

Finding Evidence of Forfeiture

You've got the case and you have put a protective order in place. Now what?

You've probably been doing it wrong. You put mail covers on mail coming out of the jail and you spend countless hours listening through jail calls hoping to find that threat. Most of the forfeiture contact in published opinions involves far less egregious conduct. Threats are obvious. Look for the subtle forms of persuasion and intimidation.

Apply the power and control wheel to any contact between the offender and survivor.

Look at the ways the offender uses third parties to engage in contact. This could be the children, a friend, a family member.

If the survivor comes into your office to "drop charges" talk to them about their most recent contact with the offender. Document those contacts, especially if it results in the survivor changing their attitude towards prosecution.

Get smart with jail calls. Most intimidation occurs around key court dates, arraignments, preliminary hearings, bail hearings, setting of trial, etc. Focus on calls around those dates. You can also use AI to screen calls for key words and speed up your review.

Remember, if you put a protective order in place, any contact between offender and survivor is a violation of the order, evidence of the existing crime, evidence of a new crime, or evidence of forfeiture by wrongdoing.