

Afterword

Crossroads and the Coordinated Community Response

Ellen Pence

In 1980 a number of Minnesota advocates for battered women selected the small city of Duluth as the site of an experimental domestic violence intervention program. The plan was simple: shift the responsibility of controlling men's violence against their intimate partners from the victims of that violence to state and community agencies. Its design was complicated, both because the issue of violence within intimate relationships is complex and because the community's systemic tools to intervene in the private lives of its members are fragmented and often conflict philosophically. The premise of the program—that women's advocates, community dispatch centers, police, prosecutors, judges, and community human service workers should rethink how a local community processes domestic violence criminal and civil cases with an eye toward centralizing victim safety—became known as the “Coordinated Community Response,” or CCR.

One of the key components of the Duluth CCR has been the police department's mandatory arrest policy. Although this policy has created greater victim safety and offender accountability, it has for years also produced an unintended consequence: battered women who use force in an attempt to control their abuser's violence have been treated almost identically to the abusers who use violence to establish power and control. We knew arresting and prosecuting and sending battered women (or battered men) to rehabilitation groups was wrong, but we couldn't seem to find the way around the claim that to do anything else was gender biased and therefore both illegal and unfair. But because we had a history of being able to think through the tough problems without an interagency meltdown, we could come to the table focused on what has always been our goal, safety for victims of battering and for their children. Mary's account is the story of a coordinated community response functioning at its best.

Elements of a Coordinated Community Response

Seven features of a CCR are discussed here in relation to the Crossroads

Program.

1. Examining the violence in context

A fundamental strategy of the Duluth CCR is to continually make visible who is doing what to whom and with what impact.¹⁶⁹ “Domestic violence” is a catchall term for any act of illegal abuse by one partner against another. As such, it provides an institutional category for case processing that frequently groups very dissimilar behaviors together and treats them as one thing. This is exactly what was happening when victims of ongoing abuse were arrested for hitting back, then charged with the same crime their abuser was committing, convicted of that crime, and sent to a similar rehabilitation group.¹⁷⁰

Many abusers rely on our collective inability to distinguish among the various types of violence to exploit the very reform efforts put in place to protect battered women and their children. In such cases our actions become their weapons of post-separation control and punishment. Ensuring that his victim is labeled as an offender is the abuser’s most significant and powerful instrument of self-preservation and protection from community intervention.

Since its inception, the Domestic Abuse Intervention Project (DAIP) has worked with agency administrators to craft interagency agreements that recognize not all acts of violence in intimate relationships are the same. The Duluth Police Department mandatory arrest policy doesn’t apply until the violence has resulted in an injury to the victim, and in lower level cases officers retain discretion to determine if court intervention is necessary to prevent future violence. This is an attempt to give officers the authority to screen out cases that seem to fall outside

¹⁶⁹ We have borrowed this phrase from Anne Ganley, who provided the initial training for Duluth mental health workers on rehabilitation groups for abusers. She repeatedly suggested that we base our interventions on “who is doing what to whom and with what impact.”

¹⁷⁰ While some women can establish a relationship of dominance over their male partners, this is rare. Compared to women, men have a greater capacity to use this kind of violence because of the historic support for their domination in marriage, their physical strength in relation to that of their partners, their socialization to be in control of situations and people, women’s socialization to be in a support role to their partners, the objectification of women in the media, pornography, cultural practices, and the lack of social consequences for men for using such violence. (This last condition is changing with the reforms promoted by the battered women’s movement since the 1970s.) The movement did not identify battering as a common form of violence in lesbian relationships until the 1980s.

the interagency effort to reduce battering. Probation officers have developed a matrix for making sentencing recommendations based on the level and pattern of violence and the risk to the victim, rather than on the offender's criminal record. Men who are convicted of domestic abuse who are not engaging in a pattern of abuse are referred for individual counseling rather than to the education program for men who batter. Police officers document the history of abuse reported by a victim when responding to a domestic call rather than simply document the incident under current investigation. The coordinated interagency response is designed to make visible who is doing what to whom and with what impact.

After twenty years of community collaboration in responding to domestic abuse, the Crossroads Program re-introduced the same level of controversy that our first mandatory arrest policy generated in 1980. It was controversial because it once again highlighted the gendered nature of this violence and pushed practitioners to focus on the offender's use of sustained coercion, intimidation, and violence rather than on the conflict in the relationship or the behavior of the victim. The Crossroads Program resisted the impulse of the system to approach each act of violence as a separate event detached from previous acts of violence.

2. Centralizing victim safety

One reason that it is hard to coordinate a number of different agencies in responding to a particular kind of case is that agencies involved in the case often have competing objectives. To coordinate the various practitioners, it is necessary to find the common objective. In coordinating responses to domestic abuse we have found victim safety to be that common reference point. Thus simply increasing arrests, convictions, or the number of protection orders granted is not a measure of success; reducing re-offenses and victims' vulnerability to their abusers is the goal. In some cases this might be best ensured by obtaining a speedy conviction rather than by holding out for a conviction for a more serious offense that would take months to secure. More jail time might not provide more protection. Dual arrests might make victims of battering more vulnerable to continued attacks and have no protective value for the abuser who on a particular night is the victim. In these cases we needed to figure out how to balance the state's obligation to protect its citizens with the system's obligation to treat similarly situated cases similarly.

While the batterer was sometimes the victim of an assault or act of violence,

he was typically not the primary victim in need of safety. Batterers who are attacked by their victims almost always hold the key to their own safety: they can stop their use of violence toward their partner and in so doing will likely prevent future violence being used against them. Victims of battering are often unable to act in ways that will stop their partner's violence. While they might use strategies to avoid a specific assault, they are rarely able to eliminate continued attacks. The Crossroads Program brought us together in meeting after meeting to hash out our competing objectives, unified by the agreement that whatever we decide, we must balance the objective of protecting victims of battering from ongoing abuse with the obligation to protect the victim of a particular assault on a particular night from further harm. The Crossroads Program needed to find an approach that would do both. As Mary describes, it was this commitment to the overarching goal of victim safety that became our common ground.

3. Coordinating the work of practitioners across agencies and points of intervention

Mary's account of the two-year process to fully operationalize the Crossroads Program makes clear that one agency alone cannot bring about the reforms we need to reduce battering. While the Crossroads Program is a good example of the Duluth coordinated community response, it is also unusual in that it is our one major reform coordinated by an agency of the state rather than by the DAIP, a grassroots organization. In organizing to respond to victims of battering who use force, the City Attorney's Office took the lead in facilitating an interagency committee to develop the prosecution approach to these cases.

It sought the advice of police officers, probation officers, advocates, battered women, and its own staff of prosecuting attorneys. It formed a core committee of representatives from those agencies to develop the program guidelines. During the process the office also discussed the initiative with a number of judges and defense attorneys. The committee continued to meet during the first year of implementation to make adjustments as cases would indicate were needed. The City Attorney's Office also worked out an agreement with the probation department to screen the cases and wrote the screening guidelines with the ad hoc committee. And finally it worked with the police department and advocacy programs as they made their own changes to accommodate the new thinking. This multi-layered approach to inclusion and debate is a significant feature of the

Duluth interagency model.

Mary's description shows why a CCR has to be more than a coordinating council that meets monthly. The politics of change in an institution like the legal system requires multi-level approaches and a unifying objective across agencies and disciplines.

4. Creating a way for victims with diverse experiences and social positions to be represented in program design

Since the first days of the Duluth CCR, participating agencies have accepted the principle that all program design decisions must be made with the involvement of battered women's advocates. The advocacy programs for their part organized ongoing meetings with women to discuss the effects of proposed policy and program changes. The Crossroads Program, though organized by the City Attorney's Office and not the DAIP, was no exception to that rule. The difference, however, was that there was not agreement among advocates as to the best route to take regarding this project. Considerable disagreement was often expressed at the interagency meetings. At times the City Attorney's Office found itself mediating arguments between advocates. This speaks to the level of commitment to the common goal and to the principle of open debate that must be foundational to a good CCR. There were often six or more advocates at the meetings, which created an environment where advocates could talk freely and articulate uncertainty.

In addition to a strong voice of advocates at the table, the discussions were often centered on case examples in order to make the debates relate to the real experiences of battered women and the handful of men who found themselves in a similar situation. Whenever we discussed a criterion for entering the program, a rule regarding re-offenses, or a procedure for application, we asked each advocate, Can you think of someone who is being battered that this would not work for? Why not? How do we need to change it? We talked at every meeting about the impact of poverty on women's ability to successfully complete the program, about the particular problems Native American and African-American victims of abuse would face, and about how victims struggling with mental illness, alcoholism, and other obstacles would be helped or harmed by our efforts. And then we made adjustments.

5. Creating a process for dialogue and debate

The Duluth CCR has successfully organized coordinated responses without a standing interagency committee. Instead we have always organized a group to take up a specific problem, analyze it, discuss solutions, design an implementation plan for solutions, meet with policy makers to reach agreement on policy and protocol changes, and oversee the first year or so of the new approach. The DAIP coordinated these ad hoc committees and ensured a coherent strategy. The Crossroads Program was different in this way. The City Attorney's Office took the lead but not control. Mary played the key role, but she was in constant communication with the probation and police departments, the DAIP, shelter advocates, the other prosecutors, and the facilitator of the group for arrested women. She said one day, "I see how much work this is, to just change one policy, to try to keep everyone going. It takes a lot of lunches and cajoling and fixing people's egos when they don't get what they want in a meeting. I realize now everything that has gone into getting us as far as we've come." The process that Mary describes could never have taken place if it had depended solely on a monthly coordinating council meeting.

Across the country, every successful CCR has had its one or two central figures that kept it all going. The people who worked well across agencies, who kept people talking, who kept their eyes on the prize, who knew how to slow down the movement till everyone was on board, who knew how to make a change work for everyone at the table, who walked the fine line between cooperation and co-optation, and most important, who knew how to build consensus—these people then structure the agreement into the daily operating procedures of the system. The Crossroads Program is a piece of a larger reform effort and required the leadership of a person who could cross the lines between agencies and between the advocacy world and the legal system. And then the change, like all of our previous reforms, had to be built into the system in a way that did not depend on a particular person to maintain it.

6. Shifting the responsibility for victim safety from the victim to the system

This was the mantra of the original organizers of the Duluth CCR, variously restated as "Don't make battered women responsible for stopping their abusers' violence," "It takes a village to raise a batterer and a village to stop one," and "A batterer will bring violence into any relationship because it's not about the

relationship, it's about how he sees himself in intimate relationships.” This has translated into a number of policies, beginning with sending a squad to every call for help, discontinuing the practice of asking the victim if officers should arrest the assailant, enacting a policy that bases the decision to prosecute on available evidence and on whether a prosecution is likely to lead to increased safety, and on adopting a sentencing matrix that is tailored to the danger posed by the offender.

The Crossroads Program addresses an issue loaded with the potential for hostility toward women who are not the “right kind of victims.” The women who were getting arrested were often drunk, and rarely submissive in interactions with prosecutors or probation officers. While a number saw themselves as using self-defense, they did not necessarily consider themselves victims of battering. They frequently failed to present as “good” victims; many people who intervened found them easy to dislike. But the fact is most were living in very difficult situations and many were facing increasing levels of abuse and danger. The principle of holding batterers, not their victims, accountable for their abuse has never been more powerfully expressed than in the Crossroads Program.

7. Building change into the structure of case processing

For more than twenty years, the Duluth community has been making changes to its responses to domestic assault cases. Before we organized the CCR, we tried to change agencies' responses to cases by training workers about the power dynamics that characterize battering relationships. We taught about the emotional and economic ties of victims to their abusers. Mostly we tried to answer the question “Why does she stay?” We had the idea that if the workers shared our understanding of battering, they would intervene in ways that were far more protective of battered women. We didn't understand the extent to which all workers in the system are coordinated to think about and act on cases by institutional routines and ways of doing things that offer little room for idiosyncratic responses.

By organizing the DAIP in Duluth, we moved away from this individual approach to systems change, understanding the provision of safety for women to be something that could be structured into daily work routines, regardless of a practitioner's attitude toward the abuser, the victim, or the violence. The Crossroads Program exemplifies this approach: we stopped attempting to persuade individual police officers, prosecutors, or judges to recognize that the

“offender” before them was somehow different from the offenders for which all our policies had been written. Instead, we structured into each worker’s routine a way of checking for that difference and acting accordingly.

The CCR builds change into the infrastructure of an institutional response through seven methods. Eventually we employed all seven in our efforts to address this issue:

A. Policy and rule change

Changed the charging policy of the prosecutor’s office to allow deferral of charges in cases where a person commits a first-time assault against a person who is battering him or her. Changed the arrest policy from mandatory arrest of all offenders to arrest of the predominant aggressor. Reinforced the use of a sentencing matrix developed by the probation department years earlier in which there was an attempt to recognize that such assaults need a different sentence than do assaults intended to create a relationship of dominance over the victim.

B. Change case management procedures to incorporate changes into daily work routines

Created a new process of screening cases by probation at request of prosecutor’s office when considering the deferral. Created a deferral process and contract. Required the police department to change its investigation and documentation requirements. Required police to ask about history of domestic abuse and to add information into routine arrest and investigation reports.

C. Creating new linkages

Required new link between probation and prosecutors in pre-plea agreement screening of cases. Required new arrest procedures and prosecutor’s review of predominant aggressor arrests. Required changes in the education program for participants and a new reporting requirement to the prosecutor’s office.

D. Training on standardizing practices

Required training for probation officers for screening cases in assessing for history of domestic violence. Required training for group leaders of new groups for victims deferred through the Crossroads Program. Required training for police

on self-defense determinations. Required training for police on new predominant aggressor policy, for which the Crossroads Program was a catalyst. Required orientation for judges and for defense attorneys on the new program. Became a catalyst for a joint training between public defenders and advocacy program on coordinating services to battered women charged with assaulting their abusers, especially at the felony level.

E. Developing new resources as needed

Required probation department to assign a probation officer to screen cases, creating a new job duty. Required DAIP to develop a new educational course for victims of ongoing abuse deferred into the program.

F. Coordinating a philosophical approach to cases.

Required agency leaders and key practitioners on the core committee to discuss the differences between violence intended to dominate and resistance violence and to consider the role of the legal system in responding to each.

G. Evaluating our work prioritizing victim safety and justice.

Conducted evaluation of the Crossroads Program's success in reducing re-offenses and of its impact on women's safety.

The first thirty-five victims of battering who were arrested and entered the Crossroads Program completed the program during our first evaluation. Two re-offended, were prosecuted, and re-entered the educational group with no further re-offenses. One didn't complete the program and we couldn't locate her. The rest completed without a re-offense during the year following their arrest.

These numbers are small and it's too early to draw long-term conclusions, but we know that the re-offense rate is substantially lower than in our men's batterers' program. The new arrest policy and self-defense training has cut the numbers of arrests of victims of battering by seventy percent; we think we may have found the way to confront the violence of victims who fight back without making them more vulnerable to their partner's violence.

These activities and methods of change characterize a successful CCR. It is far more than meeting monthly and coordinating information. It involves active

dialogue, disagreement, a commitment to safety as the coordination goal, new ways of doing things built into case management routines, and interagency training and evaluation. It requires an examination of language, of the use of institutional categories, and of assumptions about a “universal” victim or offender. Finally, its philosophical orientation incorporates an understanding of battering as a form of domestic violence marked by the power differential the violence creates and maintains.

Conclusion

As Mary has described the legal theory, the community process, and the results of our efforts to stop the violence of those who are battered and fight back without further endangering them, she does so from a particular point in our history. As a prosecutor, she has acted and written about her work within a particular set of community processes that has been developed over two decades.

In ten years it will be common for communities to implement safeguards for victims of ongoing abuse. We will see a shift in the misconceptions and misdirected interventions in cases of reactive/resistive violence, and our interventions will embrace the unique aspects of these cases. We will end the arrest, conviction, punishment, and misdirected rehabilitation of victims of abuse who in defending themselves use illegal force. We will do so without ignoring their use of violence but in ways that protect both parties from further abuse. These changes will come not solely because of the Duluth Crossroads Program but also because of the inevitable enhancement of this approach by those prosecutors, advocates, police and probation departments, and communities willing to move this work forward, reinvent it locally, and pass on to the rest of us what they have learned.

Appendices

1. Adventures in Policymaking: Miscellaneous Lessons from the Duluth Experience
2. Interview with Annie
3. Roundtable Discussion Questions
4. Case A Tom and Colleen
5. Case B Tim and Judy
6. Centralization of Victim Safety
7. Crossroads Program Prosecution Guidelines and Evaluation Guidelines for Probation Officers and Prosecutors
8. Power and Control Wheel
9. Memorandum of Understanding
10. Application for Crossroads Program
11. Deferral Agreement

ADVENTURES IN POLICYMAKING: MISCELLANEOUS LESSONS FROM THE DULUTH EXPERIENCE

As travelers on our journey to a prosecution plan, city prosecutors had to learn and exercise ever-increasing skills in diplomacy and consensus building in working with our fellow practitioners. Doing everything we could to encourage the best contributions of others became an important part of our job. This was no easy task, considering the controversial nature of our topic: battered women who use violence. Following are some of the insights we acquired along the way. We weren't taught these things in law school, but they were just as important to the development of our prosecution policy as any of our legal research or analysis.

A. Invest for Success

We learned the importance of cultivating widespread interagency support for our new prosecution policy. The issue of battered women using violence against their abusers presented unique problems to practitioners in every agency in our criminal justice system. However, the attempts to address even the limited issues arising in one agency (the City Attorney's Office) required support from other criminal justice practitioners as well as changes in their daily work practices.

The support we eventually received was the direct result of the labor-intensive process we used as a core group. This process had demanded substantial investments of time and energy and paved the way for the changes in procedure needed in all of our agencies. Definitely a give and take process, the system-wide negotiated changes in procedure were perceived as possible because we all saw our counterparts in other agencies making changes as well.

Rather than unreasonable individual burdens, these changes became shared risks for the sake of improving our community's response to domestic violence. As a result, the investments we made were mutual. City prosecutors invested time and energy in the core group and the work of other agencies. In return, practitioners in those agencies became equally invested in the process we used, our prosecution policy, and the changes it brought about in our system.

B. Get to Know Your Coworkers

We needed to get to know our fellow practitioners as never before. Interagency support was crucial—and the key was our personal relationships with

the people in those agencies. We were not substituting enjoyable work relationships for institutionalized work practices, however. Instead, the emotional aspects of this issue for both advocates and system practitioners taught us that changes in our system couldn't happen until we sorted through a whole lot of baggage. We had to help each other do that to be able to move ahead.

The issues themselves did not permit us the luxury of developing the prosecution plan in the abstract. The reality of battered women's lives and the reality of the system in which we worked confronted us at every turn. Many perspectives were needed, and the people voicing those perspectives were important to our success.

A lot of time was spent by prosecutors in one-on-one conversations simply hearing people out. Venting seemed to be a prerequisite for getting anything done; we all needed to listen. Though time consuming, the personal and work relationships that we encouraged and built became fundamental to the success of our program.

C. Small Groups Are Where It's At

Not everyone needs to meet about every issue. Smaller groups are often better for getting actual work done. Our core group met regularly, but the specific details of many issues were really worked out in both planned and unscheduled conversations in small groups.

One example is the way in which we resolved the friction that had intensified between some advocates and probation officers during the many months of our work. These particular core group members were crucial to the success of our prosecution plan. Officially, their conflict was over how to deal with Crossroads-eligible women who abuse alcohol. Unofficially, the conflict involved their different roles and outlooks on life.

It was tempting for us as prosecutors to try to fix the problem. The core group process had involved a great deal of mediation on our part. But we decided (as much from exhaustion as from any conscious strategy) that they had to work it out themselves. So we stayed out of it.

We didn't expect their reaction: distinct appreciation for being entrusted to deal with the issue on their own. Advocates and probation officers knew we were counting on them to help make the program work. They had invested as much of themselves in its development as anyone and so they had a stake in our collective

success. They met a couple of times and worked out their differences just fine without us. In the process, they strengthened both their working relationships and the Crossroads Program.

D. Change Happens Slowly

Change is slow. By the time our prosecution policy had been in place for a while, most of us had experienced a transformation in our perspectives. This didn't happen overnight, and neither did the changes in policy and procedure this monograph describes. Though most of us were ready to give up at multiple points during the process, patience and persistence eventually paid off. Looking back, we realize the changes that occurred were at first barely perceptible, but over time, they became significant—and they're still underway.

E. The Importance of Being Fed

Prosecutors and staff eventually learned what party planners everywhere already know: food is important. Due to widely varying schedules, the core group almost always met over the lunch hour. Early meetings featured “bring your own” bag lunches. Tensions decreased markedly when grant administrators permitted the provision of modest box lunches for core group members.

Although sandwiches, soda pop, potato chips, and dill pickles did not simplify the complex issues under discussion, they did constitute a series of shared meals that somehow promoted greater tolerance for differing viewpoints and greater rapport among group members. Most of us were able to let go of distrust and hostility when sharing a meal. Box lunches were intended merely as an encouragement and thank-you to those sacrificing their free time to attend yet one more meeting. However, an unanticipated result was that food played a significant, silent role in solidifying the core group's commitment to thoughtfully addressing the issues raised when battered women use violence against their abusers.

Food also played an important supporting role in our interagency luncheon and roundtable discussions.¹ We served lunch first to promote greater ease among participants who, in some cases, had not met each other or worked together before. We wanted to create the most comfortable situation possible for those who were

¹ See § V of this monograph.

about to discuss the inherently uncomfortable topic of battered women who use violence. This was achieved, in part, by careful inclusion of the four basic food groups on the menu.² Though it may seem trivial, the realities of human nature taught us as prosecutors *never* to underrate food and the social cohesion that can be achieved through serving it. Whatever works, right?

²According to former city prosecutor Tony Blodgett, the four basic food groups are sugar, fat, salt, and caffeine.

Interview with Annie

The First Time Annie Used Violence

I was in my first real relationship. I was 17. I had dated this guy [“Mike”] since I was a seventh grader, and I had his child. We were living with his parents. He became abusive toward me after he found out I was pregnant, and it just continued after that. His parents were abusive to everyone around them, including me.

He once punched me in the face while I was holding the baby. I put the baby down and clubbed him back. He fell down a whole flight of stairs.

I grew up fighting back. I knew it was wrong to fight back, but it was my only option. I didn’t feel good about it at all. I was afraid what would happen once he was back on his feet.

The Effect of Her Violence on This Man

All it did was escalate things. Mike knew I was going to fight back. He knew I was strong. It made the violence even worse later. Harder violence. It was almost as if he wanted to make sure he had the best punch. It didn’t scare him at all. It didn’t change his behavior. It just escalated the problem.

Annie’s Violence Against Her Husband

My husband, Joe, is an alcoholic. He’s 11 years older than me. The first time I used violence against him, I used it in self-defense. The last time I used violence against him was because I had had enough.

Joe used to play in a band. A man had asked me to dance with him while I was watching Joe play. I refused. Joe concluded that I had been flirting with him and we got into a big fight after he got home. He was chasing me around the house. As I was slamming a door, he stuck his foot into it. I shoved with all my might regardless, and broke his foot. The police came and took him to St. Luke’s and then to detox.

We lived in a really nice neighborhood for awhile. We thought it would be good for the kids. It turned out to be a bad idea—we didn’t fit in, and Joe did everything he could to make sure we didn’t. We went to a neighborhood party one evening. Joe got really drunk and started getting rude and belligerent. I apologized and took him home. I walked the babysitter home and then came back. Joe thought I had stayed at the party. He couldn’t remember coming home with me. He thought I was messing around with someone. So, again, we got into a huge fight, and he tore the house apart. He was really violent—throwing things and breaking things—throwing me. He was chasing me down into the basement and was smashing me up against a wall. I grabbed a can of cranberries off the wall and hit him so hard with it that I cracked the can open.

The fighting continued for years. Sometimes getting better, and sometimes it got worse. We'd separate for short amounts of time. He drove trucks, so often he wasn't home much, which made things easier. But if he was home, the house had better be clean and dinner on the table by six every night. I went to the [women's shelter] a couple of times. I was getting more and more violent—striking back more often and harder. I would think, "Why am I fighting like this? I'm getting as sick as he is." I don't know exactly why I didn't leave him permanently. The money worries and the fear of losing my children seemed to always bring me back to him. I didn't think I could make it on my own.

One weekend, years ago, during deer hunting season, Joe came down the driveway. He told me to unload his rifle for him, because he was going to have lunch. I said no, that I was going out hunting. He started calling me names, saying how lazy and stupid I was. I put the rifle right up to his face and I told him he had an hour to get out of the house, pack his stuff. I think if it weren't for looking at the house and seeing the kids, I think I would have shot him. It got to the point where I didn't have anything left in me . . . I felt like it was never going to end . . . I thought at that time, if I had just ended it, just shot him, we wouldn't have problems.

Why Annie Chose to Use Violence

Sticking Up for Myself

It's hard for me to remember as far back as my first relationship, but I can remember why I used violence against Joe. I think what happened was that something inside me said I don't deserve this. I stuck up for myself. It takes a lot. It took a lot of buildup, [marriage] counseling wasn't working. Talking with him wouldn't work. I'd be walking on eggshells all the time. I'd say that this is enough.

To Protect the Children

When Joe would hurt my children, it was like an instinct. Someone hurt my child and I wanted it to stop.

Bursting After "Buildup"

When our oldest was in the hospital, Joe wouldn't let me be with her. He made me stop nursing my youngest early, telling me I was disgusting. When I was in the hospital, about to give birth to my youngest, he wanted sex. He jumped on top of me while I was in labor, saying that there was still time. Two days after the baby was born, he was chasing me around the hospital room, wanting to have sex. When I had cervical cancer and was bleeding, he would force sex. I had to have a second surgery to undo the damage he did. I ended up having a hysterectomy. This all was the buildup to my holding a rifle to him.

Survival

While I don't think so now, at the time I thought it was survival. I didn't know how to get out. I was afraid financially. I was afraid he'd kill me before he let me go.

Contact with the System

With the exception of restraining orders and orders for protection, neither Joe nor I had much contact with the system. I was never arrested and never spent any time in jail for domestic assault. He spent some time in jail for violating my restraining order.

ROUND-TABLE DISCUSSION QUESTIONS

Use cases A, B, and C in discussing questions 1, 2, and 3.

1. There is a saying which is often used in the criminal justice system: “Similarly situated cases should be treated similarly .” The City Attorney’s Office is interested in re-examining its policies and procedures in prosecuting domestic violence cases so that we would be treating similarly situated offenders in like manner. In examining whether the offenders are similarly situated, discuss the following:
 - ▶ the motives (reasons) for the use of violence
 - ▶ the short-term and long-term effects of the violence
 - ▶ the past patterns of violence used by each person
2. In cases involving victims of battering who assault their abusers, the City Attorney’s Office wants to intervene in a way that will stop the use of violence by both parties and send a clear message that violence is not the way to deal with being battered. However, victims of ongoing abuse who are treated in the same manner as offenders who engage in patterns of violence and intimidation may be placed in greater danger. Discuss how convicting and sentencing each person arrested could affect:
 - ▶ the future use of violence by both partners
 - ▶ the future safety of both partners
3. Some victims of battering who use violence against their abusers pose a serious threat to the physical safety of their partners and some do not. Explore indicators that we could use to assess how dangerous offenders may be to their partners.
4. Our prosecution plan will be written to help us make decisions about cases like A, B, and C. Share your ideas about whether our policy should consider:
 - ▶ the motives (reasons) for the use of violence
 - ▶ the short-term and long-term effects of the violence
 - ▶ the past patterns of violence used by each person
 - ▶ the effects of a conviction and sentence on: the future use of violence and the future safety of each person
 - ▶ the level of danger each person may pose to the other
5. Discuss whether we should consider any or all of the factors in question 4 as we:
 - ▶ charge the case
 - ▶ resolve the case short of trial
 - ▶ go to trial
 - ▶ recommend a sentence
6. Examine ways that we can confront offenders’ use of violence without jeopardizing the safety of their partners.

CASE A

Tom and Colleen

1994 - Tom and Colleen were arguing. Colleen was holding a two-year old child in her arms. Tom followed her closely around the house so she finally sat on the bed. He started to come after her and she was afraid the baby would be hurt so she pushed Tom in the groin. At that time he slapped her on the ear and cheek and left the house. No marks were observed on Colleen, but she said her head hurt and she appeared very shaken and was crying. She claimed there were physical assaults in the past but the police were never called.

Colleen was called later to see if she wished to follow through with the warrant request. Colleen said they would be going into counseling and she wanted to work things out and did not want further action.

1995 - Police were called. The dispatcher told officers there were previous events in December, 1994, involving a gun.

Tom and Colleen were having an argument. He said that at no time did it get physical. The only thing he did was try to take the car keys from her and at one point he did hold her head so she would look at him when he was talking to her.

Colleen said Tom picked her up and threw her down on the floor. There was slight reddening on her elbow. She said she then threw the keys down and went into the bathroom. Tom followed her, grabbed her by the head, and squeezed tightly. He said he should hit her and pulled his clenched fist back. He moved toward her, but stopped an inch from her nose. Colleen was frightened and called 911. Tom was arrested. He was put on probation for one year and was ordered to attend the violence impact panel and DAIP classes.

March, 1996 - Police were called. Colleen said they were arguing when Tom grabbed her by the throat and punched her three times in the nose and slapped her in the face a couple of times. She had dried blood around her nose. Colleen said Tom also pushed her down on the floor and at that time she called out to a six-

year old to call 911. Tom let her up off the floor and Colleen went into the bedroom. He then pushed her down on the bed and got on top of her. Colleen swung at him. She didn't know if she hit him, but she did scratch him. As he started getting off her, she struck him in the groin with the palm of her hand. When Tom started to walk out of the house, Colleen kicked him twice in the posterior.

Tom said Colleen punched him in the groin and then, when he fell down, she hit him in the jaw with a fist. There was a red mark on his jaw. He denied any contact on his part, saying that he knew better since he had been convicted a year earlier.

Tom told one officer that Colleen said she was going to get her brother to kill him. Colleen said her brother (out-of-state and in the service) was upset about the way she was being treated. Colleen said she was sure he would fight only if confronted by Tom.

Both Tom and Colleen were charged. Colleen had no record of criminal convictions. Tom had criminal convictions from 1985, 1989, and 1990, relating to incidents involving two former partners.

July, 1996 - Colleen filed for an OFP hearing. Tom called her in July and said he had "taken care of her brother so he didn't have to do the dirty work." He said he would get her because her brother called the police on a warrant for his arrest. She was afraid for her own safety.

CASE B

Tim and Judy

August, 1996 - Officers responded to Tim and Judy's home in reference to a report of a possible physical domestic. As officers approached the house they were met at the door by Tim and three-year-old James, Tim and Judy's son. James had a scratch about three-quarters of an inch long on his left temple, along with drying blood on it. Tim said nothing had happened and that he and Judy were only having an argument. He said that he and Judy had not physically assaulted each other. Tim continued to deny that anything physical had happened in the incident and refused to give his complete name. He became disorderly when the officers were speaking with him. Judy appeared to have been crying. She was visibly shaken and appeared to be quite excited and upset. She said that she and Tim had argued for about five to ten minutes prior to the 911 call. She said Tim had slapped her in the face. There was a red mark on Judy's right cheek, although her face was quite flushed at the time and she also appeared to have red marks on her left cheek.

Judy said that after being slapped in the face, she formed a fist and tried to hit Tim back. She said, "So I hit him." She said she may have struck Tim in the shoulder, although she was attempting to hit him in the face. She said, "I hit him full-fisted, I really did." After she struck him, Tim pushed her down on the floor and slapped her again. At this time Judy's 13-year-old daughter, Marie, called 911. Judy was then able to run from the home.

Prior to this physical altercation, Tim was quite upset. At one point he had taken a mop handle and struck a light fixture in the kitchen area. The broken glass from the fixture had fallen and cut the forehead of their son, James. James was asked if his father had hit his mother. James nodded and said, "Yes." He was then asked if his mother had hit his father. He again said, "Yes." Judy said that her right knuckle and hand area hurt and had been injured from having struck Tim.

Judy said that she had been assaulted at least two times before this incident. One of those times she did not call the police. Judy said she was afraid of Tim during

this incident. She felt that Tim might seriously injure her. She had not obtained an order for protection against Tim.

Judy had a prior DWI conviction, but no convictions for crimes of violence. In addition to two DWI convictions, Tim was found guilty of assault in 1994. In 1995, he was convicted of disorderly conduct and was put on probation and ordered to attend DAIP classes.

Centralization of Victim Safety

The “Duluth model” of criminal justice intervention in domestic violence cases serves as a national and international model for communities working to develop or revise their policies, procedures, and protocols in domestic violence cases. Three key components comprising the theoretical framework of the model are victim safety, offender accountability, and general deterrence. As a part of our community’s coordinated response, the Duluth City Attorney’s Office continues to re-examine its prosecution policies in domestic violence cases with a focus on victim safety.

Our criminal justice system is designed to respond to specific crimes committed at specific points in time. As a result of this incident-based system, all misdemeanor domestic assault cases are grouped in one category. This categorization creates difficulties in accounting for conduct which involves patterns of behaviors affecting the ongoing safety of victims. In Minnesota, as in most states, the level of seriousness of an assault correlates to the level of bodily harm inflicted or the potential harm based on the use of a weapon. For example, a single slap to the side of the head that results in damage to the eardrum may be a felony. In contrast, multiple blows to the body that result in deep bruising, cuts, and scrapes constitute a misdemeanor.

In an effort to identify the more dangerous misdemeanor offenders, a sentencing matrix was developed. For more dangerous misdemeanants it mandated increased surveillance, probation time, higher jail sentences, and more protective measures for the victim. The matrix places misdemeanor domestic violence offenders in one of four categories, progressively increasing the degree of sanctions and monitoring. As the matrix was developed, the participating agencies found that it was impossible to meaningfully include cases in which victims of ongoing abuse assaulted their abusers. Categorizing them with batterers thwarted the objectives of safety, accountability, and deterrence. Ignoring the illegal use of violence was unacceptable and would have placed them at risk of escalating danger. It is this group of misdemeanants that our prosecution policy will seek to address.

The City Attorney’s Office has established an interagency core group to discuss and examine the various implications of a policy which would guide our

intervention in these types of cases. This policy will be designed to take into account the context of violence and the way in which that violence is experienced by victims. In certain cases the criminal justice system may be used by batterers to further control and intimidate their victims, which increases the potential for further violence. We are committed to the responsibility of developing a measured, balanced prosecution policy. This policy will be the first of its kind in the state and likely will be replicated by other cities. In order for victim safety to be fully incorporated into the framework of the policy, we find it necessary to consider the following issues:

1. Pattern of abuse

Recording information which documents the pattern of coercion, intimidation, or violence associated with the case will assist in understanding the context in which the violence was used. An informed intervention should account for who is being harmed by the violence and the extent of the harm being inflicted.

2. Power differentials

Social relations of power in society, combined with the power that comes from a sustained pattern of coercion, intimidation, and violence, place the perpetrator in a position of power over the victim. The victim becomes vulnerable to pressure, intimidation, and retaliation by the offender. Victims of battering do not share equal positions of power with their abusers.

3. Particulars of the case

The criminal justice system focuses on the violent incident and often fails to recognize that a minor assault may involve an extremely dangerous offender. Practitioners should develop safety and intervention measures based on the particulars of cases rather than on predetermined legal or institutional classifications. Some misdemeanor situations are, in fact, more volatile and more likely to result in serious harm than some felony cases.

4. Potential dangers to a victim of a fragmented response

A very specialized work force results in a high degree of fragmentation in the way in which cases are processed through the criminal justice system. In a

system which includes practitioners from as many as eleven agencies and five levels of government, our intervention should be organized in ways which take into account the safety needs of victims.

5. Victim perception of danger

No scale can accurately predict which offenders will kill or seriously injure their partners. However, evidence exists to suggest that victims of homicide or attempted homicide often make several attempts to tell others about the danger, but are ignored. The victim's perception of danger should be accounted for in the processing of a case.

6. The presence of imminent danger

We are faced with the problem of determining at what level to respond to physical violence against intimate partners. Treating all acts of physical force (every shove, every push, every slap) as if these actions will escalate to homicide would be basing our intervention on a false premise and would overload the system so that all cases would suffer. Similarly, treating the use of violence by a victim of ongoing abuse, coercion, and threats as if it were the same as violence used to exert power and control fails to centralize the goal of victim safety.

**CROSSROADS PROGRAM
PROSECUTION GUIDELINES**
Duluth City Attorney's Office

INTRODUCTION

The Crossroads Program is a program intended for victims of ongoing domestic abuse who are charged with criminal offenses against their partners. It is designed to provide participants an opportunity to address their use of violence within the larger context of their victimization. The program seeks to hold participants accountable without invoking the full ramifications of the criminal court process.

DEFINITIONS

The guidelines rely on the following definitions:

- “Defendant” is a person who is charged with a domestic-related offense and has a history of physical abuse by the complainant.
- “Complainant” is a person who is the victim of a domestic-related offense and has a history of physically abusing the defendant.
- “Deferral” is the agreement of the State and defendant to a stay of prosecution for a specified time period, after which criminal charges against the defendant will be dismissed if the defendant successfully completes the terms of the stay.

GOALS

The goals of prosecution in these cases are:

- To protect the complainant from additional acts of violence committed by the defendant.
- To hold the defendant accountable for using violence without creating greater vulnerability to continued abuse.
- To deter either person from committing continued acts of violence against others.
- To create a general deterrence to domestic violence in the community.

ELIGIBLE OFFENSES

Domestic-related criminal charges, particularly assault or disorderly conduct, will be considered for deferral under this program.

ELIGIBILITY FOR INITIAL CONSIDERATION

- The defendant must have a history of physical abuse by the complainant.
- The defendant should not have any pending or previously deferred charges or convictions under any state laws or any local ordinances for:
 - assault
 - gross misdemeanor obstructing legal process.It is highly unlikely that an applicant would be fully reviewed for admission into the program with any pending or deferred charges or convictions noted above. A record of other violence may also preclude the defendant from full consideration.
- The defendant must submit a written application to the City Attorney's Office
- The defendant has not previously been admitted to the Crossroads program.

FACTORS CONSIDERED FOR ADMISSION

The prosecutor will review each case file and make a determination regarding admission into the program based on consideration of the following factors:

- the probation department's recommendation
- the defendant's criminal history
- the defendant's history of violent behavior
- the defendant's history of victimization by the complainant
- the severity of the incident
- the nature of the defendant's admission to the charged offense(s)
- the views of the complainant
- the circumstances surrounding the use of violence
- the motives for the use of violence
- the defendant's willingness to participate in recommended education and counseling programs.

DEFERRAL OF CASE

Upon admission into the Crossroads Program, the prosecutor will defer the criminal charge(s) against the defendant for an agreed-upon time period. Conditions of the deferral program may include, but not be limited to:

- full admission to the charged offense(s)
- successful completion of recommended education and counseling programs
- no same or similar incidents
- restrictions on the use of alcohol.

REINSTATEMENT OF CHARGES

The prosecutor may reinstate the criminal charge(s) at any time before the expiration of the deferral period if the defendant fails to comply with any of the conditions of the agreement.

DISMISSAL OF CHARGES

The prosecutor will dismiss the deferred criminal charge(s) if the defendant complies with all of the terms of the deferral agreement.

**CROSSROADS PROGRAM
EVALUATION GUIDELINES
FOR PROBATION OFFICERS AND PROSECUTORS**

The defendant's criminal history

To be eligible for the Crossroads Program, the defendant should not have any pending or deferred charges or convictions under any state law or local ordinance for assault or gross misdemeanor obstructing legal process. In order to account for some rare situations in which a previous conviction would not compromise the intent of the program, the policy uses the words "should not" rather than "must not." Typically a past conviction will result in immediate rejection from consideration. However, if the defendant makes a reasonable argument that a past conviction does not compromise the intent of the program, then the probation officer should proceed with the investigation. The interviewing probation officer should document all other convictions, arrests, and police incident reports involving the defendant. In doing so, the probation officer provides the prosecutor with a general picture of the scope and nature of any criminal activity in which the defendant has been involved. The intent of these guidelines is not to exclude people with a previous criminal history from this program but rather to exclude people who have a history of aggressive, abusive, and violent behavior. If the probation officer believes that a pattern of criminal activity indicates that the defendant does in fact have an ongoing problem with aggressive and violent behavior, the probation officer should recommend against acceptance into the program.

The defendant's history of violent behavior

In this category the probation officer will be documenting the history of violence that the defendant has used against his or her partner and the history of violence that the person has used in other situations not reflected in the criminal background check. The probation officer would obtain this information from interviews with the defendant and the complainant and from their statements. It would be expected that the defendant may have been violent more than once with this partner if both the relationship and the complainant's abuse have existed over an extended time period. However, if the defendant shows a pattern of widespread use of violence in many different relationships or circumstances, then the probation officer should recommend against admittance into the program.

The defendant's history of victimization by the complainant

The assumption of the Crossroads Program is that the defendant is being battered by the complainant, i.e., that the complainant has established a pattern of coercion and intimidation, threats, and the use of physical and/or sexual violence. Battering does not refer to isolated incidents of violence, nor for the purposes of this program does it refer to abuse which is exclusively psychological or emotional. The intent of the program is to protect the safety of both parties and to avoid making victims of ongoing coercion, intimidation, and violence more vulnerable to this violence through the actions of the criminal justice system. With this primary purpose in mind the probation officer should review the defendant's documentation of assistance sought through visits to the shelter,

calls to 911, affidavits from previously filed protection orders, and police reports or statements from others such as social workers, counselors, and family or friends. While the defendant is not required to document a severe pattern of high-risk violence, the probation officer must have strong indicators that there is definite pattern of battering by the complainant against the defendant.

The severity of the incident

The Crossroads Programs addresses misdemeanor domestic-related criminal offenses. This limitation itself will exclude most serious assaults. However, occasionally a misdemeanor assault can be quite brutal in nature, or it can result in the infliction of severe harm to the victim. The probation officer should consider recommending against acceptance into the program in these cases.

The nature of the defendant's admission to the charged offense(s)

The applicant will not be required to make a written statement of admission but will be required to provide an oral statement to the probation officer. This statement must be sufficient to establish that he or she admits to committing the offense and admits to facts sufficient to support the criminal charges. This admission is one indication of a defendant's willingness to participate fully in recommended education and counseling. If the defendant describes a set of circumstances that the probation officer believes constitutes self-defense, the probation officer should document those statements and make a recommendation to the prosecutor that the case be further reviewed for either dismissal or alternative disposition. The program is not intended to be a substitute for the proper raising of self-defense in cases in which the defendant claims not to have committed a criminal act.

The views of the complainant

The probation officer should contact the complainant and take a statement from him or her regarding the impact of offering a deferral on the complainant's ongoing safety. If the complainant feels that such a disposition of the case would compromise his or her safety, the probation officer should explore the reasons for the complainant's statement and convey this information to the prosecutor for consideration.

The circumstances surrounding the use of violence

This program is intended to deal with a broad range of behaviors of victims of ongoing physical and/or sexual abuse, including the use of violence as a form of retaliation or as a means of coping with the violence used against them in intimate relationships. It is not intended to be used to resolve assault cases in which there is no apparent link between the use of violence by the defendant and ongoing victimization by the complainant. If the complainant has not been engaging in intimidating, coercive, or physical abuse for an extended period of time, or if the incident itself was not related to the experience of previous violence, the probation officer should consider recommending against admittance into the program. This would mean that in cases where there has been a past history of abuse but no violence, threats or intimidation for a period of time, the defendant is not necessarily appropriate for this program.

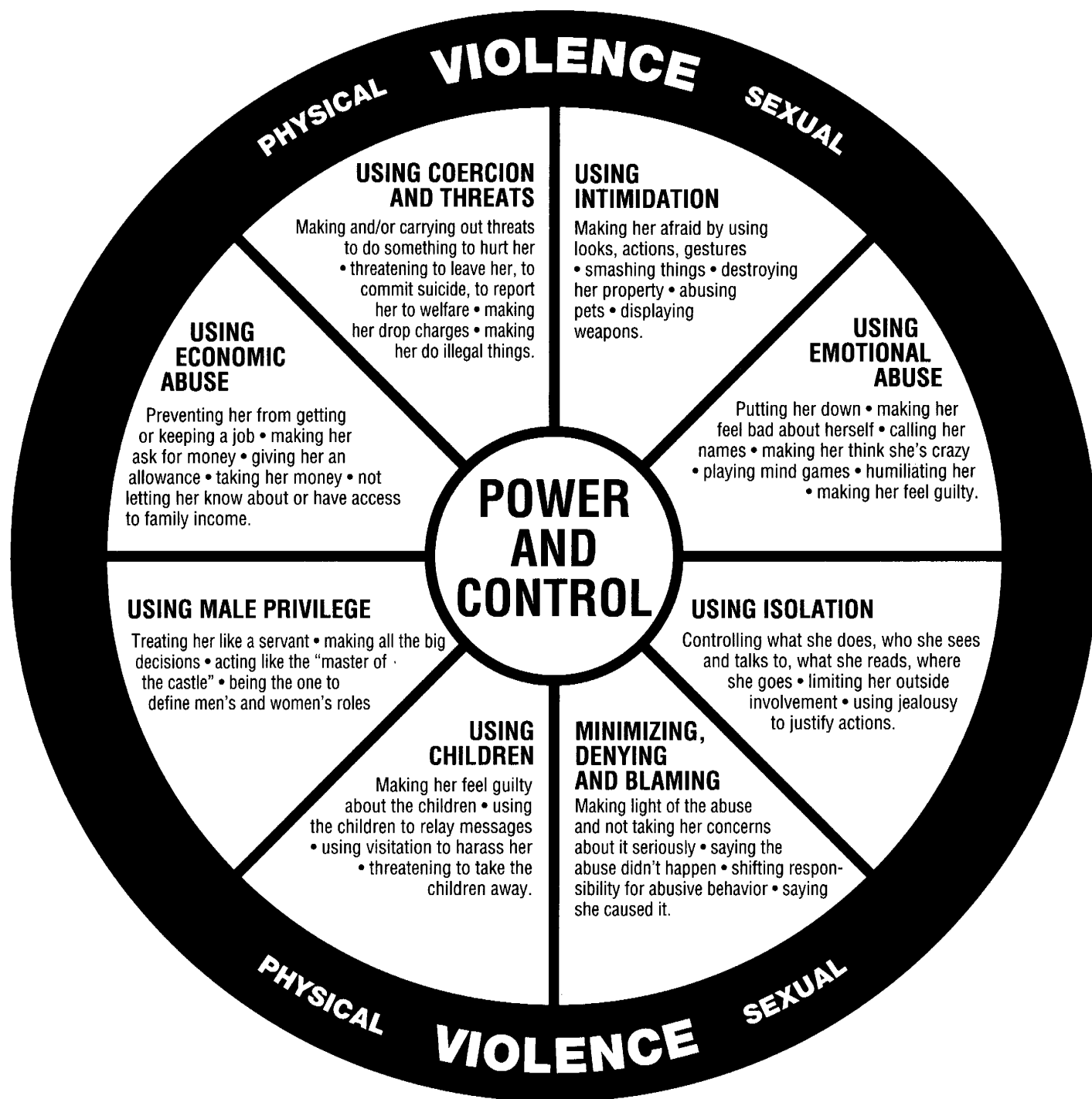
The motives for the use of violence

In interviews with both the defendant and the complainant, the probation officer should try to establish the reasons the defendant used violence. It is not the intent of the City Attorney's Office to establish acceptable or unacceptable motives for an assault against a partner, even when that partner is engaging in ongoing acts of battering. However, it is the intent to exclude those applicants whose motives are the ongoing domination of their partners. If the probation officer finds that the defendant's motive tends to be inconsistent with the fairly broad scope of cases that this policy is intended to cover, then the probation officer should document this concern.

The defendant's willingness to participate in recommended education and counseling programs

This program is designed for defendants who are beginning to use violence against their batterers in ongoing abusive relationships. Defendants who are appropriate for the program are those who have not engaged in patterns of violence in other situations. The probation officer should expect to hear from the defendant a clear willingness to participate in recommended education and counseling. If a defendant does not express such a willingness, the traditional court process with its additional controls may be more appropriate.

Duluth City Attorney's Office
Duluth, MN



DOMESTIC ABUSE INTERVENTION PROJECT
202 East Superior Street
Duluth, Minnesota 55802
218-722-2781

MEMORANDUM OF UNDERSTANDING

Crossroads Program

The Duluth City Attorney's Office, Arrowhead Regional Corrections (Probation Department), the Domestic Violence Specialist, the Women's Coalition, and the Domestic Abuse Intervention Project (DAIP) together enter into a Memorandum of Understanding (MOU). These parties are committed to three objectives of intervention. They are

- to prioritize victim safety
- to maximize the ability of the system to deter identified offenders from committing further acts of violence
- to create a general deterrence to the use of violence in intimate relationships.

I. Purpose

The Duluth City Attorney's Office, Arrowhead Regional Corrections (Probation Department), the Domestic Violence Specialist, the Women's Coalition, and the Domestic Abuse Intervention Project (DAIP) enter into this MOU regarding the Crossroads Program for the purpose of improving the community's capability of responding to domestic violence cases in which victims of ongoing physical abuse are charged with domestic-related criminal offenses.

The Crossroads Program is designed to provide participants an opportunity to address their use of violence within the larger context of their victimization. The programs seeks to hold participants accountable without invoking the full ramifications of the criminal court process.

II. Role of the City Attorney's Office

The City Attorney's Office will

1. define the application process and procedures for admission into the program
2. determine what types of information will be considered for admission into the program
3. review each case file and make a determination regarding admission into the program based on consideration of the following factors:
 - the Probation Department's recommendation
 - the defendant's criminal history
 - the defendant's history of violent behavior
 - the defendant's history of victimization by the complainant
 - the severity of the incident
 - the nature of the defendant's admission to the charged offense(s)
 - the views of the complainant
 - the circumstances surrounding the use of violence
 - the motives for the use of violence
 - the defendant's willingness to participate in recommended education and counseling programs.

III. Role of the Probation Department

The Probation Department will

1. review each case file and interview each applicant for the program
2. make a recommendation to the City Attorney's Office regarding admission into the program based on consideration of the following factors:
 - the defendant's criminal history
 - the defendant's history of violent behavior
 - the defendant's history of victimization by the complainant
 - the severity of the incident
 - the nature of the defendant's admission to the charged offense(s)
 - the views of the complainant
 - the circumstances surrounding the use of violence
 - the motives for the use of violence
 - the defendant's willingness to participate in recommended education and counseling programs
3. set up a regular reporting process with referral agencies to monitor cases involving agreed-upon education and/or counseling as a condition of the program
4. follow up with the defendant on the report of any violation of the deferral agreement and recommend a course of action to the City Attorney's Office
5. provide a quarterly report to the City Attorney's Office regarding the status of defendants admitted to the program.

IV. Role of the Domestic Violence Specialist

The Domestic Violence Specialist will

1. make applications to the program available to interested defendants or their attorneys
2. compile information relevant to the consideration of each applicant for entry into the program. This information can include, but not be limited to:
 - the defendant's application materials
 - statement from the complainant
 - prior police reports
 - orders for protection and accompanying affidavits
 - local, state, and national criminal history checks and records
 - medical reports
 - statements from others
 - shelter visits
3. provide all information compiled to the Probation Department and the City Attorney's Office for their review.

V. Role of the Women's Coalition

The Women's Coalition will

1. make applications to the program available to interested defendants or their attorneys
2. assist female defendants in completing application materials for the program
3. consult with the City Attorney's Office and the Probation Department regarding individual cases, when appropriate.

VI. Role of the Domestic Abuse Intervention Project (DAIP)

The DAIP will

1. assist male defendants in completing application materials for the program
2. offer separate classes, comparable in duration, for male and female Crossroads Program participants.
3. monitor the defendant's attendance at DAIP classes and report to the Probation Department on a regular basis. When appropriate, this reporting will indicate the use of alcohol.

We the undersigned have read and agree with this Memorandum of Understanding. We agree to evaluate the implementation of this program through ongoing examination and discussion of individual cases. We agree to make changes in protocols when appropriate. A party's participation in this agreement may be canceled in writing at any time.

By _____
City Attorney's Office

Date

By _____
Domestic Violence Specialist

Date

By _____
Domestic Abuse Intervention Project

Date

By _____
Arrowhead Regional Corrections
Probation Department

Date

By _____
Women's Coalition

Date

BACKGROUND

Full name (first, middle, last) _____ Date of birth / /

Address _____ Home phone

City State Zip

Employer name _____ Work phone _____
Address _____
City _____ State _____ Zip _____

Address _____ City _____ State _____ Zip _____	Address _____ City _____ State _____ Zip _____
Address _____ City _____ State _____ Zip _____	Address _____ City _____ State _____ Zip _____

Offense date _____ Arresting agency _____
 Other person involved in incident _____ Date of birth _____
 Address _____ Work phone _____
 City _____ State _____ Zip _____ Home phone _____

How long have you been in this relationship?

☐ Assault/Battery ☐ Obstructing legal process (gross misdemeanor) ☐ Terroristic threats
☐ Criminal sexual conduct

Appendix 10 - 1

Date of incident _____ Charge _____ Arresting agency _____ City _____ State _____	Date of incident _____ Charge _____ Arresting agency _____ City _____ State _____
Date of incident _____ Charge _____ Arresting agency _____ City _____ State _____	Date of incident _____ Charge _____ Arresting agency _____ City _____ State _____

If you have a conviction or pending or deferred charge for any of the crimes listed, you are probably not eligible for the program. However if you believe there is a special reason you should be admitted, please state it here.

HISTORY OF PHYSICAL ABUSE

Yes No

- ☐ ☐ Have the police been called because of a violent incident with the other person involved in the current incident?
 How many times? _____ Where? _____
 Responding agency _____
- ☐ ☐ Has the other person involved in the current incident ever been arrested for assaulting you?
 How many times? _____ Where? _____
 Arresting agency _____
- ☐ ☐ Have you ever applied for an order for protection against the person involved in this incident?
 If so, when? _____ City _____ State _____
 Did an advocate assist you? Yes ☐ No ☐ Advocate's name _____
- ☐ ☐ Have you ever sought medical attention for your injuries?
 If so, when? _____ City _____ State _____
 Hospital/clinic _____
- ☐ ☐ Have you ever stayed at a shelter?
 If so, when? _____ Where? _____
 Were you taken there by law enforcement? (If so, what agency?) _____

Describe acts of physical abuse (hitting, slapping, punching, choking, arm twisting, kicking, etc.) against you by the other person in this incident. Give specific details of what happened and approximate date(s).

If you need additional space, please continue on the back of this page.

OPTIONAL

If you do not have documentation of physical abuse (e.g., protection order, police call, medical records), please list people we can contact who could provide information about the physical abuse you experienced.

Name _____	Name _____
Home phone _____ Work phone _____	Home phone _____ Work phone _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____

Comments or additional information you would like us to consider:

If you need additional space, please continue on the back of this page.

The information provided in this application is true and correct to the best of my knowledge.

Signature _____ Date ____ / ____ / ____

For office use

ICR #	TCIS #		
Reviewing Probation Officer	Reviewal date ____ / ____ / ____	Prosecutor	Approved ☐ Yes ☐ No Date ____ / ____ / ____

appfm.11/25/97

CROSSROADS PROGRAM ~ DULUTH CITY ATTORNEY'S OFFICE

Date:

To:

Case File #

From: Lynn Gagne
Probation Officer, 726-2655

Re: Deferral agreement

The deferral agreement for the prosecution of assault/disorderly conduct includes the following terms and conditions:

- * Commit no same or similar offenses
- * Report to the St. Louis County Probation office as directed by that office
- * Notify the Probation officer of any change of address or telephone number
- * Immediately notify the Probation officer if arrested for any reason
- * Cooperate and be truthful with the Probation officer in all matters
- * Comply with the rules of the DAIP or other recommended treatment program
- Abide by all of the terms and conditions of any Order For Protection in effect during the deferral period
- * Comply with any additional requirements imposed by the Probation officer

The items checked below are additional conditions that apply:

_____ Do not use alcohol or drugs unless prescribed by a physician

_____ Attend and successfully complete the Domestic Abuse Intervention Project education classes; contact Jill Abernathy within five (5) working days for an appointment at 722-2781, extension 108.

_____ Attend the Violence Impact Panel when contacted

Other: _____

I have read and/or have had read to me the above conditions of this deferral agreement and have received a copy. I fully understand the conditions and will comply with all of them.

Signature

Date

cc: Defendant, DAIP, City Attorney