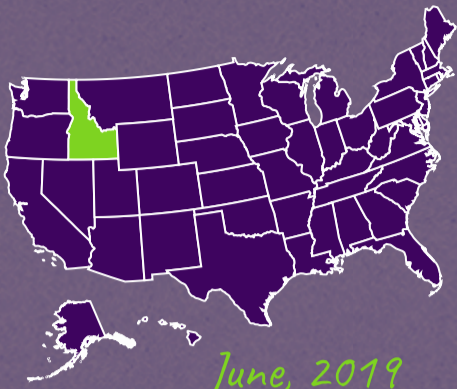


## Emerging Issues in Victimization: The Impact of the *Clarke Decision on Policing's Response to Victimization*



June, 2019

Idaho Supreme Court Ruling

### What is the Clarke Decision?

The Clarke decision made it unlawful for police to make an arrest in misdemeanor crimes that happen outside their presence without a signed warrant from a judge. Unfortunately this also applies to domestic violence incidents.

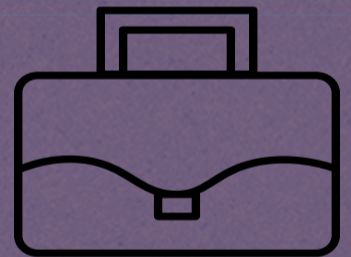
### Impacts

1 The response a citizen receives is dependent upon where they live in Idaho. There is no consistent response provided by policing agencies.



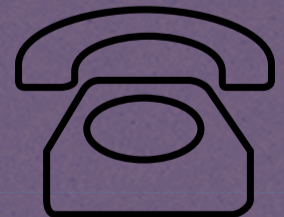
2 Officers have begun recommending that victims seek civil protection orders. Violations to these orders however are still misdemeanors that officers can't intervene in because of the *Clarke* decision.

3 As a result of the inability for officers to remove suspects from the scene of a domestic violence incident, victims are encouraged to leave despite many issues with this solution.



4 Victim service agencies report difficulties in accessing victims to offer services due to safety concerns that offenders are still present and may become aware that the victim is seeking services.

5 Victim service agencies report that policing agencies' response post-*Clarke* possibly harms the police-victim relationship resulting in victims' reluctance to call the police during subsequent victimizations.



6 Officers have begun using citations as opposed to obtaining an arrest warrant to immediately remove the suspect. As a result, court appearances are delayed 14-21 days after the original domestic violence incident occurs.