



INTIMATE PARTNER VIOLENCE:

A Best Practice Guide for Prosecutors in Smaller Jurisdictions

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Beyond Big Cities Initiative

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Introduction

Intimate partner violence (IPV) impacts people irrespective of income, education, and geography.¹ In the United States, one in five homicide victims² are killed by an intimate partner, and over half of female homicide victims are killed by a current or former male partner.³ Over 10 million women and men continue to experience IPV each year.⁴ IPV is an age-old social concern that continues to torment millions of people across the nation.

With this sobering reality in mind, the IIP's Beyond Big Cities members came together to discuss their experiences with IPV cases. These conversations highlighted successful approaches to combating IPV in smaller communities, revealed unique challenges that rural communities face relating to IPV, and explored innovative responses to IPV. This document provides a survey of IPV prosecution in smaller jurisdictions, particularly rural ones, based on research and information that Beyond Big Cities members provided to the authors.

Defining Intimate Partner Violence

The Centers for Disease Control and Prevention defines IPV as abuse or aggression that occurs in a romantic relationship, including behavior such as physical violence, sexual violence, stalking, and psychological aggression.⁵ For decades, people facing IPV received limited, if any, assistance from law enforcement.⁶ Today, most states define IPV within their penal codes.⁷ While these definitions differ, they typically include stalking and acts of physical violence.⁸

1 It should be noted that studies demonstrate intersections between poverty and IPV. See, e.g., Deborah Satyanathan & Anna Pollack, [Domestic Violence and Poverty](#), MICH. FAM. IMPACT SEMINARS, April 2001, at 17 (observing that “[f]amilies who experience domestic violence are often also victims of poverty” and citing studies examining the association between domestic violence and poverty).

2 The authors recognize that prosecutors and experts sometimes refer to IPV victims as “survivors.” For the sake of readability, this paper uses both terms interchangeably.

3 [Preventing Intimate Partner Violence](#), CTRS. FOR DISEASE CONTROL AND PREVENTION (2015).

4 Sharon G. Smith et al., [The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief - Updated Release](#), NAT'L CTR. FOR INJURY PREVENTION & CONTROL & CTRS. FOR DISEASE CONTROL AND PREVENTION, November 2018, at 8, 9. The 2015 National Intimate Partner and Sexual Violence Survey found that 6.6 million women and 5.8 million men in the U.S. had experienced intimate partner violence and/or stalking in the twelve months preceding the survey.

5 [Preventing Intimate Partner Violence](#), *supra* note 3.

6 Jeffrey Fagan, [The Criminalization of Domestic Violence: Promises and Limits](#), NAT'L INST. OF JUST., January 1996, at 4 (“For many years, societal responses to domestic violence excluded legal intervention. Advocates for battered women claimed that male batterers were rarely arrested, prosecuted, or sentenced as severely as other violent offenders. Research showed that these claims were accurate.”).

7 [Domestic Violence/Domestic Abuse Definitions and Relationships](#), NAT'L CONF. OF STATE LEGISLATURES (2019) (“States vary in their domestic violence provisions. Approximately 38 states place domestic violence definitions and penalties within the criminal code and nearly every state provides a definition within the domestic relations or social services codes.”).

8 *Id.*

Challenges to Specialization in Smaller Jurisdictions

Some large metropolitan areas have addressed IPV through an increase in services for survivors and the creation of specialized IPV prosecution and police units.⁹ Studies are mixed as to whether prosecution of IPV deters repeat abuse.¹⁰ However, there is evidence that survivors who have repeated contact with police officers from specialized units experience less subsequent violence than those who only interact with the police during an arrest.¹¹ Unfortunately, many smaller jurisdictions cannot create specialized police or prosecution units due to limited funding and personnel. Several Beyond Big Cities members reported having six or fewer assistant prosecutors to handle IPV matters along with all other cases. As a result, they do not have the ability to assign an entire group of prosecutors to IPV cases. Likewise, police departments are relatively small and often do not have dedicated domestic violence officers. Therefore, there are fewer opportunities for police officers and prosecutors to specialize in IPV cases, which are particularly complicated and difficult.

Several Beyond Big Cities members observed that the quality of law enforcement's response in IPV cases can determine whether a survivor cooperates in the future.¹² In the absence of specialization among police and prosecutors, Beyond Big Cities members stressed the importance of partnering with local law enforcement, developing a policy that explains what steps officers must take to earn the trust of survivors, and minimizing the trauma of the reporting process.

Examples:

With the support of a federal grant, the police in La Crosse, Wisconsin (population 118,000) formed the Domestic Abuse Reduction Team (DART). This program allows the department to hire an in-house victim's coordinator who helps police officers plan follow-up actions. The goal of the program is to stop repeated episodes of domestic violence in the same location. The La Crosse

⁹ See Lisa R. Pruitt, *Place Matters: Domestic Violence and Rural Difference*, 23 Wis. J.L. GENDER & SOC'Y 347, 381-82 (2008) (“[R]ural prosecutors – like their law enforcement counterparts – may be hamstrung by lack of both resources and political will Larger offices also are better able to provide ancillary services [W]hile 97% of prosecutor’s offices serving populations of 1 million or more have a domestic violence unit, just 23% of those serving populations under 250,000 do.”).

¹⁰ See, e.g., Joel H. Garner et al., *The Specific Deterrent Effects of Criminal Sanctions for Intimate Partner Violence: A Meta-Analysis*, 111 J. CRIM. L. & CRIMINOLOGY 227, 228, 258 (2020) (surveying several studies of the effects of prosecution on IPV offenses and finding that “the effects of sanctions varied: there is a marginal deterrent effect for prosecution, no effect for conviction, and a large escalation effect among incarcerated offenders”).

¹¹ Annette Jolin et al., *Beyond Arrest: The Portland, Oregon Domestic Violence Experiment*, NAT’L CRIM. JUST. REFERENCE SERV., May 1998, at 8 (“[T]he women who had received additional police services after their batterers’ arrest experienced significantly less repeat violence than those women whose only contact with the police took place during the original arrest.”). In addition, studies have shown that victims are more likely to report a subsequent IPV incident after interacting with officers with special training. See Paul C. Friday et al., *Evaluating the Impact of a Specialized Domestic Violence Police Unit*, U.N.C. DEP’T OF CRIM. JUST., May 25, 2006, at 48 (“Victims who had experienced a prior domestic violence attack or who, themselves, reported the initial assault to the police were more likely to be report [sic] a re-victimization. Interestingly - and unexpectedly - DV Unit [a specialized police unit to handle the most serious IPV cases] victims were more likely to be report [sic] being victimized again in the future.”).

¹² See also *The Criminal Justice System Response to Intimate Partner Violence Victims: Developing a Research Agenda*, NAT’L INST. OF JUST., Mar. 7-8, 2016, at 5 (“For those who had previous contact with law enforcement, 44 percent reported no impact on their safety, and 31 percent said they felt less safe. Almost one-half (43 percent) felt discriminated against by the police, with 46 percent of them believing it was because of their gender, and 53 percent responding that it was because they weren’t a “perfect” victim (e.g., for reasons of income, disability, sexual preference, or reputation) One-fourth were ‘not at all’ likely to call the police again in the future.”).

County District Attorney's Office works closely with the local police to assist the DART program. Assistant District Attorneys provide officers with guidance on arrest charges.¹³

The Northwestern District Attorney's Office in Massachusetts (population 280,000) has developed an IPV policy with the local police force. The policy includes regular police training, a domestic violence charging booklet, a risk assessment guide, and a strangulation worksheet.

One Beyond Big Cities member also highlighted efforts to help judges develop expertise in IPV in the absence of specialization in the judiciary.

Example:

Twice per year, District Attorney David Sullivan moderates the Northwestern District Attorney's Task Force on Domestic and Sexual Violence Judges Panel. The Panel brings together judges throughout the county to discuss IPV and restraining orders. The event is open to the public and provides the community with the opportunity to learn more about IPV and meet judges who handle IPV cases. The panel also serves as a unique opportunity for the judges to learn from each other.

Challenges Unique to IPV Prosecution in Rural Communities

A study in the *Journal of Women's Health* showed that “[w]omen in small rural and isolated areas reported the highest prevalence of IPV (22.5% and 17.9%, respectively) compared to 15.5% for urban women. Rural women reported significantly higher severity of physical abuse than their urban counterparts.”¹⁴ Beyond Big Cities members with rural populations noted that they face unique challenges in combating IPV due to victim isolation, geographical landscape, and limited resources.

Physical Isolation

Isolation of the survivor enables the accused to foster and maintain an abusive relationship. Some abusers keep their partners away from outside influence and assistance to control their victims.¹⁵ Furthermore, when a victim is physically isolated, it is less likely that a third party will be aware of the abuse and report it to authorities.¹⁶ The geographical layout of many

¹³ For example, in one case officers consulted with a prosecutor about arrest charges when the victim expressed being scared for her life. [La Crosse County Domestic Violence Safety and Accountability Audit Findings and Recommendations - Summary](#), Oct. 2005, at 2.

¹⁴ Corinne Peek-Asa et al., [Rural Disparity in Domestic Violence Prevalence and Access to Resources](#), *J. WOMEN'S HEALTH* 1743, 1743 (2011).

¹⁵ Smith et al., *supra* note 4, at 21 tbl. 10 (showing that 30.6% of female IPV victims reported that their partner exerted coercive control over them through tactics including preventing them from seeing family and friends and monitoring their whereabouts).

¹⁶ Wendy Boka, *Domestic Violence in Farming Communities: Overcoming the Unique Problems Posed by the Rural Setting*, 9 *DRAKE J. AGRIC. L.* 389, 396 (2004) (“Clearly, this issue is a much more significant problem in rural communities where [t]here are

rural communities makes it easier for victims to be isolated from family, friends, and society. For instance, in one study conducted in Wisconsin, thirty percent of rural domestic violence victims reported an inability to access a phone, compared to only four percent of the general population.¹⁷ District Attorney David Sullivan in Massachusetts acknowledged that poor quality and non-existent telecommunications services are jeopardizing the health and safety of some residents in his community.

Limited access to public transportation also contributes to the isolation of victims in rural communities. Beyond Big Cities members from rural areas reported that many victims of IPV have difficulty visiting social services agencies due to lack of transportation across long distances. According to one study in the *Journal of Women's Health*, "[t]he mean distance to the nearest IPV resource was three times greater for rural women than for urban women, and rural IPV programs serve more counties and have fewer on-site shelter services. Over 25% of women in small rural and isolated areas lived [more than] 40 miles from the closest [IPV] program, compared with [less than] 1% of women living in urban areas."¹⁸ In sum, both formal research studies and the experience of some Beyond Big Cities members indicate the physical isolation of survivors poses a great danger to survivors and a major hurdle for prosecutors in rural communities.

Limited Economic Support For Victims and Fewer Community-Based Organizations

Beyond Big Cities members recognized the importance of economic stability for those suffering from IPV. However, many survivors in rural jurisdictions do not have financial stability. In rural communities, it can be particularly difficult to find work due to the scarcity of employment opportunities. One study showed that "[r]ural men and women admitted to the emergency department with an intimate partner violence-related diagnosis were more likely to be in the lower half of the income distribution (87% vs. 59%) and to have public health insurance (48% vs. 44%) than their urban counterparts."¹⁹ To make matters worse, there are generally fewer community-based organizations and resources to support IPV survivors in rural areas.

Example:

In Cook County, Minnesota, due to limited resources, there is no IPV shelter. Therefore, IPV victims seeking safety from abusive partners struggle to find secure housing. There is one community-based program dedicated to helping IPV victims of the county in general and one program which serves only residents of the reservation lands of the Grand Portage Band of Chippewa. Through the community-based and tribal programs, IPV victims occasionally can access a hotel room as a safe place for one or two nights. Further complicating matters, because the tourism industry is the county's main source of revenue, hotel rooms are frequently unavailable or prohibitively expensive.

no neighbors to hear screams and no doors to knock upon for immediate help.' The proximity to neighbors directly corresponds to the likelihood of third-party reporting of domestic abuse; where there is nobody close enough to hear or see a violent episode, there is nobody to call the police." (citations omitted)).

¹⁷ *Id.* ("In a rural county in Wisconsin, [t]hirty percent of the victims [surveyed at a domestic violence shelter] reported having no phone.' This is in great contrast to the general population, in which it was reported that only four percent were without a phone." (citations omitted)).

¹⁸ Peek-Asa et al., *supra* note 14, at 1743.

¹⁹ Maria J. Perez-Patron et al., *Rural Versus Urban Prevalence of Intimate Partner Violence: Related Emergency Department Visits, 2009-2014*, SW. RURAL HEALTH RSCH., Aug. 2020, at 1.

Access to Healthcare

Many Beyond Big Cities members emphasized it is often difficult for IPV victims to obtain medical attention due to limited hospital capacity and the long distance to an emergency room. For example, in Prince Edward County, Virginia there are no forensic nurses at the local hospital. Therefore, victims of strangulation must travel long distances to obtain the appropriate medical treatment and follow-up care. Similarly, in Jefferson County, Washington, there is only one hospital and no outpatient clinic. In order to get to the hospital, IPV victims need to cross the one bridge within the county – unfortunately, many of the most economically disadvantaged people live the furthest away from the bridge. Despite a rise in the number of rural insurance coverage options, rural uninsured rates remain slightly greater than in metropolitan regions, further limiting access to healthcare.²⁰

The challenges facing prosecutors in rural areas highlight the need for programs that help people living in isolation with limited economic support and access to healthcare.²¹ It is vital that rural prosecutors develop innovative programs to stop repeated abuse as part of their strategy in prosecuting IPV. Ideas for how prosecutors can divert those accused of IPV into rehabilitation programs when appropriate, as well as serve and protect survivors, are discussed below.

Innovative Rehabilitative Programs for the Accused

Prosecutors have traditionally relied on punitive measures to respond to IPV. Thus, the landscape for rehabilitative programs for the accused is limited. Programs that are widely implemented typically exist post-arrest. Furthermore, some Beyond Big Cities members observed that rehabilitative programs, such as batterers' intervention programs, are underutilized in their communities. Other Beyond Big Cities members reported the absence of a batterer intervention program within their jurisdiction altogether.²²

Below is a summary of programs that jurisdictions of all sizes, including smaller ones, can explore as they seek to reduce IPV in their communities.

20 Jennifer Cheeseman Day, [Rates of Uninsured Fall in Rural Counties, Remain Higher Than Urban Counties](#), U.S. CENSUS BUREAU (2019) (“Residents of rural counties still lack insurance at higher rates than those living in urban areas. About 12.3 percent of people in completely rural counties lacked health insurance compared with 11.3 percent for mostly rural counties and 10.1 percent for mostly urban counties.”).

21 Pruitt, *supra* note 9, at 360 (“Physical isolation from jobs, opportunities, services, and other people defines rural living. Such isolation can be particularly disabling for rural women who already are vulnerable economically and physically.”).

22 It should be noted that the effectiveness of batterers' intervention programs varies widely. See Andrew L. Klein, [Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges](#), NAT'L INST. OF JUST., Apr. 2009, at 65 (“[T]here have been more than 35 evaluations of batterer intervention programs, but they have yielded inconsistent results.”); [Batterer Intervention Programs Have Mixed Results](#), NAT'L INST. OF JUST. (Oct. 9, 2019) (“A number of batterer program evaluations have been conducted, but with inconsistent results.”).

IPV Intervention Programs

The National Network for Safe Communities' Intimate Partner Violence Intervention (IPVI) identifies and deters individuals known to law enforcement who commit acts of IPV, with a special focus on those who engage in the most serious acts of IPV.²³ Research shows that people who ultimately kill their partners have a history of committing multiple acts of IPV,²⁴ thereby giving law enforcement the opportunity to identify the highest-risk people and engage with them before it is too late. With the help of prosecutors, service providers, and the community, law enforcement officers identify and inform potential or current abusers that law enforcement will intervene if necessary. Based on new incidents, and informed by a criteria reflecting the local IPV offending dynamics, individuals suspected of committing acts of IPV are classified at different levels in a four-tiered structure, with a specific and tailored response for each level. To ensure survivor safety, there is a corresponding victim outreach and engagement component and an emphasis on affirmative outreach. Those with extremely dangerous histories are classified as "A-Level."²⁵ Individuals identified as A-level are pursued and aggressively prosecuted when possible.²⁶ People with a less violent history are classified as "B-Level."²⁷ B-Level people receive a tailored face-to-face message delivered by a partnership of law enforcement, social services, and community members. Some are also required to attend a "call-in" meeting where they are informed of the community's stance against IPV, and the actions that have been taken against others who committed acts of IPV. In addition, those at the "call-in" meeting are given a genuine offer of help. Potential victims of B-level individuals are provided with various services, such as a risk assessment and safety planning.²⁸

Studies of IPVI have demonstrated promising results. For instance, the implementation of IPVI in High Point, North Carolina corresponded to, among other things, a reduction in IPV-related homicide rates.²⁹ In Kingston, New York, where the community implemented an IPVI

23 See David M. Kennedy, [Rethinking Law Enforcement Strategies to Prevent Domestic Violence](#), NAT'L CTR. FOR VICTIMS IN CRIME 8, 12-14 (2004).

24 See, e.g., Janice Roehl, [Intimate Partner Violence Risk Assessment Validation Study, Final Report](#), March 28, 2005, at 10 ("Two earlier American studies in different jurisdictions documented that two-thirds of the intimate partner femicide cases had a documented history of battering of the female partner (Moracco et al., 1998; Campbell, 1992). The recent 11-city study found that 72% of the intimate partner femicides were preceded by physical violence by the male partner before he killed the woman (Campbell et al., 2003). Intimate partner homicides of men by women are also characterized by a history of battering of the female homicide perpetrator by the male partner in as many as 75% of the cases (Hall-Smith et al., 1998; Campbell, 1992)").

25 [Intimate Partner Violence Intervention Issue Brief](#), NAT'L NETWORK FOR SAFE CMTYS. AT JOHN JAY COLL., at 2 (explaining that A-level individuals could include people with three or more IPV-related charges, someone with a violent criminal history, or a prior IPV conviction).

26 *Id.* at 3 ("Legal action by any means available. Law enforcement may employ 'pulling lever' non-IPV actions that do not require victim cooperation or produce more effective sanctions than IPV options.").

27 *Id.* at 2 (explaining that, as an example, B-level people could include people with two IPV charges or a violation of prohibited behavior).

28 *Id.* at 3.

29 Stacy Sechrest et al., [Evaluation of the Offender Focused Domestic Violence Initiative \(OFDVI\) in High Point, NC and Replication in Lexington, NC.](#), N.C. NETWORK FOR SAFE CMTYS., U.N.C. GREENSBORO, Feb. 2016, at 82 ("The decline in homicides in High Point coincided with declines in homicide numbers across the country, though the 61% reduction in High Point for years 2009-2014 is greater than the reduction seen in North Carolina for the same time period. In North Carolina, the murder rate dropped from 6.5 per 100,000 people in year 2008 to 4.8 per 100,000 in year 2013 representing a 26% reduction in homicide victimizations (FBI, 2014; 2009). During the pre-OFDVI period in High Point, 27% of all homicides were IPDV-related which is higher than the 16.3% rate of IPDV-related homicides reported nationally. The 2005 and 2006 IPDV-related homicide rates of 55.6% and 40% were especially high compared to national rates as were the overall homicide rates of approximately 9.0 to 10.0 per 100,000 people in High Point during the same time period. High Point has reduced the overall homicide rate in the City over the last decade and almost eliminated IPDV-related homicides since OFDVI-strategy implementation.").

program, “recidivism for intimate-partner violence . . . [stood] at 23 percent over the two-year implementation period, a number that compares favorably to ordinary rates for that crime, which tend to hover at 50 to 60 percent.”³⁰

Example:

As another example of a preventative program, Jason Clark, Director of Northwest Credible Messenger, uses a culturally informed approach to identify and educate people who are likely to be incarcerated for IPV offenses. Mr. Clark’s program educates people between the ages of 14 and 24 who have had disputes with significant others (but have not been arrested or accused of any crime) about IPV. The program is intended to deter future acts of violence. Young adults are taught about healthy partnerships in a small group environment over the course of a twelve-week program. The curriculum strives to help participants examine the social and cultural variables that influence an individual’s life and gives participants resources and tools to navigate the environment and challenges they face. Currently, the community and local schools are the sources of program referrals. Mr. Clark is working to broaden the program to include prosecutors’ referrals.

Post-Arrest Treatment and Diversion

While an arrest and prosecution may provide victims with resources and time to implement safety plans, it does not necessarily deter future violence. In fact, some studies show that arrests have no impact on recidivism.³¹ For this reason, prosecutors should explore programs that deter future acts of violence in non-traditional ways when appropriate. For example, a study conducted in Memphis “revealed that almost all [domestic violence] assailants³² had used drugs or alcohol during the day of the assault; two-thirds had used a dangerous combination of cocaine and alcohol.”³³ To the extent alcoholism, mental health, or other social factors are contributing to the violence, prosecutors should provide those accused of IPV with access to rehabilitative programs that may reduce the likelihood that they re-offend.

Examples:

In Thurston County, Washington, where substance use disorder is a contributing factor to the violence, the accused in an IPV case may be allowed to participate in drug court. Similarly, those with a mental health condition that contributes to the violence may be allowed to participate in the mental health court.

District Attorney Christian Champagne expanded the Sixth Judicial District’s diversion program in

30 Michael Friedrich, *Breaking the Cycle of Intimate-Partner Violence*, JUST. MATTERS, JOHN JAY COLL. (Fall 2021).

31 Leigh Goodmark, *Reimagining VAWA: Why Criminalization Is a Failed Policy and What a Non-Carceral VAWA Could Look Like*, 27 VIOLENCE AGAINST WOMEN 84, 89 (2020) (“[T]he evidence on the deterrent effects of arrest is not conclusive. Replication studies have failed to find that arrest consistently deters further violence. Studies have shown effects ranging from modest to nonexistent; in some populations, arrest exacerbated violence.” (citations omitted)).

32 It should be noted that most of the relationships examined in the study were IPV-related with female victims and male assailants, but some involved sibling or in-law assault, parent-child or child-parent assault, and wives battering their husbands.

33 *Drugs, Alcohol, and Domestic Violence in Memphis*, NAT’L INST. OF JUST. (Oct. 1997). See also Lawrence A. Greenfeld, *Alcohol and Crime: An Analysis of National Data on the Prevalence of Alcohol Involvement in Crime*, BUREAU OF JUST. STAT., Apr. 28, 1998, at 5 (“On average, there are about 1 million incidents of violence each year in which women are the victims of an intimate assailant & a current or former spouse, boyfriend, or girlfriend. Among the women who knew whether the offender had been drinking or using drugs, about two-thirds of both black and white victims reported that the offender with whom they shared an intimate relationship had been drinking.”).

Colorado to include IPV cases. The use of diversion for IPV cases was controversial, in part because some cases were diverted in lieu of a dismissal. DA Champagne noted that his office has been careful to use the diversion program in a way that avoids capturing cases that cannot be proven, or are without merit. Rather, DA Champagne reserves the diversion program for cases in which the survivor recants but the case can still be proven (albeit with more difficulty). The motivation for the policy was to find treatment for the accused, rather than dismissing a potentially difficult case without taking any measures to prevent another violent incident.

When alternatives to incarceration are not available, prosecutors should encourage local jails to offer services to incarcerated persons. For instance, in the Franklin County House of Corrections in Greenfield, Massachusetts, incarcerated persons with underlying IPV charges are able to participate in an 8-week counseling program about IPV and trauma in the family. The goal of the program is to reduce recidivism and increase public safety. Prosecutors should advocate for resources to support services that will rehabilitate people accused of IPV, whether it be in the form of diversion or a program provided in local jails.

How Are Smaller Jurisdictions Assisting Survivors of Intimate Partner Violence?

Survivors of IPV typically receive little support from prosecutors beyond the criminal prosecution of their abusers. Despite the contact between a victim and a prosecutor throughout the duration of a case, victims are often left on their own to find housing, counseling, childcare, and employment. While Beyond Big Cities members acknowledged that the facilitation of services plays a large role in the victim's cooperation (and ultimate recovery from trauma), these services are often limited in smaller jurisdictions, particularly rural ones.³⁴ While some members have secured grants to hire victims' advocates, others have had to look to community collaboration and innovative office policies to assist victims of IPV.

Beyond Big Cities members discussed measures to safeguard victims of IPV despite having limited resources. In identifying the common dangers and difficulties surrounding IPV, Beyond Big Cities members have tried to protect survivors by prioritizing those at high risk of a fatality, pursuing prosecution without the victim's testimony, or implementing Family Justice Centers. Below are details of these three specific examples.

Prioritize High Risk Victims

Particularly because they lack the resources of their counterparts in metropolitan areas, some prosecutors in smaller jurisdictions have prioritized victims who are at high risk of a fatality. For example, the Northwestern District Attorney's Office in Massachusetts developed a

³⁴ Peek-Asa et al., *supra* note 14, at 1743 (“[R]ural IPV programs served more counties and had fewer on-site shelter services.”).

Domestic Violence High Risk Team.³⁵ The Team monitors high-risk intimate partner cases and has widespread representation from the DA's office, police departments, probation, parole, sheriffs' departments, emergency dispatch, bail commissioners, Department of Children & Families, and community victim advocates. The Team meets monthly and reviews potential high risk people who are referred to the High Risk Team Coordinator. It utilizes an assessment that prioritizes prosecution, provides for police safety checks, and increases safety plans with victims in cases involving threats to kill, strangulation, use of a weapon or the threat to use a weapon, and similarly risky scenarios.

Prosecution Without a Victim's Testimony

Historically, IPV cases have high dismissal rates often due to lack of victim cooperation.³⁶ Although a survivor's hesitation to cooperate is not unique to smaller jurisdictions, the issue came up repeatedly during Beyond Big Cities discussions. Prosecution without the victim's testimony allows prosecutors to bring a case using other available evidence, and arguably takes the burden off the victim.³⁷ However, some Beyond Big Cities members emphasized that, in order to relieve pressure on the survivor, prosecutors must sometimes engage in a balancing act that necessitates dismissing certain charges instead. Furthermore, a member of Beyond Big Cities noted that if the victim does not testify, some juries will not convict. To aid the success of evidence-based prosecutions, prosecutors should work with local police to ensure that early in a case, police gather necessary evidence, including but not limited to 911 calls, neighbor witness statements, children witness statements, forensic evidence, on-scene and follow-up photographs of the victim's injuries, and medical records from instant and prior incidents of violence.

Family Justice Centers

Family Justice Centers are wraparound service centers designed to provide adult and child victims with services all under one roof to empower IPV victims to successfully and permanently leave their partners.³⁸ Family Justice Centers allow survivors to meet with law enforcement, advocates, social workers, and child protective services in one location.³⁹ The Family Justice Center movement began in 2002, with the opening of the San Diego Family Justice Center. Today, there are over one hundred Family Justice Centers, or modified versions of the original model, across the United States, including locations in smaller and rural jurisdictions. A 2012-

35 David E. Sullivan, [Domestic Violence High Risk Team](#), OFF. OF NW. DIST. ATT'Y (2019).

36 Barbara E. Smith & Robert C. Davis, [An Evaluation of Efforts to Implement No-Drop Policies: Two Central Values in Conflict](#), NAT'L INST. OF JUST., 2004, at III-4-3 ("So-called no-drop or evidence-based prosecution was pioneered in places such as Duluth, Minnesota, and San Diego, California, in the late 1980s in response to the high dismissal rate of domestic violence cases. Until then, it had been the practice of most prosecutors and judges to dismiss domestic cases in which the victim was unwilling to come to court or to testify against the defendant. Because many victims failed to cooperate for a variety of reasons, domestic violence cases had dismissal rates many times higher than other crimes.").

37 See *id.* ("Some advocates argue that no-drop policies are victim-friendly because they take the burden of continuing a prosecution away from the victim and decrease the abuser's power to force the victim to drop charges.").

38 [Brooklyn Family Justice Center](#), BROOK. DIST. ATT'Y OFF. (last visited Jan. 3, 2022) ("The Brooklyn Family Justice Center (BFJC) provides 'one-stop shopping' for domestic violence survivors by placing lawyers, police, dedicated domestic violence prosecutors, counselors, clergy, and other service providers under one roof."); Casey Gwinn et al., *The Family Justice Center Collaborative Model*, 27 ST. LOUIS U. PUB. L. REV. 79, 98 (2007) ("The Family Justice Center collaborative model seeks to put the victim and her children first by bringing as many professionals and services as possible under one roof. The victim will have access to the professionals she will need concerning her criminal case as well as access to answers concerning the civil court, legal issues and resources.").

39 *Id.*

2013 study of Family Justice Centers in California found 35 ways that survivors benefited from co-location of services, including a safe and supportive environment and access to legal and therapeutic services.⁴⁰

Initially, some Beyond Big Cities members were skeptical that they could start Family Justice Centers in their jurisdictions, especially those whose offices have limited personnel. However, through a conversation with Casey Gwinn and Gael Strack, co-founders of the Alliance for HOPE International,⁴¹ members learned of thriving Family Justice Centers in relatively small communities. In fact, Prosecuting Attorney Jon Tunheim and District Attorney Todd Williams, both serving populations of less than 300,000 people, previously brought Family Justice Centers to their jurisdictions.

To address staffing concerns, members were advised to develop a Family Justice Center in which prosecutors could be called to the center when appropriate (rather than staffing the center full-time) and court appearances could be held via video conference. Prosecutors in very small communities were encouraged to create multi-county Family Justice Centers by pooling resources with their counterparts in neighboring jurisdictions.

Checklist for Developing a Family Justice Center (FJC) in a Smaller Jurisdiction

Below is a checklist to create a FJC in a smaller jurisdiction. These ideas highlight and modify some of the suggestions in a PowerPoint created by the Alliance for HOPE International.⁴² The checklist also incorporates recommendations that the Alliance made during its presentation to Beyond Big Cities members, as well as information the IIP gathered during interviews with Beyond Big Cities participants. The checklist seeks to assist prosecutors in smaller jurisdictions develop FJCs to serve IPV survivors.

Demonstrate the Need for a FJC

Community buy-in is vital. Prosecutors are in a unique position to gather data regarding IPV statistics and the results of cases. This data should be presented to the community in an effort to highlight the need for a FJC (i.e. noting high recidivism rates, if relevant). It is also important to identify community leaders to help advocate for the development of a FJC. As the creation of a FJC can take years, it is important to have the support of community leaders throughout the various stages including the planning, funding, and opening of the FJC.

⁴⁰ [Final Evaluation Results](#), EMT Assocs., July 2013, at 64.

⁴¹ The [Alliance for HOPE International](#) focuses on creating innovative, collaborative, trauma-informed, hope-centered approaches to meeting the needs of survivors of domestic violence and sexual assault and their children. Mr. Gwinn and Ms. Strack launched the movement to create Family Justice Centers nationwide and the Alliance serves as the Training and Technical Assistance Provider for all federally funded Family Justice Centers.

⁴² Gael Strack & Casey Gwinn, [How to Start a Family Justice Multi-Agency Center in Your Community - It is Time](#), THE ALL. FOR HOPE INT'L (2017).

Example:

In Buncombe County, North Carolina, the County Manager played a large role in the development of the FJC, including securing the physical location of the FJC.

Determine Who is Best Positioned to Run a FJC

Prosecutors seeking to start a FJC must determine whether their community will be better served by the development of a FJC run by local law enforcement, community-based agencies, or a city agency. In making these decisions, prosecutors should consider community trust in local law enforcement, community culture, and the presence of community-based organizations. Approximately half of FJCs in the nation are coordinated by prosecutors' offices, police departments, or other public agencies, and half are housed in shelters or other non-profit organizations. One Beyond Big Cities member suggested that one or more local churches could partner with a prosecutor's office to support or operate specific FJC programs. A local hospital may also be a viable community partner.

Example:

In Thurston County, Washington, the FJC is run by the Family Support Center of South Sound due to the organization's strong community presence in IPV-related work. The Center provides a wide variety of services to individuals in crisis including housing assistance and employment support. The Thurston County Prosecuting Attorney's Office rents a space in the Family Support Center for their IPV prosecution unit, which is made up of deputy prosecutors, staff, and victim advocates. The Center also includes space specifically designed for prosecutors to meet with survivors.

Consider Multi-County FJCs

Due to limited resources in many smaller jurisdictions, local prosecutors are encouraged to partner with neighboring counties to develop FJCs. By partnering with neighboring counties, prosecutors can broaden the scope of community partners and resources. For example, in Northwestern Ohio, a single grant created a main FJC with five satellite offices in multiple counties.⁴³

Obtain Community Input, Identify Potential Partners, and Evaluate Services Available

In looking for partners, prosecutors should start with agencies with whom they have built a positive relationship and seek their assistance in identifying additional partners. In seeking partners, prosecutors should explore local law enforcement agencies and mental health organizations. Other potential partners include community-based organizations that offer housing to IPV victims, schools, and organizations that serve marginalized communities. As part of this process, prosecutors should familiarize themselves with the work of each organization. Prosecutors should convene local community-based organizations to identify which services

⁴³ See Meg Townsend et. al, [Evaluability Assessment of the President's Family Justice Center Initiative](#), NAT'L INST. OF JUST., Sept. 2005, at 34.

are needed in the community. During this time, it is recommended that focus groups are conducted to gain a full understanding of the community's needs. The goal of a FJC is NOT to replace or duplicate any existing community programs, but rather to make existing programs more accessible to survivors.

Create a Planning Team

Once the community's needs are established, create a planning team of core partners, including, for example, a law enforcement agency and a non-profit with experience in serving IPV survivors (i.e. a shelter).

Bring Together All Stakeholders in an Effort to Build a Common Understanding and Establish Core Values

A clear understanding of the purpose and goals of the FJC will help garner community buy-in. Community-based organizations, local government representatives (i.e. from the local legislature, city council, and state senator's office), law enforcement, and survivors should be invited to an informal meeting. Do not limit the meeting to members of the planning team. During the meeting, it is important to have a discussion regarding core values with which the FJC will operate. Prosecutors should emphasize that although the participation of a survivor in the criminal process may be a byproduct of the FJC, the primary goal is ensuring their safety. It is recommended that an outside facilitator is present during the meeting.

Develop a Formal Strategic Planning Process

The Alliance for HOPE International has conducted the formal strategic planning for more than 85% of FJCs in the United States and around the world. An inclusive, community-wide planning process with a full-time Project Coordinator has been crucial to the ultimate success of most FJC frameworks in the United States. In very small prosecutors' offices, consider asking a partner organization or agency to appoint someone on its staff as the coordinator.

Location

Determine the location for a FJC. It is important to keep in mind how the center will secure the safety of those receiving services and working in the FJC, as well as the center's physical accessibility to marginalized communities.

Secure Funding

In seeking funding, prosecutors are encouraged to explore the U.S. Department of Justice's Improving Criminal Justice Response Program, Violence Against Women Act grants, the Victims of Crime Act Fund, and county funding. Local prosecutors should also partner with community-based organizations to secure resources, including those offered by private foundations seeking to prevent family violence.

Example:

In 2011, the Thurston County, Washington Prosecuting Attorney's Office secured a two-year grant to create a Family Safety Team. This initial grant helped the Thurston County Prosecuting Attorney's Office build relationships with local community-based organizations prior to starting a FJC. When seeking funding for the FJC, one of the community-based organizations was able to secure a grant and has received yearly supplemental funding.

Elevate the Voices of Survivors Through the Formation of a Survivor Advisory Board

Survivors must have a voice throughout the planning and development of a FJC. Inviting survivors to tell their stories will provide insight into current community shortcomings and gaps in services.

Example:

In Thurston County, Washington, the Survivors Advisory Board was taken into the room in which victims of intimate partner violence would be interviewed within the FJC. Survivors pointed out the room only had one exit, which had the potential to make victims feel uneasy depending on their personal experience. Thurston County then created an additional door providing two exits, one of which led to another space for victims.

Determine the Prosecutor's Office's Internal Commitment

It is critical that prosecutors' offices determine the internal resources it can commit prior to starting the development of the FJC. In doing so, elected prosecutors should ask: How many staff members can I dedicate to the FJC and how will this impact my team? If I cannot dedicate even one member full-time, what part-time or "on-call" system can I create internally? An honest assessment of resources and capacity will, in the long run, lead to a more effective FJC.

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