



## **Domestic Violence High Risk Case Protocol**

Some victims of domestic violence are in extreme danger when they come forward for help. Domestic violence professionals must take steps to enhance victim safety and offender accountability when they identify such a victim that is in extreme danger. Every opportunity must be identified to increase safety and offender accountability and reduce the likelihood that a victim will be seriously injured or killed after seeking intervention services from the criminal or civil justice system. All system professionals should be part of the process of identifying high risk situations and the need for a specialized high risk response.

### **Police Response**

- If the victim calls the police, the police response should be prompt and thorough in responding to the report of victimization.
- The 911 operator should be the first person to begin evaluating the potential danger for a victim seeking assistance.
- The responding officer(s) should treat a domestic violence case as a priority call, conduct a thorough investigation, and make an arrest if appropriate. Police response should include treating domestic violence as a serious crime, writing a complete report, gathering all evidence, documenting all injuries, offering the victim transportation to shelter, and providing information about all available services. At all points, the rights of the victim should be paramount and the officer should be seeking to determine the level of danger to the victim. All information regarding risk and lethality obtained by the 911 operator should be transmitted to the responding officer.
- Any high risk case, should result in the assignment of the case – whether misdemeanor or felony – for a follow up investigation. The detective's follow-up investigation should be thorough and the report should adequately document all relevant information regarding risk factors and lethality for the prosecutor and victim witness personnel in the prosecutor's office. All prior incidents described by the victim should be included and any potentially chargeable prior offenses should be noted in the report – whether the victim called the police or not. The follow up investigation to be submitted to the prosecutor's office should clearly document risk factors and the potential level of danger to the victim.

### **Prosecutor's Response**

- Criminal charges should be filed – whether misdemeanor or felony – in all appropriate cases where the case can be proved with or without the victim's participation. Allegations of felony conduct, particularly in high risk cases, should be filed as a felony absent some major mitigating circumstances that would point toward the filing of misdemeanor charges.
- In most cases, the prosecutor should file charges in the case based on the information provided and not require additional interviews with the victim unless absolutely necessary. Prior uncharged conduct which could result in new charges may necessitate an interview with the victim. An advocate should participate in any follow up interview with the victim, particularly if

the victim is already working with an advocate from a prosecutor's office, shelter, or Family Justice Center.

- The victim witness advocate should contact the victim within 24 hours of the incident or less. The advocate should complete a Risk Assessment with the victim. The advocate should complete a Safety Plan with the victim whether the risk level is low, medium, or extreme. If the victim is found to be in extreme danger, a multi-disciplinary team should be convened to work with the victim to ensure safety and to heighten the team focus on offender accountability. The advocate should provide information on all available services. The advocate should take steps to ensure the victim actually makes contact with the needed service providers and should ensure that the service providers know the situation represents high risk to the victim.
- The bail amount should be commensurate with the seriousness of the crime and the court should be informed of the results of the risk assessment process and the opinion of domestic violence professionals that the offender represents a serious threat to the safety of the victim. Adequate bail conditions should be put in place with the bail amount being consistent with the level of risk to the victim.
- The Victim Information and Notification Everyday (VINE) System (if in place in the county) should be utilized for the benefit of the victim.
- A criminal stay away order should be issued to order the suspect to stay away from the victim as a condition or bail in the case.
- If charges are not filed, the victim should be notified that the case is not going to be issued and the suspect is going to be released. The prosecutor or the victim witness advocate should take other steps to work with other service providers to ensure the victim's safety once the suspect is released from custody. Each case may require unique actions to communicate with appropriate partner agencies.
- The victim witness advocate should coordinate with non-profit service providers or other advocates working with the victim to make sure the victim is still receiving all necessary civil legal, safety planning, and advocacy services whether criminal charges are filed or not.
- The prosecutor's office should be working with their local FJC team (if one exists) to coordinate all safety enhancement activities whether charges are filed or not.

#### **Civil Legal Services/Clinic**

- If the victim seeks a civil protection order, the civil legal service providers working with the victim should have access to prior police reports and any risk assessment or safety plan completed prior to the use of civil legal services.
- If the civil legal service provider does not have such risk and safety-related information, they should conduct a risk assessment and work with the victim on a safety plan as part of the provision of any legal services.
- In cases where the danger level is high, civil legal service providers should accompany the victim to court or (whenever practicable) provide electronic court filing services to avoid requiring the victim to go to court.
- If a FJC exists, the victim should be permitted to obtain her legal protection order without having to go to court.
- For any contested hearing in court with the abuser, the victim should have legal and advocacy representation.
- If a FJC is in place, the victim should have access to video conferencing services to ensure no direct contact with the abuser in court for any contested hearing.

- For all hearings, a court support advocate should be assigned to support the victim and ensure the victim is not alone inside or outside the courthouse at any time.
- For all court proceedings, court preparation information should be provided to the victim prior to going to court and, whenever practicable, an orientation process should be offered to the victim.
- After an order (ex parte or permanent) is obtained, safety planning services should be provided to the victim to ensure the victim's clear understanding of the high risk nature of the situation.

#### **Family Justice Center (if one exists in the community)**

- A comprehensive intake process, which complies with National Family Justice Center Alliance model practices, should be completed when the victim arrives at the FJC.
- A Consent to Share Information Form should be completed with the victim.
- In all cases, a Risk Assessment using a validated tool should be completed with the victim.
- If the victim is identified as high risk or in extreme danger, the victim should be notified of their high risk status.
- In all cases, a safety plan should be completed with the victim. The victim should be offered a copy of the safety plan.
- If the case is deemed high risk, each Family Justice Center should have a process to designate the case and call a High Risk Team meeting with representatives from agencies deemed critical to the safety of the victim and the accountability and monitoring of the abuser.
- In each high risk case, an advocate or detective should be designated as the lead professional for all coordination of activities between involved agencies.

#### **High Risk Team (if in place)**

- If the victim is determined to be in extreme danger, a high risk review team meeting should be called immediately after such determination is made. Appropriate steps should be taken in the first 24-48 hours as deemed necessary to begin the work of the high risk team to ensure the victim's safety. The participants in the high risk team should include all agencies already working with the victim and any necessary agencies that may not already be involved in the case.
- Consent should be obtained from the victim for all high risk team members to share information with each other. If consent cannot be obtained, all team members should identify any information which can legally be shared with appropriate team members.
- The victim should be invited to participate in the meeting(s) unless participation will negatively impact the victim's safety.
- All relevant professionals should be present for the high risk team meetings, including:
  - FJC staff (if an FJC exists), civil attorney, therapist, shelter advocate, police officer/detective, prosecutor, victim witness advocate, court personnel or deputy sheriff, or other professionals
- A lead advocate or detective should be identified to manage the case and maintain contact with the victim.
- All necessary actions should be taken to monitor the abuser, incarcerate the abuser, or otherwise increase accountability for the abuser.
- The victim should be enrolled in VINE (if it exists in the community).
- A GPS device should be considered for the offender (if GPS is used in the jurisdiction).
- After the case is deemed high risk, all participating professionals should treat the case as high risk in all interactions with the victim, offender, family members, and allied agencies.