



Supreme Court Rules 911 Tapes are Admissible in Lieu of Witness Testimony

The Supreme Court recently handed down opinions in *Davis v. Washington* and *Hammon v. Indiana*, providing an objective test to aid the judicial system in determining whether statements made to law enforcement during a 911 call or on-scene questioning constitute testimony in lieu of a victim testifying in court against an abuser.

In *Davis*, the Supreme Court affirmed lower court rulings, stating that information provided during 911 calls were considered nontestimonial statements and were not subject to the restrictions of the Confrontation Clause. In *Hammon*, the court ruled that the on-scene statements made to police were considered testimonial and were subject to the restrictions of the Confrontation Clause because 1) the emergency in question had ended and 2) the inquiries made by police were not to assess the emergency but were to gather evidence for future legal proceedings.

Fernando Laguarda, Chair of the National Network to End Domestic Violence (NNEDV), issued a statement saying “on balance, and considering the state of the law under the 2004 *Crawford* case, the outcome is a win for advocates and for battered women and their children. The Sixth Amendment is a shield against prosecutorial abuse, not a sword to for batterers to wield against their victims to keep evidence out of court. We argued that evidence-based prosecution was essential for prosecuting domestic violence, and the Court essentially heard the message.”

For the first time, the Court recognized the dynamics between an abuser and a victim, and how those dynamics play a great role in a victim’s ability to testify against the accused.

NNEDV applauds the Court’s efforts to identify domestic violence as a “crime notoriously susceptible to intimidation and coercion” and protect the integrity of the legal proceedings when a defendant claims the right to confront an unavailable witness.

NNEDV is hopeful that the rulings will encourage prosecutors not to drop or dismiss charges against batterers when their victims are not available to testify.