

**UTAH DOMESTIC VIOLENCE COUNCIL (UDVC)**  
**UDVC Issues Call to Action [www.udvc.org](http://www.udvc.org)**  
**Statement Regarding Treatment of Domestic Violence Victims in the**  
**Criminal and Civil Justice System**  
**March 2009**

The Utah Domestic Violence Council (UDVC), a nonprofit statewide organization, provides public awareness and professional education as well as training and support for service providers and the general public. UDVC advocates at the state legislature and with state government entities, and supports coordination with 22 local domestic violence coalitions across the state. UDVC consists of a multidisciplinary membership that collaborates with the larger community to create a State where domestic violence is intolerable.

UDVC believes:

- domestic violence is a crime;
- domestic violence is preventable;
- victims and survivors of domestic violence are not to blame;
- victim safety must be a priority;
- perpetrators are responsible for their actions; and
- the most effective way to reduce domestic violence is through coordinated, community efforts.

The UDVC issues a Call to Action in Utah to enhance awareness, training and advocacy so that domestic violence is reduced and domestic violence related deaths do not occur. UDVC wants the partners in the domestic violence response system to develop an understanding of what happens prior to the violence, and to create responses that build confidence in victims of domestic violence to participate in the criminal and civil justice system.

The majority of victims in Utah are reluctant to contact law enforcement and report domestic violence. According to the Dan Jones and Associates Domestic Violence Incidence and Prevalence Study conducted September – December 2005, fear of the perpetrator is noted by 51% of those who identified as victims as to why they did not report the abuse.

The UDVC is concerned about victims of domestic violence in the criminal and civil justice systems. Victims of domestic violence are sometimes compelled to attend court as witnesses, and some courts are dismissing cases unless victims appear before the court solely for the purpose of verifying they will appear at subsequent hearings. In certain civil cases victims have been charged with violating protective orders that were issued against their abusers. The UDVC believes that domestic violence offenders will not stop their abusive behaviors if the criminal justice system focuses attention on the victim instead of the offender. The UDVC also believes it is not appropriate to jail victims for their lack of participation in the system. Safety of victims may become compromised, and the power and control that offenders have over victims may actually increase and deter victims from reporting abuse in the future. In many cases the decisions and actions of victims of domestic violence are carried out because the victims believe they are actually doing what is best to keep themselves and their children safe.

The UDVC believes that the safety of victims is primary in all situations. Reaching families to assist them with services should be paramount as a lack of intervention only allows the violence to intensify. Having confidence in first responders is an important first step for victim safety. Having trust in the response of the judicial system is important for victims and survivors.

The UDVC recommends the following principles and protocols and practices be established for effective, safe outcomes in working with victims of domestic violence within the courts, civil and criminal justice system and with service providers and partners:

- Develop response practices and written protocols that value safety for the victim;
- Develop and foster an environment that empowers victims to voluntarily participate in the system;
- Keep the focus of accountability on the offender;
- Adhere to the rights of victims as outlined in the State of Utah Constitution and statute Article I, Section 28 (<http://le.utah.gov/~code/const/const.htm>)
- Ensure that victims have access to a victim advocate throughout the process;
- Explore ways to improve and expand evidenced-based prosecution procedures;
- Develop materials such as short video/cd presentations to inform both the victim and the perpetrator about protective orders, especially educating both parties that a protective order is an order against the perpetrator;
- Establish and preserve a relationship with the domestic violence victim as an important component of safety and follow up throughout the judicial process;
- Keep the victim informed;
- Keep continued contact and communication with the victim, even if the victim chooses to not testify or appear in court;
- Ensure all professionals, service providers and partners who respond to domestic violence who have contact with victims, especially those within the civil and criminal justice systems, receive basic and updated domestic violence training including domestic violence dynamics, community resources and current laws and policies.

#### UDVC Mission Statement

“Create a State where domestic violence is intolerable.”

Website: [www.udvc.org](http://www.udvc.org) <<http://www.udvc.org/>>