

# Domestic Violence Crimes in Allamakee County

## *There is No Excuse for Domestic Violence*

The Allamakee County Attorney's Office prepared this brochure to help answer some questions about domestic violence cases. **You do not deserve to be abused. There is help available.** Our office and many others stand ready to do all we can to make you safer and hold your abuser accountable for his or her criminal conduct. We hope that this brochure serves to reduce your fears and address your concerns.

## *What is Domestic Violence?*

Domestic Violence is a pattern of controlling behaviors that may include physical assaults, sexual assaults, emotional abuse, isolation, threats, stalking and intimidation. These behaviors are used by one person in an intimate relationship to control the other. "*Domestic abuse*" means committing assault as defined in section 708.1 of the Code of Iowa under any of the following circumstances:

- a. The assault is between family or household members who resided together at the time of the assault.
- b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
- c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.

## *Why Were Charges Filed?*

Domestic violence is a crime. The County Attorney's Office files criminal complaints against individuals who commit crimes. Typically, we review the crime report, the batterer's criminal history, photographs of your injuries or property damage, 911 tapes, medical records, witness statements, prior history of domestic violence, and any other additional information you or others provide in order to prosecute the case. We believe batterers should be held accountable for their crimes. If the case goes to trial, all of the information gathered may be used as evidence to prove the defendant is guilty of the charges. In addition, the Police Officers who responded, as well as any witnesses (paramedics, neighbors, and children), may be called to testify at trial.

## *What is a Criminal No Contact Order?*

Iowa has a mandatory arrest law in cases of domestic violence. After the arrest, the defendant will have an initial appearance in front of a magistrate. At this time, a No Contact Order will most likely be issued. A No Contact Order states that the defendant shall have no contact of any nature, whether in person, by telephone, in writing, or otherwise with you as the protected party. It also states that the defendant shall not be on or adjacent to your residence, school, or place of employment. This order is in place throughout the criminal process. If the defendant does not obey this order, call the police immediately. It is important that you keep a copy of your No Contact Order with you at all times. The criminal No Contact Order applies to you and anyone else listed on the face of the No Contact Order.

## *Will the Defendant go to Jail?*

It is unusual for a first-time domestic violence offender to get a lengthy jail sentence for a misdemeanor offense conviction, but there is a mandatory minimum two day sentence that must be served for any domestic violence conviction, as well as completion of the Batterer's

Education Program. The offender may also be sentenced to probation and/or a substance abuse evaluation and recommended treatment. At sentencing, the No Contact Order may be extended for up to five years. If the defendant does not comply with court orders, the judge has the power to send the batterer to jail.

#### *Will I Have to Testify in Court?*

You only have to testify if you receive a subpoena ordering you to appear in court. There may be some pre-trial events that you need to participate in, such as Violation of No Contact Order hearings and depositions. However, most domestic violence cases are resolved without going to trial. You will be notified regarding your appearance for any court matter.

#### *Will I Have to Hire an Attorney?*

No. You are a key witness to the crime. When the defendant abused you, the defendant violated the laws of the State of Iowa. The prosecutor from the Allamakee County Attorney's Office represents the people of the State of Iowa and prosecutes the defendant for the crime committed.

#### *Can I Drop Charges?*

It is impossible for you to drop the charges because you are not the one who filed charges. The charges were filed by a law enforcement officer or the County Attorney's Office after reviewing all the evidence against the defendant. It is important for the defendant to realize that he/she must live within the laws of our society and that violent actions against you, or anyone else, have no place in our community. It is also important that the defendant gets help for the violent behavior.

#### *Will I Be Hurt Again?*

Unless batterers receive help for their violent behavior, they will likely not stop being violent on their own. Often batterers have grown up in an environment of violence. In order to stop the cycle of violence in your relationship, the batterer must come to understand his/her behavior. This is why persons convicted of domestic violence must complete a 24-week Batterer's Education Program (BEP). BEP seeks to teach batterers how to recognize abusive behaviors in their family and intimate relationships. If they resist going to BEP, it is unlikely that they will positively change their behavior. If the person who has battered you does not change the behavior, then you may still be in danger. Remember, batterers who attend BEP can still be violent. Use your own instincts and judgment. Plan for your safety; decide in advance what you will do when your abuser becomes violent. The Domestic and Sexual Abuse Resource Center can help you develop a safety plan. **In case of emergency, call 911.**

#### *Victim/Witness Coordinator*

The Allamakee County Attorney's Office has a Victim/Witness Coordinator (VWC) available to assist you throughout the criminal process. The VWC can provide you with basic information regarding the status of the case, register you as a victim for notification requirements, assist you with completion of Victim Impact Statements and restitution forms, make referrals to community services, prepare you for any hearings or depositions that you may have to participate in, and accompany you to any court proceedings. Please remember that the VWC is not bound by confidentiality and may communicate the information you provide to both law enforcement and the prosecuting attorney. The VWC is available to answer any questions or concerns you may have in regards to the criminal case.

#### *Domestic and Sexual Abuse Resource Center*

The Domestic and Sexual Abuse Resource Center (Resource Center) has advocates available to assist you and is a free and confidential service. Anything you may share with them will not be passed along to law enforcement or the prosecuting attorney. An advocate can help you obtain a

civil 236 Protection Order, discuss a safety plan, find a safe place for you to stay, provide counseling to you and/or your children, refer you to community resources, accompany you to court proceedings, provide support, and much more. Resource Center phone lines are staffed 24-hours a day. You can reach them at: **563-382-2989** or **1-800-383-2988**.

*Crime Victim Compensation Program*

If you have been a victim of a violent crime, there is a state program that may be able to assist you with certain crime-related expenses. Please ask one of the above entities for more information, or call: **1-800-373-5044**.

*You Are Not Alone!*

If you are a victim in a domestic violence case currently being prosecuted by the Allamakee County Attorney's Office and you need to talk to someone about the case, call **563-568-3813** and ask to speak with the Victim/Witness Coordinator. Our phones are staffed Monday through Friday from 8:00 a.m. to 5:00 p.m. You may also leave a message and your call will be returned as soon as possible. We hope that this information has answered some of your questions. If you have other questions or concerns, please do not hesitate to contact our office.

**REMEMBER, YOU AND YOUR FAMILY DESERVE TO BE SAFE!**

