

Specialized Court Responses to Domestic & Sexual Violence

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Overview

- What is a problem-solving court?
- The Domestic Violence Court (DV) model
- The Integrated Domestic Violence Court (IDV) model
- The Sex Offense Court model
- How might they be applicable to tribal justice systems?

Problem-Solving Courts

- Address chronic justice system issues in a specialized way
- Designed to improve court process & case outcomes for litigants & communities
- Aim to prevent future offending & make communities safer
- Over 1,000 problem-solving courts nationwide

Why?

Key question precipitating the creation of a specialized court:
“Is there a better way to do this?”

Types of Problem-Solving Courts

- 1) Therapeutic Models: Healing to Wellness Court, Mental Health Court, Community Court, Family Treatment Court
- 2) Accountability Models: Domestic Violence Court, Sex Offense Court

Goals of Accountability Courts

- 1) Victim safety
- 2) Offender accountability
- 3) Consistent, effective & efficient case processing
- 4) Others?

Court Model Commonalities

- Based on knowledge of DV & sexual violence
- Specialized court docket
- Handle cases from charging through post-disposition monitoring
- Require judicial leadership
- Engage relevant stakeholders

Commonalities, cont.

- Utilize existing resources
- Improve coordination & communication
- Training for court personnel
- Resource Coordinator position
- Integration of victim services
- Emphasis on evaluation & research

Domestic Violence & Integrated Domestic Violence Courts

What are your community's biggest concerns about court response to domestic violence?

"One possible response to the current situation is to continue to process domestic violence cases as any other kind of case, and to continue to observe systemic failures. Another response, however – the problem-solving response – is to try to design court programs that explicitly take into account the special characteristics that domestic violence cases present."

– Judith S. Kaye, Former Chief Judge, State of New York

Key Elements of DV Courts

- Specialized staff & docket
- Informed decision-making
- Frontloading of victim services
- Rigorous monitoring of defendants
- "The judge is watching"
- Use of technology
- Emphasis on courtroom safety
- Coordination w/ stakeholders

DV Court Partners

- Judge & court staff
- Prosecution
- Defense
- Civil attorneys
- Victim services
- Child welfare
- Battersers program
- Treatment providers
- Probation & parole
- Law enforcemt.
- Health care
- Social services
- Community reps

Integrated DV Courts

- One family, one judge
- Serve families with overlapping cases in multiple courts
 - Criminal case → lynchpin
 - Also family & matrimonial cases
 - How are cases identified?
- Cases are coordinated but kept separate

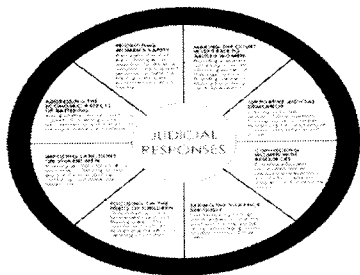
Benefits of Integration

- More informed decision-making
- Integration of social services
- Elimination of conflicting court orders
- Fewer court dates for litigants
- Compliance monitoring

Outcomes of DV/IDV Courts

- Reduction in dismissals, increase in convictions
- Reduced time to disposition → lower pre-trial recidivism
- Increase in program mandates & compliance w/ mandates
- More victims connected w/ advocacy services
- Victims are more satisfied with court experience

JUDICIAL RESPONSES THAT EMPOWER BATTERED WOMEN



Sex Offense Courts

What are your community's biggest concerns about court response to sexual violence?

Current Practice

- Most sex offenders spend little time incarcerated
- Sex offenses against children are majority of court cases
- Sex offenders can appear compliant if only traditional methods of supervision are utilized
- High profile cases → stricter laws
- Judges may be reluctant to impose special sex offender conditions

Important Questions

- Is there a way for the court to enhance public safety?
- How can sex offense case handling be improved and become more uniform?
- How can inter-agency communication & coordination be improved?

Sex Offense Court Mission

- To promote justice by:
- Providing a comprehensive approach to case resolution
 - Increasing accountability
 - Enhancing victim & community safety
 - Protecting rights of all litigants

Key Principles

- Early case identification
- Strict judicial compliance reviews
- Coordination w/ sex offender treatment providers
- Comprehensive staff training
- Stakeholder collaboration
- Working w/ victim services
- Evaluation & quality improvement

Principles in Practice

- Victim-friendly process & courtroom
- Scheduling cases promptly
- Having a dedicated judge
- Supervising defendants continuously
- Exploring new methods of monitoring
- Building strong relationships

Principles in Practice, cont.

- Convening stakeholder meetings
- Providing staff training
- Utilizing specialized probation
- Using PSI to provide info to court
- Using empirically-supported tools
- Monitoring mandated treatment
- Swift, consistent response to violations

DV & SO Court Operations

- Implemented in urban, suburban & rural communities
- Case volume varies by jurisdiction → Daily, weekly or monthly calendars
- Some have separate compliance calendars
- Goal in NY → Statewide implementation

Implications for Tribal Communities

Tribal Considerations

- Community may be small/closed
- Criminal jurisdiction
- Collaboration & info-sharing
- Lack of services & resources
- Use of culturally-based & culturally-specific interventions
- Incorporating extended family & community
- Potential use of banishment

How might these specialized court practices be applicable to tribal justice systems?

Next steps? Questions?

Thank you!
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