

— NORTH DAKOTA —

DOMESTIC VIOLENCE

FATALITY REPORT

2017



Between 1998-2017, 45% of deaths due to homicide involved domestic violence. 77% of female homicide victims were killed in domestic violence incidents, compared to 31% of males.
In 2017, 4 of the 12 homicides in North Dakota were domestic violence related.



Persons killed in domestic violence incidents were more likely to be killed with a firearm, than those killed in non-domestic violence incidents.

46%

of female deaths in domestic violence incidents involved firearms compared to 30% of female deaths in non-domestic violence incidents

DOMESTIC VIOLENCE HOMICIDES IN 2017



Established in 2011, the Domestic Violence Fatality Review Commission reviews domestic violence deaths that have occurred in the state and recommends policies and protocols to help prevent future incidents of domestic violence and resulting fatalities (N.D.C.C. 14-07.1-20)

DOMESTIC VIOLENCE IN NORTH DAKOTA



“In One Day”



295 VICTIMS SERVED IN ONE DAY *September 13, 2017*

122 domestic violence victims found refuge in emergency shelters or transitional housing provided by local domestic violence programs.

173 adults and children received non-residential assistance and services, including counseling, legal advocacy, and children’s support groups.



71 HOTLINE CALLS ANSWERED

Domestic violence hotlines are a lifeline for victims in danger, providing support, information, safety planning, and resources. In the 24-hour survey period, domestic violence programs answered more than 6 hotline calls every hour.



10 UNMET REQUESTS FOR SERVICES IN ONE DAY

6 (60%) were for housing.

Victims made requests for services that could not be provided because programs did not have the resources to provide these services.

2017 NORTH DAKOTA DOMESTIC VIOLENCE FACTS

5,787
INCIDENTS OF
DOMESTIC VIOLENCE

were reported to crisis
intervention centers in
North Dakota

4,722

NEW VICTIMS
received services from
crisis intervention
centers in
North Dakota



In at least 39% of cases, the abuser had a history of abusive behavior with other adults including prior partners.



In at least 37% of cases, the abuser had a history of abusive behavior with other adults including prior partners.



Weapons were used in at least 14% of the cases identified. Guns were used in 14% of the cases and knives were used in 16% of the cases involving weapons.

FINDINGS & RECOMMENDATIONS



DOMESTIC VIOLENCE COURT

Several factors were common in all fatality review cases that have been reviewed by the DVFR Commission since 2011 including one or both parties having a history of domestic violence incidents (in the current and previous relationships); the majority of the incidents resulted in involvement with law enforcement and the criminal justice system. In many instances, multiple judges heard and made decisions about cases involving the same victim and offender and may have missed opportunities to make connections or determine lethality in cases.

Domestic Violence Court is a dedicated domestic violence criminal court that includes all felony and misdemeanor cases involving one or more allegations of domestic violence occurring between intimate partners, including relationships that involve current and former dating relationships, cohabitating couples or people with children in common. The criminal court utilizes civil protective orders as a tool to disarm batterers.



RECOMMENDATION

Pursue the legislative and policy changes necessary to create a domestic violence court pilot program in North Dakota.

RESULT: 65th Legislative Assembly

SB 2309 Domestic violence court. (N.D.C.C. 14-07.1-08.1.)

The district court may require an individual who has committed a crime involving domestic violence, as defined in this chapter, or who has violated a domestic violence protection order to complete domestic violence treatment under the direction of the domestic violence court program as a condition of probation in accordance with rules adopted by the supreme court. If the district court finds a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with chapter 12.1-32.

<https://www.legis.nd.gov/assembly/65-2017/documents/17-8163-02000.pdf>

FINDINGS & RECOMMENDATIONS



FIREARMS REMOVAL

As previously noted, persons killed in domestic violence incidents were more likely to be killed with a firearm than those killed in non-domestic violence incidents.



RECOMMENDATION

Enhance statute related to the authority of law enforcement to remove firearms in domestic violence incidents and protection order violations.

RESULT: *65th Legislative Assembly*

HB 1402 - Surrender of firearms or other dangerous weapons pursuant to domestic violence protection orders (subsection 4 of section 14-07.1-02.)

<https://www.legis.nd.gov/assembly/65-2017/documents/17-0836-02000.pdf>
accordance with chapter 12.1-32.

NOTICE AND SERVICE OF ORDERS

Victims often apply for or receive three types of orders in domestic violence incidents—domestic violence protection orders (NDCC), disorderly conduct restraining order (NDCC), or a criminal no contact order or order prohibiting contact as a condition of bond. Currently, there is no process for streamlining the transmission of an order from the court to the agency responsible for entering it into a database, serving the order and providing notice (LE) which leads to a gap in safety for victims.



RECOMMENDATION

Pursue the legislative and policy changes necessary to create language and the process to require submission of data related to all orders into a statewide system.

RESULT: *65th Legislative Assembly*

(SB 2309) 12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact, and restraining orders.

<https://www.legis.nd.gov/assembly/65-2017/documents/17-8163-02000.pdf>

FINDINGS & RECOMMENDATIONS



DOMESTIC VIOLENCE OFFENDER TREATMENT

Under current ND law, judges are mandated to sentence an individual charged with an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, or 12.1-17-05 against an actor's family or household member, as defined in subsection 4 of section 14-07.1-01, to complete a domestic violence offender treatment program unless the court makes written findings for the record explaining why such an order would be inappropriate. Although we know many domestic violence offenders are arrested for crimes under the sections listed above the number of offenders ordered to attend group varies widely across judicial districts management programs that may be inappropriate for the crimes committed.



RESULT

SB 2004. DOMESTIC VIOLENCE OFFENDER TREATMENT PROGRAM.

Provide an appropriation of \$300,000 to the department of health to provide grants to organizations that provide domestic violence offender treatment as a part of a graduated range of sanctions used by judges to hold offenders accountable for their criminal actions and for changing their behavior. The treatment programs shall either be in compliance or in the process of working towards compliance with the ND Adult Batterer's Treatment Standards.

<https://www.legis.nd.gov/assembly/65-2017/documents/17-0512-05000.pdf>