



APA DOMESTIC VIOLENCE COMMITTEE POSITION STATEMENT

The Association of Prosecuting Attorneys (APA) is a national non-profit organization that supports prosecutors in creating safer communities. It serves as a forum for collaborating with criminal justice partners and advocates on behalf of prosecutors on emerging issues related to the administration of justice. APA supports all prosecutors, including both appointed and elected prosecutors, as well as their deputies and assistants, whether they work as city attorneys, tribal attorneys, city prosecutors, district attorneys, state's attorneys, attorneys general, or US attorneys.

Formed in 2017, APA's Domestic Violence (DV) Committee brings the nation's leading working DV prosecutors and victim advocates together to advance the field of domestic violence prosecution and address the needs of DV prosecutors, managers and victim advocates. The Committee is comprised of 25 to 30 prosecutors and victim advocates from major jurisdictions experienced in DV prosecution and management. Committee members represent over 30 million community members and are responsible for tens of thousands of felony and misdemeanor cases every year. The work of these practitioners focuses on intimate partner violence (IPV). The Committee's work is informed by the experiences of current working DV prosecutors, national experts and allied DV partners.

DV Committee Priority Areas and Action Plan

There are no easy or one-size-fits-all answers for effective DV response. DV is complex and while traditional mandatory responses of arrest, batterer intervention, no drop prosecution, and other one-size-fits-all approaches had value in the past to require response in a culture that had none, these policies also had significant costs. Today, mandatory policies should be reevaluated as they can constrain prosecutors and their partners as they work to reduce future violence while balancing the well-being of the victims and communities they serve.

Along with the difficulties inherent in prosecuting DV, implementing meaningful changes requires prosecutors with the skills and training to make good judgements and exercise discretion when assessing each DV case. To enhance DV prosecution, this Committee aids DV prosecutors in finding strategies to manage the personnel and policies of DV prosecution, promote reform of DV response, and maintain and share their innovations with other

jurisdictions. In doing its work, the DV Committee focuses on the following six priority areas:

1. *Innovation*
2. *Development of New and Effective Partnerships*
3. *Criminal Justice Reform*
4. *Training*
5. *Research*
6. *Case Loads, Resources and Staff Wellness*

1. Innovation

Victim recantation, threats of injury or death, and finding interventions for offenders that effectively stop the cycle of abuse across large caseloads is a daily challenge for prosecutors.

The DV Committee works collaboratively to collect and promote practical policies, practices, and innovations among offices to help build more effective and efficient responses across DV caseloads grounded in equity, science, and evidence. Innovations in DV response are happening across the country; many jurisdictions such as San Diego, Kings, Baton Rouge, Alameda, Milwaukee, Multnomah, and Denver adopted family justice centers. Additional examples of innovative work include:

- *Maricopa County's creation of model responses on workplace wellness and strangulation.*
- *Seattle and King County created a regional multi-jurisdictional multi-disciplinary team to respond to firearms relinquishment and extreme risk protection orders.*
- *Atlanta-DeKalb County created partnerships with its U.S. Attorney's Office and its local probation department to respond to domestic violence firearms cases.*
- *Atlanta-DeKalb County and King County created civil legal aid-prosecution partnerships.*
- *Multnomah County created remote protection order access for victims.*
- *Harris County implemented 24-hour, on-call advice from prosecutors to police for all DV case investigations.*

These innovations are effective as they are implemented by highly functional and collaborative DV teams. Many prosecutors' offices may be unaware of each other's innovations and their potential, or lack the tools or resources to implement new programs on their own. The DV Committee aids DV prosecutors in identifying, implementing, and



scaling innovative programs by providing practical real world understanding from working practitioners who share the same challenges.

2. Development of New and Effective Collaborations

Prosecutors and advocates face the daily challenge of how to manage large volumes of DV cases while promoting dignity and respect for victims, community involvement, offender accountability, all while creating office cultures that support and sustain difficult work. In order to be successful, prosecutors and advocates must foster relationships and collaborations to build a multi-disciplinary team response to high risk offenders and those most marginalized.

The DV Committee supports prosecutors' efforts to partner with other stakeholders to address domestic violence. The DV Committee collaborates with the [Center for Court Innovation](#) to understand current trends in DV and supports proactive efforts to strengthen working partnerships with civil legal aid. The DV Committee collaborates with the [Coalition to Stop Gun Violence](#) and the [Education Fund to Stop Gun Violence](#) to address issues in firearms relinquishment. The Committee collaborates with the [COURAGE in policing project](#) to address systemic gender bias in the criminal justice system.

3. Criminal Justice Reform

APA is at the forefront of supporting prosecutors in their efforts to create safer communities through criminal justice reform. The DV Committee supports these efforts using member expertise and partnerships to bring DV into the national criminal justice reform discussion, particularly as it relates to marginalized victims and racial and ethnic disparities. The DV Committee promotes policies and procedures to strengthen trust between community and the criminal justice system by seeking evidence-based approaches to address risk and needs.

APA members are engaged in the difficult work of criminal justice reform in DV with a focus on new ways to stop the violence and promote safety and accountability. Criminal justice reforms in DV have been implemented in jurisdictions throughout the country. For example:



- *Denver is developing a multi-disciplinary Trauma Court to address victims who enter the criminal justice system as defendants.*
- *King County has partnered with the YWCA to create diversion and address unmet victim needs of survivor-defendants.*
- *Baton Rouge implemented TRUCE to reduce violence committed by young people*
- *The Manhattan and Brooklyn DA offices are engaged in systematic overhaul of their DV response.*
- *The Milwaukee DA promotes diversion programs.*
- *Alleghany County, King County and New York are reforming batterer intervention and sentencing to become evidence-based.*

Among the most important criminal justice reforms is development of practical scalable policies and practices to remove firearms from DV offenders. DV homicide perpetrators use guns more often than all other weapons combined. Over half of the perpetrators in DV-related shooting deaths were prohibited from owning guns. When a gun is present in DV, it increases the risk of homicide by 500 percent. Keeping the promise to victims, their children, and the community of removing firearms when offenders are ordered to surrender or prohibited from firearm possession is overdue criminal justice reform.

4. Research

Although developing and disseminating new practices and policies for DV response is necessary to reducing harm and improving community safety, it is not sufficient without proper research and evaluation. The DV Committee works with national partners who thoroughly research programs, laws and initiatives. The DV Committee will promote practices and policies grounded in science and evidence.

5. Training

The DV Committee provides national trainings by practitioners for practitioners. These trainings not only address day-to-day challenges, inside and outside of the courtroom, they provide a forum for discussing new ideas and strategies among working DV prosecutors,

managers and victim advocates. The value of this community of learning and sharing cannot be overstated as DV prosecutors and victim advocates often feel isolated in their work. It is of critical importance that DV prosecutors and advocates are supported, trained and managed in ways that reflect their work as an office and community priority. To this end, the Committee partnered with the National Institute of Trial Advocacy to promote a first of its kind series of “learn by doing” trials skills trainings for recantation cases and management training for DV supervisors. This project was foundational to ongoing recantation and management trainings at the annual APA DV Conference.

6. Case Loads, Resources and Staff Wellness

Unmanageable caseloads, resource constraints, staff burnout, and turnover deter retention of experienced professional DV prosecutors. The DV Committee supports examining and developing DV case load standards and policies that allocate adequate staffing and resources to support a DV response. The DV Committee recognizes the work of responding to DV is hard. DV prosecutors have long hours, high caseloads, and continued exposure to DV cases can be emotionally taxing.

Further, successful management of a case can be difficult to gauge as domestic abuse is frequently not reported, and tragedies such as severe injury or death can impact morale. The high stresses and demands placed on these prosecutors and community partners contributes to burnout and turnover. The DV Committee believes the physical and mental health of individuals working on domestic violence cases is of paramount concern. The DV Committee is dedicated to promoting positive practices and strong office cultures that support staff wellness and resiliency.

Findings

1. Role of the Domestic Violence Prosecutor

The role of the domestic violence prosecutor is to serve our diverse communities with fairness and humility while developing innovative solutions and collaborative partnerships to ensure victims and their families receive the support they need. We understand our work is part of a larger effort to end domestic violence, which means providing legal solutions while



meeting the needs of the people we serve. As such, the DV prosecutor has a unique role to carry out a victim-centered response to keep victims safe and hold abusers accountable. The role of prosecution remains key to reducing the incidences of DV. The criminal justice system, prosecutors and advocates in particular, play an important role in a community response to DV.

2. Victim-Centered Approach

The DV Committee knows there are many obstacles for victims to decide whether to participate in a criminal case against the perpetrator such as exposure to retaliation, escalating violence, forced separation, and financial hardship. Victims often face repercussions for talking to prosecutors or giving an official statement or testifying. Witness tampering and intimidation by perpetrators is a significant problem in DV cases, and victims recant and/or refuse prosecution due, in part, to perpetrators' manipulation and threats. As recognized by the U.S. Supreme Court, "This particular type of crime is notoriously susceptible to intimidation or coercion of the victim to ensure she does not testify at trial." Minimization and recantation are often by-products of sophisticated manipulation by DV offenders. Abuse which exists before arrest continues afterwards when offenders continue to use abusive strategies and other sophisticated emotional manipulation to erode victim's agency and achieve their goal of getting charges dismissed.

Victims are presented with mutually exclusive and often competing demands – preservation of the family versus holding a loved one accountable for ending their violence versus immediate and long term safety and well-being. The reality for many DV victims is that recantation or non-cooperation often seems to be the safest and most prudent course of action. Prosecutors must take a victim-centered approach and work to provide marginalized victims the resources they need to be made whole after a criminal episode thereby empowering them to live a life free of violence and abuse.

The DV Committee finds DV survivors, and disproportionately women of color survivors, frequently enter the criminal justice system as a result of their victimization. Research and common experience of criminal justice practitioners show women charged with a crime are overwhelmingly survivors of intimate partner or sexual abuse. Prosecutors must take a victim-centered approach to recognize the connection between victimization and later illegal activity and develop policies as well as diversionary or sentence alternative programs to



provide marginalized victims the resources they need to be made whole. Past victims of DV who return to the criminal justice system as defendants due to their victimization deserve a second-look and a second chance.

Victims of DV and their children experience the greatest risk in the criminal justice system and face the most civil legal problems in every aspect of their lives. The DV Committee has found this to range from family, health care, credit, housing, education and access to essential governmental benefits and services. Thousands of victims seek remedies outside the criminal justice system such as civil protection orders without any legal assistance, an arduous, emotional and risky task. Many victims need interpreters, and all are taking enormous risks to stand up to their abuser.

The DV Committee recognizes that advocacy and civil legal aid is an important part of a victim-centered approach and what works to reduce domestic violence and violent crime in a community. Increasing access to advocacy and civil legal assistance will reduce the number of DV victims, help achieve positive results in legal disputes between a victim and her abuser, address the needs of children, improve coordination on child custody, and promote substantial improvements in well-being and self-sufficiency.

3. Cultural Responsivity

The DV Committee acknowledges the disproportionate impact criminal justice policies have on marginalized communities and the corresponding need for criminal justice reform – a need that extends to domestic violence response. Domestic violence affects every culture, race, creed, age, disability, gender, gender identity, or sexual orientation; however, marginalized populations are disproportionately impacted by domestic violence and the barriers caused by the historic lack of culturally responsive interventions. Inadequate cultural-responsivity leave marginalized populations underserved for various reasons including, but not limited to: concerns (real and/or perceived) about being ignored, misunderstood, or disrespected; fear (real and/or perceived) and lack of trust of formal systems due to past experiences with those systems; insufficient access to services; and overall lack of familiarity with the criminal justice system. As communities become more diverse, so do the needs of DV survivors. Because of this, prosecutors must be steadfast in their commitment to increase their cultural responsivity.



In order to create and maintain safe and violence-free relationships, prosecutors handling DV cases must recognize the different forms disparities can take in the criminal justice system and the historic marginalization of communities in the provision of supportive services. Many victims are “at-risk”, lack access to needed systems and resources, have significant unmet civil legal needs, or have experienced high rates of repeated violence. Prosecutors have an obligation to try to understand the full spectrum of victims’ needs, reduce disparities, provide more culturally responsive services, and begin to address the contextual factors to promote more engagement in and access to the criminal justice system.

Conclusion

The DV Committee aims to foster an environment where working DV prosecutors and victim advocates from many of the largest and finest prosecutors’ offices in the country share their experiences in DV response, encourage reform, and transition from the conventional role of prosecutors as ‘case processors’ to becoming active in community safety and well-being.

This statement was unanimously approved the Association of Prosecuting Attorneys’ Board of Directors on Wednesday, July 3rd, 2019