

Safety Planning with and Assisting Jailed DV Victims Pre-Trial

There are multiple pathways to incarceration for a domestic violence survivor. When domestic violence victims become criminal defendants, they still need advocacy, support, safety planning and community resources. Battering creates an increased risk of incarceration due to self-defense, addiction related to trauma, parental kidnapping to protect children, being compelled by the abuser to commit criminal acts, recanting due to threats by abuser, and more. Once a victim is charged, they may have difficulty accessing the same support and safety services they could easily have received before their arrest. Below are some steps advocates can take to assist battered victims who are jailed.

- Contact defense attorney as an essential first step, if the victim has one, and connect the attorney with the National Clearinghouse for the Defense of Battered Women (800-903-0111 x3).
- Photograph any injuries the victim may have.
- Encourage the victim not to talk to anyone (including cellmates) except their attorney (because if, due to trauma, survivor changes or omits facts, this inconsistency can hurt the case later), and remind the victim that jail calls are recorded.
- Redirect or avoid discussing the facts of the case with the prosecutor OR with the victim (very important because victim's statements to advocates can be twisted).
- Take objective, basic notes, just enough to refresh your memory later (to avoid subpoena risks).
- Try to attend the hearing to meet the defense counsel.
- Support the victim in journaling the history of abuse, with guidance of the defense attorney.
- Act as a bridge between the victim, the attorney and the National Clearinghouse; help with child custody issues; transportation, clothes for trial; assist with safety planning pre-release (safety plan should include plan around arrest; plan for bail, children, job, etc.).
- Urge the victim to talk to defense attorney prior to taking a plea, and prior to initiating any action in civil or family court (such as CPO).
- Remind the victim not to talk to prosecutor without having defense attorney there.

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For more information, please contact Shelly Bell, shellyb@odvn.org