



Office for the Prevention of Domestic Violence

Spring 2015

Featured in this issue:

THE DOMESTIC INCIDENT REPORT

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From the Executive Director



As we say goodbye to the long, cold winter and welcome the warmer, brighter days of spring, we recognize two important awareness events in this issue: April is Sexual Assault Awareness Month, and this year, April 19-25 is National Crime Victims’ Rights Week. Please visit the [OPDV website](#) for specific information about important upcoming events.

The focus of this issue is the Domestic Incident Report (DIR). In our feature article, “New York State’s Standardized Domestic Incident Report,” Bob Passonno explains how and why the DIR is required for the reporting, recording, and investigating of all domestic incidents in New York State. In our Q&A, “The DIR: A

Tool for Survivors,” Milinda Reed examines the DIR through the lens of a domestic violence service provider, discussing not only the process of filing a DIR, but the benefits and barriers victims may encounter when engaging with the criminal justice system. On Page 4, we discuss OPDV’s DIR training video for police, while Rick McGuire of DCJS provides an overview of New York State’s DIR Repository.

I wish you a wonderful spring and early summer, and I look forward to our continued efforts to make New York State safer for everyone.

Gwen Wright

OUR LOOK HAS CHANGED!

In an effort to promote more efficient and effective communication and public service delivery, New York State has implemented standard branding guidelines. This more consistent graphic approach is designed to unify the variety of materials produced by individual state agencies while maintaining the New York State brand and integrity on all materials and services created and provided by the state workforce.

OPDV has used this time of visual transition as an opportunity to offer Bulletin readers even more content and information than before. Although we continue to provide a feature article and Q&A, in addition to our sections dedicated to legislative updates, OPDV initiatives, and other state agency programs related to domestic violence, our cover now includes new and upcoming events and information, as well as links to awareness-raising activities locally and nationwide.

We thank you for your readership, and we hope the bulletin continues to be a helpful source of information and support.

NYS Domestic & Sexual Violence Hotline

1-800-942-6906

English & español, Multi-language Accessibility
 Nat’l Relay Service for Deaf or Hard of Hearing: 711
 In NYC: 311 or 1-800-621-HOPE (4673)
 TDD: 1-866-604-5350
 24/7 • CONFIDENTIAL

What’s Happening

OPDV’s new [FAQ page](#) answers questions about domestic violence, victims & abusers, getting help, cause & prevalence. & more.

Crime Victims Rights Week

National Crime Victims Rights Week is April 19-25. Visit [OVC’s official National Crime Victims’ Rights Week site](#) for announcements and information.



For more information on sexual assault, please see the [Intimate Partner Sexual Abuse](#) information on [our website](#).

Did You Know...

In 2013, police outside New York City responded to 187,710 domestic incidents, a 5% decrease from 2012. This statistic is taken from the 2013 New York State Domestic Violence Dashboard: <http://www.opdv.ny.gov/statistics/nydata/2013/pub-safety.html>

New York's Standardized Domestic Incident Report (DIR)

Bob Passonno, Coordinator, Criminal Justice Training Programs at OPDV

History and Background

The [Domestic Incident Report](#) (DIR), also known as DCJS Form 3221, is the document that police are required to use for reporting, recording, and investigating all domestic incidents in New York State. The DIR (and accompanying Victim Rights Notice) were established pursuant to New York's Family Protection Domestic Violence Intervention Act of 1994. The statutory provisions for the standardized report are found in [Criminal Procedure Law section 140.10\(5\)](#) and [Executive Law section 837\(15\)](#).

The form has been revised six times since it was jointly developed by the [New York State Police](#), the [NYS Office for the Prevention of Domestic Violence](#), and the [NYS Division of Criminal Justice Services](#). The current DIR is the 05/2011 revision, although another revision is nearing completion and is expected to be ready for police use later in 2015.

“Police must complete a DIR for all domestic incidents.”

Information Captured by the DIR

The New York State Domestic Incident Report Reference Manual defines domestic incident as “any disturbance, dispute, act of violence (threatened or actual), or report of an offense between [members of the same family or household](#) where police intervention occurs.” Other terms used to identify these calls include: “domestics,” “family fights,” or “family disputes.”

When Police Must Complete a DIR

Police must complete a DIR for all domestic incidents, even if their investigation of the incident reveals that no crime or offense was committed, or the incident actually involved a different event than what was originally reported, or if they had completed DIR(s) for prior incident(s) involving the parties.

A Vital Tool for Police

The police often use the DIR to:

- Document response, investigation, and actions taken
- Track course of conduct crimes and guide investigations
- [Determine primary aggressor](#) (current and future incidents)
- Assist supervisors/administrators with case management and quality control
- Gain insight into the scope of the problem within a jurisdiction
- Enhance coordination with other agencies, including reminding officers to check DIR Repository
- Allow for competent court testimony by officers
- Lessen the risk of liability to the officer and agency

Other Benefits of DIRs

In addition to helping police identify and document domestic incidents, properly completed DIRs can also aid victims, guide police in their investigations and other duties, and assist other allied professionals in their tasks.

For Victims:

- Provides immediate documentation victims needed to gain Social Services and [compensation](#)
- Provides written information for future reference
- Corroborates victim's account of what happened

For Allied Professionals:

- Assists prosecutors and judges in accessing related case information
- Provides documentation for all courts, including Family and Supreme Courts
- Provides information for Probation and Parole about possible violation of conditions
- Provides background information for CPS or PSA/APS

FREQUENTLY ASKED QUESTIONS

• What if the victim does not speak English?

Officers should follow their department's protocol for getting an interpreter. They should not rely on the suspect, family members or others at the scene to translate. There is a space for the interpreter's name and contact information following the Statement of Allegations/Supporting Deposition on page 2.

• When must officers give a copy of the DIR to the victim?

Executive Law section 837(15) requires officers to give the pink VICTIM COPIES of Pages 1 and 2 and the Victim Rights Notice to the victims immediately after completing the report. If they do not do so, they must write the reason in the space provided at the bottom of page 1.

• How should officers complete page 2?

Executive Law section 837(15) requires designated space on the DIR for recording a victim's allegations of domestic violence. Such statement of allegations/supporting deposition should contain the exact words of the victim/deponent, whether the officer writes the statement for the person or if the person writes their own statement. Officers should encourage the victim/deponent to reveal any history of abuse by documenting (at the very least) the “last, worst, first” incidents involving the suspect. If the victim chooses not to provide a statement, officers should write victim's exact words in declining to do so in that space. They should not use words such as “refused” or “uncooperative” unless those were the exact words uttered by the victim in declining the statement.

Q&A: The DIR: A Tool for Survivors

Milinda Reed, Esq., Director, Domestic Violence Services, Unity House of Troy, Inc.



Q Why is the Domestic Incident Report (DIR) an important tool for victims?

A Filing a DIR can be an important step in holding abusers accountable. The DIR is a valuable tool for reporting and documenting abuse and communicating that the victim wants the abuser's behavior to stop. It is often empowering for victims to send a message to the abuser that they will not tolerate abusive acts.

Q How can a DIR support victim safety?

A A DIR triggers an investigation that can result in arrest, prosecution and the issuance of a criminal Order of Protection (O/P). Even if the domestic incident is not criminal, it may still demonstrate a pattern of behavior that can support a family offense petition and the issuance of a family court O/P. Either/both of these responses can be part of a comprehensive safety plan.

Q When should victims file a DIR?

A Many victims fear that filing a DIR may escalate the abuser's violence, jeopardize custody of their children or trigger other negative consequences. These fears are valid. Advocates should encourage and assist victims in weighing the benefits of filing a DIR against the concerns. Victims who know all of their options are always in the best position to decide if filing a DIR is best for their particular circumstances. Whatever the decision, a comprehensive safety plan should always be put in place.

Q What other barriers do victims face in filing a DIR?

A Victims are often fearful, apprehensive, suspicious and afraid of reporting abuse to the police, filing a DIR and becoming involved with a systems response. These fears and concerns are often rooted in past mistreatment or inaction by police agencies, misunderstanding of how the police will respond when called, whether the allegations will be believed, and what results the police and criminal justice system can actually produce in achieving safety.

Q How can advocates build a more positive culture between law enforcement and victim safety?

A Bridging the gap between police and victims requires ongoing training and meaningful participation between advocates and law enforcement; not just basic training but intensive, collaborative interaction between first responder police officers and first responder advocates. Breaking down the barriers takes work and commitment. Each field's training and orientation is rooted in different underlying philosophies and beliefs about what safety means. While they both support the goals of victim safety and offender accountability, the paths to achieve these goals can be different. In some situations, there is disagreement regarding whether or not filing a DIR, and any resulting prosecution, will actually improve victim safety or create accountability. Understanding each systems' perspective and respecting multiple approaches to safety and accountability is the key to removing barriers and effectuat-

ing more responsive systems overall.

Q What should victims look for on a DIR?

A When reporting about a frightening experience in an emotionally vulnerable state, anyone can forget important details. The DIR is an official record that may be used at a Family or criminal court proceeding, so it must be accurate, thorough and carefully reviewed, and a request should be made to immediately correct any inaccuracies or errors. If this request is denied, victims can refuse to sign the DIR until they believe it is accurate. A request to amend can be made during and even after completion of the DIR.

Q How can we encourage victims to file DIRs when they fear the criminal justice process?

A Acknowledging that barriers exist for victims to achieve favorable outcomes is critical. Denying this reality does not build trust or understanding with victims about the importance of filing a DIR. Bridging the gap between victims and the criminal justice system requires open and honest communication about what prosecution of DV crimes actually means. Victims must be informed about the safety risks of filing a DIR, as well as the fact that in many cases their abuser will be released the same day or granted an ACOD at some later date. But these outcomes do not necessarily outweigh the safety benefits. Filing a DIR can send a powerful message to an abuser, regardless of arrest or prosecution.

