D. & Rempel, M. (2007). Grant No. 2004-WG-BX-0009 . Washington, DC: National Institute of Justice.</i> 2. <i>Effects of no-drop prosecution of domestic violence upon conviction rates. Davis, R. C., Smith, B. E., & Davies, H. J. (2001) . Justice Research and Policy, 3 (2), 1-13.</i>

		<ul style="list-style-type: none"> • Consequences: expensive for criminal justice system, impact survivors financially, reduce likelihood of reporting domestic violence; victim's economic security may depend on not prosecuting (WOW). 	<p>3. <i>Arrest Policy and Survivors: Policy Brief</i>, October, 2012. Wider Opportunities for Women (WOW).</p>
<p>4. Allow expungement for victims' wrongfully arrested. Expungement is the process of concealing or sealing criminal records from the public. Regardless of conviction, an arrest remains on a criminal record and can impede a survivor from retaining or regaining economic security.</p> <p>Currently, Arizona only allows expungement for convictions of certain types, not arrests (Council for Court Excellence).</p>	<ul style="list-style-type: none"> • New Hampshire: (N.H. Rev. Stat. Ann. § 594:10 (I)(B), § 173-B:9, §651:5 Free expungement for arrests not prosecuted or found not guilty. If convicted of a non-violent crime, can petition one, three, five or ten years after sentence (\$100). Other states using best practices: MD, NH. • 36 states allow expungements for arrests. • 24 allow expungements for convictions, AZ included. • 12 automatically seal records if all set conditions are met (Council for Court Excellence). 	<ul style="list-style-type: none"> • Expunging arrests reduces the chance that survivors will be held back by a criminal record (WOW). 	<p>1. <i>Economic Security for Survivors Project: Policy Brief, October, 2012</i> . Wider Opportunities for Women (WOW).</p> <p>2. <i>Creating an expungement statute for the District of Columbia: A report and proposed legislation. Washington, DC : Council for Court Excellence. McAdoo, L. (2006).</i></p>

Orders of Protection

<p>5. Expand eligibility for each type of protection order to include minors without a parent representative and those unmarried, not living together and without a child in common.</p> <p>Under ARIZ. REV. STAT. §13-3601, the following individuals are protected:</p> <ul style="list-style-type: none"> • Married couples. • Previously married couples. • Cohabitants and former cohabitants. • Couples with a child in common. • When a victim is pregnant. • Those related by blood, court order or in-laws. • Those in a romantic or sexual relationship (The Network For Public Health). 	<ul style="list-style-type: none"> • California: (PENAL CODE § 273.6 § 646.9 § 13701 § 136.2; Fam. Code §6324 § 6380; CIV. PROC. CODE §527.8) • Colorado: (COLO. REV. STAT. § 13-1-136, § 18-1-1001, §19-2-707, § 16-3-402, § 18-6-803) Standardized forms, created a statewide registry, and consolidated procedures. • New Jersey: (N.J. STAT. ANN. § 2C:25-30, §2C:25-13(b)(6); N.J. REV. STAT. § 2C:12-10.1, §2C:28-5.2). • Other States include NY. • Only 33 states and the District of Columbia allow victims of dating violence to file for a protection order regardless of the nature of the relationship (The National Center for Victims of Crime, 2005). 	<ul style="list-style-type: none"> • One study reports that when policies change to expand access, there was a 136% increase in intimate partner female simple assault victimization reports, which reflects, at least in part, the change in the law (New York State Office for the Prevention of Domestic Violence). • Protection orders are one of the readily available resources for adult victims of domestic violence, but teen dating violence victims do not have the same access (The National Center for Victims of Crime, 2005). 	<p><i>1. Expanded Access to Family Court in New York State: A Report on the First Three Years of Implementation of Chapter 326. New York State Office for the Prevention of Domestic Violence December 20, 2011.</i></p> <p>Key Findings: To better inform policy decisions in this area. Major changes included: Expanding the definition of —Domestic Relationship-Living Status to include all persons who are currently, or were previously, involved in a significant intimate or dating relationship, regardless of whether or not they ever lived together.</p> <p><i>2. 2011 data report: Statewide case activity summary. Phoenix, AZ: Arizona Judicial Branch, (2011).</i> Key Findings:</p> <ul style="list-style-type: none"> • Arizona received 34,874 petitions for protection in 2011, an increase of 1.6% from 2010.
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<p>6. Enforcing Orders of Protection. Under ARIZ. REV. STAT. § 13-3602: On request of the plaintiff, each order of protection that is issued by a municipal court shall be served by the police agency for that city if the defendant can be served within the city. If the defendant cannot be served within the city, the police agency in the city in which the defendant can be served shall serve the order. If the order cannot be served within a city, the sheriff shall serve the order.</p>	<p>New Mexico:</p> <ul style="list-style-type: none"> • Ensure that departmental standard operating procedures are consistent with New Mexico Department of Public Safety training standards. If officers are at the scene of a domestic disturbance and the protected party states that an Order of Protection has been filed but not served, officers should then serve the protected party’s copy to the restrained party and an immediate arrest should be made. • Extend full faith and credit to all valid Orders of Protection, including tribal orders. • Take whatever steps are reasonably necessary to protect the victim from further domestic abuse whether or not the protected party’s order can be validated at the scene (Mexico Attorney General’s Office, 2009). <p>Massachusetts:</p> <ul style="list-style-type: none"> • GPS Tracking Legislation: gives authorities the option of using tracking by global positioning systems, or GPS, for those under protection orders. Other states include Illinois (Chicago Tribune). 	<ul style="list-style-type: none"> • While studies have shown that Orders of Protection can be an effective means of reducing domestic violence, they are effective only so long as they are enforced. (Mexico Attorney General’s Office, 2009). • “Using GPS monitoring to enforce an order of protection makes the order more than just a piece of paper,” said Diane Rosenfeld, a lecturer at Harvard Law School and a longtime advocate of using GPS in domestic abuse cases. “It’s a way of making the criminal justice system treat domestic violence as potentially serious. By detecting any escalation in the behavior of a batterer, GPS can prevent these unnecessary tragedies.” (NY Times). 	<p><i>1. Enhancing Enforcement of Orders of Protection in New Mexico A Best Practices Guide for Law Enforcement, Prosecution and Courts.</i> New Mexico Attorney General’s Office, 2009.</p> <p>Key Findings: Best Practices in Action: When the Protected Party Does Not Have a Copy of the Order. What if the protected party does not have a copy of the Order of Protection?</p> <ul style="list-style-type: none"> • Seek to verify the existence of an order. • Verify protected party’s claim of an Order of Protection through reliable and credible information. • Confirm through restrained party’s statement that an Order of Protection exists. • Determine whether there is probable cause to believe that the restrained party has committed a criminal offense. • Arrest restrained party if appropriate under enforcing jurisdiction’s law and notify issuing authority of arrest. • Refer protected party to appropriate court or victim service agencies. • Be aware that a physical copy of the order is not required for enforcement.
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	<ul style="list-style-type: none"> • Twelve other states have passed similar legislation — most recently, Indiana and about 5,000 domestic abusers are being tracked nationwide (NY Times). • 22 states have passed the GPS Domestic Violence Bill with another 6 in progress. 		<p>2. <i>GPS may help enforce protective orders: Chicago Tribune, 2008.</i></p> <p>Key Findings: The bill requires those fitted with GPS devices to pay their cost, estimated by several in the GPS tracking industry at \$10 to \$25 a day per person. Many states have a similar requirement for electronic monitoring, including GPS, which is in widespread use for sex offenders.</p> <p>3. <i>GPS tracking for domestic abuse offenders: Wisconsin Reporter, 2011.</i> Key Findings: GPS monitoring legislation passed in Illinois, Indiana, Michigan and Minnesota. Update on states passing legislation available at http://cindysmemorial.org/progress.php</p>
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<p>Enforcing Orders of Protection. (Continued)</p>	<p>The following national report highlights best practices states can use to effectively issue and enforce orders of protection.</p> <ul style="list-style-type: none"> • Law enforcement officers should enforce protection orders that are valid on their face. Officers confronted with a protection order violation should give primacy to the safety concerns and err on the side of protection by enforcing the order if it appears valid. The defendant will have an opportunity to challenge the validity of the order in subsequent proceedings. • If necessary, law enforcement officers should use all available means to verify the existence and contents of an order. 	<ul style="list-style-type: none"> • Research indicates that vigorous prosecution and significant sanctioning of abusers prevents re-abuse. • Because some victims rely so heavily on protection orders as a principal tool for safety during separation, inconsistent enforcement may increase danger by creating a false sense of security at the very time victims face heightened separation violence. • Protection orders are effective only when the restrained party is convinced the order will be enforced. • Unequivocal, standardized enforcement of court orders is imperative if protective orders are to be taken seriously by the offenders they attempt to restrain. 	<p>3. <i>A Guide for Effective Issuance & Enforcement of Protection Orders</i>. National Council of Juvenile and Family Court Judges.</p> <p>Key Findings: Strategies for implementing best practices:</p> <ul style="list-style-type: none"> • Enforce protection orders that appear to be valid, including those containing remedies or protection for parties that would not have been issued in your home jurisdiction. • Consult various sources to verify the existence of a protection order including, but not limited to, the National Crime Information Center (NCIC), local or state registries/databases, issuing courts, and the involved parties. • Identify other arrestable offenses, including those related to custody and stalking, and arrest the offender if probable cause exists and the officer has arrest authority, regardless of whether an order is found to exist.
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	<ul style="list-style-type: none"> • In addition to arresting offenders for protection order violations, law enforcement officers should arrest for other applicable criminal offenses. • Law enforcement agencies must ensure prompt and effective service and enforcement of local protection orders, as well as those from other jurisdictions, including tribal protection orders. • Law enforcement officers should use all available means to seize firearms from offenders. • Law enforcement management should demonstrate leadership on protection order enforcement issues. • Law enforcement agencies should collaborate and coordinate with other community stakeholders involved in responding to and preventing domestic violence (National Council of Juvenile and Family Court Judges). 	<ul style="list-style-type: none"> • Victims may actually refrain from seeking justice system intervention if perpetrators violate orders with impunity. • Research concludes that swift and certain sanctions most effectively deter perpetrators. • A lackluster response risks signaling to the victim and children that they are without resources and to the perpetrator that he has tacit permission to continue his abuse. • How officers interact with victims will in large part determine their willingness to seek assistance in the future and to follow through with criminal prosecution. (National Council of Juvenile and Family Court Judges). 	<ul style="list-style-type: none"> • Prioritize and streamline service of process and enforcement mechanisms. (1) Put in place a protocol for service of protection orders. (2) Make service of protection orders a priority for law enforcement agencies. (3) Even where there is a specialized domestic violence unit, all officers should serve orders as soon as possible. • Attempt to verify the existence of firearms through dispatch and mobile data terminals while en route to the scene. • Establish mandatory, on-going domestic violence training for law enforcement agency personnel, contractors, and volunteers to take place at least annually. • Design protocols to support the presence of community victim advocates at the scene of alleged domestic violence incidents or to contact advocates and advise them of the incidents (National Council of Juvenile and Family Court Judges).
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<p>7. Verifying Orders of Protection.</p>	<ul style="list-style-type: none"> • Colorado: (COLO. REV. STAT. § 13-1-136, § 18-1-1001, §19-2-707, § 16-3-402, § 18-6-803) Standardized forms, created a statewide registry, and consolidated procedures for getting domestic violence, elder abuse and stalking civil protection orders. Other states include: CA. 	<ul style="list-style-type: none"> • Statewide central registries help law enforcement, prosecutors and judges make educated decisions and provide much needed data (Office for Victims of Crime). • Several studies show that while the majority of recipients observe a decrease in violence or abuse, roughly half of all orders are still violated (Carsey Institute). • Many states also hold regular review hearings for the courts to monitor compliance that remove this responsibility from the survivor. The number of economic relief violations actually decreases when there are regular compliance reviews (Office for Victims of Crime). 	<ol style="list-style-type: none"> 1. <i>Economic Security for Survivors Project: Policy Brief, October, 2012</i> Wider Opportunities for Women (WOW). <ul style="list-style-type: none"> • Implement regular compliance review hearings that victims are not required to attend. 2. <i>Civil protective orders effective in stopping or reducing partner violence: Challenges remain in rural areas with access and enforcement.</i> Durham, NH: Carsey Institute. Logan, TK & Walker, R. (2011). 3. <i>Legal series bulletin 4: Enforcement of protective orders</i> . Office for Victims of Crime. (2002).
<p>8. Change renewal policies for Orders of Protection.</p> <p>Policies for obtaining renewals on Orders of Protection currently require survivor to face their abuser in court. This can result in revealing her location and notification being sent to abusers when Orders are registered against them.</p>	<ul style="list-style-type: none"> • Colorado: (COLO. REV. STAT. § 13-1-136, § 18-1-1001, §19-2-707, § 16-3-402, § 18-6-803) Permanent domestic violence orders are open indefinitely or to the judge’s discretion. • New Jersey: (N.J. STAT. ANN. § 2C:25-30, §2C:25-13(b)(6); N.J. REV. STAT. § 2C:12-10.1, §2C:28-5.2) 	<p>California, Colorado and New Jersey have all taken steps to protect both the physical and economic security of survivors by giving courts discretion to meet victims’ needs, creating simpler processes for protection, and keeping orders in effect longer than the national average. Their policies also created a centralized state registry and support enforcement (WOW).</p>	<ol style="list-style-type: none"> 1. <i>Economic Security for Survivors Project: Policy Brief, October, 2012</i> : Key Findings: Wider Opportunities for Women (WOW). <ul style="list-style-type: none"> • Make Orders of Protection open indefinitely or based on judge’s discretion, or do not require victim to face her abuser in court to renew an Order of Protection (CO, NJ).

Victim Rights

<p>9. Increase victim notification.</p>	<ul style="list-style-type: none"> • Many states have adopted a new technology known as VINELink. VINELink is the online version of VINE (Victim Information and Notification Everyday), the National Victim Notification Network. This service allows crime victims to obtain timely and reliable information about criminal cases and the custody status of offenders 24 hours a day. Some states have the ability to display this website in Spanish (VineLink.com). • There are currently 41 states that have implemented Vine statewide. Currently in Arizona, only two cities have implemented this technology: Glendale and Tucson (VineLink.com). 	<ul style="list-style-type: none"> • Provides searchable information on offenders in many states who are currently in custody. • Allows victims to register to receive email notification about a change in an offender's status (Office of Justice Program). • Very often victims get short notice of a release, but it is better than no notice at all. At minimum, victims can flee and alert police if they are being threatened and are in danger (A Movement Against Domestic Violence). 	<ol style="list-style-type: none"> 1. <i>Resources:</i> Victim Law. Office of Justice Program, 2012. 2. <i>Domestic violence victims often unaware of victim notification system</i> . Maria DiBari, A Movement Against Domestic Violence, 2012. 3. VineLink.com: Text Messages will be a future option.
<p>10. Raise awareness of economic insecurity. Arizona’s law states that the court "shall not consider the economic circumstances of the defendant in determining the amount of restitution, but the court is required to consider the economic circumstances of the defendant in specifying the manner of payment" (Office for Victims of Crime).</p>	<p>Arizona: (ARIZ. CONST. art. II, § 2.1; ARIZ. REV. STAT. § 13-804, § 13-603(c)) State crime victims’ rights constitutional amendment specifies right to restitution. Other States include: CA, MH, and WA.</p>	<ul style="list-style-type: none"> • Economic security plays a vital role in a survivor’s decision to leave an abusive relationship. When supporting her family with one income for the first time, she may be unable pay for basic needs, relocation or health care. Her options are further limited if she is unemployed or has suffered years of economic abuse. • Shelters reported that 74% of victims stayed with an abuser longer due to financial issues (WOW). 	<ol style="list-style-type: none"> 1. <i>Right to Restitution</i> . Office of Justice Programs: Office for Victims of Crime: State Law. 2. <i>Economic Security for Survivors Project: Policy Brief, October</i> , 2012. Wider Opportunities for Women (WOW): Key Findings: <ul style="list-style-type: none"> • Survivors of gender-based violence may experience financial consequences as a direct or indirect result of abuse that can have a lasting impact on their ability to recover from violence, leave an abusive relationship, or become safe and independent. As a result of intimate partner violence, sexual violence and stalking, survivors may experience:

		<ul style="list-style-type: none"> • Adopting policies and practices that secure economic justice for survivors will not only help them avoid immediate physical danger and meet basic needs, but also open the door to achieving lasting independence from the offender (WOW). • Those who are economically secure- who are able to meet their basic needs and find stability through savings and assets- are better able to insulate themselves from harm. Ultimately, a survivor's economic security is fundamental to her physical safety (WOW). 	<ul style="list-style-type: none"> • Dependency on the abuser to provide for them or their family. • Job loss or lost wages from time off to recover or interference etc. • Restitution is a court-ordered payment from the offender to the victim. Policies should ensure they are specific to survivors, broad, and regularly ordered and enforced. • Train law enforcement, prosecutors, court staff and judges on how to assist with economic relief for victims (i.e., If victim is ordered to vacate shared housing, require abuser to pay for victim's new or existing housing).
<p>Raise awareness of economic insecurity. (Continued)</p>	<p>By enforcing economic relief provisions in Orders of Protection:</p> <ul style="list-style-type: none"> • California: (PENAL CODE § 273.6 § 646.9 § 13701 § 136.2; Fam. Code §6324 § 6380; CIV. PROC. CODE §527.8) <p>30 days minimum sentence for second violation of a protection order.</p> <p>Employers can seek a protective order for an employee if threatened at work.</p> <p>Other states include, NJ, CO.</p>	<ul style="list-style-type: none"> • Orders can offer the support to leave a relationship and be independent and safe. • No contact orders allow a victim to keep going to school or work and avoid relocating, which protects her economic stability. • Protection orders can provide financial restitution for the costs of the crimes. • Several studies show that while the majority of recipients observe a decrease in violence or abuse, roughly half of all orders are still violated (WOW). 	<p>1. <i>Legal series bulletin 4: Enforcement of protective order s.</i> Office for Victims of Crime. (2002).</p> <p>2. <i>Economic Security for Survivors Project: Policy Brief: Protection Orders and Survivors</i> , October, 2012 Wider Opportunities for Women (WOW).</p> <p>Key Findings:</p> <ul style="list-style-type: none"> • Safety is difficult to achieve and maintain in light of the dependency and staggering cost abuse creates. • As the primary tool for securing physical safety, protection orders must also account for a survivor's economic needs (Protection Orders and Survivors, WOW).

			<ul style="list-style-type: none"> • All states offer orders with physical safety and stay away provisions. Equally vital, many also authorize various forms of specific economic relief by statute. • 35 states include child support and spousal support. • 27 states include possession or use of a car and other personal property. • 20 states include orders to continue rent /mortgage payments or to provide alternative housing. • 18 states include restitution for medical expenses, household bills, tuition, child care and other losses.
On-Scene Investigation			
11. Audio record victim's statements.	The results for this appear to be mixed. Some counties like Marin, San Diego, Ventura, and Santa Clara Counties of California have adopted this policy. Other states like Florida have adopted a combination of audio and written as a best practice.	Audio-record all first statements taken at the crime scene. Victim's spontaneous statements may be admissible or victim's statements may be admissible if you are investigating an ongoing emergency (Marin County Police Chiefs' Association). Should the case proceed to prosecution, an initial, incomplete written statement may be used against the victim and increase the long term trauma they may experience (Marin County Police Chiefs' Association).	<ol style="list-style-type: none"> 1. <i>Uniform Marin County Law Enforcement County Law Enforcement Protocol for the Handling of Domestic Violence Cases</i>. The Marin County Police Chiefs' Association, 2012 2. <i>Position Statement: Sexual Battery Victims' Right to Review the Final Law Enforcement Report and Provide a Statement</i>: Florida Council Against Sexual Violence, 201
12. Obtain secondary contact information for victims.	Research has not revealed best practices for this topic.	Research has not revealed impacts of best practices for this topic.	Research has not revealed research sources for best practices on this topic.

<p>13. Improve reporting methods to reduce "missing disposition" in criminal history records.</p> <p>In a 2001 survey, half the States reported that from 10% to over 50% of the arrests recorded in State databases had no final disposition indicating how the arrest was resolved. These arrests that lack dispositions, known as "open" or "naked" arrests, create substantial problems for time-sensitive background checks because conducting the necessary research to complete the record is often time consuming, labor intensive, and costly. The lack of comprehensive misdemeanor arrest and disposition data has been identified as a major deficiency in State criminal history record systems.</p>	<p>Fourteen states estimated the <u>number</u> of unlinked final court dispositions.</p> <p>Sixteen states estimated the <u>percentage</u> of final court dispositions in their files that could not be linked to an arrest.</p> <p>Minnesota and Indiana reported that half of their final court dispositions could not be linked to arrest or charging information.</p> <p>Wisconsin, Kansas, and Pennsylvania reported that between 30% and 40% of their final court dispositions were unlinked.</p> <p>In Michigan and Nebraska a quarter of their final court dispositions had no link to arrest or charging information.</p> <p>The remaining nine States (Georgia, Maryland, Montana, Nevada, New York, South Carolina, South Dakota, Utah, and Virginia) reported that 10% or fewer of their final court dispositions contained no arrest or charging information.</p>	<p>Some examples of court improvement projects under National Criminal History Improvement Program (NCHIP) include:</p> <ul style="list-style-type: none"> • Georgia, through its Superior Court clerks, are entering protection order files populated with images and NCIC data into its web-based protection order registry. All relevant data are sent to the National Protection Order File. • South Carolina is conducting a joint initiative between the South Carolina Law Enforcement Division (SLED) and the South Carolina Judicial Department (SCJD) to restructure the system for delivery of dispositions from the courts to the State Identification Bureau (SIB). 	<p>1. <i>Improving Criminal History Records for Background Checks</i> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Highlights, 2003.</p> <p>2. <i>Improving Access to and Integrity of Criminal History Records</i> U.S. Department of Justice, Office of Justice Programs, 2005. Key Findings:</p> <ul style="list-style-type: none"> • Poor interagency communication contributes to missing dispositions. Interagency communication can be evaluated in three ways: (1) by the number of days required for the court, law enforcement agency, or corrections agency to report disposition information to the repository (2) by the extent to which criminal justice agencies rely on manual systems rather than electronic systems to transmit disposition information and research missing dispositions. (3) by whether all criminal justice agencies are fully aware of their reporting requirements.
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<p>In many States only suspects charged with felonies are routinely fingerprinted, and only their arrests are reported to the repository for inclusion in a suspect's RAP sheet (U.S. Department of Justice Office of Justice Programs).</p>	<p>The problem of missing dispositions in State criminal history records is perpetuated in part because there is no national consensus on how a missing disposition is defined, measured, or researched by State agencies (U.S. Department of Justice Office of Justice Programs).</p>	<p>Plans include providing new Internet connectivity for Clerks of Court and Magistrates in each county and allowing direct linkage of dispositions with records already in SIB (Bureau of Justice Statistics, Department of Justice, 2003)</p>	<p>• A leading reason why final dispositions are not adequately linked to their associated arrests is delay by the courts, law enforcement, and corrections agencies in reporting disposition information to repositories. States reported that incomplete records prevented the State from retrieving accurate domestic violence misdemeanor information for background checks. These records were incomplete for several reasons, including the following:</p> <ul style="list-style-type: none"> • absence of a flag denoting domestic violence misdemeanor. • the age of the record. • the lack of a final disposition. • the lack of information about the victim-offender relationship. • the failure of arresting agencies and courts to report the information promptly to the repository. • agency procedures that do not require fingerprinting misdemeanants.
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<p>14. Accessing protective orders (orders of protection) and release conditions in the field.</p> <p>In crisis situations, access to critical protective order information helps parties to stay safe, effectively respond to violent situations, and prosecute offenders to the fullest extent.</p> <p>VINE Protective Order® (VPO) provides criminal justice professionals with secure access to the full continuum of protective order process needs. When protective order information is available and accessible, community partners have the information they need to hold offenders accountable and do their jobs in supporting victim safety.</p>	<ul style="list-style-type: none"> • States currently using Vine Protective Order Module include: Illinois, North Dakota, Maryland, Kentucky. 	<p>For Sheriff and Dispatch: Drastic reduction in inbound petitioner inquiries, pulling officers away from immediate duties. Ability to immediately update service of order and access order information.</p> <p>For Law Enforcement: Immediate access to protective order information, conditions, and expiration details.</p> <p>Simple process to update the status of a protective order when it has been served to the respondent, automatically triggering a notification to the registrant.</p> <p>For Victims: Immediate notification upon service of Temporary, Emergency, or Ex-parte Protective Orders.</p> <p>Immediately accessible order information via phone and Web, 24-hour operator assistance; resources and referrals.</p> <p>Know when order is in effect and is being violated.</p>	<p><i>1. Appriss - VINE Protective Order - Protective Order Status and Information.</i> Key Findings:</p> <ul style="list-style-type: none"> • VINE satisfies most states legislative requirements for victim notification. • Data - After a protective order is issued, VINE Protective Order captures and stores the information in a secure database. • Registration - The petitioner can call the toll-free VINE Protective Order line or search online any time of day or night for the status of a protective order and register for notification. • Service - VINE Protective Order immediately begins placing notification calls to the petitioner once the service event is recorded. • Notification - Petitioners will be notified when the order is served and may be notified of court hearings, amendments, order expirations, and other case events.
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<p>There is also a mobile app version (Appriss VINE) with communication features such as:</p> <p>Inmate information - including name, address, photo and specific charges. It is fully integrated with VINE to allow victim registration from their smartphone.</p> <p>Active warrants related to:</p> <p>Non-custodial parents.</p> <p>Most wanted criminals.</p> <p>Amber Alerts, escapes, community emergencies, etc.</p>	<p>The Washington County Sheriff's Office in Arkansas was the first to begin using the app. In just six months they've had more than 14,000 downloads.</p>	<p>For Sheriffs: Sheriffs can now communicate directly to their community through their very own mobile app. Appriss is helping sheriffs launch the app, which is available FREE to sheriffs' offices that provide the VINE service.</p> <p>For Citizens: Users download the app for free (currently available at the App Store and coming soon to the Android Market) and get access to an impressive list of information, including current inmate data (with photos), a list of active warrants (such as non-custodial parents and most wanted criminals) and community emergencies (Amber Alerts, escapes, etc.).</p>	<p>1. Appriss - VINE Protective Order - Customizable Notification Methods and Case Management, 2012.</p>

<p>VINE Court is a fully automated service that keeps crime victims and criminal justice professionals informed about the progress of their cases.</p>	<p>States using Vine Court include: KY</p>	<p>Since VINE Courts began in Kentucky, more than 3,700 registrations have been entered, more than 107,000 online searches have been conducted, and 332,000 inbound and outbound phone calls have been made.</p>	<p>Department of Corrections, Kentucky. VINE Court Service is a free, anonymous, computer-based telephone and e-mail program that provides victims of crime two important services for upcoming court cases: Information and Notification. This service is available statewide on all misdemeanor and felony cases.</p>
<p>15. Using an interactive technology system to provide access to evidence by both law enforcement and prosecutors.</p>	<p>Queens County, New York: A partnership with the New York City Police Department and technological advancements further enhance prosecution efforts. The Queens County District Attorney’s office began using digital photography almost two years ago and is currently the only District Attorney’s office in the City to receive victim photographs digitally from the NYPD. This same digital technology will be used for 911 calls and will allow prosecutors to listen to them only hours after they have been made (The Queens County District Attorney).</p>	<ul style="list-style-type: none"> • Digital photography enables police to automatically transfer photographs to a secure telephone line in the District Attorney’s Office to be used at arraignments and trial. • Use of photographs and 911 call recordings can hold accused offenders accountable by allowing prosecutors to make strong bail applications and to enhance their trial evidence. • Has recorded one of the lowest dismissal rates -- 19% -- in the City for domestic violence cases (The Queens County District Attorney). 	<p><i>New Technology Enhances Domestic Violence Prosecutions in Queens County</i> . Queens District Attorney's Office, 2003. Key Findings: The District Attorney said, “Innovative approaches, technological advances, aggressive vertical prosecution and open communication with the Police Department are the keys to our success in the prosecution of domestic violence cases.”</p>

	<ul style="list-style-type: none"> • New York: Domestic Incident Report Repository offers law enforcement officials cross-jurisdictional information about reported incidents of domestic violence in the Upstate and Long Island counties. Law enforcement are able to search for incident information regardless of which police agency responded to a call or filed a report. • More than a dozen law enforcement agencies, including the Erie County Crime Analysis Center (CAC), have used the system to search approximately 244,000 records currently available. 	<ul style="list-style-type: none"> • The Repository gives authorized users such as police officers, sheriffs’ deputies, prosecutors, and probation and parole officers the ability to search domestic incident reports filed by agencies in the 57 counties outside of New York City; those agencies file approximately 175,000 domestic incident reports (DIRs) annually. • Before the creation of this secure database, those paper DIRs were typically filed chronologically by the agency that took the reports. The information contained in them could not be searched, shared or analyzed across jurisdictions. Now, the reports received by the state are scanned and stored in a database that is searchable by name and address. The database can generate a summary of all domestic violence activity at a specific location, including the number of reports filed and if there are any “red flag” indicators such as threats that were made and/or access to a weapon (New York State Division of Criminal Justice Services). 	<p><i>1. New York State Launches Domestic Incident Report (DIR) Repository . New York State Division of Criminal Justice Services, 2011.</i></p> <p>Key Findings:</p> <ul style="list-style-type: none"> • This new tool provides access to information enabling local law enforcement to more safely respond to calls, enhance the prosecution of domestic violence crimes and improve the supervision of offenders on parole and probation. In doing so, it allows for better protection of domestic violence survivors. • The Repository provides access to information that can provide the detail for establishing patterns of behavior, allowing prosecutors to build stronger cases and hold offenders accountable.
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