

Sample questions Law Enforcement can ask to help develop forfeiture cases:

If you worry about whether the victim will appear in court, what they will say, if they will say anything at all, then you need to understand **forfeiture by wrongdoing**. If you lack the resources to track victims and serve them with subpoenas, you need to understand forfeiture. If you are an advocate looking to improve services to your clients, you need to understand forfeiture.

When the defendant takes steps designed to make the victim unavailable for testimony, they forfeit their 6th Amendment right of confrontation. Intuitively, we know this happens in almost every case. If you think the only way to establish this is by a direct threat from the offender, you are usually disappointed at your efforts to prove forfeiture. The actions can be far more subtle, yet just as powerful as a direct threat.

Rather than wait until the victim fails to appear for court, let's look at how we can develop these cases starting at the scene. Here are some sample questions law enforcement can ask to help develop forfeiture cases:

(At the scene)

Since the incident, did they contacted you in any way? What about immediately after the incident? What did they say? What did you take that to mean?

Tell me about what has happened in the past when there was abuse?

Have you ever left or thought about leaving before? What keeps you from leaving or what made you return?

Have they ever threatened you or done anything that makes you feel like you cannot leave the relationship? What did they do?

Have there been prior protective orders against your partner? How did they respond to them?

What keeps you in the relationship?

Are there friends or relatives who know about the abuse?

***Law enforcement should attempt to get a protective order in place as soon as possible. (EPO, CPO)**

(At detective level)

What contact have you had with the defendant since the incident?

What about their friends or family. Have they contacted you? How did they contact you? What was said? How did that make you feel?



*Have they tried to contact your children or your family? Have they tried to reunite with you?
What was the nature of that contact?*

