

Recommendations for Prosecutors

Prosecutors are uniquely positioned to impact safety for victims and accountability for perpetrators of domestic violence.

The Georgia Domestic Violence Fatality Review Project has developed recommendations geared to reduce incidents of domestic violence and domestic violence-related homicide. To affect change, local communities must work diligently to implement these recommendations, which were developed by fatality review teams across the state. Acting on established best practices and calls to action from the Project's 15-year history is how Georgia will see real change in the future.

Out of the Courtroom

- + Develop specialized units to handle domestic violence cases in jurisdictions where there is a substantial caseload.
- + Provide contact information to the victim for all staff who will be handling the case, but identify a point person who will be the best contact.
 - o Ensure safety planning is available to all victims at every point of contact.
- + Provide warm referrals to domestic violence advocates for ongoing supportive services and safety planning.
- + Make brochures and materials on domestic violence program services available in prosecution offices.
- + Work collaboratively with domestic violence programs to implement measures to hold offenders accountable and increase victim safety.
- + Collaborate to establish best practice guidelines for courts considering whether or not to rescind no contact orders in criminal domestic violence cases, at the victim's request or base
- + Minimize how often a victim has to tell her story, particularly when she has just experienced a traumatic event.
- + Attend training on domestic violence dynamics, risk indicators, evidence-based prosecution, and appropriate and ethical charging decisions.
 - o Partner with your domestic violence program to obtain training on the dynamics of domestic violence and lethality indicators, impact of trauma, identifying mental health issues and intervention strategies.
 - o Obtain training on mental health and suicide to assist in identifying needed interventions for suicidal perpetrators.



- Ensure responders from across the spectrum receive training on the issue of intimate partner stalking. The training should incorporate both the identification of stalking behaviors and how to respond to intimate partner stalking in accordance with best practices within their field.
 - + Ensure there are adequate resources to provide Family Violence Intervention Program (FVIP) in all areas of the state. In circumstances where no FVIP program is present, judicial and prosecutorial leadership should encourage local providers or other agencies to apply for certification. Knowledgeable stakeholders have a duty to educate those in positions of influence regarding the difference between FVIP and anger management classes, and encourage policies which require FVIP attendance by abusers.
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Case Assessment

- + Evaluate all domestic violence cases – regardless of charge classification – for victim safety and include any risk factors in recommendations to the court.
 - Make appropriate charging decisions based on what the law requires. If a felony charge is authorized by law, do not undercharge, particularly in recidivist family violence battery cases and in cases involving the use of a deadly weapon.
 - Consider any and all applicable charges to best hold the offender accountable.
 - Avoid minimizing the seriousness of a case where no injuries are apparent, where the victim has sought out the warrant, or where the case originates as a lower-level charge.
 - Treat seriously that which appears to be low-level violence as a means of potentially limiting the future escalation of the violence.
 - Develop or utilize existing screening tools for abusive behaviors which can be implemented at all points of contact with potential victims. Assessments such as the Stalking and Harassment Assessment and Risk Profile (SHARP) (available free of charge at [CoerciveControl.org](https://www.coercivecontrol.org)), Jacquelyn Campbell’s Danger Assessment ([DangerAssessment.org](https://www.dangerassessment.org)), or the Ontario Domestic Assault Risk Assessment (ODARA) ([odara.waypointcentre.ca](https://www.odara.waypointcentre.ca)) assess the big picture of the stalking situation by examining the course of conduct and provide a framework to educate victims about risks and safety.
- + Carefully review history of law enforcement calls and Temporary Protective Order (TPO) filings.
- + Despite the usual efforts to reduce their time in court, in those cases where children are also primary victims, consult them about their desire to participate in the court process.



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- Avoid making statements to child victims like “This is already hard enough on your mom.” Remarks similar to those may imply to the child victim that trauma they have experienced is less important than that of the adult victim.
 - + Develop a response model or protocol within the court to address abusers who display passive mental health status identifiers which may reflect increased risk for the victim; this can include making statements such as “I can’t seem to catch a break” or “I am feeling hopeless and drained.”
 - + For communities that are not able to aggressively prosecute all domestic violence cases, strategies must be implemented to prioritize high-risk cases in a manner that does not rely solely on the level of injury to the victim.
 - + Develop policies for handling cases where it is later believed a victim of domestic violence was arrested for a domestic violence-related crime. Engage domestic violence advocates to assist with this.
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Evidence

- + Use evidence-based prosecution techniques to increase viability of a case, even when a victim recants, minimizes what took place during the incident, or otherwise does not participate in the prosecution process.
 - + In cases where the victim recants or seeks to dismiss an action, refer the victim to a domestic violence program for safety planning, counseling and resources. However, do not mandate contact or participation.
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Court Outcomes

- + Carefully consider the private, repetitive and escalating nature of domestic violence when negotiating or making requests pertaining to setting bond, rendering sentences and imposing post-sentencing sanctions.
 - Be aware lack of prior criminal history does not indicate risk to the victim ceases to exist.
 - Look for risk indicators in every case, including those appearing to be lower level violence.
- + Ensure court outcomes for perpetrators of stalking appropriately reflect the severity of the behavior. Prior intimate partner stalkers are the most likely to recidivate, fail on conditional release, engage in both violent and non-violent re-offenses, and to commit new stalking offenses. Criminal sentences should be crafted with those findings in mind to enhance accountability for stalking offenders and to minimize the ongoing risk to victims.
- + Approach pleading down family violence charges with caution and careful consideration of the victim’s safety, perpetrator’s accountability, and evidence.



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- + Approach pre-trial diversion for domestic violence cases with caution and careful consideration of the victim's safety and perpetrator's accountability.
- + Consider ordering No Contact as a condition of bond versus No Violent Contact based on the victim's safety and wishes.
 - Establish guidelines considering whether or not to rescind No Contact Orders in criminal domestic violence cases when risk levels have changed.
- + Develop and use a variety of sentencing options for abusers, including FVIP programs, timely court review, jail time, work release, electronic home monitoring, and intensive probation.
- + Employ consecutive sentences for abusers who commit crimes during multiple incidents. Allowing concurrent sentences sends a clear message to perpetrators that they can get away with committing crimes, free from accountability.
- + Consider victims' opinions on disposition, but avoid general policies that automatically dismiss cases upon victim request.
- + Mandate completion of FVIP for abusers prior to dismissal or reduction of charges in plea negotiations.
- + Include specific requirements for the removal of firearms and ammunition in sentencing orders.
 - Develop countywide protocols to establish how each agency will cooperate to restrict access to firearms by domestic violence offenders and protective order respondents. Georgia's communities must carry the torch for this important issue until legislative and legal system actions catch up with the risk firearms pose to citizens of our state. Develop a plan to address abuser access with your local task force or coordinated community response.
- + Incorporate Fourth Amendment Waivers into plea offers and recommended sentencing.
- + Consider expedited bond and probation revocations in cases where the perpetrator re-offends.
- + Ensure other responders have knowledge of the offender's behaviors.
 - Provide information on the originating offenses and concerning behaviors to probation and community supervision officers who will be supervising the case post-sentence.
 - Send names and other identifying information for perpetrators convicted of a domestic violence-related misdemeanor to Probate Courts in your circuit in order to enforce existing Georgia law prohibiting those convicted of domestic violence-related misdemeanors from obtaining or maintaining a Concealed Weapons Carry permit.



- + To comprehensively address the problem, systems responders must assess their unique position to determine how they can impact change. All stakeholders must take immediate steps to address abusers' issues of non-compliance with court orders or new incidents of abuse.

Use the Georgia Domestic Violence Fatality Review Project Annual Report

- + Read and Remember
 - Read the fatality review reports and remember the stories of those who have lost their lives to domestic violence.
 - Share victims' names and stories at events that honor domestic violence victims and survivors.
- + Share with Others
 - Copies of this report and prior reports are available at GeorgiaFatalityReview.com. Email the link to coworkers, advocates, judges, police officers, mental health professionals, substance abuse counselors, attorneys, health care workers, religious leaders, teachers, family, and friends.
 - Print the sections you think are relevant to others' work and share these sections with them.
 - Print sections as handouts and use them in community presentations.
- + Discuss with Coworkers
 - Discuss the report during a staff meeting at your workplace.
 - Identify which recommendations are most relevant to your agency, and develop specific steps forward and work toward their implementation.
- + Incorporate into Strategic Planning
 - Use the recommendations as a tool for strategic planning.
 - Identify other agencies with which you want to collaborate, and discuss specific goals you can work toward together.
 - Use fatality review statistics and recommendations in grant proposals.
- + Develop Task Force Initiatives
 - As a group, identify areas in which the community is doing well and areas in which improvement is needed.
 - Identify two to four recommendations that are priorities for your community and implement them.



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- Create a subcommittee for your priority areas and report your progress to the Georgia Commission on Family Violence.

+ Increase Community Awareness

- Create discussion groups in your community to talk about the fatality review reports and recommendations for change. These groups can be interdisciplinary groups of professionals or groups of community members interested in making their communities safer and healthier.
- As a group, identify action steps toward implementing the recommendations in this report.
- Contact the Georgia Commission on Family Violence or the Georgia Coalition Against Domestic Violence for further conversations and presentations.

+ Alert the Media

- Alert the local media about fatality review findings, recommendations, and local work being done to help victims of domestic violence.
- For additional suggestions about working with the media download our Domestic Violence and The Media tip sheet here GeorgiaFatalityReview.com/resources/.



Georgia Coalition Against Domestic Violence | 114 New Street, Suite B, Decatur, GA 30030 (404) 209-0280 | gcadv.org

Georgia Commission on Family Violence | 270 Washington Street, SW, Suite 5145, Atlanta, GA 30334 (404) 657-3412 | gcfv.georgia.gov