

Domestic Violence

A victim of domestic violence is a person who has suffered physical abuse, harassment, menacing or other injury caused by someone they are related to or with whom they have or have had an intimate relationship. Domestic violence is a crime. The Washington County District Attorney's Office recognizes that violence among family members devastates victims, children, and the community at large. As a result we aggressively prosecute all cases of physical violence among family members in an effort to combat this unique and all too common crime. Safety and intervention for the victims and children who witness violence are our primary concerns. Speedy and effective intervention to hold abusers accountable for their actions, coupled with lengthy and intensive supervision and treatment are the keys to successful intervention.

The Arrest

When the police are called to a domestic disturbance, the officer **must** take the suspect to jail if there is good reason to believe that a crime has been committed and if the suspect is still on the premises.

Filing Charges

The police forward their reports to the District Attorney's Office for review and to determine if charges should be filed. The decision to prosecute is made by the District Attorney's Office and **not by the victim**. Although the victim's wishes are taken into consideration, other important factors are considered as well. These include the nature and extent of the victim's injuries, use of a weapon by the suspect, alcohol and/or drug involvement, the presence or involvement of children in the alleged abuse, and past history of abusive behavior by the suspect.

Conditions of Release

The defendant will usually be released from custody while the case is pending, either on a recognizance agreement or after posting a security deposit (also called bail). At the time of release, the defendant must sign an agreement with conditions including **no direct or indirect contact** with the victim or the victim's family while the case is pending. This means no contact in person, by phone, by letter or text or e-mail, or through a third party. This no contact condition is for the protection of the victim. Violations of the release agreement should be reported to the police or to the Court's [Release Office](#) (503-846-6362).

If you would like to be notified of the defendant's release from custody, you may register through the Oregon VINE service by calling 1-877-OR-4-VINE (1-877-674-8463) or on-line at www.vinelink.com. VINE (Victim Information and Notification Everyday) is an automated system of notification.

Requests for Dismissal

Once charges have been filed, the defendant often urges the victim to contact the District Attorney's Office and ask that the charges be dropped. This request may be accompanied with promises to seek help for alcohol, drug or anger management problems. It is important to know that a victim has no authority to dismiss the case. The decision to charge and how the case is resolved is the responsibility of the Deputy District Attorney, although victim input is an important consideration.

The Sentence

Sentences imposed in domestic violence cases are aimed at intervention and prevention. Typically, a period of formal probation is ordered, requiring the defendant to report to a probation officer and, at the same time, providing the victim with a contact person should abuse happen again. While on probation, the defendant is often required to seek counseling to deal with any problem areas, such as alcohol or drug abuse or power and control and battering issues. The defendant is almost always ordered to have no contact with the victim while on probation unless the probation officer gives written approval of the contact. The defendant may also be ordered to pay [restitution](#) to the victim for expenses or losses incurred as a result of the crime. The judge also decides whether jail time or a fine should be imposed as well.

Deferred Sentencing Program

The Court allows eligible persons who are charged with a domestic violence crime to avoid conviction by entering into the eighteen month Deferred Sentencing Program. The defendant enters a guilty plea to the primary charge and agrees to complete a domestic violence treatment program and, if ordered, drug or alcohol treatment. While participating in the program, the defendant is not allowed to have contact with the victim without the approval of the probation officer and is prohibited from using or possessing firearms. If the defendant completes the program successfully by the end of the eighteen months, the charges will be dismissed. If the defendant does not meet the requirements of the program, participation in the program will be revoked and the defendant will be sentenced on the charge.

Summary

Victims often feel responsible for involving the police and getting the defendant "in trouble" with the law. It is important for the victim to realize that it was the defendant's actions that caused the charges to be filed. At the same time, the victim can take some comfort in knowing that it is the State of Oregon – not the victim – pressing charges. The victim's responsibility is one of a witness to a crime. While it may be difficult, the only requirement made of the victim is to tell the truth and appear in court when summoned.

The last two months of 2009 ended with an unimaginable number of tragic deaths as a result of domestic violence. Read an article in the county's employee newsletter Uncommon Knowledge that talks about what county agencies are doing to reduce the impact of domestic violence on our community. [Uncommon Knowledge, January 2010](#) 