

Domestic violence: Can the criminal legal system help me?

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- ❖ **If you're experiencing** domestic violence, harassment, sexual assault, or stalking, get help from your local domestic violence shelter. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services. To find the program nearest you, call the [National Domestic Violence Hotline](#) at 800-799-7233 or text "START" to 88788.
 - ❖ **StrongHearts Native Helpline** is a peer support service of the National Domestic Violence Hotline. You can get in touch with someone 24/7 by texting or calling **1-844-7NATIVE (1-844-762-8483)** or through the online chat at strongheartshelpline.org.
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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 you
- Someone has damaged or destroyed your property
- Someone has threatened you with a weapon
- Someone is stalking you
- You are the victim of a crime
- Someone who does not 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, you should still try to talk to someone at the domestic violence shelter nearest you. Call 800-799-7233 or text "START" to 88788.

What will law enforcement do?

The police must make a report, tell you in writing what your rights are as a domestic violence victim, and make sure you're not still 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:

1. The perpetrator is your spouse or former spouse, domestic partner or former domestic partner, someone you live with or used to live with, someone related you to by blood or marriage, or someone with whom you have a child.
2. 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 do not have a Protection Order or restraining order against the perpetrator.

They arrested the perpetrator. Am I safe now?

The perpetrator may be 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.

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. 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?

If law enforcement or a judge 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.

What if law enforcement doesn't do what you say here they're supposed to?

Talk to a lawyer right away. See contact info below.

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.

Many 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. Read [Depositions in Criminal Cases: Tips for Victims and Witnesses](#) to learn more.

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 bans the perpetrator from any contact with you before trial. If you report a violation of the order, the police must immediately arrest the perpetrator.

❖ Do not contact the perpetrator **at all** when you have a no-contact order.

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 if you needed medical care for your injuries from the abuse **or** your injuries keep you from working. You must report the crime to law enforcement **within one year** to get compensation. You have 2 years from reporting to law enforcement to apply to the Crime Victims Compensation program.

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- ❖ The State does **not** have to file charges or convict the perpetrator for you to get victim compensation.
 - ❖ Law enforcement officials must tell you about this law, or you can ask them about it. You can also visit [Crime Victim Claims](https://secure.in.wa.gov/cvbenefits/) at secure.in.wa.gov/cvbenefits/ to learn more. You can get benefits even if you're still living with the perpetrator.
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Get Legal Help

- **Apply online:** nwjustice.org/apply-online
- **Facing Eviction?** Call 1-855-657-8387
- **Facing Foreclosure?** Call 1-800-606-4819
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 211 (or toll-free 1-877-211-9274) weekdays 8:00 am to 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am and 12:15 pm or apply online at nwjustice.org/apply-online.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111

Deaf, hard of hearing or speech impaired callers can call any of these numbers using the relay service of your choice.

Interpreters provided.

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