

# New York State Standardized DOMESTIC INCIDENT REPORT (DIR)

(Form 3221-03/2016)

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

## TIPS FOR COMPLETION

When completing the DIR please be sure:

- To print legibly and firmly
- Wraparound cover is in place
- All copies of each page are lined up properly
- Writing is visible on all 3 copies of the form
- To complete every section of the DIR
- To hand Victim Rights Notice to the victim
- Victim understands the Victim Rights Notice
- Victim receives all pink copies at the scene

## **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  
NYS Identification Bureau-DIR, 5th Floor  
80 South Swan Street  
Albany, New York 12210

**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.ny.gov>

## **HOW TO REQUEST MORE DIR FORMS**

To order additional forms send an email to:

**[dcjs.dl.dirform@dcjs.ny.gov](mailto:dcjs.dl.dirform@dcjs.ny.gov)**

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**

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

Local Service

Provider Name: \_\_\_\_\_

Hotline: \_\_\_\_\_

## 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 Family Offense** (240.75; E Felony)

**Aggravated Harassment 2<sup>nd</sup>** (240.30; A Misd.)

**Assault 2<sup>nd</sup>** (120.05; D Felony)

**Assault 3<sup>rd</sup>** (120.00; A Misdemeanor)

**Attempted Assault** (110.00)

**Criminal Mischief 1<sup>st</sup>** (145.12; B Felony)

**Criminal Mischief 2<sup>nd</sup>** (145.10; D Felony)

**Criminal Mischief 3<sup>rd</sup>** (145.05; E Felony)

**Criminal Mischief 4<sup>th</sup>** (145.00; A Misdemeanor)

**Disorderly Conduct** (240.20; Violation)

**Forcible Touching** (130.52; A Misdemeanor)

**Harassment 1<sup>st</sup>** (240.25; B Misdemeanor)

**Harassment 2<sup>nd</sup>** (240.26; Violation)

**Menacing 2<sup>nd</sup>** (120.14; A Misdemeanor)

**Menacing 3<sup>rd</sup>** (120.15; B Misdemeanor)

**Reckless Endangerment 1<sup>st</sup>** (120.25; D Felony)

**Reckless Endangerment 2<sup>nd</sup>** (120.20; A Misd.)

**Sexual Abuse 2<sup>nd</sup>** (130.60(1); A Misdemeanor)

**Sexual Abuse 3<sup>rd</sup>** (130.55; B Misdemeanor)

**Sexual Misconduct** (130.20; A Misd.)

**Stalking 1<sup>st</sup>** (120.60; D Felony)

**Stalking 2<sup>nd</sup>** (120.55; E Felony)

**Stalking 3<sup>rd</sup>** (120.50; A Misdemeanor)

**Stalking 4<sup>th</sup>** (120.45; B Misdemeanor)

**Criminal Obstruction of Breathing or**

**Blood Circulation** (121.11; A Misd.)

**Strangulation 1<sup>st</sup>** (121.13; C Felony)

**Strangulation 2<sup>nd</sup>** (121.12; D Felony)

**Coercion 2<sup>nd</sup>** (135.60(1) (2) (3); A Misd.)

**Grand Larceny 3<sup>rd</sup>** (155.35; D Felony)

**Grand Larceny 4<sup>th</sup>** (155.30; E Felony)

**Identity Theft 1<sup>st</sup>** (190.80; D Felony)

**Identity Theft 2<sup>nd</sup>** (190.79; E Felony)

**Identity Theft 3<sup>rd</sup>** (190.78; A Misdemeanor)

### Often Committed Offenses

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

Agg. Criminal Contempt (215.52; D Felony)

Agg. Harassment 1<sup>st</sup> (240.31; E Felony)

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

Assault 1<sup>st</sup> (120.10; B Felony)

Burglary 1<sup>st</sup> (140.30; B Felony)

“ 2<sup>nd</sup> (140.25; C Felony)

“ 3<sup>rd</sup> (140.20; D Felony)

Robbery 1<sup>st</sup> (160.15; B Felony)

“ 2<sup>nd</sup> (160.10; C Felony)

Coercion 1<sup>st</sup> (135.65; D Felony)

Criminal Contempt 1<sup>st</sup> (215.51; E Felony)

“ 2<sup>nd</sup> (215.50; A Misdemeanor)

Criminal Trespass 1<sup>st</sup> (140.17; D Felony)

“ 2<sup>nd</sup> (140.15; A Misdemeanor)

“ 3<sup>rd</sup> (140.10; B Misdemeanor)

Endangering Welfare of Child (260.10; A Misd.)

Endang. Welf. of Vulnerable Elderly Person 1<sup>st</sup> (260.34; D Felony)

Intimidating Victim or Witness 1<sup>st</sup> (215.17; B Felony)

Intimidating Victim or Witness 2<sup>nd</sup> (215.16; D Felony)

Intimidating Victim or Witness 3<sup>rd</sup> (215.15; E Felony)

Menacing 1<sup>st</sup> (120.13; E Felony)

Manslaughter 1<sup>st</sup> (125.20; B Felony)

Manslaughter 2<sup>nd</sup> (125.15; C Felony)

Murder 1<sup>st</sup> (125.27; A-I Felony)

Murder 2<sup>nd</sup> (125.25; A-I Felony)

Resisting Arrest (205.30; A Misdemeanor)

Unlawful Imprisonment 1<sup>st</sup> (135.10; E Felony)

“ 2<sup>nd</sup> (135.05; A Misd.)

### Other Possible Offenses

Aggravated Sexual Abuse 1<sup>st</sup> (130.70; B Felony)

“ 2<sup>nd</sup> (130.67; C Felony)

“ 3<sup>rd</sup> (130.66; D Felony)

“ 4<sup>th</sup> (130.65-a; E Felony)

Computer Tampering 1<sup>st</sup> (156.27; C Felony)

“ 2<sup>nd</sup> (156.26; D Felony)

“ 3<sup>rd</sup> (156.25; E Felony)

“ 4<sup>th</sup> (156.20; A Misdemeanor)

Computer Trespass (156.10; E Felony)

Criminal Possession of a Dangerous Weapon 1<sup>st</sup> (265.04; B Felony)

Criminal Possession of a Weapon

“ 2<sup>nd</sup> (265.03; C Felony)

“ 3<sup>rd</sup> (265.02; D Felony)

“ 4<sup>th</sup> (265.01; A Misd.)

Criminal Sexual Act 1<sup>st</sup> (130.50; B Felony)

“ 2<sup>nd</sup> (130.45; D Felony)

“ 3<sup>rd</sup> (130.40; E Felony)

Criminal Tampering 1<sup>st</sup> (145.20; D Felony)

“ 2<sup>nd</sup> (145.15; A Misdemeanor)

“ 3<sup>rd</sup> (145.14; B Misdemeanor)

Criminal Use of a Firearm 1<sup>st</sup> (265.09; B Felony)

“ 2<sup>nd</sup> (265.08; A Misd.)

Criminally Negligent Homicide (125.10; E Felony)

Endang. Welf. Vulner. Elderly 2<sup>nd</sup> (260.32; E Fel)

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

Kidnapping 1<sup>st</sup> (135.25; A-I Felony)

“ 2<sup>nd</sup> (135.20; B Felony)

Rape 1<sup>st</sup> (130.35; B Felony)

“ 2<sup>nd</sup> (130.30; D Felony)

“ 3<sup>rd</sup> (130.25; E Felony)

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

Sexual Abuse 1<sup>st</sup> (130.65; D Felony)

Tampering with a Witness 1<sup>st</sup> (215.13; B Felony)

“ 2<sup>nd</sup> (215.12; D Felony)

“ 3<sup>rd</sup> (215.11; E Felony)

“ 4<sup>th</sup> (215.10; A Misd.)

Unauth. Use of a Vehicle 1<sup>st</sup> (165.08; D Felony)

“ 2<sup>nd</sup> (165.06; E Felony)

“ 3<sup>rd</sup> (165.05; A Misd.)

Unlawful Surveillance 2<sup>nd</sup> (250.45; E Felony)