



## SUBMISSION FORM

All submission forms must include the following information. Separate submission forms must be turned in for each eligible program. **Deadline: July 1, 2022.** Please include this submission form with the electronic entry. If you do not receive an email confirming receipt of your entry within 3 days of submission, please contact [Gage Harter](#).

### PROGRAM INFORMATION

County: Prince William County

Program Title: Early Diversion Program in Domestic Violence Cases

Program Category: Criminal Justice & Public Safety

### CONTACT INFORMATION

Name: Hon. Amy Ashworth

Title: Commonwealth's Attorney

Department: Office of the Commonwealth's Attorney

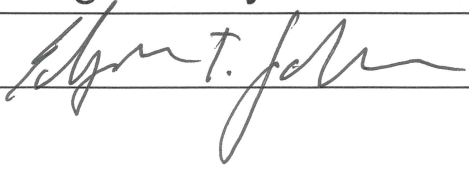
Telephone: 703-792-6050 Website: <https://www.pwcva.gov/departments/commonwealth-attorney>

Email: cwoffice@pwcgov.org

### SIGNATURE OF COUNTY ADMINISTRATOR OR DEPUTY/ASSISTANT COUNTY ADMINISTRATOR

Name: Elijah T. Johnson

Title: Acting County Executive

Signature: 



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COMMONWEALTH'S ATTORNEY**

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**Application for Virginia Association of Counties Achievement Awards**

On July 7, 2021, the Honorable Amy Ashworth, Commonwealth's Attorney launched the Early Diversion Program in Domestic Violence Cases in the 31<sup>st</sup> Judicial District with the goal of helping families and assisting victims through the court process. In the Commonwealth, Assault and Battery against a Family or Household Member is charged as a Class 1 Misdemeanor, with a possible punishment of up to one year in jail and up to a \$2500 fine. Va. Code §18.2-57.2. In Domestic Violence cases, victims are often reluctant to testify against their family member because they have an on-going relationship and do not want to see the family member that has been charged convicted of a criminal offense. Often victims of domestic violence do not show up for court and if they do come to court, may recant their previous statements about the assault.

These cases originate when law enforcement is called to a home, usually through a 911 call, where a fight, argument, or other domestic situation is reported. If there is evidence of an assault and the police officer can determine the primary aggressor, the police officer is required by the Code of Virginia to make an arrest. Officers often express frustration with this mandatory arrest policy and come to court advising the prosecutor that this was a "policy" arrest and not necessarily one that they felt was appropriate. Examples of wrongdoing often involve a brother and sisters fighting over something small, a husband or wife throwing water on their spouse, or a pushing/shoving incident between family members. All parties are subpoenaed to court and meet with a prosecutor on the trial date to determine the best outcome of the case, which often

results in charges simply being dropped without any services provided to ensure that any violence will not escalate or to address the underlying problem.

For judicial economy and efficient use of government and prosecutorial resources, the Commonwealth's Attorney's Office began the Early Diversion Program for Domestic Violence cases. A Staff Attorney employed by the office, Thomas Scartz, reviews incoming Domestic Violence cases. For any case that does not involve a high degree of violence or threat of violence, the Staff Attorney contacts the victim to try and understand the nature of the relationship and root cause of the assault. The Staff Attorney also reaches out to the police officer to obtain his/her point of view regarding the case. If both the victim and the police officer agree, the case is put into the Early Diversion Program. The Staff Attorney recommends that certain early intervention services take place such as requiring either party to complete anger management, mental health treatment, family or individual counseling, substance abuse treatment, parenting classes, and more. The Early Diversion Program works with community partners from Local Probation, Prince William County Police Department, Manassas City Police Department, and other local law enforcement agencies, as well as the Juvenile and Domestic Relations District Court.

Early Intervention allows families to focus on helpful solutions to the underlying problem that led to the violence and the arrest prior to proceeding to court. If the intervention services are satisfactorily complied with, the Staff Attorney resolves the matter without the parties having to come to court. Early Diversion allows the defendant to take an active role in bettering themselves for their family and their community and avoid a criminal conviction that can have lasting effects on their lives.

The Early Diversion Program has been well received by members of the community, law enforcement, participants, judges, defense attorneys and prosecutors alike. By diverting the cases from the court's docket, the court and prosecutors can focus on the domestic violence cases that are more serious in nature and pose a threat of future harm to the victim. The police

appreciate that there are services being provided to prevent future acts of violence and, thus, calls for service to these homes, as well as being excused from coming to court on these cases that are likely not to merit prosecution. The victims appreciate having input into the outcome of the case and not having to testify against their family member. The defense attorneys and accused appreciate the opportunity to avoid a criminal conviction without having to go to trial.

The Early Diversion Program has an excellent success rate. Ninety-Eight percent (98%) of the people who are charged and offered the Early Diversion option accept the opportunity, rather than opt for going to court and possibly having a trial. Of those, 98% successfully comply with the offer by completing the terms of the offer before the first court date. In some situations, additional time is needed to complete the terms of the offer, so we continue those cases for a status hearing. Again, we see 98% compliance and even the non-compliance issues are minimal deviations and so far, have presented no barrier to diverting the case.

As of this writing, it has a zero percent recidivism rate, meaning that of the people whose charges have been diverted, none have been rearrested. As the Early Diversion Program continues to grow, we look forward to working with our Community Partners and expanding to include more intervention services and staff to expand the scope and type of cases that we can take into the program.

### Brief Overview of the Program:

On July 7, 2021, the Honorable Amy Ashworth, Commonwealth's Attorney launched the Early Diversion Program in Domestic Violence Cases in the 31<sup>st</sup> Judicial District with the goal of helping families and assisting victims through the court process. In the Commonwealth, Assault and Battery against a Family or Household Member is charged as a Class 1 Misdemeanor, with a possible punishment of up to one year in jail and up to a \$2500 fine. Va. Code §18.2-57.2. In Domestic Violence cases, victims are often reluctant to testify against their family member because they have an on-going relationship and do not want to see the family member that has been charged convicted of a criminal offense. Often victims of domestic violence do not show up for court and if they do come to court, may recant their previous statements about the assault.

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### Executive Summary:

For judicial economy and efficient use of government and prosecutorial resources, the Commonwealth's Attorney's Office began the Early Diversion Program for Domestic Violence cases. A Staff Attorney employed by the office, Thomas Scartz, reviews incoming Domestic Violence cases. For any case that does not involve a high degree of violence or threat of violence, the Staff Attorney contacts the victim to try and understand the nature of the relationship and root cause of the assault. The Staff Attorney also reaches out to the police officer to obtain his/her point of view regarding the case. If both the victim and the police officer agree, the case is put into the Early Diversion Program. The Staff Attorney recommends that certain early intervention services take place such as requiring either party to complete anger management, mental health treatment, family or individual counseling, substance abuse treatment, parenting classes, and more. The Early Diversion Program works with community partners from Local Probation, Prince William County Police Department, Manassas City Police Department, and other local law enforcement agencies, as well as the Juvenile and Domestic Relations District Court.