

# Domestic violence and the criminal legal system

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If you recently experienced domestic violence, harassment, stalking, or sexual assault, or the threat of any of these, get help from your local domestic violence shelter or sexual assault center. You can also read this to find out how the criminal legal system can help you.

**Community organizations can help!** If you've experienced domestic violence, harassment, stalking, or sexual assault, or the threat of any of these, get help from your local domestic violence shelter or sexual assault center. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services.

Visit Washington State Domestic Violence Information & Referral (<https://www.domesticviolenceinforeferral.org/domestic-violence-programs>) to search for local programs by county, or for culturally/community specific ([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=1](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=1)) or Tribal programs ([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=2](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=2)).

You can call, text, or chat online with advocates 24/7 at any of these:

- National Domestic Violence Hotline (<https://www.thehotline.org/>), 1-800-799-7233

- National Sexual Assault Hotline (<https://rainn.org/help-and-healing/hotline/>), 1-800-656-4673
- StrongHearts Native Helpline (<https://strongheartshelpline.org/>) (a peer support service of the National DV Hotline), 1-844-762-8483

### Should I call law enforcement?

If you feel comfortable doing so and you trust law enforcement, you can call the police if:

- Someone has hit or hurt you
- Someone has physically or sexually assaulted (<https://www.seekthenspeakwa.com/>) you
- Someone has damaged or destroyed your property
- Someone has threatened you with a weapon
- Someone is stalking you
- You're the victim of a crime
- Someone who doesn't live with you forces their way into your home
- You're a criminal justice system employee or an elections worker and someone has been harassing you because of your job

**If you don't feel comfortable with or trust law enforcement**, try to talk to someone at the domestic violence shelter nearest you ([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=1](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=1)).

If you were sexually assaulted, you can use Seek and Speak (<https://www.seekthenspeakwa.com/>) to report the assault to law enforcement in a way and place that's more comfortable.

The police must make a report, tell you in writing what your rights are as a victim of domestic violence, and make sure you're no longer in danger.

### Will they arrest the person who hurt or has threatened me?

The person who hurt you is "the perpetrator." The police must arrest the perpetrator if **both of these** are true:

- The perpetrator is your intimate partner or a member of your family or household. This includes a current or former spouse, current or former domestic partner, someone you live with or used to live with, someone related to you by blood or marriage, or someone with whom you have a child.
- Law enforcement believes the perpetrator has assaulted and hurt you within the last **4 hours**.

The police can arrest the perpetrator, even if the assault happened more than 4 hours ago, if there's evidence of an assault. They can also take the perpetrator's weapons. The police must arrest the perpetrator even if you don't have a Protection Order or restraining order against the perpetrator.

The perpetrator may get out of jail a few hours after any arrest. Have someone stay with you or take your family to a friend's home or domestic violence shelter ([https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field\\_county\\_value=All&field\\_program\\_catagory\\_tid=1](https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=1)).

### **Should I press criminal charges?**

If you didn't call the police at the time of the incident, you can later. Ask them to take a report and have charges filed.

Generally, police reports go to your City Attorney or Prosecuting Attorney (<https://waprosecutors.org/county-prosecutors/>). They decide whether to file criminal charges. If they don't, you're entitled to written notice and information on how to ask that they file charges.

### **Will the perpetrator get their guns back?**

The perpetrator may get their guns back after a weapons surrender order ends (after it expires) unless there's some other reason they can't have guns. They can also ask a judge for restoration of firearms in some situations.

The **prosecutor** must notify you if a petition for the restoration of firearms is filed and when the court makes a decision on that petition. You must give the prosecutor your contact information so they can notify you. Email is best. You can choose not to get notice (opt out of notification), but we don't recommend it.

If **law enforcement** returns the perpetrator's weapons, they must notify you before they do so. You must give law enforcement your contact information so they can do this. Email is best.

If law enforcement or prosecutors don't do what they're supposed to, try to talk to a lawyer right away.

### **Do I need to testify in a criminal trial?**

If the City or Prosecuting Attorney files charges, you probably must testify. The Prosecuting or City Attorney doesn't represent you. They represent the State. Your part in the criminal case is as a witness for the State.

The Prosecuting or City Attorney should talk to you about your testimony before trial. Call them if you have any questions.

The perpetrator's lawyer may want to talk to you before trial to prepare a defense. They could ask you for an informal interview, or they could ask a judge to require you to answer questions at a deposition.

Many prosecutors' offices will give you an advocate to help you through the process. Ask for an advocate if you must testify. It might take months for a case to come to trial.

### **Can I ask for a No-Contact Order?**

Yes. If you're afraid the perpetrator might hurt you again, tell the advocate or prosecuting or city attorney you want one. You should be able to get one even if you already have a protection order against the perpetrator.

A no-contact order forbids the perpetrator from having any contact with you before trial. If you report a violation of the order, the police must immediately arrest the perpetrator.

Don't contact the perpetrator **at all** when you have a no-contact order.

Sign up for Washington VINELink (<https://vinelink.vineapps.com/state/WA>) to get important victim safety notices, such as:

- If the perpetrator is transferred or released from jail or prison
- If the perpetrator tries to buy or transfer a firearm while they are prohibited and are denied
- When your protective order is served
- A reminder 90-days before your protective order expires

For some violent crimes, you can apply to the Department of Corrections for advance notice (<https://www.doc.wa.gov/victims/notification.htm>) of transfer or release.

### How will the judge punish the perpetrator?

Here are some things a judge can do if the judge finds the perpetrator guilty of a crime of domestic violence:

- Extend the No-Contact Order so that it lasts longer
- Order counseling or drug treatment
- Order the perpetrator to pay you back for your medical expenses and property destruction
- Place the perpetrator on probation
- Order jail time if the assault was severe or the perpetrator has a criminal record

### What is victim's compensation?

You may be entitled to money from the Crime Victims' Compensation program (<https://secure.lni.wa.gov/cvbenefits/>) if you needed medical care for your injuries from the abuse **or** your injuries keep or kept you from working. Law enforcement officials must tell you about this program, or you can ask them about it. **You can get benefits even if you're still living with the perpetrator.**

You must report the crime to law enforcement **within 1 year** to get compensation. You have **2 years** from reporting to law enforcement to apply to the Crime Victims Compensation program.

The State does **not** have to file charges or convict the perpetrator for you to get victim compensation.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.