

CREATING A DOMESTIC VIOLENCE COURT:

Adapting the Model to Your Community

A Planning Toolkit



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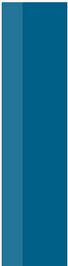
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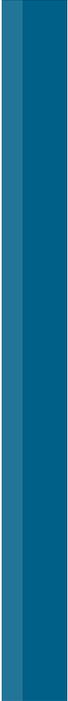
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INTRODUCTION

WHAT IS THE DOMESTIC VIOLENCE COURT TECHNICAL ASSISTANCE PROJECT?

The goal of the Domestic Violence Court Technical Assistance Project, an initiative of the Center for Court Innovation, is to help court systems enhance their handling of domestic violence cases and improve outcomes for victims and children.

The Project is designed to guide communities through the planning and implementation of a domestic violence court and to equip planners with skills and knowledge to ensure the ongoing effectiveness of the court. The Center for Court Innovation is dedicated to offering assistance that is responsive to the needs, resources, and challenges of our clients.

With support from the Office on Violence Against Women, the Center is able to provide a variety of technical assistance services.

THE CENTER FOR COURT INNOVATION'S TECHNICAL ASSISTANCE INCLUDES:

- Intensive, on-site work with individual domestic violence courts in all stages of planning and implementation.
- Practitioner-to-practitioner guidance, in which Center staff, drawing on their extensive hands-on experience creating and running domestic violence courts, help other jurisdictions to learn from each other.
- Guidance with creating strong judicial compliance reviews, promoting victim safety, and developing effective partnerships with other agencies.
- Model documents, assessment, and evaluation tools.
- Assistance building successful, multi-disciplinary planning teams.

WHAT IS THE CENTER FOR COURT INNOVATION?

Winner of the Peter F. Drucker Award for Non-Profit Innovation, the Center for Court Innovation is dedicated to reforming the justice system through demonstration projects, research, and expert assistance. The Center's goals are to help courts aid victims, reduce crime, and improve public trust in justice. In New York, the Center creates demonstration projects that test new approaches to problems that have resisted conventional solutions. Beyond New York, the Center disseminates the lessons learned from its demonstration projects, helping court reformers around the world test new solutions to local problems.

The Center is the designated Comprehensive Technical Assistance Provider under the Office on Violence Against Women's Court Training and Improvements Program. The Center provides hands-on technical assistance, advising innovators about program design, technology, and performance measures. The Center's approach to technical assistance is simple and practitioner-focused, based on direct in-house expertise implementing court reform projects.

OUR EXPERIENCE:

- Center for Court Innovation staff have designed, planned, and implemented a wide range of domestic violence courts that handle civil protection orders, misdemeanor, and felony cases. These courts are in suburban, rural, and high volume jurisdictions.
- The Center has enhanced the domestic violence court model by creating one-family/one-judge multi-jurisdictional Integrated Domestic Violence Courts. These courts, which integrate civil and criminal cases in a single courtroom, are among the most comprehensive judicial responses to domestic violence in the country.
- The Center has designed, built, and implemented specialized case management systems for domestic violence courts. Information technology is essential to ensuring that judges and domestic violence court staff are fully informed about each case.
- The Center uses research to assess the impact of domestic violence reforms to improve operations. The Center's research is published nationally.
- The Center employs a multi-disciplinary approach to plan, implement, and evaluate domestic violence courts.
- Center staff includes attorneys and social workers who have provided direct services to battered women.

WHAT IS THIS TOOLKIT?

This Planning Toolkit was designed as a guide to help courts and communities assess their current approaches to domestic violence and develop or enhance their own domestic violence court. This Toolkit is a framework to guide assessment, planning, and implementation activities. It is appropriate for audiences with varying levels of domestic violence and court expertise. The materials in this

Toolkit are based upon best practices identified through the Center for Court Innovation's work with domestic violence courts on both a national and international scale.

We have included a glossary of terms we use frequently within this Toolkit in Appendix A for your reference.

WHAT ARE DOMESTIC VIOLENCE COURTS AND WHY ARE THEY NEEDED?

A domestic violence court is a specialized court that provides comprehensive judicial monitoring of domestic violence offenders and frontloads services to victims. The design and structure of domestic violence court programs are developed at the local level to reflect the unique strengths, circumstances, and capacities of each community. Domestic violence courts may address criminal cases, civil cases, or a combination of both.

Domestic violence courts seek to create new links with key stakeholders, including: domestic violence agencies, social service agencies, law enforcement, civil legal service providers, the defense bar, and mandated programs for offenders (i.e. community corrections, batterer education programs, substance abuse treatment providers, and mental health services).

Domestic violence courts may be particularly helpful in communities where there has traditionally been a lack of involvement by the court in the coordinated community response for victims. In addition, domestic violence courts collaborate with community agencies in order to streamline and enhance the coordination of resources for victims and their children. Domestic violence court programs use a variety of techniques to monitor offenders, impose accountability, and ensure consistency in judicial decision-making.

TYPES OF DOMESTIC VIOLENCE COURT, JURISDICTION, AND GUIDING PRINCIPLES

TYPE OF COURT	JURISDICTION	GUIDING PRINCIPLES
One-family/one-judge multi-jurisdictional domestic violence court	<ul style="list-style-type: none"> • Criminal domestic violence cases, misdemeanor and/or felony; • Family law matters, including divorce, custody, child support, paternity; • Civil protection orders; • Child protective and juvenile justice matters if related. 	<ul style="list-style-type: none"> • Encourage informed judicial decision-making based on comprehensive and current information on issues involving the family. • Maintain due process and confidentiality protections. • Ensure consistent handling of all matters relating to the same family. • Ensure court staff and presiding judge are trained on domestic violence issues. • Improve victim safety through the elimination of conflicting orders and careful monitoring of offender compliance. • Increase efficient use of court resources, with reduced numbers of appearances and speedier dispositions through consolidation of operations into one courtroom. • Ensure linkage to social services and other resources to address the needs of family members. • Improve collaboration among criminal justice stakeholders, child welfare agencies, and community-based groups offering assistance to domestic violence victims and their children. • Increase confidence in the court system by reducing inefficiency for litigants.
Criminal domestic violence court	<p>Ordinance-level, misdemeanor and/or felony criminal cases involving an adult defendant and adult victim involved in an intimate relationship, including:</p> <ul style="list-style-type: none"> • Persons legally married to one another; • Persons formerly married to one another; • Persons who have a child in common, regardless of whether such persons have been married or have lived together at any time; • Persons currently or formerly involved in a intimate relationship, including dating partners and same sex couples; • Elder abuse by family member or caretaker. 	<ul style="list-style-type: none"> • Encourage informed judicial decision-making based on comprehensive and current information. • Ensure a consistent criminal justice system response to domestic violence by having a single presiding judge. • Improve victim safety by frontloading services and increasing communication with other courts. • Increase offender accountability by ensuring ongoing monitoring of compliance. • Improve the community’s response to domestic violence by linking the court with criminal justice system stakeholders such as probation, the district attorney’s office, the defense bar, community-based social services, and domestic violence advocacy groups.

TYPE OF COURT	JURISDICTION	GUIDING PRINCIPLES
Civil/Family domestic violence court	<ul style="list-style-type: none"> • Cases in which a petitioner/ plaintiff (victim) has filed a civil protection order against an intimate or dating partner; • This type of court may also include related cases involving the petitioner and respondent, such as custody, visitation, and child protective cases; • Guardianship petitions on behalf of elderly victims of domestic violence. 	<ul style="list-style-type: none"> • Enhance judicial decision-making by increasing the information readily available to judges. • Ensure a consistent response to domestic violence by assigning a single presiding judge. • Improve victim safety by frontloading services and increasing communication with other courts, including criminal courts. • Increase offender accountability by ensuring ongoing monitoring of the respondent’s compliance without increasing the burden upon the petitioner. • Improve the community’s response to domestic violence by linking family court with criminal justice stakeholders, community-based social services, and domestic violence advocacy groups.
Juvenile domestic violence court	<ul style="list-style-type: none"> • Cases in which a petitioner has filed a restraining order/ civil protection order against a juvenile with whom they share, or have shared an intimate relationship, or with whom they have a child in common; • protection order applications between juveniles and their parents and/or caretakers. 	<ul style="list-style-type: none"> • Enhance judicial decision-making by increasing information available to judges. • Ensure a consistent response to juvenile domestic violence perpetrators by having a single presiding judge. • Direct juveniles to age-appropriate programs that are interactive and designed to engage young people. • Frontload social services and other resources to address young victims’ needs comprehensively. • Increase offender accountability by ensuring ongoing monitoring of compliance. • Improve community’s response to juvenile domestic violence by linking court with youth-serving community-based social service providers and domestic violence advocacy groups.

GETTING STARTED: BUILDING A STRONG FOUNDATION FOR YOUR PROJECT

SO YOU THINK YOU WANT TO OPEN A DOMESTIC VIOLENCE COURT?

Your community may be contemplating the creation of a domestic violence court or you may want to enhance certain elements of an existing domestic violence docket. Are you interested in:

- Improving internal civil and criminal court functions, responses, practices, and procedures?
- Promoting an informed and consistent court response to domestic violence?

- Providing victims and their children with immediate services and information?
- Providing increased training and education for judges, court personnel, and stakeholders?
- Enhancing your coordinated community response to domestic violence?

If you answer yes to any of these questions, your community may be ready to embark upon the planning and implementation of a domestic violence court.

WHAT DOES DOMESTIC VIOLENCE COURT PLANNING LOOK LIKE?

Engaging in meaningful planning and coordination among community stakeholders is vital to the implementation of an effective domestic violence court. It is not unusual to spend six to twelve months working together to create a court that responds to community needs.

The Center for Court Innovation recognizes that not all communities can engage in a long-term court planning process. Often domestic violence courts are created in response to an

immediate crisis that necessitates a shortened implementation time frame. The following worksheets will help you create a planning timeline that fits your needs.

See Worksheet A for a detailed planning checklist.

See Worksheet B for a detailed planning timeline.

STEP 1

CREATING A COURT PLANNING TEAM

Collaboration among a diverse group of judicial and non-judicial court personnel, as well as representatives from key stakeholder agencies, is vital to a successful domestic violence court planning process. Involving agencies at the outset is vital to gaining early political support for the court and to building credibility. Assembling a formal planning team also facilitates cooperation and effective implementation down the road.

PLANNING TEAM

The Center advises that the planning team, typically comprised of judges, court staff, and stakeholder representatives, works to develop policies and procedures for the domestic violence court. The team can meet frequently during the planning process (approximately twice a month) and then less frequently after implementation (approximately once per month when the court first opens and then quarterly).

Court-based planning team members can include:

- The designated domestic violence court judge;
- Designated back-up judge;
- Chief clerk and/or administrator of the court(s);
- Law clerk to domestic violence court judge;
- Technology advisor or administrator;
- Chief of security;
- Project coordinator; and

- Designated domestic violence court clerk.

Stakeholder planning team members typically include some or all of the following:

- Domestic violence agency representative(s) – both independent and institutional providers;
- Defense bar representative(s);
- Prosecutor representative(s);
- Civil legal service providers, especially those dedicated to representing domestic violence victims;
- Probation officer(s);
- Batterer program representatives; and
- Law enforcement.

In addition, the Center for Court Innovation suggests that other community stakeholders — such as substance abuse and mental health providers, Court Appointed Special Advocate (CASA) program staff, and child welfare agencies — be invited to participate in planning activities relevant to their areas of expertise.

WHO IS AT THE TABLE?

Understanding each other's roles and responsibilities is a key part of the planning process. Many jurisdictions have found it helpful to have each agency host a planning meeting or to have agencies give a brief description of their roles, responsibilities, and resources at each meeting. This fosters team-building and begins the process of information-sharing.

SUBCOMMITTEES

In larger jurisdictions, team participants can break into subcommittees to discuss specific areas of planning relevant to their expertise. Larger communities often have multiple agencies providing similar services so the planning team might be quite large. A subcommittee structure helps ensure that all planning team members have input during the process.

Smaller planning teams that do not break into subcommittees can use these categories as a guide for discussion.

- **Operations:** This group addresses issues involving the operation of the court, including: eligibility criteria, case identification and screening, court calendaring, and judicial compliance reviews.
- **Services:** This group develops protocols between stakeholders and the court to ensure the provision of immediate services, facilitates communication, and promotes efficient referrals and program reporting.

This group also develops and/or coordinates domestic violence training programs for all court participants and stakeholders.

- **Technology:** This group identifies possible technology solutions for case identification, record keeping, order of protection registries, and statistical purposes. This group also organizes trainings for court personnel responsible for using technology and ensures that any data needed for evaluation is collected.
- **Security:** This group assesses the security needs of the court, including: identifying a safe waiting area for victims and their families, ensuring clear signs are posted and visible to the public, and training security personnel about domestic violence court policies and procedures.

See Worksheet C for additional guidelines in developing a planning team.

PLANNING AND ASSESSMENT:
WHAT ARE YOU CURRENTLY DOING AND
WHAT DO YOU WANT TO CHANGE?

STEP 2

DATA COLLECTION

Understanding your current approach to domestic violence cases will help identify strengths and gaps and assess the court's impact after implementation. Information describing the status quo, or how your system currently functions, is typically referred to as baseline data.

While this process may sound daunting, much of the information has probably already been compiled by local domestic violence agencies and task forces.

You will want to consider the following issues as you create your plan:

A. GETTING THE NUMBERS

What kind of data should be collected?

Examples might include: the number of civil protective orders filed per year, the number of criminal domestic violence cases heard and types of charges, and the number of defendants/ respondents/offenders ordered to participate in batterer intervention or other mandated programs.

Where is the data stored? The team will need to determine the sources of data which might include databases controlled by the courts, police, or victim service organizations. This discussion should focus on sharing numbers rather than names to avoid breaching confidentiality.

Who will collect the data and how? Who will analyze the data? Once all the data elements have been defined, the team should designate a person or persons to oversee information collection and analysis. As a first step, your team can create a list of questions aimed at capturing current domestic violence case handling practices.

Worksheet D can help guide your data analysis.

Worksheet D will also help your team generate a list of current resources available to the court, including a description of these resources.

B. DOCUMENTING CURRENT PRACTICES

How are criminal and civil cases currently processed through the court system(s)?

Worksheet E can assist your team in developing a system map of your jurisdiction's case flow. Developing a comprehensive system map can be one of the most effective means of identifying gaps in current practice and deepening stakeholders' understanding of each agency's role.

Each agency represented in the system map generally maintains its own policies on domestic violence response. For example, law enforcement often follows written policies and procedures over and above legal mandates.

It is important to collect these policies and share them between agencies during the court planning process.

Worksheet F can assist your team in generating a summary of your jurisdiction's written policies.

STEP 3

CONDUCTING A SWOT ANALYSIS

After your team has assessed current policies, case flow, and resources, it is time to examine the information you have gathered and analyze the gaps in current practice.

A SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis allows the team to examine your court's current approach to domestic violence cases and identify and prioritize areas of policy and practice that might benefit from a specialized domestic violence court project.

Worksheet G can guide you through a review of the data you have collected and your SWOT analysis.

STEP 4

WHAT FORM WILL YOUR DOMESTIC VIOLENCE COURT TAKE?

Now that you have a better sense of what is currently happening in your jurisdiction, you are in a good place to finalize plans for the domestic violence court project. Here are some questions to ask at this stage in the process.

WHAT ARE THE GOALS AND MAJOR OBJECTIVES FOR YOUR DOMESTIC VIOLENCE COURT?

Identifying goals will help define the overall mission and purpose of the court. After determining the goals, the next step is to set objectives that explain how each goal is to be achieved.

Your team may refer to [Worksheet H](#) for assistance with this exercise.

Center for Court Innovation staff can help your team identify and prioritize court goals and assist in developing objectives toward these targets.

WHAT TYPE OF DOMESTIC VIOLENCE COURT IS RIGHT FOR YOUR COMMUNITY?

Even if you began the process with an idea of what type of domestic violence court your community needs, it is appropriate to reconsider in light of the data. For example, given the data, do you want to:

- Focus only on criminal intimate partner violence cases? Do you want to target any specific level of criminal case, i.e. ordinance, misdemeanor, or felony?
- Address civil protection order cases between intimate partners?

- Address multi-jurisdictional intimate partner violence cases, i.e. families that have both civil and criminal cases pending simultaneously?
- Address all family violence cases, including child abuse and elder abuse, in addition to intimate partner cases?
- Address intimate partner violence among juveniles?
- Address language, cultural, and social services for underserved populations?

You might also consider more in-depth questions about the kinds of cases that will be handled by the court. For example:

- How will you define intimate partner violence cases? Are you limited by statutory definitions? If not, how will your definition interact with definitions used by local police and prosecutors?
- Will the court hear cases associated with the defendant/respondent/offenders that are not directly related to intimate partner violence? For example, should the domestic violence court judge hear a pending drug possession charge concerning the same defendant?
- Will the court include additional types of charges and/or cases in the future? If so, what will be your timetable for phasing in each case type?

Center for Court Innovation staff can help your team brainstorm solutions to these and other questions.

STEP 5

DOCUMENTING YOUR PLAN

WHAT IS A PLANNING DOCUMENT AND WHY IS IT NECESSARY?

The planning document is the written version of all the policies and procedures developed during the planning process. Memorializing these protocols in writing helps to clarify the mission of the domestic violence court, formalizes the roles and responsibilities of the various players, and helps to ensure the accountability of the court and its partners. The planning document also serves as a reference for future personnel in the event of staff turnover.

As the planning process continues, additional challenges will arise. The planning document should be a living document that can be updated to reflect needed changes and additions.

PLANNING DOCUMENT CHECKLIST: BASIC INFORMATION TO MEMORIALIZE

A checklist is provided below to assist you in the creation and organization of your planning document:

- ✓ Mission and goals of the court.
- ✓ A list of planning team and advisory board members and additional stakeholders.

- ✓ The types of cases heard in the specialized court and any court rules/statutes issues to support the creation of the domestic violence court.
- ✓ A staffing plan for the court, delineating additional court personnel needs, and job descriptions of proposed additional staff. The plan should identify existing court and stakeholder agency staff who may perform some additional functions.
- ✓ An outline of services for victims including who will be providing services (both legal and counseling), where services will be provided, and how referrals will be handled.
- ✓ A description of services for defendants/respondents including who will be providing legal services for defendants or respondents, what mandated programs are available to the court, and how referrals will be handled.
- ✓ The name of the presiding judge and a back-up judge for the domestic violence court.
- ✓ The trainings on domestic violence dynamics and law that the presiding judge, back-up judge, and relevant court staff will attend in preparation for opening the domestic violence court.

- ✓ Whether the court is handling civil protection orders, policies concerning full faith and credit requirements, firearms, and other strategies.

For more resources see Appendix C.

- ✓ The plan for judicial monitoring of defendants/respondents/offenders, including those mandated to programs and under orders of protection. This might include the referral process, reporting requirements, a liaison from each program to the domestic violence court, proposed scheduling of court appearances, and a sanctioning plan in cases of failure to comply.
- ✓ The physical space plan that includes secure space for domestic violence victims, space for on-site services, and additional back-office space for other court personnel. Additional court security plans should also be included.
- ✓ The technology to be used, including who will use it and for what purpose.
- ✓ The types of evaluation the project will be subject to and who is responsible for overseeing.

OPERATIONS: HOW TO ENSURE YOUR PROJECT RUNS SMOOTHLY

STEP 6

CASELOAD ANALYSIS

GUIDELINES FOR CONDUCTING A CASELOAD ANALYSIS

In an effort to accurately measure the potential workload, your planning team will need to conduct a careful review and analysis of cases eligible for adjudication in the domestic violence court. During this process, the planning team can help ensure that all eligible cases will be properly identified and transferred to the new court.

One way to understand your caseload is to create a Caseload Analysis. A Caseload Analysis can be performed for criminal, civil, or multi-jurisdictional court projects. This will help you determine how often your court project will need to operate, what the staffing needs will be, and what impact the project will have on stakeholder agencies.

See Worksheet I to assist you in gathering the caseload information for your court project.

STEP 7

CASE IDENTIFICATION AND TRANSFER

CASE IDENTIFICATION

Case identification is the process of flagging civil or criminal domestic violence cases as potentially eligible for transfer to the specialized court according to the parameters you have chosen. For example, your state domestic violence statute may include violence between siblings, but you may decide to focus on intimate partner cases only. Identifying these domestic violence cases is an essential first step in the process. Once you have determined which cases will be handled in the specialized court—for example, civil protection orders, criminal cases, or both—you will need to establish how they are screened and identified as eligible. You will also need to determine who will carry out screening and identification activities.

Planning teams may need to work closely with the state criminal justice agency, court staff, the county prosecutor's office, and local law enforcement to determine the best mechanism for identifying and tracking domestic violence cases. The following sources of information may prove helpful in the process:

1. The state criminal justice agency;
2. Order of protection petitions and domestic violence complaint filings;
3. Supporting depositions;
4. Information on arrest reports;
5. Information from the prosecutor's office;
6. Automated case management systems; and
7. Other domestic violence flags specific to your area.





CASE TRANSFER

In addition to developing protocols for the identification of eligible cases, it is helpful to create procedures to ensure eligible cases are moved at the earliest possible stage to the domestic violence court.

It is important to identify and document who will be responsible for case identification, screening and transfer of cases. Some courts have one person responsible for this, while

others have multiple people or agencies identifying the cases.

The Center for Court Innovation recommends that the team consider maintaining a separate calendar dedicated solely to domestic violence cases, including monitoring compliance. (See judicial monitoring section below for more information.) Many domestic violence courts have found that this practice facilitates improved information sharing and more efficient case management.

STEP 8

JUDICIAL MONITORING

WHAT IS IT AND HOW CAN YOUR COURT SUCCESSFULLY IMPLEMENT IT?

Judicial compliance reviews can ensure supervision of offenders' compliance with court-mandated conditions such as restraining orders, probation conditions, and batterer program attendance. Judicial supervision is typically accomplished in the domestic violence court context by bringing offenders back before the judge for frequent appearances on a compliance calendar. For example, a judge might bring a defendant back to court every other week in the beginning of the mandate. If the defendant complies with all court-imposed conditions, including abiding by the order of protection and attending a batterer program regularly, the judge might increase the length between monitoring appearances. The goal is to send the message that all court orders, even those that don't involve incarceration, are observed.

Judicial compliance reviews are central to promoting accountability. The success of monitoring and the compliance calendar is dependent upon timely reporting and information sharing between stakeholders and the court. In particular, the planning team will want to:

- Establish guidelines for consistency in reports to the court regarding program

compliance for all agencies who provide mandated programming;

- Ensure that programs have clear compliance rules;
- Designate court staff responsible for gathering reports and an easily accessible area to store these reports;
- Create standard reporting forms for program agencies;
- Establish general frequency of compliance appearances and determine if agencies providing mandated services can appear in court as well;
- Consider sanctions that may be appropriate for non-compliance other than new criminal behavior;
- Formalize the role of local stakeholders in monitoring compliance, possibly in addition to judicial monitoring (i.e. probation); and
- Establish protocols for probation violation hearings.

See Worksheet J for guidance in developing a judicial compliance review plan.



STEP 9

ENSURING VICTIM SAFETY IN THE COURTHOUSE

Below are some suggestions for creating a safe and secure courthouse environment for victims:

- Sufficient security personnel who are well trained in the area of domestic violence and can identify and respond to potentially volatile situations.
 - Protocols for court staff (including clerks, security and interpreters) assigned to the domestic violence court specifying if staff will be dedicated or rotating.
 - Protocols for the timing of litigants arriving to and departing from court.
 - A printed calendar for security and court staff to ensure identification of all litigants.
 - Domestic violence training for all court staff.
 - Clear and visible signs posted to direct litigants to needed services in all relevant languages.
 - A clearly marked information desk or central location for public inquiries with an ability to respond to those with limited English proficiency.
 - Readily available information regarding the domestic violence court as well as on-site and off-site services.
- A safe waiting area for victims of domestic violence and their children that is staffed with an advocate who can direct them to services.
 - A safe space available for reception and a children's play area.
 - A separate space for defendants/respondents/offenders to avoid contact with victims, including separate waiting and attorney conferencing areas.
 - A case management system that ensures confidentiality and case integrity.

See Worksheet K for a Courthouse Safety Checklist.

STEP 10

STAFFING

It is important to outline which staff and stakeholders will be needed in court and what their roles and responsibilities will be in order to ensure your court project runs smoothly. What will the day-to-day operations look like? Which court staff will be needed? What will their roles and responsibilities be? What kinds of commitments are required of stakeholder agencies to ensure success? Be as specific as possible and include all possible stakeholders and court staff in this process. Examples of staffing considerations include:

- ✓ Case identification and screening;
- ✓ Database management;

- ✓ Security;
- ✓ Compliance monitoring, including resource gathering, stakeholders needed, program referral, and sharing information with judges; and
- ✓ Calendar call.

See Appendix B for samples of Victim Advocate and Resource Coordinator job descriptions.

STEP 11

TECHNOLOGY

Technology can play an important role in enhancing court operations and can significantly increase a judge's ability to make informed decisions. Planning teams will want to research all of the technology applications currently being used by the court to determine whether or not these systems have specialized identifiers for domestic violence cases. These identifiers can assist in streamlining the transfer of cases into a specialized court and tracking outcomes.

In addition, teams may want to investigate whether or not their state has access to a statewide database/registry of all orders of protection and how local orders are added to the registry. This type of registry will prove to be very useful for your specialized domestic violence court when personnel need to determine the history of violence in a particular case.

STEP 12

STAKEHOLDER INVOLVEMENT

A clear understanding of your community's resources will enable you to develop protocols with stakeholder agencies to outline each agency's role regarding victim service referrals and defendant program mandates.

FRONTLOADED VICTIM SERVICES

Early linkage to services for victims helps to promote safety for the victim and her children. During the resource analysis process, the planning team will have identified the existing victim service providers and the types of services offered. For example, your community might have system-based victim services, such as those provided by the prosecutor's office, as well as an independent, community-based domestic violence service agency. If this is the case, your team should examine the difference in these services, create protocols for referrals made to each agency, and determine whether representatives can be stationed on-site at the courthouse.

Judges and court staff should become familiar with the agencies that can provide services to the court and litigants. When appropriate, the judge as well as court personnel can meet with the heads of each agency to determine referral and reporting protocols.

LEGAL REPRESENTATION FOR LITIGANTS

Early linkage to services for victims helps to It is important to identify potential sources of legal representation for the parties that come before your court, including public defender organizations, legal services and non-profit teams, lawyers for children, and the private bar. It will be helpful to develop protocols for determining how volunteer attorneys can be linked to pro se litigants.

OTHER COMMUNITY AGENCIES

Domestic violence courts may collaborate with service providers to ensure a coordinated community response and comprehensive services for all parties. Specific activities include:

- Establishing liaisons with all stakeholders for victim service provision and offender accountability including agencies that serve older, disabled, and diverse communities;
- Establishing protocols between these agencies and the court;
- Instituting cross-training programs;
- Providing a schedule for regular, ongoing stakeholder meetings; and
- Planning for the involvement of judges and court staff in outreach and training opportunities.

TRAINING, EVALUATION, AND
COMMUNICATION: KEEPING YOUR
PROJECT ON TRACK

STEP 13

TRAINING

Understanding the dynamics of domestic violence, emerging research, and national best practices is crucial to ensuring the ongoing success of your court project. Integrating training on these topics into your planning.

JUDICIAL TRAINING

An informed judiciary is vital to the efficacy of all domestic violence court models. In addition to providing education on the dynamics of domestic violence, trainings targeted specifically to judges can provide tools for handling the nuts-and-bolts legal issues of these cases.

Please refer to Appendix D for a list of recommended training resources.

LOCAL TRAININGS

Planning teams can take a leadership role to help engage and educate court staff, court stakeholders, and the community at large about domestic violence.

A useful approach is to first consult with your local domestic violence service provider(s) who may be able to provide training at

no cost. Possible topics include: General Introduction to the Dynamics of Domestic Violence; Cultural Competency and Domestic Violence; Elder Abuse; Domestic Violence and Disability Issues; Children and Domestic Violence; and Offender Accountability Guidelines and Victim Safety. Model training agendas are available from the Center for Court Innovation.

NON-JUDICIAL PERSONNEL, INCLUDING COURT STAFF AND SECURITY

Knowledge of the unique dynamics of domestic violence among court and court stakeholder staff is essential to creating an effective court. Court staff may be the first people that victims encounter and their actions will impact a victim's overall experience. The Center for Court Innovation can provide court planning teams with assistance to identify training opportunities for non-judicial personnel.

STEP 14

EVALUATION

Your planning team will want to monitor and assess the performance of the domestic violence court once it has been implemented. A formal independent evaluation of your project's implementation and impacts can assess recidivism, victim services, offender compliance with court orders, and other outcomes.

Whether or not you decide to invest in a formal evaluation, it is useful to take some simple steps towards "self-evaluation"—determining your project's most important goals and objectives, identifying a simple,

short list of key performance measures to monitor your progress, and instituting a data collection protocol to ensure that you can track the measures you identified.

Worksheet L will provide your team with critical guidance on developing performance measures for your project.

Worksheet M provides some additional information on independent evaluation.

STEP 15

SUSTAINING COLLABORATION

Continued communication among stakeholder agencies will help to encourage ongoing interagency cooperation and elicit helpful feedback regarding your court project's performance. Each community faces unique challenges when creating their specialized domestic violence court. This toolkit was designed to address many of these challenges and to provide a framework for your planning process. The activities within this toolkit encourage community partners to work

together to map community responses to domestic violence, identify possible gaps in practice, and implement necessary changes. Although these activities culminate in the opening of a court, the underlying inter-agency collaboration is crucial to the ongoing operations as well. Consistent communication, trainings, and evaluation are vital to the court's ability to serve the needs of victims effectively and hold offenders accountable.

APPENDICES

A. GLOSSARY

This glossary of terms provides definitions relevant to the contents of this toolkit and may not include definitions outlined by federal, state, and/or local laws.

ACCOUNTABILITY: Holding domestic violence offenders responsible for their actions and promoting the message that battering will not be tolerated. This is one of the primary purposes of the domestic violence court. Both courts and stakeholders play significant roles in accomplishing this goal through coordination and information sharing.

ADVISORY BOARD: A panel of executive level personnel and decision makers from the community that provide assistance to the planning team from a policy-level perspective. The committee is not typically involved in the “day-to-day” running of the court.

BASELINE DATA: Basic information gathered before a program begins. It is used later to provide a comparison for assessing program impact.

COMPLIANCE CALENDAR: A consistently held calendar in the domestic violence court which entails bringing defendants back to court to ensure observance of a court-ordered condition such as an order of protection or attendance at a batterer program and swift consequences for noncompliance.

COORDINATED COMMUNITY RESPONSE: A “system of networks, agreements, processes, and applied principles created by the local shelter movement, criminal justice agencies, and human service programs...”, Ellen Pence & Martha McMahon, *A Coordinated Community Response to Domestic Violence*, The National Training Project, Duluth, Minnesota.

COURT STAKEHOLDERS: Agencies or organizations with a mission that necessitates frequent interactions with the court system or with individuals involved in the system, such as

criminal justice agencies, defense attorneys, victim service agencies, and other social service organizations.

DEFENDANT: The person charged with an offense in criminal court. Domestic violence courts maintain traditional adversarial roles and require strong defense advocacy.

DOMESTIC VIOLENCE: A pattern of actual or threatened physical, emotional, verbal, and sexual abuse, which includes, but is not limited to, threats, intimidation, isolation, and/or financial control. Domestic violence is an intentional pattern of behavior that is used by one person as a means to harm and take power and control over another person in the context of a dating, family, caretaker, or other intimate relationship.

DOMESTIC VIOLENCE COURT: A domestic violence court is a specialized court that provides comprehensive judicial monitoring of domestic violence offenders and frontloads services to victims. (See the Introduction for a description of several domestic violence court models.)

INSTITUTIONAL REVIEW BOARD (IRB): A group that has been formally designated to approve, monitor, and review research involving humans with the aim to protect the rights and welfare of the subjects.

JUDICIAL COMPLIANCE REVIEW/MONITORING: Judicial supervision of domestic violence offender compliance with court mandates, including orders of protection and mandated program attendance. Effective monitoring is dependent upon coordination with court stakeholders and clear communication with defendants/offenders. The domestic violence court compliance calendar is frequently used as the primary mechanism for judicial monitoring.

ONE-FAMILY/ONE-JUDGE MULTIJURISDICTIONAL DOMESTIC

VIOLENCE COURT: (See the Introduction for a description of several Domestic Violence Court models.)

PETITIONER/PLAINTIFF: The person or agency filing the petition in civil or family court.

PLANNING DOCUMENT: A written version of all the policies and procedures that have been discussed and developed during the planning process.

PLANNING TEAM: A group typically comprised of judges, court staff, and middle-management court stakeholder representatives, who are responsible for participating in the development of policies and procedures that will govern the operation of the domestic violence court.

RESPONDENT: The person or agency against whom the petition is filed in civil or family court.

SITE VISITS: Visits hosted by a pre-existing domestic violence court for planning teams to observe new procedures first-hand, meet judges and court planners, and participate in peer-to-peer consultations with relevant counterparts.

VICTIM ADVOCATE (COMMUNITY-BASED): An individual who works for an independent victim service agency and provides domestic violence

victims with notification of and accompaniment to court hearings, education regarding the court system and domestic violence, safety planning, and assistance with obtaining protective orders. Community-based victim advocates also liaise with prosecutors, probation officers, and court personnel. Most independent victim service agencies have a written confidentiality waiver that must be signed by the victim before the advocate can share information with the court or any other person or organization.

VICTIM ADVOCATE (INSTITUTIONAL):

An individual who typically works for the prosecution or law enforcement agency and who assists victims of domestic violence and promotes trust and communication between the victims and prosecution as cases proceed through the criminal justice system. These advocates also explain the prosecution's position to the victim and the possible effects and consequences of their actions to increase the victim's understanding of the criminal case. In addition, institutional victim advocates conduct safety planning, court accompaniment, shelter placement, and advocacy. Because of their affiliation with organizations mandated to investigate and prosecute criminal activity, these advocates may be compelled to give victim information to the prosecutor—even if the victim does not want the information to be shared.

B. Job Descriptions

RESOURCE COORDINATOR

The Resource Coordinator will:

- gather and organize all related court information pertaining to the litigants in the domestic violence court;
- assist with intake assessments;
- develop a resource guide for court staff and stakeholders;
- develop and implement protocols with offsite agencies regarding offender compliance and victim referral;
- oversee the submission of required reports and compliance-related paperwork;
- work collaboratively with staff, criminal justice, and social service agencies to coordinate the delivery of services;
- serve as a liaison between the court, private, and public agencies;
- participate in program planning and development;
- identify appropriate offender services for referral;
- and facilitate linkages with community service providers.

Preference will be given to a MSW or CSW with experience in criminal justice or family court, teen dating violence or domestic violence, and assessment and linkages to services. Familiarity with the court system; ability to interact with members of the judiciary and social service providers; excellent written and oral communication skills; strong organization skills; ability to manage multiple projects simultaneously; and familiarity with computer technology applications is desirable.

VICTIM ADVOCATE

The Advocate will work on-site during the domestic violence court's days of operation. The Advocate will work closely with the Resource Coordinator to receive victim referrals and coordinate information sharing between the court and the victim service agency regarding court dates, offender compliance, and victim safety concerns. The Advocate will be responsible for:

- contacting victims by telephone, letter, or through appointments to provide information regarding court procedures, compliance, and conditions of protective orders, as well as provide crisis intervention, emotional support, referrals to shelters, relocation assistance, and safety planning;
- advocating with the criminal justice personnel on behalf of clients;
- maintaining case records and statistics;
- and attending domestic violence court stakeholder meetings with other service providers and court personnel associated with the domestic violence court.

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Also available at
www.courtinnovation.org

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Betsy Tsai, The Trend Toward Specialized Domestic Violence Courts: Improvements on an Effective Innovation, 68 Fordham L. Rev. 1285 (2000)

D. Judicial Training Resources

Center for Court Innovation
520 8th Avenue, 18th floor
New York, NY 10018
Phone: 636-386-3100
Fax: 212-397-0985
www.courtinnovation.org

National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone: (800) 616-6164
Fax: (757) 220-0449
www.ncsc.org

Futures Without Violence
100 Montgomery Street, The Presidio
San Francisco, CA 94129
Phone: (415) 678-5500
Fax: (415) 529-2930
E-mail: info@futureswithoutviolence.org

National Judicial College
Judicial College Building
MS358
Reno, NV 89557
Phone: (800) 25-JUDGE or (775) 784-6747
Fax: (775) 784-1253
Email: info@judges.org

Legal Momentum
395 Hudson Street
New York, NY 10014
Phone: (212) 925-6635
Fax: (212) 226-1066
www.legalmomentum.org

National Council of Juvenile and Family Court Judges, Family Violence Department
P.O. Box 8970
Reno, NV 89507
Phone: (800) 527-3223 or (800) 52-PEACE
Fax : (775) 784-6160
Email: fvdinfo@ncjfcj.org



*Please be advised that the following worksheets
are perforated at the spine for easy removal.*



WORKSHEET A

DOMESTIC VIOLENCE COURT PROJECT PLANNING CHECKLIST

- Project Name
- Goals and Mission
- Case Types and Court Rules
- Stakeholders Identified and Included
- Summary of Stakeholder Agency Roles and Responsibilities
- Caseload Projections
- Case Processing and Flow
- Facility:
 - Location of Court
 - Safety for Court Staff and Litigants
 - Court Security
- Dispositional Options: Service Providers for Defendant Mandates
- Supervision and Monitoring of Defendants' Compliance with Court Mandates:
 - Protocols for Compliance Calendaring
 - Probation Protocols
 - Compliance Reports
 - Sanction Options
- Technology:
 - Specialized Caseload Tracking
 - Case Management
- Confidentiality
- Victim Services:
 - Protocols for Referrals to Victim Service Agencies
 - Access for Limited English Proficiency Litigants
 - Risk Assessments
- Staffing
- Agency Partnership and Cooperation Agreements (if needed)
- Pilot Project:
 - Phasing in of Cases
- Evaluation



WORKSHEET B

PLANNING TIMELINE

SAMPLE TECHNICAL ASSISTANCE TIMELINE

A. Three-to-six month timeframe

The Center advises the planning team to:

1. Select a dedicated judge or judges to hear cases in the domestic violence court and lead the planning process.
2. Identify court staff and community partners to participate in the court planning process as your core planning team.
3. Assess your community's current approach to domestic violence cases.
4. Conduct a caseload analysis.
5. Determine your goals and what your court should look like, including what type of cases it will hear, when it will meet, and what victim services will be made available on-site.
6. Create a plan to implement your objectives.
7. Develop internal court and stakeholder procedures as well as protocols between the court and stakeholder agencies.
8. Work with court administrators to discuss compliance review, case tracking, and order of protection systems.
9. Memorialize your court's objectives, policies, and procedures in a written document.
10. Set a date for the opening of the court.

B. Six-to-nine month timeframe

The Center advises your planning team to:

1. Complete all of the activities listed in the three-to-six month planning timeline.
2. Identify an advisory board to oversee and assist the planning process.
3. Identify your community's strengths and weaknesses in responding to domestic violence, potential obstacles, and how these obstacles are best overcome.
4. Determine a mission statement that all community and court partners agree with and spell out your objectives toward this mission, delineate what steps you will take, and determine the order to accomplish this mission.
5. Attend training sessions on domestic violence and domestic violence courts including issues such as elder abuse, disability, and cultural competency.
6. Investigate and apply for grant funds to support your domestic violence court and domestic violence services for victims.
7. Plan a site visit to an existing domestic violence court with attributes similar to the one you are planning.
8. Develop performance measures and evaluation plans.



WORKSHEET C

DEVELOPING THE PLANNING TEAM

The following questions will help guide you during the development of a planning team:

- Which agencies are currently involved in domestic violence cases in the criminal justice system from initial system contact through disposition?
- Which agencies are currently involved in domestic violence cases in the family/civil court system?
- Which programs are being used as part of the offender's sentence (i.e. batterers accountability programs, substance abuse programs, and/or mental health programs)?
- Are there programs or initiatives that would enhance services for victims or defendants/respondents/offenders (for example, specialized services for victims from different regions, victims with disabilities, or elder abuse victims?)
- Which staff from each agency are appropriate to participate in planning meetings, i.e. line staff, senior staff, or a combination? Is there a particular liaison with specialized knowledge that should be included?
- Which agencies could cause difficulties later on if not included up-front?
- Once stakeholders are identified, what is the best strategy for approaching them? What kind of commitment will being part of the planning team entail? What information will stakeholders need to provide to participate in the planning process? Can each agency dedicate an appropriate staff member (senior, line staff, etc.) to the planning process?
- Is each agency willing to provide an overview of services and a site tour (if appropriate) to court staff and stakeholders?
- Is each agency willing to participate in relevant trainings?
- Will each agency participate in developing the court planning document including creating a stakeholder's statement that delineates services and protocols



WORKSHEET D

DATA ANALYSIS CHECKLIST

Crime Data (over several years)

Law Enforcement

- Location of court
 - Juvenile and adult
 - Felony and misdemeanor
 - Demographics of arrests
- Summons or administrative violations data
- Report rates by crime and area
- Complaints against law enforcement
- Staffing: Dedicated law enforcement officers or bureaus

Prosecution

- Deferred prosecution/diversion
- Convictions by charge
- Staffing: victim advocates and specialized bureau
- Probation/Parole
- Number of defendants under supervision by area or district
- Demographics
- Services offered to defendants
- Types of offenses charged and under supervision
- Number of juveniles
- Revocation data

Court System: Criminal

- Charges brought to court organized by specific charge and category
- Defendant demographics;
- Numbers of defendants with prior charges
- Disposition data
 - Types and rates of dispositions used by court
 - Types and rates of alternative sanctions used by court (BIP, substance abuse, mental health, parenting)
 - If monitoring compliance, data on compliance rates
 - Time to disposition
 - Protection orders issues through criminal court if applicable

Court System: Civil

- Filings in court by filing type: civil protection orders, custody, visitation, support, etc.
- Litigants with/without representation
- Numbers of filings per family unit or per litigant
- Disposition data
 - Types and rates of dispositions used by court
 - Number of hearings before final disposition
 - Number of modifications
 - Time to disposition

Victim Services

- Number of victims: from both community-based and system-based advocates
- Number of advocates
- Services provided

Other Community-Based Services

WORKSHEET E

SYSTEM MAPPING

One of the most effective ways to develop an understanding of current practices and processes is to develop a system map. A thorough system map will allow you to clearly define the current processes in chart form, identify problem areas such as information flow, capacity issues, delays, or resource gaps. Once identified, this knowledge provides a solid basis from which to develop a responsive court plan.

System mapping involves diagramming all of the steps of the court processes, beginning with either a filing or police contact and ending with the case being disposed. In addition to detailing the processing of a case, a system map should include the following pieces of important information:

- The major steps and key decision points in the system.
- The key decision makers at each point in the system.
- The amount of time it takes a case to move from one point to the next.
- The volume of cases moving through (or leaving) the system at each point.

CREATING YOUR MAP

1. Identify the first step in the case-flow process from the time of the domestic violence incident. Place this at the beginning of the map inside the appropriate shape (see key and shape definitions below).
2. Continue discussing and drawing each subsequent step (and placing them in the appropriate shape) until the entire process is diagrammed.
3. Draw arrows from one step to the next.
4. Review each decision point on the system map. Identify and list the decision makers involved at each point on the map. This step will help you identify additional stakeholders who may not currently be part of your planning team.
5. Number each step in the process to ensure clarity. This will allow you to refer to specific steps in the process at a later point.
6. Go back through your map and add quantitative information, such as case volume, average time from step to step, or agency capacity information.
7. Work with your team to ensure the charts accurately represent the process from start to finish, but keep these documents as simple as you possibly can. The primary objective is to make the chart clear so the process under review can be readily understood and improvements easily identified.
8. Use this map as a planning tool to help guide decisions regarding staffing, resources, protocols, and policies.

SHAPE KEY AND DEFINITIONS



INPUT
The initial step in the process



PROCESS
Each step in the process that is not a decision point.



DECISION POINT
Steps in the process where more than one outcome is possible.



TERMINUS
The final step in a stream of activity that terminates all other actions (e.g., “case closed”).



WORKSHEET F

GATHERING INFORMATION ON CURRENT PRACTICES

Public policy is typically rooted in federal and state law, county code, case law, individual agency regulations, memoranda of understanding among multiple organizations, and unwritten custom. An assessment of current policy should include the identification of all of these operating guidelines.

GUIDELINES FOR GATHERING INFORMATION ON CURRENT PRACTICES

1. Make a list of all of the federal, state, and local statutes and court rules that pertain to domestic violence in your jurisdiction.
2. Compile any formally developed policies of the court and its stakeholder agencies regarding criminal and/or civil domestic violence cases.
3. Review your system map. Pay particular attention to the decision points in the system that are guided by formal policy. Make a list of all the agencies that make or influence decisions about criminal and/or civil domestic violence cases in your jurisdiction.

This analysis should describe the current policy environment and serve as a tool to assess those policies that need review in greater detail or points in the system that require further policy guidance.

CONDUCTING A SWOT ANALYSIS

WHAT IS A SWOT ANALYSIS?

SWOT Analysis is a powerful tool for understanding your Strengths and Weaknesses, and for looking at the Opportunities and Threats that relate to the court's response to domestic violence.

The activities involved with this analysis will provide your team with a clear picture of the internal and external context of your court and community's response to domestic violence and provide guidance on how to proceed in the planning process.

This tool will also help determine how to use the court's internal strengths to manage threats such as high caseloads and shortage of accountability programs and it will identify weaknesses to address. This process will increase success by identifying new strategies and opportunities for the court.

GUIDELINES FOR CONDUCTING A SWOT ANALYSIS

Your team has collected data on various aspects of your jurisdiction's present response to domestic violence to better understand and assess current practice for the creation of a specialized domestic violence court. Through this exercise, the team will review the information that has been collected and use it to identify and prioritize the gaps in practice. Analyze what you know across the following four areas:

STRENGTHS:

Identifying your strengths is important for two reasons: It affirms the good work you are already doing and identifies assets upon which you can build. Examples may include an interested judiciary, a specialized probation supervision team, interagency collaboration, and specialized prosecution for domestic violence cases.

WEAKNESSES:

These are the issues about which you are most concerned and are the obstacles that stand between where you are now and where you want to be. Examples may include high case volume, excessive probation caseload, lack of batterer programs, inability of batterers to pay for programs, and victims not being notified of/receiving orders of protection/restraining orders.





OPPORTUNITIES:

Your data collection efforts may have uncovered opportunities you have not yet considered. For example, you may have identified under-utilized resources. Examples may include training opportunities made available by victim service agencies or federal funding streams for new staff positions at probation and victim service agencies.

THREATS:

It is also possible that you have identified threats to your work through your information collection process. For example, you may have learned about new case law that impacts current practice or best practice models that differ from your present policies.

STEPS TO FOLLOW FOR SWOT ANALYSIS

Use the steps below to guide your discussions.

1. With your stakeholder team, brainstorm “strengths,” “weaknesses,” “opportunities,” and “threats” on four separate sheets of flip chart paper.
2. Once the brainstorming session has been completed, compare these lists with your data collection reports.
3. Review the findings listed under “weaknesses.” Consider each and give team members a few minutes to indicate the items they deem of greatest importance. Have each person place a check mark on the flip chart next to the five findings they believe represent the greatest weaknesses in your current system. These priorities will become the first set of goals your team will address. Keep the original list of weaknesses as you may elect to pursue later.
4. Referring back to this list throughout planning and early operations will help ensure you are reaching your goals and will assist you in prioritizing.



WORKSHEET H

GUIDELINES FOR SETTING GOALS AND MAJOR OBJECTIVES

Identifying and prioritizing the goals and objectives of the court will determine what your domestic violence court will look like. The planning team may use information gathered during your analysis of current practice as a guide during this process.

GOALS

The goals you identify will articulate the overall mission and purpose of the court, not specific methods or numeric targets. When determining your mission, keep in mind that a goal:

- Is a broad statement;
- May be short, intermediate, or long-term in nature;
- Provides overall focus, vision, and direction; and
- Should be believable, attainable, and based on identified needs.

For instance, most domestic violence courts define offender accountability and victim safety as their most important goals. Will your planning team identify these two goals as your primary mission? Will you include additional goals in your vision of the court? Other common goals to consider include:

- Reduce recidivism;
- Educate the judiciary about domestic violence;
- Improve stakeholder collaboration in and outside of the justice system; and
- Address enforcement problems in your community.





OBJECTIVES

Your team will also want to consider what objectives you will set for each goal you identify for the court. Objectives explain how each goal will be achieved. When determining these measures, keep in mind that “SMART” objectives are:

- As **S**pecific as possible;
- **M**easurable, in order to determine progress toward your stated goal(s);
- **A**chievable, given available time, staffing, and resources – you don’t want to set yourself up for failure by setting objectives that are not possible to accomplish;
- **R**elevant to the goals, needs, and interests of the community; and
- Able to specify a **T**ime-frame for when they will be accomplished.

For example, if victim safety is identified as a goal of the court, you may want to set an objective of linking 75 percent of victims to a victim advocate within the first year of operation. Other objectives might include:

- Holding biweekly compliance hearings on all offenders mandated to programs;
- Reducing the re-arrest rate within one year of domestic violence court intake; and
- Holding monthly court stakeholder meetings.



WORKSHEET I

CASELOAD ANALYSIS

I. INTRODUCTION

In an effort to accurately measure the potential workload of your domestic violence court, it is necessary to conduct a careful review and analysis of eligible cases. The process will consist of case identification and analysis of the number and types of cases your domestic violence court might hear.

II. CRIMINAL COURT CASES

Domestic violence court planning teams will need to work with the local criminal court(s) to identify newly filed misdemeanor domestic violence cases. In some jurisdictions, it may also be necessary to also coordinate with the district attorney's office and local law enforcement to determine the best mechanism for identifying and tracking domestic violence cases. The following sources of information may prove helpful in the process:

- reports prepared by the investigating police agency;
- supporting depositions;
- information on arrest reports;
- information from the district attorney's office; and
- automated case management systems.

TASK Using the attached form entitled "Caseload Analysis for Domestic Violence Court Planning (Criminal Court Cases)," generate a list of domestic violence cases that are filed during a four week period, and record the requested information. Alternatively, look to see if an automated case management system can produce a list of the information.



WORKSHEET I

page 2



III. CIVIL CASES

TASK Using the attached form entitled “Caseload Analysis for Domestic Violence Court Planning (Civil Cases),” generate a list of civil protection order and custody and visitation cases that are filed during a four week period and record the requested information. Alternatively, look to see if a case management system can produce a list of the information.

IV. MULTI-JURISDICTIONAL CASES

TASK Complete steps listed under both Criminal Court Cases and Civil Cases.

V. ANALYSIS AND CONCLUSION

Based on the recorded number of criminal and civil cases where the underlying issue is domestic violence, you can project the future domestic violence court caseload.



WORKSHEET J

DEVELOPING A PLAN FOR JUDICIAL COMPLIANCE REVIEW

When developing a plan for judicial compliance review, you will want to consider the following issues:

1. Which mandated programs/agencies will the court use for monitoring purposes? How long are these programs? How will program quality be monitored and by whom? What will the court protocol be for programs/ agencies that are non-compliant with court information requests?
2. How will your court use graduated sanctions to respond to non-compliance and compliance?
3. How frequently will the court bring defendants/ respondents/ offenders back to court for monitoring?
4. Will the court bring defendants in for pre-disposition monitoring?
5. How will the court coordinate with probation to gather compliance information and schedule judicial monitoring?
6. How will all stakeholders be trained on the compliance rules?
7. What types of information will you request prior to each compliance review from off-site programs/ agencies? When will you require that this information be sent?
8. Will you receive additional information over and above program compliance, i.e. any reports from the police, probation, parole, or victim service agencies (with victim consent)?
9. Will reporting program/agency representatives appear at the compliance review calendar?
10. Who will be designated as responsible for requesting and receiving information from reporting programs/agencies not present at the compliance review calendar? How will it be provided to the judge?

Center for Court Innovation staff can provide your team with sample reporting forms and sanctioning ideas.



WORKSHEET K

COURTHOUSE SAFETY CHECKLIST

- Secure holding cells for defendants
- Dedicated court officers
- Court officer training
- Court personnel training
- Safe waiting area for victims and victim service providers
- Protocols for defendant/respondent and complaining witness/victim seating in courtroom
- Identification of victim advocates and other personnel in courtroom
- Check in of litigants and attorneys into courtroom
- Protocols for complaining witness/victim and defendant/respondent exiting the courthouse



WORKSHEET L

PERFORMANCE MEASURES

WHY DEVELOP PERFORMANCE/OUTCOME MEASURES?

Developing a set of performance measures provides a means of objectively assessing programs, products, activities, or services. A formal system for measuring the performance of domestic violence courts is also an essential step in long-term institutionalization of these courts. It is recommended that this data is tracked both pre- and post-implementation of the domestic violence court in order to assess the full impact of the program.

II. CRIMINAL COURT CASES

We suggest examining performance measures related to Victim Safety, Case Processing, Offender Accountability, and Interaction with Other Agencies

VICTIM SAFETY

CONNECT VICTIMS TO ADVOCACY SERVICES

- Percentage of victims with cases in the domestic violence court that are referred to services
- Number of victims updated on the status of the case
- Total number of victims referred to services from all sources
- Types of service referrals made by advocates
- Number of victims from underserved populations served
- Number of follow-up contacts made with victims

INCREASE VICTIMS' SAFETY IMMEDIATELY FOLLOWING A DOMESTIC VIOLENCE CRIME

- Number of emergency transportation requests
- Number of emergency short-term childcare requests
- Number of housing security requests

INCREASE VICTIM SATISFACTION WITH COURT PROCESS

- Use local university or other researcher to conduct focus groups and/or interviews with victims

CASE PROCESSING

CREATE A DOMESTIC VIOLENCE COURT

- Date of court opening
- Number of cases in the domestic violence court since inception
- Types of cases the court hears





REDUCE CASE PROCESSING TIME

- Time from initial domestic violence incident to arraignment
- Time between filing and disposition
- Time from arraignment to transfer to the specialized court
- Number of pre-plea appearances (on average)
- Number of continuances (on average)

REDUCE THE NUMBER OF DISMISSALS AT THE DATE OF TRIAL

- Number of dismissals
- Reasons that cases scheduled for trial are dismissed
- Number of subpoenas to victims
- Number of victims participating in trial

HANDLE ALL DOMESTIC VIOLENCE CASES WITH A SPECIALIZED STAFF (I.E., DEDICATED JUDGE, CLERK, PROSECUTOR, DEFENSE, PROBATION)

- Number of dedicated staff
- Number of non-dedicated staff

COORDINATE CONDITIONS OF CRIMINAL AND CIVIL PROTECTION ORDERS

- Number of overlapping criminal and civil protection orders
- Court protocol in dealing with overlap

OFFENDER ACCOUNTABILITY

HOLD OFFENDERS ACCOUNTABLE

- Number of compliance review hearings
- Frequency of monitoring for compliant defendants
- Frequency of monitoring for noncompliant defendants
- Details of monitoring experience (judicial script, etc.)
- Frequency of probation providing accurate compliance updates to the court
- Number of probation violations filed per probation
- Court's response to probation violations

UTILIZE GRADUATED MONITORING TO PROMOTE COMPLIANCE AND PENALIZE NONCOMPLIANCE

- Types of noncompliance (e.g., breaking program rules, program absences, new arrests) that result in heightened monitoring
- Sanction schedule





- Frequency of monitoring for noncompliant defendants
- Number of noncompliant events not brought back to court

IMPOSE SWIFT PENALTIES FOR NONCOMPLIANCE

- Time from noncompliant event to case heard in court
- Penalties imposed
- Utilization of a sanction matrix

MANDATE DEFENDANTS TO ATTEND A BATTERER OR OTHER PROGRAM

- Number of defendants mandated to attend a batterer program
- Other types of programs used
- Number of program sessions defendants attended
- Consequences for noncompliance with program mandates
- Program completion rate

DETECT AND RESPOND TO VIOLATIONS OF THE PROTECTION ORDER

- Time from violation of the protection order to case being heard in the domestic violence court
- Response of the court to violations of the protection order
- Number of calls law enforcement makes to victim's home when the offender violates order

ISSUE PROTECTION ORDERS IN ALL APPROPRIATE DOMESTIC VIOLENCE CASES

- Number/percentage of protection orders issued
- Most frequently requested/used terms on the order
- Terms of the order of protection

REQUIRE FIREARM SURRENDER IN ALL DOMESTIC VIOLENCE CASES COVERED BY FEDERAL AND/OR STATE LAW

- Percentage of protection orders which require firearm surrenders

INTERACTION WITH OTHER AGENCIES

INCREASE STAKEHOLDERS, COMMUNICATION, AND EFFECTIVENESS

- Number of new agencies collaborating with the court
- Number of cross-agency contacts
- Number of stakeholder meetings
- Number of joint trainings
- Number of new policies/protocols/MOUs



WORKSHEET M

WORKING WITH AN INDEPENDENT EVALUATOR

An independent, stand-alone evaluation can provide an objective assessment of your project. Most evaluation activities fall within two categories:

Process Evaluation:

A process evaluation helps document how a domestic violence court has been planned and implemented. Such an evaluation typically gives a qualitative account of the court's goals, objectives, policies, operations, staffing and other resources, overall strengths, and barriers. Also, a process evaluation typically includes a quantitative portrait of basic descriptive and performance information – e.g., distribution of offender and victim demographics, relationship to each other, offender criminal history, charges, and other characteristics; number and percent of victims linked with services; distribution of dispositions and sentences imposed on offenders; percent of offenders who were mandated to different types of programs (batterer program, substance abuse treatment, etc.); and program completion rates. Ideally, a good process evaluation will assess the fidelity of the program to its own operational plan and will identify potential problem areas that might require changes in strategy.

Impact Evaluation:

An impact evaluation describes the impact of the domestic violence court in achieving its goals. A proper impact evaluation must involve a comparison between cases processed in the domestic violence court and cases not processed in the court. The most popular method for identifying a comparison group in past domestic violence court evaluations, as was done in studies in Brooklyn, Milwaukee, Pittsburgh, and San Diego, has been to compare outcomes among offenders and victims in the domestic violence court to similar offenders and victims handled just before the domestic violence court opened. This is known as a “pre-post” design. Another common method is to compare outcomes in the domestic violence court to those obtained during the same period of time but in a nearby jurisdiction that does not have a domestic violence court. This is a “comparison site” design. When using such a design, it is important for the comparison jurisdiction to have very similar population demographics (e.g., the race, income, and educational backgrounds of the offenders) and similar police, prosecutorial, court, and probation practices in all respects other than those directly stemming from the domestic violence court itself. Although justice system research often focuses on recidivism as the key bottom-line outcome in an impact evaluation, in a domestic violence court context, it may be as important to investigate impacts in other areas such as victim services, victim satisfaction, offender dispositions, sentences (e.g., jail, probation, or other), use of program mandates, orders of protection, and use of sanctions with offenders who fail to comply initially with court orders. The specific impacts under investigation should follow from the project's own goals and objectives and not from the interests or preconceptions of the evaluator.



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