

Step by step Guide for community-based paralegals **in Handling Domestic Violence cases**

Domestic violence cases should be treated with utmost seriousness. DV victims are usually vulnerable and rely on the paralegals for assistance. The cases they bring to us have been committed by people very close to them and from whom they have been expecting protection. Mistakes in handling domestic violence cases have resulted in clients being exposed to further serious violence and in some cases costing them their lives. We should avoid this by putting more energy and professionalism in handling such cases. Paralegals should always read and consult the domestic violence chapter of the Paralegal manual when they come in contact with DV cases.

When a domestic violence case comes to office:

- **The paralegal admits the case by filling out the intake form and takes the client's statement**

- **The paralegal undertakes the risk assessment by carefully and professionally asking the relevant questions and filling out the form, decides whether it is a high risk case or not and explains on the form why they think it is, or is not, a high risk case. The risk assessment is confidential – you must never show it to any members of the community, or anyone else involved in the case except the victim.**

- **The paralegal then needs to talk through the options of next steps with the client. The paralegal should consider:**
 - **Making a report to the police/ pursuing prosecution**

 - **Seeking medical attention**

 - **The possibility of temporary separation, for a few days, weeks or months, to let tempers cool and assess the situation later**

 - **The possibility of more permanent separation already at this stage.**

 - **Whether there is a safe place she can stay, even for a few days (brainstorm with her where might be suitable)**

 - **What ability does she have to feed her children/ look after herself?**

- **If she needs skills training or microfinance, what options are available in the community? (refer to pre-developed list)**
- **Would it be appropriate to suggest temporary separation and seek child maintenance payments from the perpetrator?**
- **What property does she have? What is she entitled to at home? (think about what belongs to her in her own right and what joint property she might have with the perpetrator. Has she contributed to the upkeep of the house? Even if through looking after children rather than financial input.)**
- **Does she need counselling? Can you help her access this? (you should have a list of all such ngos in the community)**
- **Does she want help in settling with the other side? She may not want to go to court but also not want to settle right away. This is fine: she can do neither.**
- **If, after all these steps, the case will not be prosecuted, and the victim wants help in negotiating a settlement with the alleged perpetrator, the paralegal can then contact him. Before contacting him, you should ask permission from the victim. When you meet him you should explain briefly that the victim has come to you for assistance. You must not tell him about the information given to you in the risk assessment, or show him the risk assessment. You should tell him how seriously domestic violence is being treated now, and that it is a criminal offence, punishable by a fine of Le 5 million and/or 2 years imprisonment.**
- **If the victim wants to settle, after the above steps you can then arrange a time**

Points to remember:

- **If it is a high risk case, the paralegal should never recommend that the client returns to the perpetrator. If the client insists and wants to return, she is entitled to do that, but the paralegal must never encourage it.**
- **Respect the client's decision.**
- **A client is at their most vulnerable after reporting it to an authority outside the home. Their violent partner is likely to be very angry.**

- You should not report a case to the police if the victim has brought the case to you and does not want you to. If it is reported to the police, and the victim then decides to withdraw, you should respect that decision. This does not mean the prosecution must collapse. Eg. There may be other witnesses, and a medical report, so that the victim's testimony is not essential. You can continue to assist the police with the prosecution in such circumstances.
- All sexual offences are serious crimes and paralegals should not mediate or settle in any way

If the client wants to pursue prosecution:

- **DO NOT** at this stage contact the alleged perpetrator
- Do inform the supervising lawyer or lead paralegal
- Go to the police with the victim, to report the matter- be issued with a medical certificate form. The police may take a statement at this point or wait for the medical report to be brought back to the station before obtaining statement.
- Accompany the victim to a medical centre (in the western area and in Kenema, to the Rainbo centre) have a medical examination (and treatment if necessary)
- Take the completed medical certificate to the police/ in some areas it is only the police themselves that are allowed to convey medical certificate from the doctor/hospital to the police station. In this second case, the paralegal's role is to ensure that the police in charge of the case do so in a timely manner.
- The police should then investigate the matter. They may accept your assistance, eg you could take them on your motorbike to investigate the incident. However, they will often not want help. Nevertheless, the paralegal should monitor the case, following up to show that someone is interested and listen to the client, to check that they are doing the right thing and speedily working to charge the case to court.
- You should **NOT** have anything to do with the other party (alleged perpetrator) e.g inviting him for interviews or trying to get his own side
- Remember there is no such thing as an excuse or mutual responsibility for violence. If the perpetrator argues that she provoked him (as is common), this is good evidence against him in committing the crime, as it shows he had a motive.