

New York State

Standardized DOMESTIC INCIDENT REPORT (DIR)

(Form 3221 (6/2005))

WHERE TO SEND DIRS

New York City (NYC) DIRS are sent to NYPD and therefore, do not need to be sent directly to DCJS.

For Non-NYC agencies, the DCJS copy of the DIR form should be sent to one of the following locations:

Members of the STATE POLICE:
Forward DCJS copies of the DIR through channels to:

Troop Headquarters
Uniform Lieutenant's Office
ATTN: Domestic Violence Coordinator

All OTHER AGENCIES, send the DCJS copies of the DIR to:

The NYS Division of Criminal Justice Services
Bureau of Statistical Services
4 Tower Place, Stuyvesant Plaza
Albany, New York 12203-3764
1-800-342-9862 for questions

HOW TO REQUEST MORE DIRS

Using a DCJS requisition form, or your agency's letter head, FAX your request to:

The NYS Division of Criminal Justice Services
Office of Customer Services
FAX: (518) 457-6109
PHONE: (518) 457-5891

* Be sure to include the total number of DIRs you are requesting.

HELPFUL TRAINING ON THE DIR

Go to www.criminaljustice.state.ny.us
to download the reference manual or obtain a copy
of the CD-ROM training module.

For questions, call the criminal justice coordinator at OPDV:
(518) 457-6438

REMEMBER:

**Whenever possible, ask complainant the DIR questions
OUT of earshot and eyeshot of suspect**

Quick Reference Guide

Recommended Wording

(PRIOR DV HISTORY?) “Has _____ ever hurt you, threatened harm to you or others, made you afraid, or forced you to do something that you didn’t want to do (prior to this incident)?”

(VICTIM FEARFUL?) “Are you currently concerned or in **fear** for your safety or the safety of someone else because of _____’s behavior?” (**Note:** Document specific fear and reasons for it. Fear may be an element of an offense (e.g. menacing, coercion, stalking, etc.). Also, document in statement of allegations.

INFORM VICTIM. “A **victim advocate can help you with SAFETY PLANNING, an important issue to be discussed with a local service provider. On the back of a form that I will give you are some phone numbers that can assist you. Do you need assistance with making arrangements for transportation to another location?**” **Note:** CPL 530.11(6) requires a police officer to advise a victim of local available services.)

Officers are NOT required to arrest each person in dual complaint situations.

Officers must identify the PRIMARY PHYSICAL AGGRESSOR. Consider injuries, threats of past and future harm, history of domestic violence, and self-defense responses. An ARREST DECISION shall NOT be based on the willingness of a person to testify or participate in a judicial proceeding (refer to the Primary/Dominant Aggressor Law, (CPL 140.10 (4)(c)).

Below is a list of some frequently seen offenses in domestic violence incidents.

REMEMBER to CHARGE all relevant offenses and charge at the highest degree appropriate for the circumstances.

Family Offenses

(refer to CPL articles 140 and 530)

Aggravated Harassment 2nd (240.30; A Misd.)

Assault 2nd (120.05; D Felony)

Assault 3rd (120.00; A Misdemeanor)

Attempted Assault

Disorderly Conduct (240.20; Violation)

Harassment 1st (240.25; B Misd.)

Harassment 2nd (240.26; Violation)

Menacing 2nd (120.14; A Misdemeanor)

Menacing 3rd (120.15; B Misdemeanor)

Reckless Endangerment 1st (120.25; D Felony)

Reckless Endangerment 2nd (120.20; A Misd.)

Stalking 1st (120.60; D Felony)

Stalking 2nd (120.55; E Felony)

Stalking 3rd (120.50; A Misd.)

Stalking 4th (120.45; B Misd.)

Often Committed Offenses

Agg. Assault Person under 11 (120.12; E Felony)

Agg. Criminal Contempt (215.52; D Felony)

Agg. Harassment 1st (240.31; E Felony)

Aggravated Cruelty to Animals (NY Agr & M Section 353-a; Felony)

Assault 1st (120.10; B Felony)

Burglary 1st (140.30; B Felony)

“ 2nd (140.25; C Felony)

“ 3rd (140.20; D Felony)

Robbery 1st (160.15; B Felony)

“ 2nd (160.10; C Felony)

Coercion 1st (135.65; D Felony)

“ 2nd (135.60; A Misd.)

Criminal Contempt 1st (215.51; E Felony)

“ 2nd (215.50; A Misd.)

Criminal Mischief 1st (145.12; B Felony)

“ 2nd (145.10; D Felony)

“ 3rd (145.05; E Felony)

“ 4th (145.00; A Misd.)

Criminal Trespass 1st (140.17; D Felony)

“ 2nd (140.15; A Misd.)

“ 3rd (140.10; B Misd.)

Endangering Welfare of Child (260.10; A Misd.)

Endang. Welf. of Vulnerable Elderly Person 1 (260.34; D Felony)

Intimidating Victim or Witness 1st (215.17; B Felony)

Intimidating Victim or Witness 2nd (215.16; D Felony)

Intimidating Victim or Witness 3rd (215.15; E Felony)

Menacing 1st (120.13; E Felony)

Manslaughter 1st (125.20; B Felony)

Manslaughter 2nd (125.15; C Felony)

Murder 1st (125.27; A-I Felony)

Murder 2nd (125.25; A-I Felony)

Resisting Arrest (205.30; A Misd.)

Unlawful Imprisonment 1st (135.10; E Felony)

“ 2nd (135.05; A Misd.)

Other Possible Offenses

Agg. Sexual Abuse 1st (130.70; B Felony)

“ 2nd (130.67; C Felony)

“ 3rd (130.66; D Felony)

“ 4th (130.65-a; E Felony)

Computer Tampering 1st (156.27; C Felony)

“ 2nd (156.26; D Felony)

“ 3rd (156.25; E Felony)

“ 4th (156.20; A Misd.)

Computer Trespass (156.10; E Felony)

Criminal Possession of a Dangerous Weapon 1st (265.04; B Felony)

Criminal Possession of a Weapon 2nd (265.03; C Felony)

“ 3rd (265.02; D Felony)

“ 4th (265.01; A Misd.)

Criminal Sexual Act 1st (130.50; B Felony)

“ 2nd (130.45; D Felony)

“ 3rd (130.40; E Felony)

Criminal Tampering 1st (145.20; D Felony)

“ 2nd (145.15; A Misd.)

“ 3rd (145.14; B Misd.)

Criminal Use of a Firearm 1st (265.09; B Felony)

“ 2nd (265.08; A Misd.)

Criminally Negligent Homicide (125.10; E Felony)

Endang. Welf. Vulner. Elderly 2nd (260.32; E Fel.)

Facil. a Sex Off. W. a Cont. Sub. (130.90; D Fel.)

Forcible Touching (130.52; A Misd.)

Kidnapping 1st (135.25; A-I Felony)

“ 2nd (135.20; B Felony)

Rape 1st (130.35; B Felony)

“ 2nd (130.30; D Felony)

“ 3rd (130.25; E Felony)

Reckless Endanger. of Property (145.25; B Misd.)

Sexual Abuse 1st (130.65; D Felony)

“ 2nd (130.60; A Misd.)

“ 3rd (130.55; B Misd.)

Sexual Misconduct (130.20; A Misd.)

Tampering with a Witness 1st (215.15; B Fel.)

“ 2nd (215.12; D Fel.)

“ 3rd (215.11; E Fel.)

“ 4th (215.10; A Misd.)

Unauth. Use of a Vehicle 1st (165.08; D Fel.)

“ 2nd (165.06; E Fel.)

“ 3rd (165.05; A Misd.)