

# Domestic Violence

Chris Gaal

Monroe County Prosecuting Attorney

# Mission Statement:

## **Public Service**

We represent the people of the State of Indiana to seek justice, promote greater public safety, and assist victims of crimes. We receive reports from law enforcement agencies and file criminal charges in appropriate cases. We will vigorously prosecute those who are guilty, while ensuring that the innocent are not wrongly convicted or oppressed.

## **Community-Based Prosecution**

We work proactively with law enforcement and other community organizations to encourage crime prevention and education efforts that enhance public safety.

# Goals for Domestic Violence

- End domestic violence in our community
- Public education and prevention
  - Raise awareness
  - Encourage reporting
- Coordinate resources in the community
- Improve our response

# DV Initiatives

- Cases handled by Domestic Violence Unit
  - Deputy Prosecutor Jackie Dakich
  - DV Victim Assistant (2008) – Josefa Luce
- Data – February 2007
- 24 hour “cooling-off” period following domestic battery arrest (2008)
  - State legislature passed 8 hour requirement in 2008
  - Safety plan
  - Relocate children
  - Obtain services
  - Time to de-escalate violent situation
- Board of Judges consolidated DV cases in single court (2008)
  - Consistency & efficiency
  - Quick response to violations of defendant’s conditions of release, violation of No Contact Order
  - Probation officers dedicated to supervising DV defendants – consistent and prompt response to violations

# DV Initiatives

## Latino Outreach Program (2010)

- Public education campaign on Domestic Violence
- Encourage Spanish-speaking victims to report
- Poster, radio ads
- Live interpreter service, 120 languages

**LA VIOLENCIA DOMÉSTICA ES UN PROBLEMA COMUNITARIO.** | **Únase a nosotros y hágase parte de una solución comunitaria.**

**Amor Respeto Fidelidad**  
**Confianza Protección Lealtad**  
**Seguridad Honor Sinceridad**  
**Honestidad Responsabilidad**

**No está solo/a!**  
Llame a Middle Way  
para servicios  
gratis y confidenciales  
y para recibir refugio.  
812-336-0846

No tema reportar la violencia doméstica.  
Nuestro interés es su seguridad, no su estatus de inmigración.  
Llame al 911 y diga "español" para que sea conectada/a con un/a intérprete.

Este mensaje le brought a you by: De la Oficina del Fiscal del Condado de Warren Ohio Gov. • Programa Latino de la Ciudad de Birmingham • Middle Way House • Indiana University La Casa • El Centro Comunal Latino • Birmingham Public Department • Programa para la seguridad y justicia comunitaria de la Ciudad de Birmingham • Programa de Atención a la comunidad Latino de la Ciudad de Birmingham • Departamento de Recursos para la comunidad y la Familia de la Ciudad de Birmingham • Centro Cultural San Pablo • Coalición Latino Contra la Violencia Doméstica y Sexual • El Pueblo • Ohio Media

# DV Initiatives

- Protective Order Assistance Partnership (October 2011)
  - County Clerk
  - I.U. Maurer School of Law, Protective Order Project
  - I.U. School of Social Work
  - Middle Way House
  - 2011 – 666 filed, 359 ordered (54%)
  - 2012 – 718 filed (8% increase), 636 ordered (89%)
  - DV is under-reported: Only 27% of women report DV, 13.5% men
  - Protective Orders increase reporting.
    - *Department of Justice; National Institute of Justice, Special Report; Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. (2009)*
- Domestic violence personnel policy for county employees
  - Model for employers

# DV Initiatives

## New Website

- Domestic Violence Unit
- Domestic Violence (Prevention and Education)
- You Tube Video: “A message from Prosecuting Attorney about Domestic Violence”
- “How can I help a friend or family member who is being abused?”
- Safety Planning
- Frequently Asked Questions
- DV Resources
- DV Links
- Latino Outreach Program
- Victim Assistance Program



Prevention & Education

- ▶ Child Abuse
- ▶ Crimes Against the Elderly
- ▼ Domestic Violence

**About Domestic Violence**

- Safety Planning
- Resources
- Frequently Asked Questions
- Press Releases & Media

Dropout Prevention

Get A Ride! Prevent Drunk Driving

Latino Outreach/Alcanza a Latinos

- ▶ Pharmaceutical Safe Disposal Program
- ▶ Sexual Assault

## Domestic Violence



### Stand Up To Fear! Report Domestic Violence

If you or someone you know is threatened with harm or abuse, call 911 for help.

The Monroe County Prosecutor's Office is working to end domestic violence in our community. Cases are handled by a Domestic Violence Unit that includes a deputy prosecutor who specializes in the prosecution of domestic violence, and a Victim Assistant who works exclusively with domestic violence cases to proactively address the unique issues faced by victims. [Click here](#) to get contact information for the Domestic Violence Unit.

### New Resources and Improvements in the Prosecution of Domestic Violence Cases

Since 2007, the Prosecutor's Office has sought continuous improvements in the handling of domestic violence cases in Monroe County. The first step was to publicly release detailed monthly data on all domestic violence cases handled by our office. We also sought out opportunities to partner with community organizations to promote public education efforts aimed at preventing domestic violence. [+ read more...](#)



A Message from Prosecuting Attorney Chris Gaal About Domestic Violence

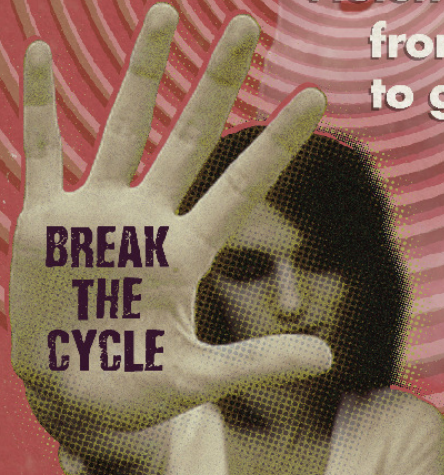
[Click here to read the text version](#)



Violence **REPEATS**  
in a relationship

Violence gets worse  
when it **REPEATS**

Violence **REPEATS**  
from generation  
to generation



**BREAK  
THE  
CYCLE**

**STAND UP TO FEAR**  
**REPORT DOMESTIC VIOLENCE**

If you or someone  
you know is threatened  
with harm or abuse **CALL 911  
FOR HELP**

**YOU ARE NOT ALONE!**

For information visit [www.monroeprosecutor.us](http://www.monroeprosecutor.us)



OFFICE OF MONROE COUNTY  
PROSECUTING ATTORNEY  
CHRIS GAAL

# What is Domestic Violence?

- A crime directed toward or against an intimate partner
  - A spouse
  - Former spouse
  - Those living together as if a spouse
  - A child in common
- “Living together as if a spouse” – Monroe County Prosecutor’s Office policy interprets to include same sex couples

# Typical examples of criminal offenses that may be domestic violence

- Domestic Battery
- Strangulation
- Invasion of Privacy
- Stalking
- Intimidation
- Confinement
- Harassment
- Criminal Mischief
- Residential Entry & Trespass
- May also include property crimes such as theft, vandalism
- Depends on the relationship of the parties not the name of the offense
- We have strangulation, invasion of privacy, stalking, intimidation, confinement, etc... cases that are NOT domestic violence

# Domestic Violence

- Domestic violence cases are unique
  - Relationship between victim and defendant
- Require specific policies
- Based on understanding the dynamics of “the cycle of domestic violence”

# The “cycle of violence”

- Perpetrator attempts to control the victim through
  - Physical violence
  - Threat of violence
  - Other methods of coercion
- Crisis followed by temporary period of stability
- Victim returns to relationship with abuser/intimate partner

# The “cycle of violence”

- Not uncommon for victim to initially call police during crisis, then later request the resulting criminal charge be dismissed
- “Most victims, whether male or female, do not want to prosecute their partners.”
  - *The Duluth Safety and Accountability Audit, A Guide to Assessing Institutional Responses to Domestic Violence*, Ellen Pence and Kristine Lizdas.
- The cycle usually continues
- Repeated crises, often increasingly violent

# The “cycle of violence”

- Violence tends to escalate as a victim tries to leave the relationship, perpetrator attempts to regain control.
- Frequently a time when victim’s safety is at serious risk
- 30% of female murder victims are killed by their intimate partners
  - *Department of Justice; National Institute of Justice, Special Report; Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. (2009)*
- Cycle of violence repeats from generation to generation. Children who witness violence may repeat it as either victims of perpetrators.

# Breaking the “cycle of violence”

- More difficult than many people think
- Emotional bond with an intimate partner
- Other factors may cause victim to remain in violent relationship
  - Financial support
  - Child care
  - Immigration status
  - Social isolation, lack of support network from family & friends
  - Societal expectations, leaving seen as failure.



# Breaking the “cycle of violence”

Victim may:

- Hope things will get better
- Believe batterer’s promises things will change
- Fear they won’t be believed
- Fear they will be blamed for their abuse
- Fear the criminal justice system won’t protect them

# Policies for successful intervention:

## Early Contact

- Report
- Arrest is the most significant factor in deterring future abuse.
  - *Department of Justice; National Institute of Justice, Special Report; Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. (2009)*
  - Policies: Arrest on PC, 24 hold
- Contact the victim as early as possible
  - Establish a relationship
  - Listen to wishes and concerns
  - Build trust
  - Encourage cooperation in a criminal prosecution
  - Explain process of criminal justice system
  - Help victim anticipate what to expect in court
- Domestic Violence Victim Assistant (2008)
- Call victim as soon as possible, most often before a charge is even filed
- Best Practice:
  - increases victim cooperation
  - more successful outcomes

# Victim Cooperation

## Common victim experiences testifying in court

### Positives:

- Helps hold defendant accountable for their actions
- Deter future violence
- Encourage rehabilitation
- Public service, like jury duty
- Protecting everyone's safety by ensuring perpetrator held accountable for violent crime

### Negatives:

- Already traumatized
- Relive a painful, personal, emotional experience
- Public, intimidating setting
- Maintain personal relationship, intimate emotional bond with defendant
- Feelings of confusion, self-doubt, regret, further loss of control
- Societal prejudices that “blame the victim”
- Subject to cross-examination – unpleasant, humiliating
- May require child to testify against a parent

# Victim Cooperation

- “Most victims, whether male or female, do not want to prosecute their partners.”
  - *The Duluth Safety and Accountability Audit, A Guide to Assessing Institutional Responses to Domestic Violence*, Ellen Pence and Kristine Lizdas.
- Successful prosecution typically requires victim’s cooperation, testimony
- Will not necessarily dismiss a case because a victim does not wish to participate
- Evaluate all the evidence in the case
- Change in the victim’s testimony or request that a charge be dismissed may result from fear of defendant, continued coercion by the defendant, well-known “cycle of violence”

# Policy on victim cooperation

- Prosecutor's Office may continue to pursue prosecution notwithstanding lack of cooperation from the victim if there is sufficient evidence in the case to proceed
  - Often relief to the victim
  - Prosecution of their intimate partner is not the victim's fault
  - Domestic violence is perpetrator's responsibility
  - Defendant should not be allowed to avoid accountability through pressuring victim to refuse cooperation.
  - Role of prosecutor is to enforce the law, DV is a criminal offense.
  - Holding perpetrators accountable under the law is an intervention that helps break the cycle of domestic violence.

# Victim Cooperation

## A sample communication from a Victim:

“I am going to one last time request that the prosecutor’s office dismiss this case today at the initial hearing. I will be at the hearing, so you can ask me in person then if this is really what I want, but I am telling you it is. I know that what happened took place because we both lost our tempers. However, it was not intentional and I will not testify against him. I have already been told it would be a he said/she said case, which means without the she said there is no case. Therefore, I respectfully request one last time that the charges be dismissed. It can wait until the initial hearing and I can be asked in front of the judge if this is what I really want, but I assure you that it is!”

# Policies for successful intervention:

## Protect Victim Safety

- Victim safety is number one priority
- Encourage development of personalized “safety plan”
- Explain tools of “Protective Orders” and “No Contact Order”
- Make referrals to community resources and support services
- Victim safety guides our response

# Goals in DV prosecution:

## What is success?

- Protect victim safety
- Intervene to break the cycle of violence
- Hold the defendant accountable by obtaining the most favorable outcome possible
  - Generally a criminal conviction
  - If evidence does not support a conviction, is there an alternative disposition that achieves the goals of prosecution?
    - Protects victims safety
    - Intervenes in cycle of violence
    - Provides supervision/rehabilitation to defendant
  - Avoid outright dismissal



# Interventionary Filing Policy

Goals of an interventionary filing policy:

- Encourage victims to report and seek help
- Promote victim safety through intervention
- Provide rehabilitation services to perpetrators
- Send a message that the criminal justice system will respond to domestic violence incidents in our community

# Domestic Violence Filing Policy

- “Probable cause” is standard for arrest
  - “More likely than not” that a criminal offense occurred
- “Beyond a reasonable doubt” is standard required for conviction
- Interventionary filing policy: Filing a case in order to intervene, promote victim safety, and provide a meaningful response
- Filing a marginal case may be a successful intervention even if the evidence is ultimately too weak to support a conviction

**American Bar Association**  
**Standard 3-3.9 Discretion in the Charging Decision**

(a) A prosecutor should not institute, or cause to be instituted, or permit the continued pendency of criminal charges when the prosecutor knows that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction.

\* \* \* \*

(d) In making the decision to prosecute, the prosecutor should give no weight to the personal or political advantages or disadvantages which might be involved or to a desire to enhance his or her record of convictions.

# American Prosecutor's Research Institute

## The Role of the Prosecutor in Domestic Violence Cases

Traditionally, the role of the prosecutor has been to hold offenders who violate criminal statutes accountable for their actions, the goal being conviction. In domestic violence cases, however, the prosecutor should make the victim's safety the first priority, because domestic violence victims are in greatest danger when they attempt to seek help. The prosecutor, therefore, should redefine "success" and "winning" in light of the special characteristics of domestic violence. Success, in domestic violence cases, is attaining the victim's safety. Conviction may be part of securing the victim's safety . . . . Prosecutors who strive for conviction first and safety later may allow "weaker" cases to slip through the cracks of the system (by rejecting them for prosecution), despite a substantial risk of repeated violence.

# American Prosecutor's Research Institute

## The Role of the Prosecutor in Domestic Violence Cases

Many jurisdictions boast of their high conviction rates for domestic violence cases, yet these jurisdictions are often screening out the “push and shove” cases, or the cases in which there is no corroborating evidence, other than the victim’s testimony. This screening is not in the interest of the victim, but rather seeks to ensure a conviction, with or without the victim’s cooperation. The cases that are completely dependent upon the victim’s testimony (e.g. slap or push) often never make it to the courtroom because prosecutors are too concerned that losing these cases will result in a decrease in conviction rates. This concern is detrimental to the victim and sends the message that unless a victim’s injuries are substantial, the criminal justice system will not help her. It is imperative when reviewing an office’s conviction rate to inquire whether cases with no independent corroboration are accepted. Prosecutor’s offices should move away from boasting about conviction rates toward making decisions based on victim safety.

# American Prosecutor's Research Institute

## The Role of the Prosecutor in Domestic Violence Cases

Ideally, prosecutors should treat each case individually, making informed decisions and evaluations based on facts presented in the interview with the victim and evidence collected by the police. Domestic violence victims have many concerns, including divorce, child custody, visitation, and fear of retaliation if they cooperate with the prosecution. The prosecutor should first assess the victim's safety. The following factors should be considered when deciding whether to proceed against the defendant:

- the victim's and defendant's history
- the victim's wishes
- the defendant's record, and
- the evidence

# Prosecution

## Is there sufficient evidence to proceed?

- **Burden of Proof**: Sufficient credible and admissible evidence to prove the charge to a jury beyond a reasonable doubt
- Defendant arrested for and/or charged with a crime is innocent
- Entire burden is on the State to prove charge.
- Generally requires witness testimony and corroborating evidence from an official investigation
- “Victimless prosecution” not the same as evidence-less
  - Must have evidence
  - Witness (victim, child, neighbor, police officer, medical)
- Considerations:
  - Witness credibility (recant, contradict previous statement?)
  - Existence of other corroborating witnesses?
  - Independent corroborating evidence available? (medical records, photos, 911 call)
- Every case presents a unique set of facts. Evaluate evidence in each individual case and prosecute to the fullest extent based on the evidence.

# Prosecution

## Is there sufficient evidence to proceed?

- Professional Judgment
  - Is there sufficient evidence such that there is a reasonable chance of success in achieving a conviction?
    - How will a jury likely evaluate the witnesses and evidence?
    - Unanimous verdict
  - Consider victim's wishes
    - Victim fear of testifying is common
    - Victim's goals may be to not testify, dismissal
    - Role of DV Victim Assistant to encourage victim cooperation
  - History of the victim and defendant
    - History of DV?
  - Are there are problems with the evidence?
    - Lack of evidence, inadmissible, contradicted, inconsistent?
  - Is there an alternative disposition that achieves a successful intervention that promotes victim safety and holds the defendant accountable?
  - Attempt to achieve the best outcome possible given the evidence
  - Plea agreement is preferable to an outright dismissal



# Monthly Data Report

- February, 2007
- Detailed spreadsheet on every DV case
  - Name
  - Case#
  - Charges
  - Date Disposed
  - Result
  - Disposition
- Presented monthly to Domestic Violence Task Force
- Also provide names of people arrested, not charged
- Not aware of any other prosecutor's office that provides this level of detailed public transparency



# Monthly Data Report

- PEND – Pending
- Guilty Plea
- DISM – Dismissed
- D-NPA – Dismissed Pursuant to Negotiated Plea Agreement
- DVIS – Domestic Violence Intervention System
- JW – Judgment Withheld
- DPROS – Deferred Prosecution
- CONV – Conviction (trial)
- NG – Not Guilty (trial)

# Favorable Outcome: Criminal Conviction

- Guilty Plea
- D-NPA – Dismissed Pursuant to Negotiated Plea Agreement
  - Defendants with multiple pending cases.
  - Cases handled as a package. D plead guilty in a companion case
  - Could be probation violation (lower BOP, significant time)
  - Often a higher class of offense than DV charge
  - Convicted of other offense – Defendant was convicted, sentenced, serve significant time
- CONV – Conviction (trial)

# Favorable Outcome:

## Criminal Conviction

Dismissed – NPA is a CONVICTION

- Dismissed – NPA: The Defendant was convicted.
- Examples: First D-NPA from months of January, March, April, May 2009
  - Ernest Brewster 2 years revoked in PTR
  - Christopher Harper 18 months revoked in PTR
  - Van Byrd 3 years executed in companion case
  - Wilbur Butler 4 years with 2 1/2 suspended in one case and 365 days/340 suspended in another case with 5 years total probation
  - D-NPA –Jail Time at Sentencing
    - 82% received executed time (not suspended)
    - Average jail time = 374 days (844 if include outlier murder case)

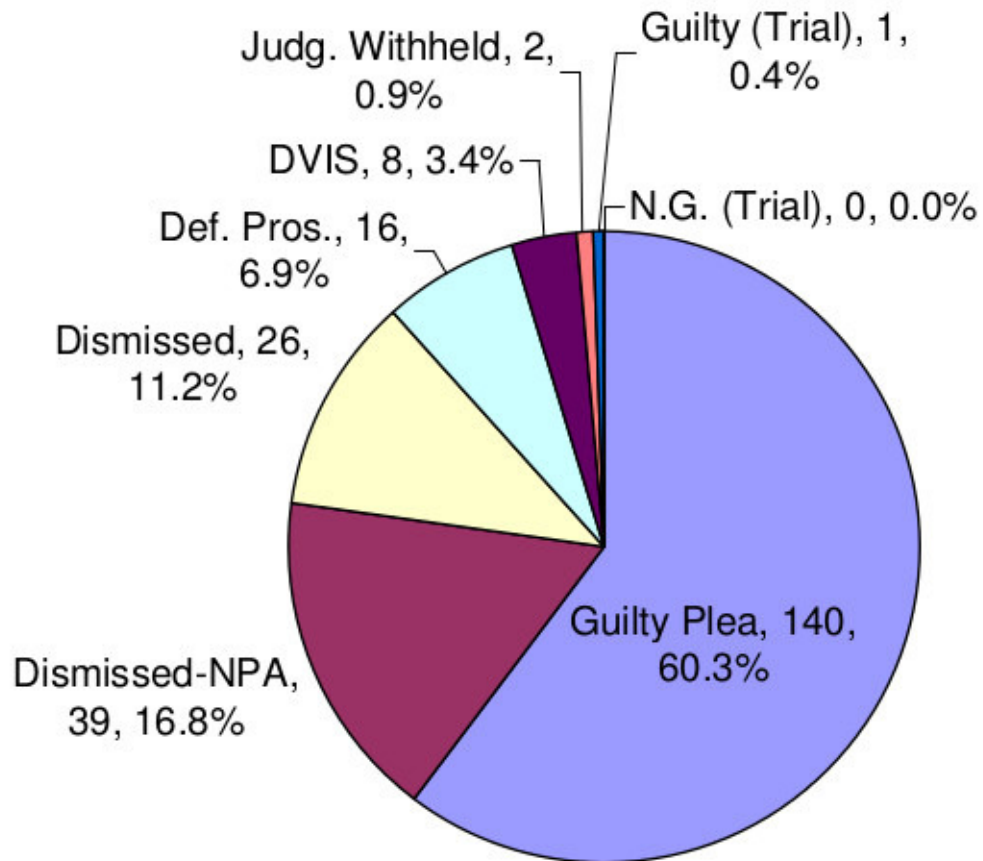
# Favorable Outcome: Alternative Disposition

- Evidence will not support a conviction
- Alternative disposition will provide meaningful response for victim, accountability for defendant through supervision and rehabilitation services.
- DPROS – Deferred Prosecution
  - Case remains pending for a period of time while defendant completes conditions
  - Batterer's Treatment Program
  - Charge dismissed upon successful completion of conditions
- JW – Judgment Withheld
  - Defendant pleads guilty but judge withholds imposing conviction for a period of time upon condition that defendant completes conditions
  - Upon successful completion of conditions no conviction is entered on the defendant's record and case is dismissed
- DVIS – Domestic Violence Intervention System
  - Diversion program with supervision and accountability
  - Defendant can earn a dismissal of the charge on the condition that they successfully complete Batterer's Treatment Program, consume no alcohol or illicit drugs, and commit no new criminal offenses for a year

# Unsuccessful Outcome:

- DISM – Dismissed
- NG – Not Guilty (trial)

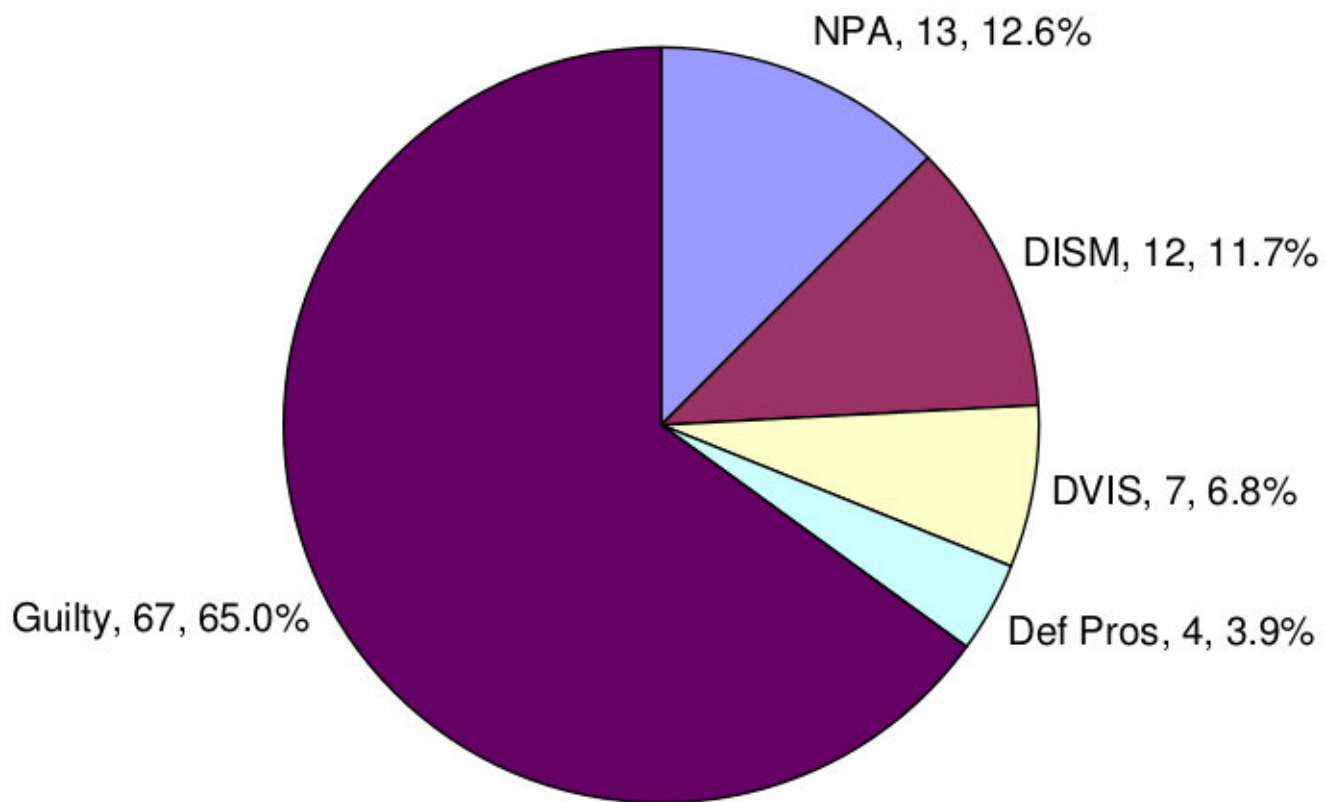
## 2009 Domestic Violence Case Outcomes (232)



**Favorable Outcomes: 88.8%**



### Domestic Battery Case Outcomes (103)



**Favorable Outcomes: 88.3%**

# Conviction Rates Comparison

- Monroe County DV cases
  - Defendant convicted 77.5%
  - Other favorable outcomes 88.7%
  - Outright dismissals 11.2%
- National Average
  - “...an analysis of 85 domestic violence prosecution studies found an overall conviction rate of 35% . . . . If one very large study of 123,507 Maryland prosecutions from 1993 to 2003 is removed, the average conviction rate increases to almost half, 47.7 percent.”
    - *Department of Justice; National Institute of Justice, Special Report; Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. (2009)*

# Duluth v. Bloomington

## ■ Duluth

- No DV Unit
- No mandatory arrests upon PC – can ticket
- No Dedicated DV Court
- Conviction Rate (2011)  
77%
  - CSW Report
  - Favorable Outcomes?

## ■ Bloomington

- DV Unit
- Mandatory arrest policy
- Dedicated DV Court
- Conviction Rate
  - Defendant convicted  
77.5%
  - Other favorable outcomes  
88.7%
  - Outright dismissals 11.2%

# Accountability

- Sentence usually includes jail and period of supervision on probation
- Rehabilitation aimed at modifying the defendant's violent behavior
  - Defendants will return to the community
  - Often to the same relationship with victim
- Require every domestic violence defendant attend “Batterer’s Treatment Program”
  - 26 week course offered by mental health provider
  - Helps defendants learn ways to resolve conflict other than through violence

# Jail

- Arrest is the most significant factor in deterring future abuse.
  - *Department of Justice; National Institute of Justice, Special Report; Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. (2009)*
- Policies: Arrest on PC, 24 hold
- Of 232 DV cases
  - 203 defendants (87.5%) received an executed jail sentence.
  - 122 (52.5%) served at least one week (7 real days) in jail
  - 81 (34.9%) served less than one week (7 real days) in jail

# Duluth Assessment

## Misdemeanor Sentencing Recommendation Matrix

- **Category 1** – “Commits an offense....no history”
  - 30 days stayed + 1 yr. probation
- **Category 2** – “Engages in battering behavior....no indication (of) escalating in severity or frequency”
  - 60 days stayed + 1 yr. probation
- **Category 3** – “Clear pattern of battering with this or past victims . . . . will likely continue and possibly escalate in severity and frequency.”
  - – 60 days stayed, 10-30 executed + 2 yrs. probation.
- **Category 4** – “Heightened, obsessive, and/or unrelenting nature of battering poses a high risk of serious bodily harm”
  - 60 to 90 days executed + 2 yrs. probation

Domestic Violence-Related Misdemeanor Sentencing Recommendation Matrix				
CATEGORY ONE	CATEGORY TWO	CATEGORY THREE	CATEGORY FOUR	
<p><b>The offender</b> commits an offense against the victim but there is no evidence to suggest the offender is battering the victim. The offender has no history of battering.</p> <p><b>This category may include</b> offenders who commit an act uncharacteristic of their typical behavior. It may also include victims of battering who use illegal violence or activities to control or stop violence used against them.</p> <p><b>Considerations:</b> If the offender in this case is experiencing ongoing battering by the person assaulted, the probation officer considers safety measures for both parties. Specialized programming is recommended, and the probation officer does not consider executed jail time unless the assault is severe.</p>	<p><b>The offender</b> engages in battering behavior against the victim, but there is no indication that the battering is escalating in severity or frequency, or that this offender has battered another person.</p> <p><b>This category may include</b> batterers whose histories include using low levels of violence and activities which threaten or intimidate the victim.</p> <p><b>Considerations:</b> Recommendations focus on victim safety and rehabilitation programming rather than sanctions.</p>	<p><b>The offender</b> has established a clear pattern of battering with this or past victims. The PSI indicates the battering will likely continue and possibly escalate in severity and frequency.</p> <p><b>This category may include</b> batterers whose histories include multiple domestic violence-related contacts with the police; demonstrated harassing behavior toward the victim; violation of an OPP; or repeated threats or assaults against this or other victims. The victim may be in fear of serious bodily harm.</p> <p><b>Considerations:</b> Victim safety recommendations are combined with more sanction-oriented sentencing, such as the maximum probationary period, some executed jail time, and rehabilitation programming.</p>	<p><b>The offender's PSI</b> demonstrates that the heightened, obsessive, and/or unrelenting nature of the battering poses a high risk of serious harm to this or other victims.</p> <p><b>This category includes</b> offenders with histories similar to those of category 3 offenders but may also include stalking behavior, threats to seriously harm or kill; use of weapons or threats to do so; and injuries that require medical attention.</p> <p><b>Considerations:</b> Recommendations include the strongest victim safety measures possible, including working with child protection on children's safety. A substantial jail term and long-term probation may be combined with programming if offender is amenable.</p>	
Incarceration or other correctional programming				
30 days stayed jail	60 days stayed jail	60 days stayed jail 10-30 days executed jail	60-90 days stayed jail 20-30 executed jail	30 days stayed jail 60 days executed jail or 90 days straight time
Gross misdemeanor incarceration or other correctional programming				
	91-120 days stayed jail 0-45 days executed jail	91-120 days stayed jail 45-120 days executed jail	120-180 days stayed jail 120-180 days executed jail	180-365 days stayed jail 180-365 executed jail
Probation duration (Gross misdemeanor convictions routinely receive 2 years probation)				
1 year		2 years		
Domestic Abuse Intervention Project • 206 West Fourth Street • Duluth, MN 55805 • 218-722-2781				

Fig. 5.2

# Percentage of DV Arrests “No Charged”

- 65% charged
- 35% not charged
  - 37% of arrests not charged were women
  - Significant number were “mutual combat” where both parties were arrested and no initial aggressor could be determined from the report
  - Significant number were cases where the “victim” had a history of perpetrating domestic violence
  - National average prosecutions per arrest:
    - “A review of 26 domestic violence prosecution studies from across the country found . . . The average rate was 63.8%, and the median rate was 59.5%.”
    - *Department of Justice; National Institute of Justice, Special Report; Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. (2009)*

# What is important?

- That we work together as a community to end domestic violence
- That we continue to dialogue as stakeholders to better understand our roles, identify new resources, increase cooperation, and improve our community response
- That is the Duluth Assessment model
  - A self-assessment by the stakeholders