

Prosecution of Offenders

STATE OF DOMESTIC VIOLENCE 2015 -2022

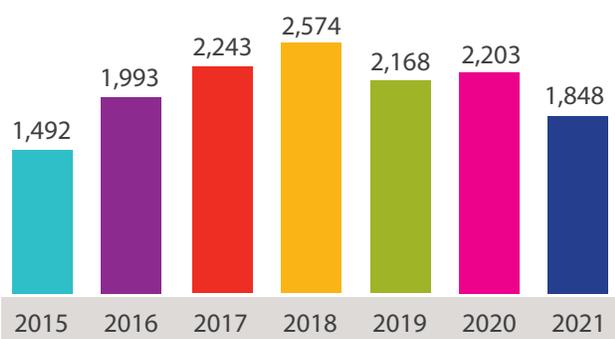
Offenders who are arrested have their cases reviewed and are potentially charged and prosecuted by the Douglas County Attorney's Office, which has a team of specialized domestic violence prosecutors. Cases are charged when it is believed that the case can be proven beyond a reasonable doubt. Not all persons who are arrested for domestic violence are charged and prosecuted because there is a higher standard for charging a case (to be proven beyond a reasonable doubt) than what is needed to arrest (probable cause).¹

If a case is charged, charges are determined by the prosecutor and may be adjusted based off of what the offender was arrested for. A detective is also assigned to the case and any new and future cases with the same victim will be assigned to that detective and prosecutor. The victim's wishes are considered but decisions to move forward or not with a case are up to the prosecutor. Victimless or evidence-based prosecution can be used if a victim does not want to participate in the legal process, due to safety or other reasons, but many times these cases are dismissed. These cases are sometimes seen later if the victim wishes to prosecute at that time, if their testimony creates enough evidence for the case to be prosecuted and if their testimony is important to the prosecutor winning the case. Victims may be asked to testify at the deposition hearing or trial, but they will not be subpoenaed for testimony at preliminary hearings unless it is necessary. It is possible, however, that victims can be charged for recanting their stories or not following a subpoena and complying with court proceedings.

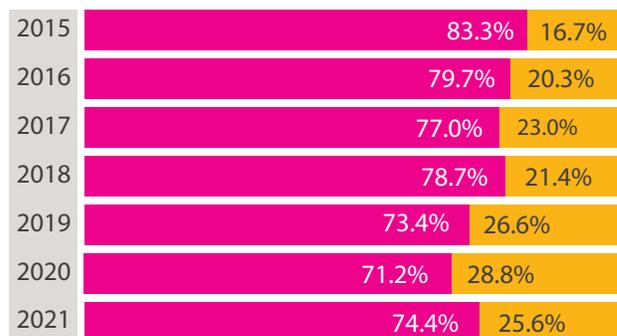
Of domestic violence cases that result in a charge, the majority are charged with misdemeanor offenses. However, there has been a slight increase in the proportion of cases with at least one felony charge in recent years (Figure 1). The number of overall cases resulting in at least one charge, whether a felony or misdemeanor offense, increased from 2015-2018 and has fluctuated slightly since then, though these data should be interpreted with caution.²

MISDEMEANORS AND FELONIES

FIGURE 1: DOMESTIC VIOLENCE CHARGES IN DOUGLAS COUNTY



NUMBER OF CASES RESULTING IN AT LEAST ONE CHARGE

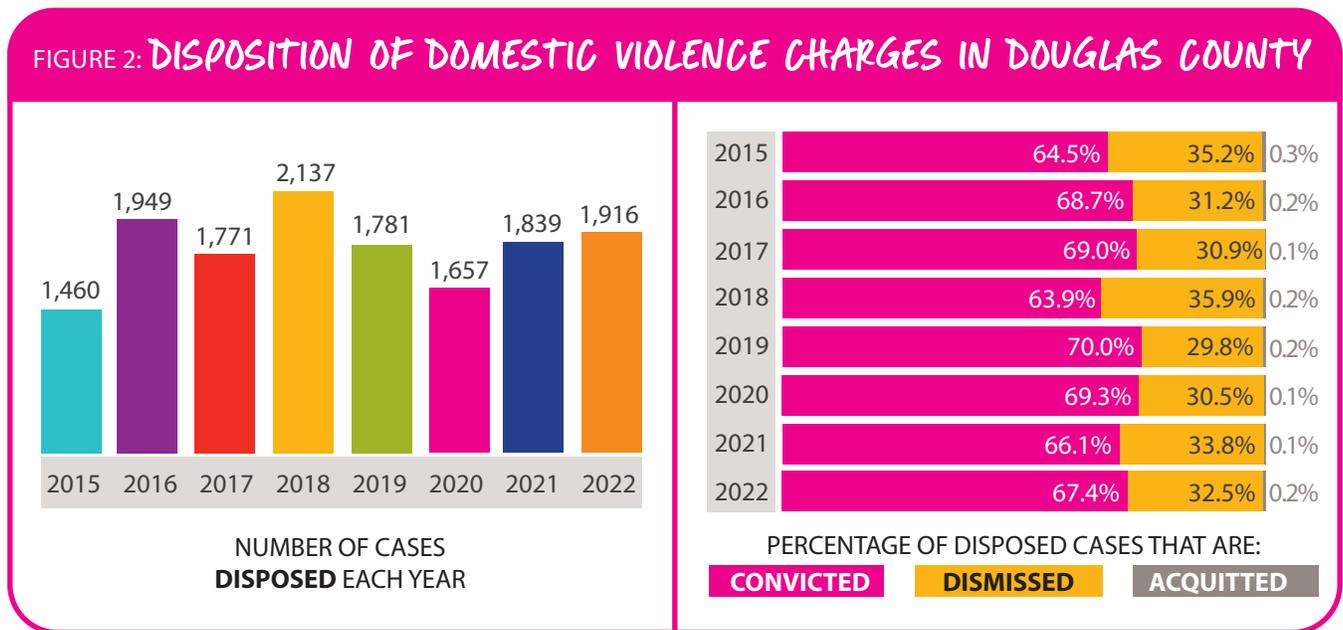


PERCENTAGE OF CASES WITH:
■ ONLY MISDEMEANOR CHARGE(S)
■ AT LEAST ONE FELONY CHARGE

Source: Douglas Omaha Technology Commission

A case is relabeled from a charge to a disposed case when the case has come to a conclusion. This conclusion can include cases found guilty, cases dismissed by the prosecution or cases acquitted (meaning the offender is found not guilty). Guilty cases include situations where the offender was found guilty at trial or situations where the offender pled guilty. Some pleas include pleading guilty to some of the charges in exchange for others being dismissed.

Figure 2 refers to any cases that were completed in the year, regardless of when the case began.³ Cases take a variable amount of time to work their way through the system, sometimes more than a full year. Therefore, some of the cases disposed were charged in a previous year, and some cases charged will be disposed in a future year. This explains why the number of cases disposed each year does not match the number of cases resulting in at least one charge. During the past few years, the number of cases dismissed and convicted has remained constant with around 33% of cases dismissed and slightly over 66% of cases resulting in a conviction. Very few cases end in acquittal.



Source: Douglas Omaha Technology Commission

If an offender is found guilty but not given prison time, they will often go on probation. Victim specialists contact all victims of domestic violence when offenders are on probation. They will contact a victim when the offender is placed on probation and when there is any change in the status of the probation.

PROBATION AND PAROLE FOR DOMESTIC VIOLENCE OFFENDERS

Probation in Douglas County maintains a specialized unit trained in the supervision of domestic violence offenders. If an offender is found guilty and awaiting sentencing, they will often have a pre-sentence investigation. The results of the investigation are often recommendations for sentencing and mandatory programming for the offender if they are placed on probation. These results are submitted to a judge prior to sentencing. A victim can also provide information for the purpose of sentencing if they would like. Requests by the victim for restitution are also requested at sentencing.

If placed on probation, orders typically prohibit possession of firearms or other weapons and require drug/alcohol testing, certain types of therapy and DNA testing. Often offenders who are on probation must complete a Batterer’s Intervention Program (BIP). Some programs use a trauma-informed approach to reach offenders and help them understand the power and control present in intimate partner violence. The goal is to help offenders understand abusive behaviors and learn new behaviors that promote healthy relationships.

If offenders violate a probation order, sanctions are placed on the offender. If they continue to not abide by their probation terms, a Probation Violation is filed.

For offenders who served prison sentences, a similar process is followed for their parole.



"The worst question to ever ask someone that may be involved in a domestic violence situation is: Why won't you leave? For me, it wasn't that easy. **My abuser and I were together for seven years. Only four of those years were my choice.** We were inseparable in the beginning and he made me feel as though we were a team. The abuse wasn't something that I considered abuse in the first few years. I was young and in love so when he told me I shouldn't go to work because we needed to spend more time together, I found it flattering. When he told me to stop talking to certain people, I thought he was looking out for my best interest."

KEY TAKEAWAY:

Through the criminal legal process, **survivors will not be able to make decisions about whether criminal charges are introduced or prosecuted**, they will only get to decide how they engage throughout this process.

NOTES

- 1 The standard for arrest by law enforcement is "probable cause" that a crime has occurred.
- 2 It should be noted that in 2021 there was a large decrease in the number of cases charged. This may be due to insufficient data provided by the County Attorney's Office and the time it takes to charge felony versus misdemeanor cases. COVID-19 related complications may have also produced barriers to prosecuting in a timely manner.
- 3 Reported metrics leverage data current through Q1 2023. Metrics concerning events that occur later in a case's trajectory, such as those surrounding prosecution, may be affected by delays in timing.