

Domestic Violence Courts

Report to Governor Butch Otter
and the
1st Regular Session
of the 60th Idaho Legislature



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Domestic Violence Courts Reduce the Number of Protective Order Violations and Serve Over 1,350 Victims

There are currently seven integrated domestic violence courts¹ in the 7th Judicial District, (Bonneville, Jefferson, Bingham, Custer and Lemhi Counties), 6th Judicial District (Bannock County), and the 4th Judicial District (Ada County). Since the inception of integrated domestic violence courts, there has been enhanced judicial monitoring of cases leading to increased victim safety and offender accountability.

An independent evaluation of domestic violence courts in the 6th and 7th Judicial Districts shows a decrease in criminal and civil protection order violations since the courts were started in 2006, which we believe is directly attributable to judicial monitoring and the efficiency and effectiveness of domestic violence courts and their community partnerships. For example, under the direction of Honorable Mark L. Riddoch, Bonneville County has seen a 37.5% decrease in criminal no contact order violations and almost a 48% decrease in civil protection order violations. Bannock County has observed a 6% decrease in criminal no contact order violations.

Over 82% of victims surveyed said they agreed that, "having one judge handle all of my legal issues was helpful."

- Results of 2008
Independent Evaluation

Last year, domestic violence court coordinators assisted over 1,350 victims. Coordinators also assist parents in civil protection order cases to establish parenting schedules thereby saving the judge valuable time in the courtroom.

Idaho has developed two successful integrated domestic violence court models. Both integrated domestic violence court models are especially designed to address the strong correlation between civil and criminal domestic violence cases and other family related cases; therefore, families involved in child protection, divorce or child custody disputes may also be involved with these courts. This is consistent with legislative policy, Title 32, Chapters 1401 and 1402 concerning Coordinated Family Services.

It takes considerable case management and coordination to ensure that decisions are not made in one case that conflict with existing orders, or have the potential to harm family members involved in other pending court cases. This process assures that effective, coordinated and enhanced safety measures are put into place in custody orders for children. The Case Coordinator works directly with judges to keep them informed of any accompanying civil cases that are pending related to the victims and offenders. This linking of information gives judges context from which they can make more accurate and applicable decisions.

¹ A primary component of integrated domestic violence courts is the case coordination between criminal domestic violence and other family related court cases.

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One innovative model was established in Ada County in 2005. This court resolves criminal domestic violence cases through a “fast track modality” usually within a 45-day window from the time of arrest. Several advantages are apparent with the fast track modality. First, timely resolution promotes stability since the family knows outcomes and court expectations early in the process. Defendants are expedited into the treatment process, which research has indicated reduces recidivism. Additionally, victims have the ability to obtain quick and ongoing contact with the two judges who preside over their case beginning within one week of the filing of charges, which can afford the victim increased safety. Victims develop confidence that the court and the legal system have their interests at heart. This approach gives victims a sense of empowerment and a feeling that their voice is being heard and considered.

“After monitoring domestic violence cases for 10 years, the Ada County Domestic Violence Court is the answer for getting families back on track in a timely matter. Victims and their children deserve this. It is extremely gratifying to see the success stories and the cycle of domestic violence come to an end.”

– Nancy Cladis
Director of Ada County Misdemeanor Probation

Offender accountability is further enhanced by intensive judicial “face-to-face” scrutiny throughout the probationary period. With the Court establishing frequent, ongoing contact with the offenders and victims in the first 30 to 45 days of a case, the Court has the ability to increase the safety of the victim, and also maintain the flexibility to successfully monitor no-contact order modifications or terminations. In the last year, defendants in the accelerated court have appeared before the judges

almost 2,932 times. Victim and family safety is enhanced by this early engagement model which substantially accelerates the ability of offenders to access court-ordered treatment. In the nearly three years the court has been in operation, over 345 defendants have participated in the Ada County model.

More Improvements Are Being Made To Protect Children And Support Families

In Ada County, the Domestic Violence Court Coordinator, in cooperation with probation, assisted in the creation of an on-going risk assessment tool for determining the potential danger posed by defendants and subsequent risk to victims and their children. Following each assessment, the Coordinator works with probation and victim witness personnel to adjust probation recommendations to ensure offender accountability and victim service referrals to achieve optimal utilization of available community resources for victims. There is no other court that we know of that is doing this type of defendant risk reassessment for treatment efficacy and ongoing, enhanced referral of victims to specifically targeted community services.

“The case coordinator helps victims do ‘the hard part’. The coordinator doesn’t just tell victims what is out there. She helps them get the services based on the family’s specific needs. Her working relationship with all of the community service providers and her ability to spend time actually making contacts for victims has made all the difference for victims of crimes and their children.”

– Honorable Carolyn M. Minder
Integrated Domestic Violence Court Judge

“In eighteen years in the criminal justice system, I believe the area demanding the most constant attention and expansion is the ability to engage, protect, and support victims of domestic violence and their families. The case coordinator addition to the court provides for victims a highly skilled, experienced, credentialed neutral person who can aid them in accessing services that support them when they are in a period of great crisis and are most vulnerable. This service has manifested itself to be both crucial and invaluable in dealing with victims who find themselves alone, without support, and dealing with issues surrounding being the sole provider for children who themselves have experienced the trauma of violence.”

– Honorable James Cawthon
Integrated Domestic Violence Court Judge

Independent Evaluation of Integrated Domestic Violence Courts Documents Outcomes²

An independent evaluation of domestic violence courts in the 6th and 7th Judicial Districts was completed in the fall of 2008. A coordinated community response and domestic violence court coordination are credited as two reasons for a significant decrease in violations of orders of protection. Further, interviews with probation indicate that participants of domestic violence courts get a head start on evaluation and treatment, “which puts them further ahead” and may have an impact on recidivism.

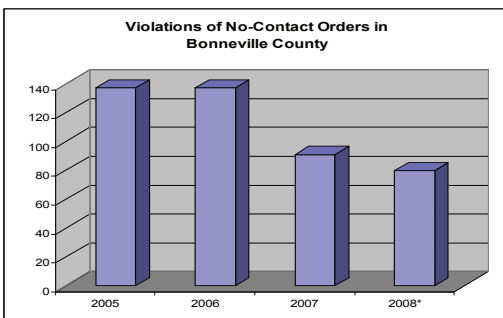
² Evaluation of the Idaho Supreme Court OYW Grant submitted by Drs. Nicole R. Hill and David M. Kleist, August 2008.

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➤ One domestic violence court participant is very grateful. *“I just know that the last time we went through this 3 ½ years ago there was no one like ... (the D.V. Court Coordinator). There was no one to talk to the victim..... There was no one walking through the process of what was going to happen and what to expect or things like that. There was no, you know, support for the victim 3 ½ years ago. And maybe that’s why I didn’t go through with it back then cause I felt like I was by myself and there was nothing that anybody could do and uh, like with (the D.V. Court Coordinator), you know, there is people that care. There’s people that want to help. It gave me the strength and hope and the courage to do it.”* Interview with D.V. Court Victim.

➤ Another key finding from the evaluation reported increased efficiency. *The primary benefit of One Judge is increased efficiency. Having all the information available to a judge allows for better decision making. For the victim witness coordinator, operating with the One Judge principles saves him/her time from going to court multiple times per week. With greater efficiency also comes greater consistency. Having access to all relevant court case information, judges are able to make decisions in each case that are congruent with each other. An added benefit of One Judge, not necessarily identified as a primary reason for developing the system, is defendant comfort with the familiarity with the judge. Given the fact that one judge handles all court cases, defendants develop trust along with the familiarity gained by facing the same judges. This familiarity, coupled with increased trust, can potentially influence defendants’ agreement with a judge’s decision and follow through with treatment requirements.*

➤ Evaluators also tracked a reduction in criminal No-Contact and Civil Protection Order Violations in Bonneville, Bannock and Jefferson Counties. *Evaluators posited that: Based on the feedback by stakeholders, it is possible that as offenders/respondents gain more understanding about the legal process and develop an expectation of what the judge will do in response to certain behavior, there is an increased likelihood to be accountable and follow through on the judge’s orders. As the Domestic Violence Coordinator shares more information with offenders/respondents and as the judges increase their consistency through the ‘One-Judge-One Family’ model, there is more motivation for the offender/respondent to comply with court orders.*



* Estimate based on previous seven months in 2008

Domestic Violence Court Coordinators Play Critical Role

Domestic Violence Court Coordinators identify gaps in domestic violence services and work as a liaison between the courts and the community partnerships responsible for victim safety and offender compliance. For example, as a result of domestic violence court coordination in the 7th Judicial District, offenders are now complying with orders requiring them to obtain domestic assault and battery evaluations. These evaluations give the judge timely and valuable information to determine the type of treatment to be ordered as well as the level of treatment intensity that best fits every domestic violence court participant.

The independent evaluation concluded: “... the Domestic Violence Coordinators are perceived as vital to the various stakeholders in the court system. They have proven to be invaluable to judges, victims, and service providers. The benefits of their efforts to increase collaboration, case coordination, and expediency of the courts have been clearly articulated across stakeholders. We recommend that the Domestic Violence Coordinator positions be maintained in the 6th and 7th Judicial Districts if the type of collaboration and coordination described is desired by the legislature and Idaho Supreme Court ...”

Idaho Risk Assessment Tool Developed

Finally, a collaborative project between the Idaho Supreme Court, the Idaho Coalition Against Sexual and Domestic Violence and the Idaho Coordinated Response to Domestic and Sexual Violence, participated in the development of an Idaho Risk Assessment tool that is designed to continually evaluate the risk to victims and their children in domestic violence cases so that protective measures and appropriate treatment and monitoring of domestic violence offenders are implemented statewide.