



# The Voice

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**APRI's Violence Against Women Program**

Teresa P. Scalzo  
*Program Manager*

Jennifer G. Long  
*Senior Attorney*

Adam M. Krischer  
*Staff Attorney  
Editor, "The Voice"*

## Stopping Violence Against Women One Case at a Time

Since its inception in 1984, the American Prosecutors Research Institute (APRI) has been the leading provider of education and resources for the nation's state and local prosecutors. The Violence Against Women Program at APRI focuses on training prosecutors to handle criminal cases involving violence against women, primarily rape, domestic violence, and stalking. Our goal is to ensure that prosecutors are equipped with the necessary skills and knowledge to perform their jobs effectively while maintaining an emphasis on victim safety.

The Violence Against

Women Program strengthens the prosecution of cases involving violence against women by providing:

**Expert training** on the prosecution of domestic violence, sexual assault, and stalking – for national, regional and state/local audience.

**The National Institute on the Prosecution of Domestic Violence:** a highly interactive training program that teaches prosecutors the best methods of keeping victims safe and holding offenders accountable. The training was created in partnership with the Battered Women's Justice Program.



Teresa Scalzo, Program Manager

**The National Institute on the Prosecution of Sex Assault:** a training patterned after the highly successful National Institute on the Prosecution of Domestic Violence with a focus on prosecuting sex assault. Course development and the first training will commence in

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### **"Though Justice May Be Blind, It Is Not Stupid"<sup>1</sup>: Applying Common Sense to *Crawford v. Washington* in Domestic Violence Cases**

By Adam M. Krischer<sup>2</sup>

Domestic violence is one of the most difficult crimes to prosecute. Uncooperative victims, an uncaring public and an overwhelming caseload can make domestic violence prosecution seem

like a thankless job. Evidence based prosecution eases that burden by allowing prosecutors to go forward in cases where the victim is unable or unwilling to cooperate. In an evidence based prosecution, a prosecutor proves his or her case

with evidence other than the victim's testimony. It allows prosecutors to shield victims from the trauma of testifying and possible reprisals from their abusers. The United States Supreme Court's decision in *Crawford v. Washington*<sup>3</sup>

threatens to remove this tool from the hands of prosecutors across the country.

Michael Crawford was tried on charges of assault and attempted murder. His wife, Sylvia, was

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2005. This training is being developed in partnership with the Pennsylvania Coalition Against Rape.

**Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases:** a state-specific training program that provides prosecutors with the tools necessary for successful sex crimes prosecutions, especially non-stranger sexual assaults.

A clearinghouse on domestic violence and sexual assault laws, statutory initiatives, court reforms and trial strategies – a unique, comprehensive and continually expanding resource.

**Research** on state and federal developments, best practices, model policies and prosecutorial innovations.

**Technical Assistance:** including advice regarding policy development, trial strategies, expert witnesses, Sexual Assault Response

Teams, Sexual Assault Nurse Examiner Programs and Coordinated Community Responses.

**Authoritative publications** including: *The Prosecution of Rohypnol and GHB Related Sexual Assaults*; *Stalking: Prosecutors Confront and Restrict*; *Domestic Violence: Prosecutors Take the Lead*; and *Confronting Violence Against Women*.

The APRI Violence Against Women Online Discussion Group: This online discussion group is available to all prosecutors and allied professionals interested in the prosecution of domestic violence and sexual assault. The forum is available to seek advice, recommendations, and answers from prosecutors and allied professionals across the country. The discussion group is also a resource for information on APRI's Violence Against Women Program events, trainings and research. You can sign up by using this form or on your own by typing the following website address into your browser: <http://groups.yahoo.com/group/>

## APRI-VAWP

### APRI's Violence Against Women Program: The Voice Newsletter:

This newsletter which you are now reading is designed to provide prosecutors and other allied professionals with up-to-date information on legal strategies, best practices and research on the fight against Domestic Violence. Each issue will alternate between topics devoted to the prosecution of domestic violence and sex assault.

*Teresa Scalzo*  
VAW Program Manager

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present during the incident and made a statement to police shortly thereafter. At trial, prosecutors attempted to introduce Sylvia's statement as evidence that Michael was not acting in self-defense. Sylvia did not testify in person because Michael asserted his marital privilege. Michael objected to the introduction of Sylvia's statement on the grounds that it violated his Sixth Amendment right to confrontation. The trial court admitted the statement and was later upheld by the Washington Supreme Court under *Ohio v. Roberts*.<sup>4</sup> *Roberts* held that the Confrontation Clause was satisfied when the statement of an out-of-court declarant was found reliable. The Supreme Court overruled the Washington Supreme Court (and the *Roberts* decision), holding that the Confrontation Clause can only be satisfied by making the declarant of an out-of-court, testimo-

nial statement available for cross-examination. The Supreme Court did not wholly define "testimonial" in its decision.

As mentioned above, evidence based prosecution is of particular importance to domestic violence prosecutions. At first glance, *Crawford's* blanket requirement of a declarant's availability for the introduction of testimonial evidence appears to preclude the admission of almost all types of evidence traditionally employed in evidence based prosecutions. Victim statements made during 911 calls, to police at the scene and to medical personnel may be excluded if there was no prior opportunity for cross-

examination.

If the Constitution is more concerned with protecting the citizen from the state, the prosecutor must be more concerned with protecting the citizen from his fellow citizen. How can one reconcile the Constitutional mandate of confrontation with the prosecutor's mandate to do justice? The *Crawford* Court itself answers this question—by a showing that the Confrontation Clause does not apply. Prosecutors can make this

showing in two ways: (1) in the long term, by educating the judiciary and the public that domestic violence almost always involves forfeiture; and (2) in the short term, by aiding courts in their attempt to define

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"testimonial." The former is no different than the ongoing challenge of educating the public and judiciary on the effects of domestic violence. Just as judges and juries have resisted convicting in cases where the victim is absent or recants, judges will resist the concept that the victim's absence was wrongfully procured by the defendant. The latter is no different than what prosecutors do on a daily basis, arguing the admissibility of absent victim statements. "It thus falls to trial courts to work out the concrete meaning of *Crawford*, at least in the short term."<sup>5</sup> Who better to assist trial courts in that task than prosecutors? Until the long term goal is met, prosecutors must continue arguing that *Crawford* does not bar traditional evidence in evidence based prosecutions.

### I. A Long-Term Solution: Forfeiture by Domestic Violence<sup>6</sup>

The rule of forfeiture, first enunciated in *Reynolds v. United States*<sup>7</sup> states that "[t]he Constitution gives the accused the right to a trial at which he should be confronted with the witnesses against him; but if a witness is absent by [the defendant's] wrongful procurement, he cannot complain if competent evidence is admitted to supply the place of that which he has kept away."<sup>8</sup> Though *Crawford* changed the nature of Confrontation Clause analysis, requiring the opportunity to cross-examine where a showing of reliability previously sufficed, it left the rule of forfeiture unchanged. "[T]he rule of forfeiture by wrongdoing (which we accept) extinguishes confrontation on essentially equitable grounds..."<sup>9</sup> In other words, defendants should not profit from their own bad acts.

As most allied professionals and domestic violence prosecutors have known for decades, a domestic violence abuser does not necessarily stop the abuse when the criminal justice system intervenes. Instead,

many abusers become more abusive to reassert control over the victim. Empirical studies have shown that many abusers use this control to convince their victims not to cooperate or participate in the prosecution. The Quincy Probation Project, which tracked court-restrained male abusers, found that close to half of the victims reported that



their abusers had threatened physical violence if they continued to cooperate with prosecution efforts.<sup>10</sup> Threats from abusers to their victims are not limited to physical harm. Forty-two percent of victims reported economic threats and 25 percent were threatened with the loss of their children, either through kidnapping or exaggerated claims of unfitness made to child protective services.<sup>11</sup>

Prosecutors have found ways to outsmart batterers who attempt to prevent their victims from cooperating with the prosecution. Recently, some prosecutors' offices have begun subpoenaing prison phone records of domestic violence defendants. The tapes often provide a compelling record of the threats and entreaties defendants use to stop their victims from participating in the prosecution of their cases. Prosecutors have used these tapes to file additional charges of witness tampering or intimidation. They have also used the tapes to help explain a victim's recantation or absence to the jury.<sup>12</sup>

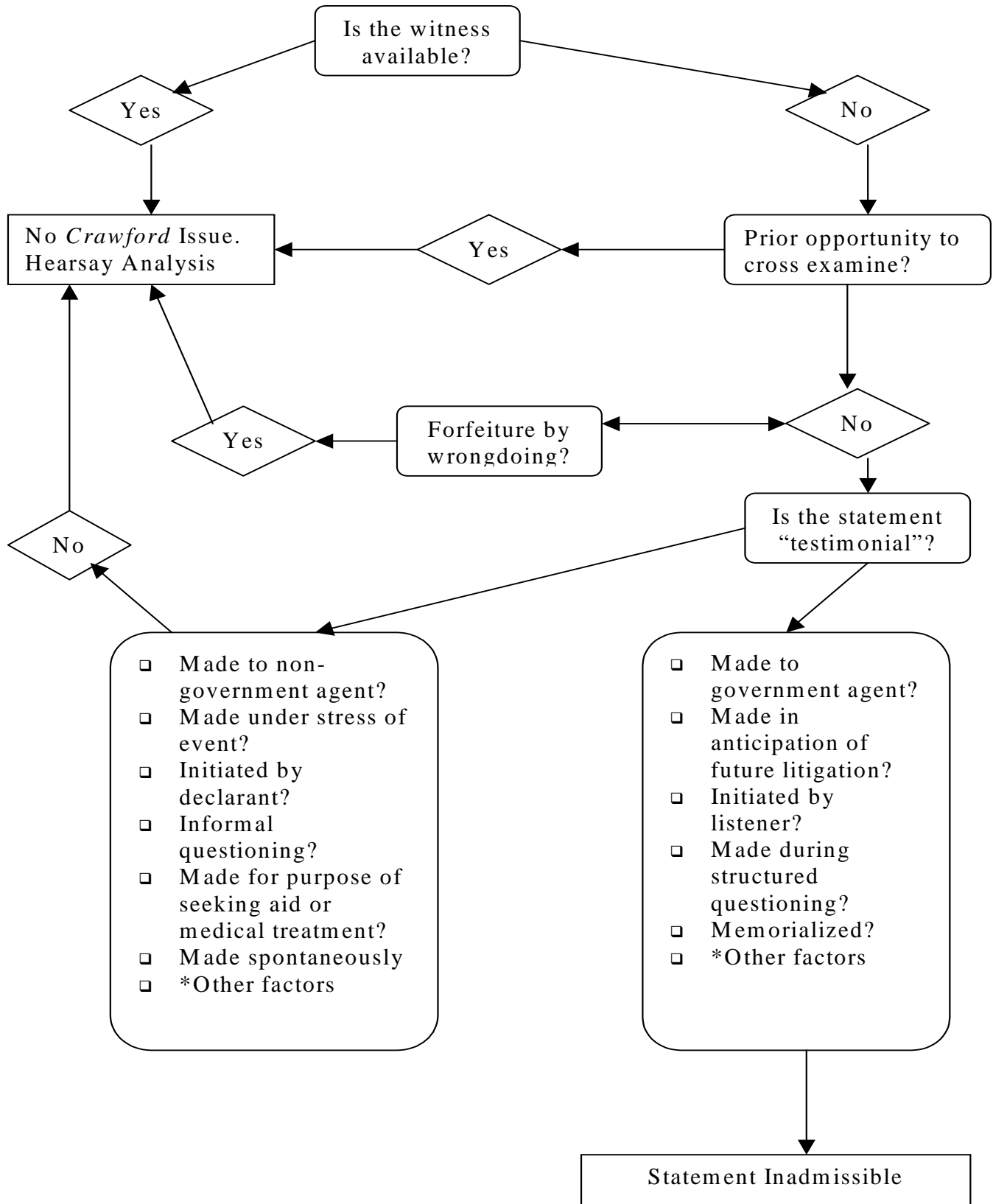
Post-*Crawford*, these same tapes can also show the defendant's unlawful procurement of the victim-witness's unavailability. Prosecutors can present the tapes in court to prove that a victim who might otherwise have been available to testify is now afraid to cooperate because of the defendant's threats. Jailhouse phone recordings are not the only way defendants leave evidence of their own unlawful procurement. Defendants often leave physical evidence such as voicemail messages, e-mail, mail, or caller ID logs showing an unreasonable number of phone calls made within a short period of time or during unreasonable calling hours. Other witnesses may also be able to testify as to the content of specific threats made by the defendant regarding any criminal or legal action initiated by the victim. In short, prosecutors should be on the lookout for evidence that supports the argument that a defendant has forfeited his right to confrontation by his own wrongdoing.

In many cases, however, there will be little or no physical evidence of the defendant's procurement. If the victim is so traumatized or so threatened by the defendant that she refuses to cooperate from the start of the investigation, the defendant has no need to commit any act to secure the victim's unavailability outside of the charged conduct itself. If "[t]he Constitution [guarantees] an accused person... the legitimate consequences of his own wrongful acts,"<sup>13</sup> then here too, the right to confrontation should be deemed waived. After all, "[t]hough justice may be blind, it is not stupid."<sup>14</sup>

Just as allied professionals and domestic violence prosecutors know that the abuse does not necessarily stop during judicial intervention, they also know that for many victims, additional threats or acts of violence are unnecessary to ensure a victim's silence. Domestic vio-

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# Crawford Analysis Flowchart



\* Other Factors: See next page, "Crawford Logic Tree"

# Crawford Logic Tree

1. Is the witness available?
  - a. If yes--no Crawford issue, unless witness refuses to testify or frustrates cross-examination (memory loss is generally not frustration of cross examination), then go to "2."
  - b. If no--then (1) is the witness truly "unavailable" and (2) was there a previous opportunity for cross-examination on the statement
    - i. If yes to both clauses in "b," then no Crawford issue.
    - ii. If no to at least one clause in "b," then go to "2" unless you have forfeiture by wrongdoing in which case no Crawford issue.

2. Is the statement "testimonial"?

## Factors Determining Whether a Statement is Testimonial

- a. To whom was the statement made?
    - i. In what capacity was the listener acting?
    - ii. Why did the listener hear the statement?
    - iii. What was the effect of the statement on the listener?
  - b. Circumstances of the making of the statement
    - i. Purpose of the statement
    - ii. Who else was around
    - iii. Who initiated contact with whom
    - iv. How was the statement made
    - v. Behavior of the declarant
  - c. How was the statement memorialized?
  - d. What was the statement?
  - e. What was the result of making the statement?
3. Therefore,
    - a. If the answer to "2" is yes, Crawford applies to bar the hearsay.
    - b. If the answer to "2" is no, then no Crawford issue but perform hearsay analysis.

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Special thank you to Cindy Dyer, Chief Family Violence, Dallas County District Attorney's Office, Christian Fisanick, Chief, Criminal Division, United States Attorney's Office, Middle District of Pennsylvania, and Herb Tanner of the Prosecuting Attorney's Association of Michigan.

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lence is not an event, but ongoing, systematic abuse. Prosecutors must educate their judges that the domestic violence itself may have procured the victim's unavailability. To that end, expert testimony may be necessary to explain the psychological effects of ongoing abuse. "When it comes to identifying the consequences of abuse for adult victims, there is almost 20 years of research and a well-developed literature from which professionals can draw."<sup>15</sup> Post-traumatic stress disorder is one possible result, but when the abuse is both systematic and comes at the hands of an intimate partner, the impact "can go beyond psychological distress or dysfunction."<sup>16</sup> Victims may feel powerless and unable to trust their own judgment. They often "experience strong ongoing attachment to and dependency on their abusers" but may also "experience difficulties developing or trusting other relationships, including relationships with professionals."<sup>17</sup>

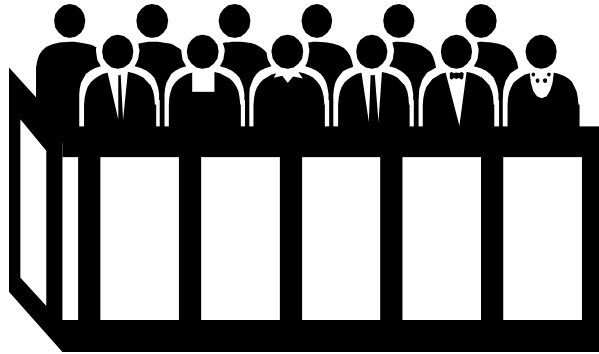
It is easy to see how these and other psychological symptoms of systematic abuse could cause a domestic violence victim to become "unavailable."<sup>18</sup> Whether the reason is fear of retaliation, physical terror of seeing the abuser, or a desire to please and remain with the abuser, the cause of a victim's unavailability is the same – procurement by the abuser through the abuse itself. Prosecutors and other allied professionals must work together to educate judges on the profound and damaging effect intimate partner abuse can have on victims' ability to participate in prosecutions. For the rule of forfeiture to have any meaning, domestic abusers must not be allowed to beat their partners out of court.

## II. A Short-Term Solution: Defining "Testimonial"<sup>19</sup>

It is unlikely that the forfeiture ar-

gument will sweep its way through the American court system any time soon. In the interim, domestic violence prosecutors are left with attempting to prove what were already extremely difficult cases. *Crawford* has made that task more difficult, but not impossible.

*Crawford* held that the right to confrontation turned on whether the statement being introduced was "testimonial." Testimonial statements require confrontation; non-testimonial statements do not. The Supreme Court, however, did not define "testimonial," leaving this task to the lower courts. Below is a



list of cases interpreting *Crawford* regarding the testimonial (or non-testimonial) nature of evidence common to domestic violence prosecution.

It is important to differentiate non-testimonial statements from excited utterances. This is not necessarily the case. The argument has been successfully made that an excited utterance, by definition, is non-testimonial. The Supreme Court suggested that testimonial statements are those "statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial."<sup>20</sup> By definition, an excited utterance, "[a] statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition,"<sup>21</sup> is non-testimonial.

### A. When the Victim Testifies for

### the Defense

*Crawford* requires that the defendant have the right to confront and cross-examine a witness whose testimonial statement will be entered into evidence. When a victim testifies on behalf of the defense or recants while testifying for the prosecution, the requirements of the Confrontation Clause are met; the witness has been subject to cross-examination (or made available for confrontation). Therefore, regardless of whether prior statements to police, third parties or 911 operators are deemed testimonial, such statements are admissible so long as they do not violate hearsay rules. A victim's testimony for the defense is non-testimonial and *Crawford* does not apply.

See:

*State v. Courtney*, 682 N.W.2d 185, 2004 Minn. App. LEXIS 768 (Minn. Ct. of Ap. 2004)

Victim's tape recorded statement to police did not violate *Crawford* because victim testified at trial.

*People v. Hunter*, 2004 Cal. App. Unpub. LEXIS 5548 (2004)

Victim's statements to police did not violate *Crawford* because she testified at trial.

### B. 911 Calls

At a bare minimum, the *Crawford* Court held that statements made during police interrogation were testimonial. Dicta suggested that testimonial statements are those made in contemplation of future litigation. In regard to 911 calls, courts have held that calls made out of fear or need of immediate safety and assistance are not testimonial. In contrast, those made to report a past crime are testimonial. The more a hearsay statement in a 911 call looks like an excited utterance, the more likely it is to be admissible.

See:

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*People v. Moscat*, 777 N.Y.S.2d 875 (N.Y. Sup. Ct. 2004)

Tape of 911 call not “testimonial” but based on the “urgent desire of a citizen to be rescued from immediate peril... If anything, it is the electronically augmented equivalent of a loud cry for help.” 911 calls are excited utterances.

*Leavitt v. Arave*, 371 F.2d 663 (9th Cir. Idaho 2004)

911 call of deceased victim was not testimonial. Statements initiated by the victim were not in response to police questioning and were based in the desire to seek help. 911 calls are excited utterances.

*People v. Cortes*, 2004 N.Y. Misc. LEXIS 663 (2004)

911 call held to be testimonial because statement made by a witness to a crime after the fact. Statement was made in response to police questioning. Distinguishes calls for safety from those made seeking immediate assistance.

### C. Statements Made to Police

Statements made to police are generally deemed testimonial and therefore require confrontation and the right to cross-examine if they are to be introduced in court. However, some courts have distinguished statements made to police in response to questioning and statements made spontaneously. Additionally, some courts have distinguished statements made to police before an investigation was initiated from those made after the investigation was initiated.

See:

*People v. Newland*, 775 N.Y.S.2d 308 (2004)

Witness statement to police that resulted in police locating evidence was not testimonial. It was not admitted for its truth but for its effect on the officer’s actions. Further, it was not made in response to police questioning.

*People v. Cage*, 120 Cal. App. 4th 770 (2004)

Victim made a statement to a police officer at the hospital while receiving medical treatment and later made a second statement at the police station. The statement made at the police station was testimonial. The statement made to the officer while at the hospital was not testimonial because there was no focus on a crime or suspect, the questioning was not structured but was informal and unrecorded.

*State v. Orndorff*, 2004 Wash. App. LEXIS 1789 (2004)

Victim’s statement was non-testimonial because it was in response to a stressful event rather than to police questions.

*State v. Barnes*, 2004 Me. LEXIS 124 (2004)

Victim’s statements were non-testimonial because the victim initiated conversation with the police, the statements were made during the stress of the event, were not in response to structured police questioning, and were made for the purpose of seeking aid.

### D. Statements Made to Third Parties

Statements made to third parties are generally found to be admissible so long as they are not being used to circumvent *Crawford* by having the third party make a report to police. Statements made to third parties are not police interrogations and are not made in contemplation of future litigation; therefore, they will generally not be characterized as testimonial in nature.

See:

*People v. Williams*, 2004 Mich. App. LEXIS 1217 (2004) (unpublished decision)

Deceased’s statements to family members regarding her fear for her life deemed non-testimonial and fall under the state of mind exception.

*Evans v. Luebbbers*, 371 F.3d 438 (8th Cir. MO) (2004)

Statements made by deceased victim regarding her fear for her life deemed non-testimonial and falling within the state of mind exception as well as the excited utterance exception.

*People v. Rivera*, 778 N.Y.S.2d 28 (N.Y. App. Div. 1st Dept) (2004)

Victim’s statements made to her sister identifying her assailant held non-testimonial and fall under the excited utterance exception.

### E. Statements Made to Medical Personnel

Statements made to medical personnel appear to be non-testimonial because they are made out of a desire to seek medical attention rather than in anticipation of future litigation.

See:

*People v. Cage*, 120 Cal. App. 4th 770 (2004)

Victim’s statement to doctor while seeking medical treatment deemed non-testimonial.

### F. When Defendant Waives Confrontation Right by “Opening the Door”

Though most cases involve a determination of whether confrontation is required, do not overlook those cases where the defendant waives that right implicitly or explicitly. When the defense places a statement or matter at issue through their own questioning, it may be held as a waiver of the right to confrontation.

See:

*People v. McMillian*, 2004 Mich. App. LEXIS 1156 (2004)

(unpublished decision) Officer’s testimony regarding a witness’s statement did not violate defendant’s right to confrontation when testimony made in response to defense questioning.

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# Sample Crawford Predicate Questions

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Use the following questions to overcome a challenge to the introduction of:

- excited utterance statements
- made by a victim
- to a police officer

*Note: while these questions were designed for use in a pretrial hearing, they may be used during the direct examination of the police officer as well.*

1. What time were you dispatched?
2. How far away were you when you received the call?
3. How long did it take you to get to the location?
4. When you got to the location, what did you observe? (E.g., obvious recent injuries, property damage, any other indicia of recent violent incident)
5. When you got to the location, what, if anything, did you hear? (E.g., victim screaming at offender, victim screaming at no one in particular, children screaming, offender screaming)
6. Were you able to locate the victim of the offense?
7. Did you have an opportunity to speak to the victim?
8. How much time passed between the time you received the call and the time you spoke to the victim?
9. Describe the victim's physical condition at the time you were speaking to her.
10. Did the victim appear to you to be in pain?
11. What did you observe that led you to believe she was in pain? (E.g., bleeding, swelling, bruising, crying, rubbing arm, etc.)
12. Did the injuries appear to be recent? (E.g., still bleeding, etc)
13. Describe the victim's emotional condition at the time you were speaking to her.
14. What did you observe that led you to believe she was upset or excited? (E.g., trembling, shaking, crying, looking over shoulder, talking fast, breathless, etc.)
15. At this time and in this condition, did the victim make any statements to you about what had happened?
16. Describe the circumstances under which she made these statements. (E.g., she was standing in the yard or in her living room, middle of the night, wearing her nightgown, kids hanging to her legs, right after this occurred, still bleeding, crying, etc.)
17. Did you Mirandize her?
18. Were the statements sworn?



# Sample Crawford Predicate Questions

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19. Did you tell her that her statements could or would be used a trial?
20. Was the victim in “police custody” at the time she made the statements?
21. Was the victim a “potential suspect” in the case?

**After asking the foundation questions listed above, proceed to part A or part B below:**

**PART A:        If the victim blurted out statements to the officer and her statements were not in response to police questions:**

1. Were the statements taken during “ the course of an interrogation”?
2. At this time, did the victim make any statements to you that were not in response to any questions?
3. What did she tell you?

**PART B:        If the victim made statements in response to questions by the officer:**

1. Were the statements taken during “ the course of an interrogation”?
2. What was the purpose of your questions?
3. Were your questions to her an interrogation or merely part of your initial investigation?
4. Were these questions asked in order to determine whether a crime had even occurred?
5. What did you ask her?
6. What the victim say?
7. Then what did you ask her?
8. What did she say?

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#### IV. Conclusion

*Crawford* has caused much concern in the legal community and among the domestic violence arena in particular. A properly supported victim, connected to services and counseling, is more likely to be cooperative than not, and a cooperative victim, willing and able to testify, makes *Crawford* a moot point. At the same time, prosecutors must continue educating the courts on the lasting effects of intimate partner abuse. Judges must understand what allied professionals have known for decades, that domestic violence, by its very nature, results in the defendant's procurement of the victim's unavailability. In the interim, prosecutors are left to do what they do best, prove their cases within the boundaries of the law. *Crawford* may make domestic violence prosecutions more difficult, but it does not make them impossible.

<sup>1</sup> State v. Altrui, 188 Conn. 161, 173 (1982)

<sup>2</sup> Adam M. Krischer is the Staff Attorney for the Violence Against Women Program at the American Prosecutors Research Institute.

<sup>3</sup> 124 S.Ct. 1354 (2004).

<sup>4</sup> 448 U.S. 56 (1980).

<sup>5</sup> *People v. Moscat*, 777 N.Y.S.2d 875, 878 (N.Y. Sup. Ct. 2004).

<sup>6</sup> Adapted with permission from "Forfeiture by Wrongdoing' Confrontation Clause Exception in Child Abuse Cases," Tom Harbinson, Senior Attorney, APRI's National Child Protection Training Center, *Reasonable Efforts*, Vol. 1., Number 3 (2004).

<sup>7</sup> 98 U.S. 145 (1879).

<sup>8</sup> *Id.* at 158.

<sup>9</sup> 124 S. Ct. at 1370.

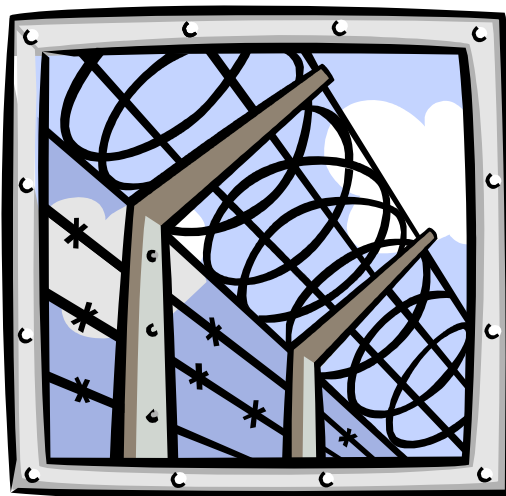
<sup>10</sup> E.S. Buzawa and C.G. Buzawa, *Domestic Violence: The Criminal Justice Response* 2nd Edition 88 (James Inciardi ed., Sage Publications 1996).

<sup>11</sup> E.S. Buzawa and C.G. Buzawa, *Domestic Violence: The Criminal Justice Response* 2nd Edition 88 (1996).

<sup>12</sup> *Calling for Trouble* (FOX Affiliate WITI-TV 6 Milwaukee news broadcast, Nov. 12, 2002).

<sup>13</sup> *Id.* at note 4.

<sup>14</sup> *Altrui* at 173 (where defendants' agent pressured a witness, who had



testified against defendants, to recant his testimony).

<sup>15</sup> Clare Dalton, *When Paradigms Collide: Protecting Battered Parents and Their Children in the Family Court System*, 37 Fam. & Concil. Cts. Rev. 273, 282 (1999)

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> See *New Jersey v Sheppard*, 484 A.2d 1330 (N.J. Super. Ct. Law Div. 1984) (allowing prosecution to show that acts committed during the crime led to the victim's unavailability by way of the witness's refusal to testify).

<sup>19</sup> Special thanks to the *Crawford* Outline compiled by Allie Phillips, Senior Attorney, APRI's National Center for the Prosecution of Child Abuse.

<sup>20</sup> 124 S.Ct. at 1364

<sup>21</sup> Fed.R.Evid. 803(2)

## The National Institute on the Prosecution of Domestic Violence

Successful prosecution of domestic violence requires that prosecutors understand its dynamics as well as the barriers to successful prosecution. During the past year, APRI's Violence Against Women Program, in partnership with the Battered Women's Justice Project, has worked with a committee of national experts to address these issues. The result of this work is the National Institute on the Prosecution of Domestic Violence.

The institute is a highly interactive training program that enables prosecutors from different jurisdictions and levels of experience to learn from one another as well as from the expert faculty. Prosecutors who have found methods of overcoming common challenges will share their success stories and techniques.

The institute consists of five primary modules: Assessing the Case; Pretrial; Culture and Community; Trial; and Post Disposition. In each module, prosecutors analyze hypothetical case problems and engage in discussions about the most current topics, led by nationally renowned faculty. The interactive format ensures that prosecutors receive training specific to their needs. Prosecutors will leave the institute with new ideas and techniques for keeping victims safe and holding offenders accountable.

The institutes were held May 4–7, 2004 in Washington, DC, June 22–25, 2004, in San Diego CA, and September 27–30, 2004 in Minneapolis, MN. Dates and locations for 2005 will be scheduled shortly. For more information, contact the Violence Against Women Program at [vawa@ndaa-apri.org](mailto:vawa@ndaa-apri.org) or (703) 549-4253.

## What they're saying about the *National Institute on the Prosecution of Domestic Violence*

Washington, D.C. May 4–7, 2004

- *Excellent discussion – it's great that the facilitators kept things moving.*
- *Victim advocates as facilitators are an excellent feature!*
- *I am looking forward to how these modules are used in the coming days for workshop and instruction.*
- *The faculty was excellent – very knowledgeable and personable.*
- *The scenarios were a wonderful starting point – it grounded us in actual facts and enabled us to explore different legal outcomes and possibilities. Excellent.*
- *Cultural issues and exercises were great.*
- *Loved the bail hearing.*
- *Voir dire and evidence based (prosecution) module was great and practical.*
- *Great speakers!*
- *Very practical. Very thought provoking.*
- *Faculty is very knowledgeable bunch. I appreciate your insight and assistance.*
- *Full faith and credit was spectacular! Excellent and smart presenters were im-*

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***“Excellent practical stuff. Thanks!”***

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San Diego, CA June 22–25

- *Great participation and discussion. I appreciate participation model rather than just lecture.*
- *Format is excellent!*
- *The modules were thought provoking and group participated well. All faculty members are creative, sincere, and make us comfortable in participating.*
- *Great opportunity to exchange ideas and experiences with prosecutors from around the country.*
- *I enjoyed it very much. It's nice to interact with other domestic abuse prosecutors and learn about the problems and challenges they face.*
- *Good discussions.*
- *Very good message about focusing on the batterer and their behavior.*
- *Excellent-would have liked to have heard more.*
- *Enjoyed all of them.*
- *Solid teamwork.*
- *Great use of humor to entertain while you teach.*
- *Thank you for letting us spend more time on the Crawford issue...this is the type of information I came here to receive.*
- *All of the information presented today and the discussions generated through this workshop have been GREAT! The faculty is great!*
- *Voir Dire presentations best BY FAR! Learned the most.*
- *Very knowledgeable and interesting.*
- *Thank you for taking the time to discuss Crawford and forego small group discussion. I find lecture and demonstration from the experts to be very helpful.*
- *Great course-keep teaching it!*
- *All of the faculty was excellent during the entire conference.*
- *The speakers were good.*
- *Promote good large group discussion.*
- *A topic that was both interesting and actually useful – yay!*
- *The presentation was well-matched to the subject matter.*

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***“All the moderators were excellent in engaging the group and encouraging participation. I have been to many conferences; I really like the approach of getting everyone involved. Good faculty!”***

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**APRI'S VIOLENCE AGAINST WOMEN PROGRAM**

99 Canal Center Plaza  
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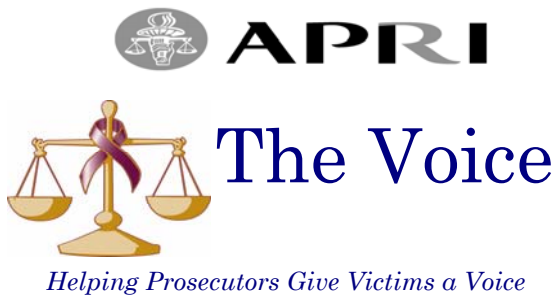
The mission of the Violence Against Women (VAW) Program at the American Prosecutors Research Institute is to improve the quality of justice in violence against women prosecutions by increasing awareness of the victim dynamics and legal issues involved by providing training and reference services to prosecutors, police, and others in the justice system.

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## THE PROSECUTION OF ROHYPNOL AND GHB RELATED SEXUAL ASSAULTS

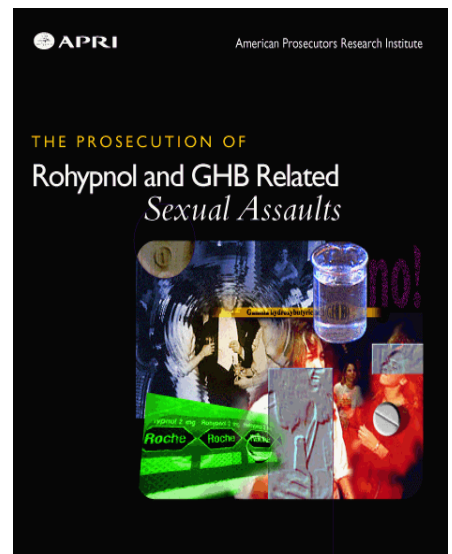
*This video and accompanying manual is designed for prosecutors and law enforcement officers on the investigation and prosecution of Rohypnol and Gamma Hydroxybutyrate (GHB) related sexual assaults.*

The video features an introduction by former Attorney General Janet Reno and advocates a victim-centered, team-oriented approach to combat these crimes.

The manual is designed to serve as a quick reference for prosecutors and law enforcement. Information about Rohypnol and GHB, investigation and prosecution strategies, and a resource directory are included in the manual.

The video and manual were developed with the assistance of a panel of experts that included prosecutors, police officers, toxicologists, and victim advocates.

To order, please mail a check, payable to APRI, along with the desired shipping address to:  
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