

New York State Standardized DOMESTIC INCIDENT REPORT (DIR) (Form 3221-05/2011)

REMEMBER: *Whenever possible, ask complainant the DIR questions OUT of earshot and eyesight of suspect*

RECENT CHANGES TO STATE LAW:

Effective 12/15/2009: Where the reported incident involved an offense committed by an individual known by the law enforcement officer to be under probation or parole supervision, he or she shall transmit a copy of the report as soon as practicable to the supervising probation department or the Division of Parole. (CPL§ 140.10[5])

Effective 11/11/2010: Three offenses have been added to Penal Law Article 121 entitled Strangulation and Related Offenses, designated as family offenses pursuant to: Criminal Obstruction of Breathing or Blood Circulation (PL§ 121.11; A Misdemeanor), Strangulation 1st (PL§ 121.13; C Felony), and Strangulation 2nd (PL§ 121.12; D Felony).

WHERE TO SEND DIR FORMS

New York City (NYC) DIR forms are sent to NYPD and do not need to be sent directly to DCJS.

State Police forward DCJS copies of DIR to **Zone Headquarters**.

All Other Agencies, send DCJS copies of DIR to:
NYS Division of Criminal Justice Services
State Identification Bureau-DIR, 6th Floor
4 Tower Place
Albany, New York 12203-3764

If Suspect is on Probation or Parole Supervision, photocopy the **police copy** of DIR and send to the County Probation Department or the local Parole Office.

Addresses for County Probation Departments and Parole Offices can be found in the Criminal Justice Directory at: <http://criminaljustice.state.ny.us>

HOW TO REQUEST MORE DIR FORMS

To order additional forms send an email to:

dcjs.dl.dirform@dcjs.state.ny.us

When ordering forms, please provide the **agency name** and **street address** for shipment, no P.O. Boxes accepted. DIR forms come 25 forms to a pad. Please base your order on the **number of pads** needed, not the number of forms.

IMPORTANT HOTLINE NUMBERS

Child Protective Services (Public) 1-800-342-3720
CPS (Mandated Reporter) 1-800-635-1522
NYS Domestic Violence (English) 1-800-942-6906
NYS Domestic Violence (Spanish) 1-800-942-6908
Adult Protective Services 1-800-342-3009 (Option 6)

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 530.11)

Aggravated Harassment 2nd (240.30; A Misd)

Assault 2nd (120.05; D Felony)

Assault 3rd (120.00; A Misdemeanor)

Attempted Assault (110.00)

Criminal Mischief 1st (145.12; B Felony)

Criminal Mischief 2nd (145.10; D Felony)

Criminal Mischief 3rd (145.05; E Felony)

Criminal Mischief 4th (145.00; A Misd)

Criminal Obstruction of Breathing or Blood Circulation (121.11; A Misd)

Disorderly Conduct (240.20; Violation)

Forcible Touching (130.52; A Misd)

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)

Sexual Abuse 2nd (130.60(1); A Misd)

Sexual Abuse 3rd (130.55; B Misd)

Sexual Misconduct (130.20; 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)

Strangulation 1st (121.13; C Felony)

Strangulation 2nd (121.12; D felony)

Often Committed Offenses

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

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 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 1st (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 Fel)

“ 3rd (265.02; D Fel)

“ 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 Fel)

“ 2nd (265.08; A Misd)

Criminally Negligent Homicide (125.10; E Fel)

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

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

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)

Tampering with a Witness 1st (215.13; 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)