

CENTER

FOR

COURT

INNOVATION

A Public/Private Partnership with the
New York State Unified Court System

RESEARCH

Process Evaluation of the Brooklyn Youthful Offender Domestic Violence Court

This research is supported under award #2002-DD-BX-0046 from the Bureau of Justice Assistance, Office of Justice Programs of the U.S. Department of Justice. Any opinions are interpretations and are those of the author or, where attributed, the stakeholders and research participants. They do not necessarily represent the official position of the U.S. Department of Justice or the Center for Court Innovation.

Written by

Amanda B. Cissner

About the Author

Amanda B. Cissner is senior research associate at the Center for Court Innovation.

2005

Acknowledgements

The author would like to thank all the YODVC staff and stakeholders who helped make this research possible. In particular, the author would like to express gratitude to Beth Havericak and Ethelie Aruoture, who maintained data expressly for the purposes of this evaluation. In addition, thanks to the Honorable Richard Allman and the Honorable Miriam Cyrulnik for their role in this project. Mike Rempel, Nora Puffett, Liberty Aldrich, and Kristine Herman from the Center for Court Innovation were instrumental in the development and implementation of this research, as well as offering comments on drafts of this report. Thanks also to Greg Berman, Executive Director of the Center for Court Innovation, for his feedback on an earlier draft of this report. Finally, thanks to the 13 YODVC defendants who agreed to be interviewed for this project.

Executive Summary

The report presents a process evaluation of the first fifteen months of the Brooklyn Youthful Offender Domestic Violence Court (YODVC). The YODVC was launched in December 2003 by the New York State Unified Court System in collaboration with the Center for Court Innovation (CCI) to focus on the issue of teen dating violence. The YODVC builds on the model of adult domestic violence courts, but with an eye to the special issues and service needs of adolescent offenders and victims.

In addition to a single judge who is specially trained in the area of domestic violence, the YODVC features a dedicated prosecutor, a teen victim advocate, and a resource coordinator. Beyond specialized staffing, the court relies on a batterer intervention program specifically designed for teen perpetrators (STEPS to End Family Violence, hereafter STEPS), continued court monitoring, specialized staff training, and the input of a team of community partners.

YODVC stakeholders identified a number of key program strengths, including:

- A coordinated team approach to problem solving;
- Specialized attention to the target population;
- Intensive defendant tracking and monitoring; and
- Victim advocacy.

In addition, stakeholders identified key weaknesses as:

- Confusion over case eligibility and identification;
- A lack of codified court policies; and
- Inability to engage all relevant players during the planning process.

The flexibility of the stakeholders often proved essential to the continued operations of the YODVC. The court benefited from an extensive planning process in which multiple stakeholders were involved. Most issues arising throughout the first fifteen months of operations were resolved smoothly thanks to the cooperation and flexibility of team members.

The analysis in the report utilizes a variety of data sources including stakeholder and defendant interviews, court observations, databases maintained by the court and by the District Attorney's Office, intake interviews, and a communications survey. Based on these data sources, the report outlines the YODVC planning team and planning process, program goals, court eligibility and volume, screening and intake processes, victim services, the courtroom experience, the STEPS program, and preliminary outcomes.

Planning the YODVC

The Planning Team and Stakeholder Communications

The YODVC planning and operations teams involved representatives from the court, the District Attorney's office, victim advocacy agencies, the defense bar, and the Center for Court Innovation. The members of this collaboration worked closely together to anticipate and address issues that arose during YODVC operations. However, the initial failure to engage the defense bar due to miscommunication between planners and defense representatives led to unnecessary friction during the court's early operations and necessitated labor-intensive peacemaking. Despite this difficulty in engaging defense, the results of a communications survey administered in the first six months of court operations revealed that nearly all stakeholders (93%) were satisfied with both the quality and frequency of communications among stakeholders.

Finding, Stakeholder Outreach: *By identifying and including all the necessary players early on, discord among stakeholders may be minimized.*

***Finding, Stakeholder Communication:** The vast majority of stakeholders reported satisfaction with both the quantity and quality of communications among key YODVC players once operations were underway.*

Program Goals

The goals of YODVC were never established in a formal planning document to be distributed to stakeholders, leading to some confusion. In particular, stakeholders disagree over whether the YODVC is designed to change abusive behavior. Other goals, such as offender accountability and monitoring, increased services and safety for teen victims, and programming specially developed for teen batterers, are more widely agreed upon.

***Finding, Establishing Goals:** Establishing clear goals early in the planning process and making these goals known to all key players may minimize later confusion.*

YODVC Operations

Eligibility and Volume

All misdemeanor cases involving intimate partner violence in which the defendant is between sixteen and nineteen years of age are YODVC-eligible. During the first fifteen months of YODVC operations, 279 defendants with 360 separate cases were found YODVC-eligible. This volume not only reached planners' expectations (estimated volume was 250 cases in the first year), but exceeded them.

Screening and Intake

Only a portion of all YODVC cases (38%) are offered the STEPS batterer program. Although the remaining cases continue in the YODVC, they do not have an opportunity to enter STEPS. Cases may be ineligible for STEPS based on current charges or criminal history. In addition, female defendants, non-English speakers, and defendants with developmental or mental health issues are not eligible for STEPS.

The two sets of eligibility criteria – one for the court and one for the STEPS batterer program – led to confusion over defendant eligibility. This confusion, coupled with unclear flagging procedures, led to some cases being adjourned to the wrong court part. Several attempts to clarify criteria were made through memos outlining court eligibility requirements before this confusion was ultimately diminished.

***Finding, Eligibility:** Clearly and repeatedly defining the court eligibility criteria for all stakeholders helped to reduce confusion.*

***Finding, Screening Cases:** Identifying and flagging eligible cases continued to be a problematic issue well into the court's operations. Additional mechanisms for catching eligible cases should be developed.*

Defendant Characteristics

In contrast to the anticipated population, fewer than half of defendants interviewed by STEPS are currently attending school. Nearly half of defendants have a child in common with the complaining witness. Anecdotally, defendants in the YODVC report a relatively high level of violence in their daily lives.

***Finding, Additional Defendant Service Needs:** The YODVC defendant population is not the population predicted by court planners. These unanticipated findings may indicate a need for additional services.*

Victim Services

The most measurable result of the victim advocate's outreach to teen victims is the number of corroborative affidavits signed. Thirty-nine percent of all YODVC complaining witnesses sign a corroborative affidavit. If the victim advocate successfully establishes contact with the complaining witness even once, this percentage jumps to 68%. The result of these signed corroborative affidavits is more prosecutable cases.

***Finding, Victim Outreach:** Complaining witnesses with whom the victim advocate is able to successfully establish contact at least once are much more likely to sign corroborative affidavits than those witnesses never successfully contacted.*

***Finding, Tracking Victim Services:** Complaining witnesses express a number of non-domestic violence needs, including the need for educational services, housing, and childcare. In order to report on the full range of assistance provided by the victim advocate, additional data collection should be implemented.*

The Courtroom Experience

The YODVC judge utilized consistency and clarity as well as one-on-one interaction in her exchanges with defendants. During interviews, most defendants made some reference to this judicial style, citing both personal interactions with the judge and the clearly-articulated jail alternative given by the judge as factors motivating them to complete the STEPS program. Additionally, seeing others receive praise from the judge made an impression on many defendants, further motivating them to complete their own program mandates. However, seeing others sentenced to jail in the instance of program failure did not seem to have the same motivational impact on defendants. Defendant interviews further revealed that program participants generally felt that they were treated fairly and with respect in the YODVC. Defendants highlighted regular judicial interaction and judicial consistency as crucial in achieving this sense of justice.

STEPS to End Family Violence

Logistical issues including when and where the STEPS batterer intervention program should be held arose early on in the court's operations, but were quickly resolved. Of the 105 defendants offered the STEPS program, 65% accepted the program offer. Of those defendants who had ended their STEPS participation through failure or graduation, 62% successfully completed the program. In interviews, participants were largely positive about the STEPS program, maintaining not only that it helped them in their relationships, but that they had learned a good deal from STEPS and to enjoy the classes. Most defendants report that STEPS had made them look at themselves and their behaviors differently.

Outcomes

Twenty-eight percent of YODVC defendants entered a guilty plea. Some of these defendants entered STEPS as part of a plea agreement, while others served jail time, received a mandate to another program, and/or were placed on probation. Although not all defendants entering a guilty plea received STEPS, defendants who pled guilty were significantly more likely to receive STEPS. Attaining guilty pleas and program mandates among this population is particularly noteworthy because of the relatively minor nature of the offenses YODVC defendants face. An exploratory study prior to the opening of the YODVC indicates that comparable defendants were unlikely to be convicted at the misdemeanor level and even less likely to receive a program mandate.

Sixty-six percent of all YODVC defendants received either an adjournment in contemplation of dismissal or a dismissal. However, because nearly all defendants who successfully complete STEPS are granted an adjournment in contemplation of dismissal upon successful completion of the program, STEPS participants were significantly more likely to receive an ACD than those defendants not in the program.

Conclusion

The results of the process evaluation of the first fifteen months of YODVC operations point to the importance of establishing a strong stakeholder collaboration. The cooperation and flexibility of key stakeholders to adapt to issues arising during the planning and the early operations of this project resulted in a great deal of success in meeting the initial goals put forward in the project's initial funding documents. Questions concerning the continued impact of the court on future recidivism remain and will be the focus of further research.

Contents

Executive Summary	i
Chapter 1. Introduction	1
The Brooklyn Youthful Offender Domestic Violence Court	1
The State of the Literature	2
Chapter 2. Research Methodology	4
Courtroom Observations	4
Resource Coordinator Database	4
Victim Advocate Database	4
STEPS Intake Interviews	5
Stakeholder Interviews	5
Participant Interviews	5
Network Analysis	5
Chapter 3. Planning the YODVC	7
The Planning Team	7
Communication Between Stakeholders	9
Specialized Training	11
Program Goals	11
Chapter 4. YODVC Operations	14
Eligibility and Volume	14
Screening and Intake	14
Defendant Characteristics	17
Charges	17
Victim Services	17
Chapter 5. The Courtroom Experience	20
Entering the Program	21
Adjournments	26
Trials	27
Infractions, Incentives, and Sanctions	27
Program Completion	30
Procedural Justice	30
Chapter 6. STEPS to End Family Violence	32
Curriculum	32
Rules	32
Logistics	33
Participant Feedback	34
Chapter 7. Outcomes	36
Criminal Justice Outcomes	36
Chapter 8. Conclusion	39
Works Cited	40
Appendix A: Court Observation Log	42
Appendix B: Informed Consent for Study Participant in the Brooklyn Youthful Offenders Domestic Violence Court Evaluation	43
Appendix C: Parental Consent for Study Participant in the Brooklyn Youthful Offenders Domestic Violence Court Evaluation	46
Appendix D: Brooklyn Youthful Offenders Domestic Violence Court Communications Survey	49
Appendix E: Outcomes for Defendants with a Corroborative Affidavit who were Not Offered STEPS	52

Chapter 1. *Introduction*

The Brooklyn Youthful Offender Domestic Violence Court

In December 2003, the Brooklyn Youthful Offender Domestic Violence Court (YODVC) was launched by the New York State Unified Court System in collaboration with the Center for Court Innovation (CCI) to focus on the under-addressed issue of teen dating violence. The YODVC builds on the model of adult domestic violence courts, but with an eye to the special issues of adolescent offenders and victims. Both teen defendants and complainants are offered developmentally-appropriate services.

The YODVC operates one afternoon a week. The time of both the court and the teen batterer program utilized by the court were selected to work with the school schedules of the teen defendants. All misdemeanor criminal cases involving intimate partner violence in which the defendant is between sixteen and nineteen years of age are eligible. A single judge presides, sitting for regular court appearances as well as continued compliance monitoring. The hope is that by handling all of the misdemeanor teen dating violence cases in Brooklyn, the judge gains a specialized understanding of adolescent domestic violence and is able to promote a more consistent court response. Both the judge and potential back-up judges receive specialized training on the unique needs and challenges of adolescent victims and perpetrators of relationship abuse.

In addition to the single judge, the YODVC features a dedicated prosecutor, a teen victim advocate (working through the District Attorney's office), and a resource coordinator. The resource coordinator prepares case information for the judge, facilitates contact between service providers and the court to ensure swift and accurate reporting, and helps in the identification of eligible cases. Beyond specialized staffing, the court relies on a batterer intervention program specifically designed for teen perpetrators (STEPS to End Family Violence, hereafter STEPS), continued court monitoring, specialized staff training, and the involvement of community partners. Through a collaboration of service providers, prosecutors, the local defense bar, and court personnel, the YODVC aims to create a multi-level response to teen dating violence. This multi-level response includes outreach to victims of teen dating violence by the victim advocate. Additionally, the District Attorney's office offers selected defendants (based on current charge, priors, and the strength of the case) a conditional discharge in conjunction with the STEPS program, a 12-week educational program specifically designed for teen batterers. At this time, the STEPS program is only open to male, English-speaking defendants.

When asked to name the primary strengths of the YODVC, stakeholders identified a number of key assets:

- *Team Approach.* The YODVC team has worked together to provide a coordinated response to teen dating violence. Stakeholders have worked together to find solutions to issues as they arise and this flexibility and cooperation was noted as a primary strength by many stakeholders.
- *Specialized Attention.* The YODVC is entirely geared toward young offenders. Having a separate part for these cases shows that teen dating violence is taken seriously. In addition, the free, specialized, and developmentally-appropriate programming provided by STEPS was noted by many stakeholders as a crucial strength.
- *Tracking and Monitoring.* The work of the resource coordinator in conjunction with the YODVC judge allows for close tracking of YODVC cases and allows for certain, swift, and consistent responses to noncompliance.
- *Victim Advocacy.* Not only does the victim advocate provide invaluable services to victims of teen dating abuse, linking victims to services and providing referrals, but her work has resulted in numerous signed corroborative affidavits in cases that likely would have been uncorroborated, resulting in more prosecutable cases.

Key weaknesses identified by stakeholders included:

- *Case Identification.* YODVC-eligible cases continued to be adjourned to the wrong part throughout the period covered by this report. The mechanisms in place for flagging cases were noted by many stakeholders as both insufficient and inefficient.
- *Eligibility Criteria.* Continued confusion about the YODVC and STEPS eligibility criteria continued well into the court's operations.
- *Codification.* None of the court procedures are codified in a policy or training manual made available to stakeholders.
- *Ability to Engage the Defense Bar.* Several stakeholders expressed concern that the defense bar was not more engaged in the planning and operations of the YODVC.
- *Program Limitations.* There are no programs available for non-English speakers and female defendants.

This report presents a process evaluation of the first fifteen months of YODVC operations, from December 2003 to March 2005. After outlining the state of the current literature and the evaluation methodology, the report provides a chronological account of the YODVC: planning, implementation (eligibility, screening, court procedures, volume and characteristics, victim services), the courtroom experience, the teen batterer program, and outcomes. Major findings and lessons learned during the court's planning and operations are included throughout.

The State of the Literature

Despite growing awareness of the issue of domestic violence, adolescent dating abuse has only recently emerged as a focus of domestic violence programming and research. However, according to the U.S. Department of Justice, women ages 16 to 24 are the most vulnerable to nonfatal intimate partner violence (Rennison 2001). In New York City, the domestic violence hotline receives an average of 375 calls a month from teenagers seeking help with an abusive relationship. Ten percent of domestic violence victims treated at New York City hospitals are under the age of 20 (Commission to Combat Family Violence). These numbers indicate that teen dating violence is a significant problem.

The prevalence of teen dating violence is difficult to determine. A 2001 study by Silverman and colleagues found that one in five female high school students reported being physically or sexually abused by a dating partner (Silverman et al. 2001). A poll conducted by Kaiser Permanente found that 40% of girls between the ages of 14 and 17 reported knowing someone their age who had been hit by a boyfriend (Kaiser Permanente 1995). O'Keefe and Treister (1998) found an even higher incidence of dating aggression among teens: 45% of high school girls and 43% of high school boys reported experiencing some physical aggression in a dating relationship. However, Molidor and Tolman (1998) warn against reading such findings to indicate gender parity in dating violence. Adolescent girls in their study reported that in 70% of violent incidents, it was the male who initiated the violence. Additionally, female and male *responses* to violence were dissimilar: female adolescents most frequently reported fear, followed by emotional hurt, while male adolescents most commonly reported amusement or anger. In a later study, Molidor and colleagues found that adolescent males were also less likely to be injured through intimate partner violence than were adolescent females (Molidor, Tolman, and Kober 2000). Similarly, O'Keefe (1997) concludes that teenage females are more likely than males to use violence as self-defense. The City of New York estimates that nearly 80% of girls who are physically abused in their intimate relationship continue to date their abuser (City of New York, *Teen Relationship Abuse Fact Sheet*).

Several studies have found indications that abuse in the home may predict future teen dating violence (e.g., Roscoe and Callahan 1985; Wolfe, Scott, Wekerle, and Pittman 2001). However, a longitudinal study by McClosky and Lichter (2003) did not find a significant relationship between exposure to domestic violence during childhood and later dating violence.

Despite the risk of intimate partner violence for adolescents, there are few programs designed for either youthful victims or perpetrators to end the cycle of violence before adolescents enter adulthood. Even fewer program evaluations are available to determine the effectiveness of teen-specific programs. Of seven program evaluations included in a review of the literature by Hickman, Jaycox, and Aronoff (2004),

all but one were school-based prevention programs targeting the general student population. The results of these evaluations are mixed, but generally indicate that programming can have some impact on knowledge about dating violence. However, it is difficult to draw conclusions about changes in attitudes and behaviors or the longevity of any potential impacts. The single community-based program included in Hickman and colleagues' review targeted teens at risk of dating violence, rather than teens generally, and was found to be effective in reducing dating violence (Wolfe et al. 2001). However, Hickman et al. warn that caution should be exercised in generalizing the findings of all program evaluations to date, as methodological problems are common across studies (Hickman et al. 2004). None of the programs evaluated in the Hickman review utilized the justice system in combination with community partners to target the issue of adolescent relationship abuse.

Sagatun-Edwards and colleagues (2003) provide a rare examination of such a collaboration in their evaluation of the Santa Clara County Juvenile Domestic and Family Violence Court. This specialized court targets youthful perpetrators of both dating violence and family violence through the Family Court system. Similar to the YODVC, the Santa Clara court hopes to promote victim safety and offender accountability. In addition, the court aims to reduce future violence through developmentally-appropriate programming. The evaluation reveals that those juveniles seen in the specialized court part are more likely to be mandated to a batterer intervention program, are more likely to successfully complete this program, are subject to more monitoring, are more likely to receive a no-contact protective order, and are more likely to abide by orders of protection than the comparison group (offenders with similar domestic or family violence charges during the two years preceding the opening of the specialized court). However, when examining impacts on future offenses, the court was not found to be as successful. Although juveniles who complete the batterer program are less likely to violate their probation or have a new offense up to two years after program completion, when compared to the control group, those offenders seen in the specialized court part are significantly *more* likely to have a new adult domestic violence-related arrest. Although this finding is reversed when only juveniles who successfully completed the batterer program are considered, comparing only successful completers to the comparison group is not a methodologically sound approach to evaluating program performance (Sagatun-Edwards, Hyman, LaFontaine, and Nelson-Serrano 2003).

Chapter 2. *Research Methodology*

All analyses included in the report are based on stakeholder interviews, courtroom observations, operations meetings observations, quantitative database analysis, redacted STEPS intake interviews, interviews with defendants in the STEPS program, and a stakeholder communication survey. In this chapter, a brief description of each of these data sources is provided.

Courtroom Observations

The researcher conducted a total of twenty-five days of courtroom observation over one year. During these observations, a number of variables were tracked, including:

- Whether the defendant was present in court;
- Whether the defendant was accompanied in court by anyone (e.g., girlfriend, parents, friends);
- The length of time defendants spent in front of the judge;
- Whether the defendant's attorney or a stand-in attorney was present in court;
- Whether a bench warrant was ordered and/or vacated;
- Whether the defendant was in custody;
- The nature of the interaction between defendant and judge; and
- Court time spent on non-YODVC cases (for the court observation form, see Appendix A).

Resource Coordinator Database

The resource coordinator maintains a database of YODVC-eligible defendants and updates the database on a weekly basis. Included in this database are key identifiers (name, NYSID, docket number), descriptive characteristics (age, sex, living situation, children in common with the complaining witness), case information (arrest date, top charge, DA's offer), and, for those in STEPS, compliance and completion data. The numbers in this report reflect the updated database as of March 2005.

The resource coordinator's data was supplemented with criminal history data and information on court appearances (arraignment date, first YODVC date¹, court appearance dates). It is worth noting here that, because many of these defendants will be granted status as youthful offenders (YOs), many defendants have their cases not only dismissed, but dismissed and *sealed*, either in lieu of participating in STEPS or after completing STEPS. For those cases that have been dismissed and sealed (N=96), supplemental CRIMS data is not available.² Likewise, the criminal history included here represents only criminal incidents that were not dismissed and sealed and, therefore, may underestimate defendants' prior criminal involvement.

Victim Advocate Database

The victim advocate maintains a separate database that includes information gathered during the advocate's conversations with complaining witnesses. This database includes docket number, history of abuse, whether the complaining witness signed a corroborative affidavit, and whether the advocate was successful in making contact with the victim. This data was matched to the resource coordinator's database by docket number. Any data that might be used to identify complaining witnesses was removed in order to maintain victim confidentiality.

¹ The first YODVC date was assumed to be the first Thursday that the defendant appeared in DV1, the part where YODVC is held.

² Data for dismissed and sealed cases will ideally be available for the year two recidivism study.

STEPS Intake Interviews

After the dedicated prosecutor offers a defendant STEPS, those defendants who agree to it are given an intake interview by STEPS. This interview includes information on current contact information, current living situation, parents' names and addresses (if living), educational and medical histories, and drug and alcohol use. The interview form further indicates whether the defendant is found eligible for STEPS. Those defendants with severe drug or alcohol problems and defendants thought to have mental health or developmental issues severe enough to make participation in the program impossible are not eligible. Additionally, defendants with non-YODVC open cases may be found ineligible. However, to prevent any bias from impacting the case outcome, the court is not informed of the reason for ineligibility.

Because the intake interview is conducted in confidence, the interviews were stripped of all identifying information – including name and contact information, parents' names and contact information, and the names of those with whom the defendant lives – prior to being given to the researcher. While the intake information can therefore not be matched to the data in the resource coordinator's database, it does provide an idea of how many of the defendants interviewed between April 2004 (the first four months of intake interviews were not available) and March 2005 were found eligible, how many reported drug and alcohol use, and what level of education the defendants reported.

Stakeholder Interviews

Interviews were conducted with several of the key stakeholders involved in the planning and implementation of the YODVC. Prior to the interview, stakeholders were informed that the interview was completely voluntary. A total of ten stakeholder interviews were conducted, including interviews with representatives from both the District Attorney's office and the defense bar, as well as the two judges presiding over the YODVC in its first year³, the court's resource coordinator, the victim advocate, the chief clerk of Brooklyn Criminal Court, a representative from STEPS, a STEPS facilitator, and the YODVC coordinator from the Center for Court Innovation. Interviews included questions about stakeholders' roles in the YODVC, the goals of the YODVC, the collaboration of YODVC stakeholders, continued problems, and the strengths and weaknesses of the court. Eight of the interviews were tape-recorded.

Participant Interviews

A total of fourteen interviews were conducted with thirteen defendants, all of whom were enrolled in the STEPS program. One defendant was interviewed twice – once relatively early in his participation and a second time as he was completing the program – to test the hypothesis that there is a point at which defendants “buy in” to the program's principles. Other defendants were interviewed after having completed anywhere from four to twelve classes, with an average of nine completed program sessions. Prior to the interview, participants were informed that their participation was completely voluntary and that any information they provided would be confidential. Each participant signed an informed consent prior to the interview (see Appendix B). For participants under eighteen years of age, a parental consent form (available in Spanish and English) was also required (see Appendix C). Participants were offered an honorarium of \$20, paid at the end of the interview. The interviews were audio recorded. The research proposal, including the defendant interviews, was approved by the Center for Court Innovation's Institutional Review Board.

Network Analysis

Each of the seventeen key stakeholders was asked to complete a communication survey reporting the frequency of their interactions with the other stakeholders and giving an overall rating of the quantity

³ The first YODVC judge, the Honorable Richard Allman, served for the first six months of YODVC's operations. The second judge, the Honorable Miriam Cyrulnik, took over in June 2004.

and quality of communications between stakeholders (see Appendix D). Fifteen stakeholders completed the survey. The results of this survey were then mapped to represent communication frequency visually.

Chapter 3.

Planning the YODVC

The YODVC planning process took more than a year and involved a number of stakeholders. In this chapter, the members of the planning team are identified and the communication networks that developed between them are described. Additionally, the topics of project goals and specialized training are addressed.

The Planning Team

The collaborative nature of this project is reflected in the number and diversity of stakeholders involved in the planning and continued operations of the YODVC. In December 2002, one year prior to opening, the Center for Court Innovation convened a group of stakeholders to contribute to the planning of the YODVC. Included in this planning group were representatives from the court including:

- The Honorable Richard Allman, who previously presided in one of two specialized domestic violence parts in the Brooklyn Criminal Court;
- The Brooklyn Criminal Domestic Violence Court resource coordinator; and
- The Brooklyn chief clerk, who oversees the flagging of cases for specialized parts.

Representatives from the Domestic Violence Bureau at the Brooklyn District Attorney's Office, which oversees the prosecution of all domestic violence cases, included:

- The Special Victims Division chief;
- The Domestic Violence Bureau chief;
- The First Deputy Bureau chief; and
- The director of clinical services, who oversees counseling and services for victims of domestic violence and other crimes.

Representing victim services were:

- The director and the adolescent program coordinator from STEPS to End Family Violence and
- The victim advocate supervisor from Safe Horizon, a local victim services agency.

Finally, the domestic violence coordinator from the New York City Criminal Court Administrative Judge's Office, who works to help plan and implement specialized court projects, was also included.

The group initially assembled to plan the court has continued to work together as the YODVC operations team, although an abbreviated group consisting primarily of the YODVC judge, the resource coordinator, the dedicated prosecutor, the adolescent program coordinator from STEPS, the DA's director of clinical services, the chief clerk and the YODVC coordinator make the bulk of day-to-day operations decisions. Additionally, after the hiring of a teen victim advocate through the DA's office and of a dedicated STEPS facilitator, these parties began to participate in daily operations decisions.

Judges: Judge Allman was integral to the planning and early implementation of the YODVC. He had already been hearing misdemeanor domestic violence cases in the Brooklyn Criminal Domestic Violence Court for several years and was asked to hear cases in the YODVC based on his familiarity with issues of domestic violence. Because he had been hearing all cases in one of the two specialized domestic violence courts prior to the opening of the YODVC, Judge Allman had already seen a number of youthful domestic violence offenders. However, when asked to sit in a specialized court for these young batterers, by his own admission he underestimated the pervasiveness of the problem.

"[T]hey asked me to estimate how many people would be involved – as part of the preliminary study – and I thought that there would be only a handful of cases – 10, 20 cases in a year. It turns out that there are many more cases than that and what I'm sure was happening is that the cases were flying under the radar. Because they weren't corroborated – there was no one working with the victims to help get corroborating

affidavits. There weren't any programs. So in a busy court – like the DV part – all you would do with the cases that couldn't be prosecuted is adjourn them, quickly, without spending a lot of time on them. That's changed dramatically because of the YODVC."

When Judge Allman left the Brooklyn Criminal Domestic Violence Court in June of 2004, he was replaced by the Honorable Miriam Cyrulnik, who also took over as the YODVC judge. Judge Cyrulnik had previously served as an arraignment judge in the Brooklyn Criminal Court, but quickly familiarized herself with the particularities of domestic violence court and became central in the continued operations of the YODVC.

Resource Coordinator: The YODVC resource coordinator also serves as the resource coordinator for the Brooklyn Criminal Domestic Violence Court. She has been with the Brooklyn Criminal Domestic Violence Court since 2003. Her primary roles include overseeing day-to-day court operations, identifying and tracking YODVC cases, entering and updating tracking information into a court information system, securing an adjournment to YODVC for cases that are inadvertently sent to other parts, updating compliance and appearance information for the judge, and coordinating with all the other stakeholders, particularly with the DA's office and STEPS.

District Attorney's Office: The Brooklyn District Attorney's office was instrumental in the conception and implementation of the YODVC. The DA's office had expressed interest in the topic of teen dating violence prior to the planning of the YODVC and had even collected data on teen domestic violence cases, enabling planners to estimate potential caseload. The First Deputy Bureau chief of the Domestic Violence Bureau serves as the dedicated prosecutor in the YODVC. Additionally, she serves as a liaison between the YODVC and the DA's Special Victims Division chief and Domestic Violence Bureau chief. Prior to arraignment, the DA's office screens all cases involving defendants between the ages of 16 and 19 years charged with intimate partner violence. This early identification is key in getting teen victims referred to the DA's specialized teen victim advocate, who is funded through the same grant that funds the YODVC, for outreach and services as quickly as possible, as discussed below. After the victim advocate has been in contact with the complaining witness, the dedicated prosecutor typically also speaks with the complaining witness. Based on the complaining witnesses' wishes, the severity of the charges, the defendant's prior record, and whether the complaining witness has signed a corroborative affidavit, the dedicated prosecutor decides whether to recommend the case for a plea involving STEPS.

Victim Advocate: The dedicated teen victim advocate was named by several stakeholders as one of the primary assets of the YODVC. The victim advocate is employed by the District Attorney's Office and works to engage teen victims and meet their unique needs. After cases are identified as YODVC eligible, the victim advocate reaches out to teen complainants, linking them to counseling, safety planning, and access to other services. In addition, the advocate is available to discuss and explain the victim's participation in the criminal justice process and provide information about the status of the case.

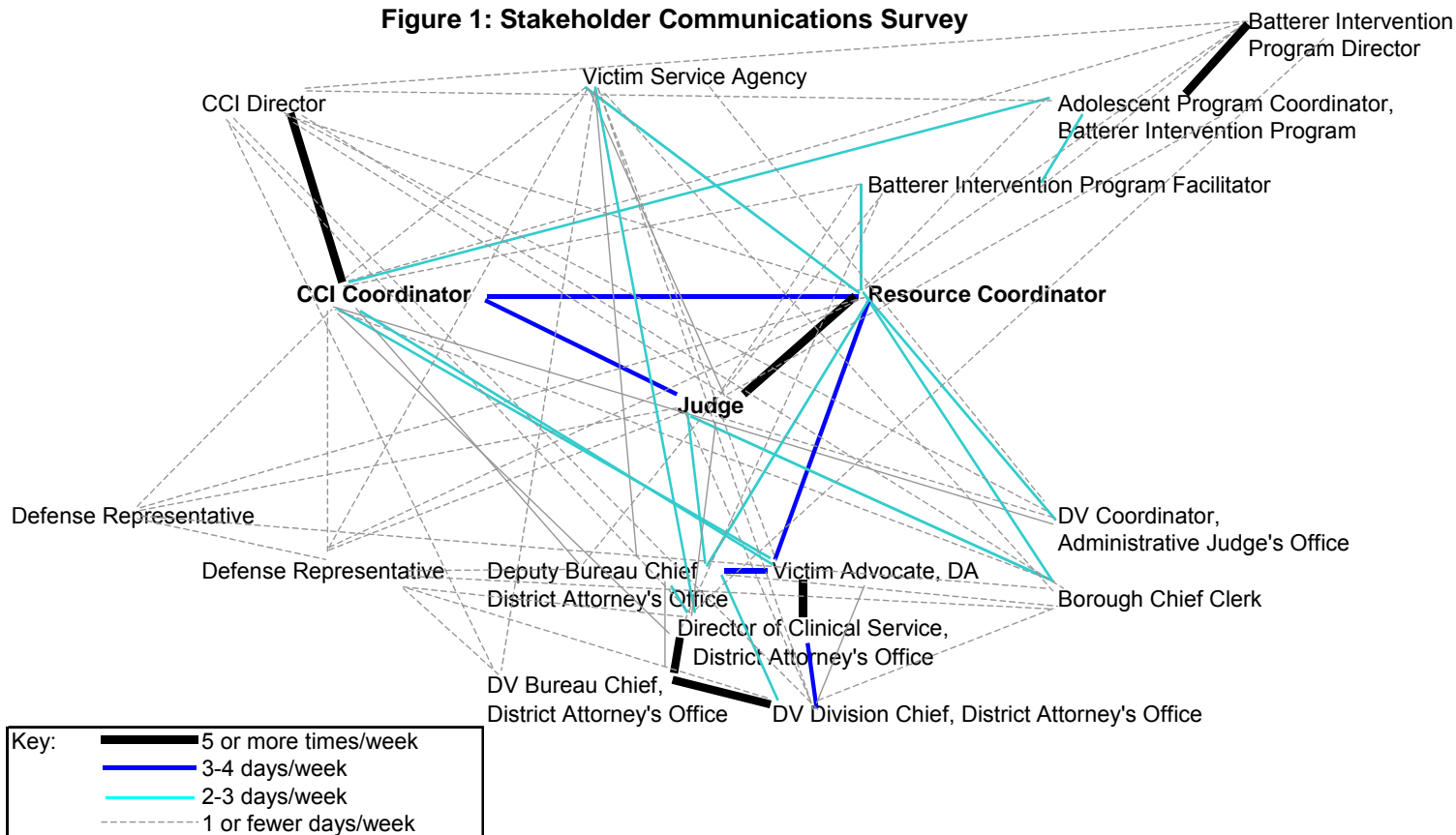
Batterer Intervention Program: STEPS to End Family Violence is a community organization specializing in issues of domestic violence. To fit the needs of the YODVC, STEPS condensed its regular, 26-week program into a free 12-week program for adolescent perpetrators of relationship violence. Additionally, one of the STEPS facilitators sits in court weekly to conduct intakes of defendants interested in the program.

Center for Court Innovation: The YODVC coordinator is an employee of the Center for Court Innovation, and had a lead role in the planning of the YODVC. In addition to planning, the YODVC coordinator is primarily responsible for designing and revising YODVC protocols and procedures, convening stakeholders, organizing monthly planning and operations meetings, and reaching out to external agencies for training in issues of teen dating violence.

Communication Among Stakeholders

Members of the operations team were asked to complete a communications survey when the court had been operating for about six months (see Appendix D). The results are illustrated in Figure 1. This diagram reveals several things. First, the YODVC Judge/resource coordinator/YODVC coordinator triumvirate serves as a communications hub. Not only do these three communicate frequently with each other, but they also are most frequently in communication with other stakeholders. Second, among stakeholders working together in an organization with some degree of internal hierarchy, those stakeholders who are highest up communicate less frequently with the YODVC hub than those who are lower in the hierarchy. For example, the STEPS director is in contact with the YODVC judge/resource coordinator/CCI coordinator less than either the adolescent program coordinator or the facilitator with that organization. A similar pattern is visible amongst the DA's staff. Finally, representatives for the defense bar are among the most weakly linked stakeholders.⁴

Figure 1: Stakeholder Communications Survey



The network analysis is limited in several ways. First, although it illustrates the *frequency* of communication between parties, it does not indicate the quality of this communication. In an attempt to get a more complete picture of the communication between stakeholders, respondents to the communication survey were further asked to rate their satisfaction with both the frequency and quality of their communication with their YODVC colleagues. When asked if they were satisfied with the frequency of communications among YODVC stakeholders, 93% reported being satisfied or very satisfied (the remaining 7% were neutral). Likewise, 93% reported being satisfied or very satisfied with the quality of communications among stakeholders (with the remaining 7% reported being dissatisfied).

⁴ One of the two stakeholders not completing a communications survey was a representative of the defense bar, so all of that individual's communications were inferred from others' reports of their frequency of communications with this individual.

The second principal shortcoming of the network analysis is that it gives no sense of communication *content*. Although the diagram indicates that many stakeholders communicate regularly with the judge, the resource coordinator, and the YODVC coordinator, it does not indicate whether there is redundancy in these communications – that is, whether stakeholders are communicating about the same issues with each of these three parties. Therefore, the network analysis does little to shed light on whether any of these positions are superfluous or if stakeholders know to whom they should go with various YODVC-related issues. Nonetheless, the available evidence suggests that YODVC planners were successful overall in coordinating communication among a number of stakeholding agencies.

Despite high levels of general satisfaction with stakeholder communication, in interviews, several stakeholders voiced concerns over what they perceived as the defense bar’s lack of engagement in the YODVC. Several listed a failure to engage the defense as one of the YODVC’s weaknesses. One stakeholder blamed the lack of integration on the defense bar’s perception that the YODVC works against defendants’ interests:

“There’s also a mentality among defense lawyers that a dismissal outright is better than anything, even if in the long run the defendant might benefit, theoretically, from a program. There’s nothing better than an outright dismissal today – they don’t always look down the road.”

Although representatives from the defense bar were invited to participate in continued planning and problem solving meetings, engaging the defense bar proved somewhat difficult. In part, this may have stemmed from miscommunication between planners and defense representatives from Legal Aid and Brooklyn Defender Services, the two principal public defense agencies in Brooklyn, which led the defense bar to feel excluded from the early planning process. This created resentment on the part of the defense bar, and resulted in difficulties incorporating defense into the operations team. Likewise, misconceptions about the YODVC and STEPS may have acted to deter the integration of the defense into the YODVC operations team.

After struggling for several months to find ways to bring defense to the table, the YODVC judge and coordinator decided that reaching out to defense agencies and providing them with a chance to have their concerns heard might help allay some of their fears. Therefore, late in 2004 and early in 2005, the judge and coordinator gave a presentation at both the Legal Aid Society and Brooklyn Defender Services, providing background information on the YODVC and opening themselves up to questions. Additionally, the judge and coordinator agreed to perform a courtesy to defense attorneys with cases in the YODVC: Attorneys approaching either the YODVC coordinator or the resource coordinator prior to their client’s appearance will be updated on the compliance status of their client. This way, attorneys will not be surprised in court. Attorneys at both the Legal Aid Society and Brooklyn Defender Services reacted favorably to this outreach, reporting that they were happy to have received positive feedback from clients who had entered the STEPS program. Although some attorneys reported continued trepidation with problem-solving courts in general, their concerns were somewhat appeased by their experiences in the YODVC. Following these sessions with the defense, several members of the YODVC operations team reported feeling that the defense bar seemed more engaged in the YODVC and that relations with defense were greatly improved.

Finding, Stakeholder Communication: *The vast majority of stakeholders reported satisfaction with both the quantity and quality of communications among key YODVC players.*

Finding, Stakeholder Outreach: *Communications problems with the defense bar led to unnecessary friction during the court’s early operations and necessitated labor-intensive peacemaking. By including all the necessary players early on, such discord may be minimized.*

Specialized Training

Prior to the opening of the YODVC, the Center for Court Innovation's YODVC coordinator attended several trainings specific to the issues of adolescent dating violence. The coordinator then returned to the stakeholder group and reported on these trainings, sharing materials and information with the larger group. Additionally, several stakeholders were sent to national domestic violence conferences.

Program Goals

When applying for funding for the YODVC, the Center for Court Innovation developed a grant application which outlined six key goals:

- *Community Connections*: Build connections with schools, who will bring problems to the attention of the court and its partners in creating violence prevention programs;⁵
- *Awareness and Prevention*: Place an overall emphasis on violence prevention, working to raise community awareness of teen dating violence and address the negative behavior of abusive teens before adulthood;
- *Accountability*: Promote an immediate, certain, and consistent response to juvenile dating violence;
- *Developmentally Appropriate Batterer Programming*: Create new programming targeted to the unique needs of teen perpetrators;
- *Monitoring*: Provide intensive monitoring and continuous judicial supervision of orders of protection;
- *Victim Services*: Give victims access to counseling and other social services, as well as ongoing information about court procedures.

Despite the goals laid out in this initial funding document, the goals of the YODVC were never formalized in a planning document, stakeholders did not ever see the funding document, and there is no YODVC manual outlining the objectives and policies of the YODVC. Consequently, when asked about the underlying goals of the court, stakeholders had somewhat disparate impressions. In particular, there seems to be some uncertainty about whether the court is designed to produce behavioral change. While some stakeholders identified reducing teen dating violence and recidivism among the goals of the YODVC, others maintained that such large-scale objectives were likely beyond the scope of the program. One stakeholder emphasized that the program should be viewed as one tool for accountability, not as a cure-all:

“People may think this is the end-all, be-all treatment. People may think it is treatment. It is really just one tool in a number of tools in holding defendants accountable. [We] need this to be clear – classes won’t stop violence against women... YODVC/STEPS is only one part in a much larger picture... We’re not going to solve the issues.”

A white paper by the Center for Court Innovation maintains that the YODVC is designed to promote:

⁵ Early on, some outreach was targeted at one area high school in the form of an awareness campaign, but the goal was never fully realized. Although the awareness campaign received a favorable response, the development of a sustainable feedback loop between the court and the school proved unsuccessful. After other attempts at building community connections proved equally ineffective, the goal was determined to be unrealistic based on a number of unanticipated circumstances. First, YODVC defendants were less likely to be in school than planners had expected. Additionally, even when defendants were enrolled in school, they were frequently not enrolled in the same school as the complaining witness in the case, making targeted, school-based outreach difficult. Finally, YODVC staff determined that sharing case information with schools could potentially violate the confidentiality of complaining witnesses and alienate victims from the court process and services available through court involvement. Consequently, this goal will not be discussed further in this report.

“Behavior change among adolescents arrested for dating violence through adolescent educational groups designed to prevent their continuing the cycle of violence into adulthood (Herman 2004).”

While the project is designed to *promote* behavioral change, one representative from CCI was careful to explain that this is not the same as aiming to change behavior. Behavioral change in the form of reduced recidivism, the representative explained, is unlikely to be achieved in twelve weeks:

“The perceived goals of most programs are reduced recidivism, reduced reoffense rates. Some people may think ... that one of the goals of the court may be to reduce teen dating violence, which we’d love to happen, but I don’t think we believe will happen [in a twelve week program].”

The YODVC coordinator additionally explained that, although the court may not be explicitly designed to reduce recidivism rates, there is an underlying hope that because these defendants are so young, they may not have been exposed to the alternative ways of conceptualizing violence that are introduced by both the court and STEPS. Therefore, the YODVC is in a special position to “plant a seed” in young minds – perhaps introducing them to a new way of thinking about domestic violence for the first time. Several other stakeholders spoke of “catching defendants early,” “before domestic violence behaviors are too deeply ingrained.” A representative from the DA’s office spoke of the benefits not only of getting to teen perpetrators early, but also of engaging teen victims early on – providing both victims and perpetrators with education and showing both parties alternatives to violence. Another stakeholder hoped that STEPS would influence teens’ decision-making, if not immediately, then over the course of their lives:

“My goal is that they’re going to get...[a] different perspective... during their adolescent years. Maybe later... they will leave here... gaining insight and that, as they grow, hopefully they’ll hold on to it and that the abusive behavior would change.”

According to the YODVC coordinator, confusion over the goals of the YODVC may stem from the fact that goals were not clearly laid out to stakeholders during the planning process. Although the goals were subsequently described in the white paper and are now clearly articulated whenever any of the stakeholders speak about the YODVC at meetings or trainings, the goals may not have been so clear to all stakeholders at the beginning of the planning process.

Moreover, as a demonstration project, the YODVC is the first project of its kind. Although establishing and sharing a clear set of goals during the planning process may have reduced later confusion, the very nature of a demonstration project means that the project will operate as a learning process. Therefore, it is reasonable to expect that the goals of such a project may change in response to unforeseen circumstances arising during the project’s operations. Again, this highlights the importance of flexibility among stakeholders in such a project.

Other than the issue of defendant behavioral change, stakeholders reported widely similar perceptions of program goals. Several stakeholders saw the YODVC as “a place that [teen dating violence] is finally taken seriously.” Additionally, multiple stakeholders mentioned the goals of defendant accountability and monitoring; services targeted at the often difficult to reach population of teen victims, ideally resulting in increased victim safety; and programming specially developed for teen batterers.

While stakeholders ultimately agreed on many of the key goals of the YODVC, some confusion over the goal of behavior change continues. Additionally, the presence of clearly defined, *measurable* goals would have made evaluating the program more straightforward; by outlining both the goals and measures for determining if goals have been met, stakeholders could eliminate ambiguity.

Finding, Establishing Goals: *Establishing clear goals early in the planning process and making these goals known to all key players might minimize later confusion. An operations manual might be useful for codifying goals for stakeholders.*

Finding, Evaluability: Developing both measurable goals and baseline numbers will aid in future project evaluations. Such deliverables will provide measures of success for the project and allow for concrete ways to improve performance. Involving a researcher early on in the planning process might help planners formulate performance measures.

Finding, Goal Identification: Most stakeholders identified key YODVC goals as increased offender accountability and monitoring, increased victim services, and specialized services targeted at a teen population.

Chapter 4. ***YODVC Operations***

This chapter outlines the process of identifying YODVC-eligible cases and getting them adjourned to the correct part. General volume and participant characteristics are discussed here, as are services available to victims.

Eligibility and Volume

As noted above, all misdemeanor cases involving intimate partner violence in which the defendant is between sixteen and nineteen are YODVC-eligible. Additionally, English-speaking male defendants without severe addiction or mental health issues are considered STEPS program-eligible. The DA's office may have additional stipulations for offering STEPS as part of a plea bargain, such as a limited criminal history, no open felony cases, cooperation of the complaining witness, and current charge severity.

Based on a four-month review of cases seen in the Brooklyn Criminal Domestic Violence Compliance part in 2002, the District Attorney's Office identified 67 cases that would have been YODVC-eligible, had the YODVC been operational at that time. Extrapolating from this preliminary review, the Center for Court Innovation anticipated approximately 250 eligible cases entering the YODVC in the first year. Table 1 (page 15) illustrates that in the first fifteen months of YODVC operations, 279 defendants with 360 separate cases were found YODVC-eligible, exceeding intake expectations. Over the course of 39 select court dates between January 2004 and March 2005, an average of twenty cases were on the YODVC calendar each Thursday.

***Finding, Volume:** The caseload anticipated during the planning process was not only met during the first fifteen months of operations, but exceeded.*

Screening and Intake

The perceived intake process for the YODVC begins at arraignment, where YODVC-eligible cases, as identified by case type (intimate partner domestic violence) and defendant age are adjourned to the YODVC for a Thursday afternoon two weeks post-arraignment. However, as indicated by the average number of days from arraignment to YODVC entry in Table 1, cases are frequently not adjourned to the YODVC in two weeks.

Initially, there was some confusion among the YODVC judge, the dedicated prosecutor, arraignment judges, clerks, and defense attorneys regarding eligibility requirements. In particular, the eligibility criteria for the YODVC were sometimes confused with the more restricted eligibility criteria for the STEPS program: Because non-English speakers and female defendants are not eligible to enter the 12-week STEPS program, their cases were not always adjourned to the YODVC. Similarly, non-intimate partner cases with defendants in the target age group were frequently incorrectly adjourned to the YODVC. Several memos outlining eligibility criteria were sent to stakeholders and clerks and helped to alleviate this problem, although some YODVC-eligible cases continue to be adjourned to the wrong part and must be brought over to the YODVC by the resource coordinator.

There has also been continued confusion about who is responsible for flagging cases as YODVC-eligible. While the DA's office internally identifies YODVC-eligible cases, these cases do not always get identified within the court system. All domestic violence cases should be identified by a wheat-backed folder available at arraignment, and then, theoretically, YODVC cases should be flagged by the defendant's birth date. However, this system has either not been implemented or has not been completely effective in identifying cases. At times, this may be due to a delay in the processing of the file, leading the wheat-backed folder to be unavailable at arraignment. The result is a system where arraignment judges who know about the YODVC adjourn eligible cases to the YODVC and the clerks flag some cases,

Table 1. YODVC Volume 12/2003-3/2005

Total Cases Heard in YODVC	360
Total Defendants Seen in YODVC	279
Average Number of Cases per Defendant	1.3
Descriptive Statistics	
Average Defendant Age	18.3
Male Defendant	88%
Defendant and Complaining Witness have a Child in Common ¹	48%
Defendant has Non-Sealed Prior Arrests ²	34%
Average Number of Prior Arrests ^{2,3}	1.8
% of Defendants Currently in School ^{4,5}	46%
Median Highest Grade Completed ⁵	11
Completed 8th Grade or Below ⁵	2%
Completed 9th Grade ⁵	16%
Completed 10th Grade ⁵	25%
Completed 11th Grade ⁵	44%
Completed 12th Grade ⁵	14%
% of Defendants with a GED ⁴	6%
Of those w/ No GED, % Wanting a GED ⁴	80%
% of Defendants Reporting Drug Use ⁴	26%
% Reporting Daily Drug Use ^{4,6}	33%
% Reporting Weekly Drug Use ^{4,6}	40%
% Reporting Rare Drug Use ^{4,6}	27%
% of Defendants Reporting Alcohol Use ⁴	34%
% Reporting Weekly Alcohol Use ^{4,6}	20%
% Reporting Monthly Alcohol Use ^{4,6}	50%
% Reporting Rare Alcohol Use ⁴	25%
Top Charge⁷	
Assault	68%
Criminal Contempt	17%
Menacing	10%
Harassment	5%
Criminal Mischief	3%
Weapons	2%
Other	6%
Mean Days from Arrest to YODVC Entry ²	36.0
Mean Days from Arraignment to YODVC Entry ²	33.5

¹ Or the CW is pregnant.

² Includes data for only the 264 cases that are not dismissed and sealed.

³ Of defendants with any unsealed priors.

⁴ Data from 65 STEPS screening interviews conducted between 4/15/2004 and 3/31/2005.

⁵ Includes high school, trade school, and GED classes.

⁶ Of those reporting any use.

⁷ Top charge on any case. Because many defendants have multiple cases, percentages are out of the total 360 cases seen in the YODVC, rather than the 279 defendants seen in the part.

leaving the resource coordinator working in conjunction with the DA's office to locate additional eligible cases and get them adjourned to the YODVC. As early as December 2003, having clerks principally flagging eligible cases was discussed at stakeholder meetings; however, this proved difficult to implement. In part, this may be due to the number of different specialized courts for which clerks already

flag cases. Particularly in a large urban court with numerous special programs such as Brooklyn Criminal Court, remembering the requirements for specialized parts is taxing, as noted by one stakeholder:

“There are a million memos about which cases go where – there’s a lot of screening to be done and in arraignments, they’re not sitting down to carefully assess each case. I think that it would also help if the clerks were trained to flag these cases, but again, the clerks are already flagging for so many things, don’t know that they’re going to flag for one more thing. The more eyes looking out for it, the better chance it will end up in the right place.”

Additionally, it took several months to order a stamp with which to flag cases. Even after the stamp arrived, YODVC-eligible case files were still not regularly stamped by clerks as of March 2005. The issues surrounding flagging cases were brought up as a source of frustration during several of the stakeholder interviews. Several stakeholders expressed frustration that the clerk’s office, though involved in the YODVC from early in the planning process, had not taken a stronger lead on this issue. One stakeholder, while indicating that the identification and flagging process continues to improve, felt that:

“It’s generally better, but it’s not better because of the clerk’s office, which is really what we need. We need the clerk’s office to identify the cases at the arraignment stage so the judge in arraignment knows to adjourn the cases.”

After successfully making it in to the YODVC, only a portion of defendants are offered a plea including the STEPS program. The DA’s office offers STEPS only to those cases with appropriate charges, histories, and, in many cases, complaining witness who agree to cooperate. Of the 65 defendants interviewed by STEPS between April 2004 and March 2005, 95% were found eligible. Of the three cases found ineligible during this period, a reason was given for only one of these cases. In this single case, open rape and assault cases rendered the defendant ineligible.

Although an overwhelming number of defendants interviewed by STEPS are found eligible for the program, the initial intake interview does not catch all defendants with mental health or developmental issues that may lead them to be found ineligible later; at least two defendants initially admitted to STEPS were subsequently found ineligible due to developmental issues not detected during the intake process. The mental health and developmental issues that might lead a defendant to be unable to participate in STEPS are complex and are particularly difficult to diagnose in teenagers. Because YODVC stakeholders realized early on that the screening process might result in the admittance of some defendants who did not have the facility to actively participate in a weekly class, it was determined that defendants who agreed to plea to the program but who were later found ineligible due to mental health or developmental issues should not be penalized. Instead, once the mental health or developmental issue was identified as problematic, the case would be revisited in court and a suitable alternative to program participation found.

Finding, Eligibility: *During the initial operations period, there was continued confusion over eligibility criteria. Repeatedly defining the criteria for all stakeholders helped to reduce confusion somewhat. This issue may be particularly relevant for other high-volume urban courts where clerks already flag for a number of specialized parts.*

Finding, Screening Cases: *Identifying and flagging eligible cases continued to be a problematic issue well into the court’s operations. Working to train clerks, arraignment judges, and other key players proved insufficient to catch all cases. Additional mechanisms for catching eligible cases should be developed.*

Finding, Psychosocial Evaluation: *Due to the complex nature of mental health and developmental issues, particularly in a teenage population, any screening tool is likely to miss*

some mental health diagnoses. By structuring the court to allow for the revisiting of cases in which a mental health or developmental issue was identified later on, without penalty to the defendant, the court was able to find appropriate resolutions even when the screening tool did not initially flag defendants.

Defendant Characteristics

Despite the young age of YODVC defendants, less than half reported being currently enrolled in school. Eighty-four percent of defendants had completed no more than eleventh grade. However, many defendants hope for higher educational attainment – of those who have not graduated high school, are not currently in school, and do not already have a GED, 80% reported wanting to get their GED. Less than a third of defendants reported some amount of drug use and only slightly over a third reported alcohol use. Marijuana was the only drug defendants reported using. None of these defendants were excluded from STEPS based on their drug or alcohol use. Nearly half of defendants have a child in common with the complaining witness. Anecdotally, defendants in the YODVC experience a relatively high level of violence in their daily lives; within the first fifteen months of operations, one defendant was shot and killed in an unrelated incident, one defendant was charged with an attempted homicide that left the victim paralyzed, and another defendant was stabbed multiple times.

***Finding, Additional Service Needs:** The YODVC defendant population was less likely to be in school and more likely to have children in common with the complaining witness than anticipated. In addition, defendants' lives reflected more general violence than expected. The YODVC might address these issues by providing additional voluntary service referrals.*

Charges

YODVC-eligible defendants faced a variety of charges upon entry into the court, as illustrated in Table 1. The most common top charge was assault (68%), followed by criminal contempt (17%), and menacing (10%).

Victim Services

Victims of domestic violence are notoriously difficult to engage due to a variety of issues including reluctance to prosecute, mistrust of the criminal justice system, economic dependency, fear, children in common with the abuser, and a desire to remain in a relationship with the batterer. Teen victims pose an even greater challenge, as teens are frequently wary of authority figures. Despite these obstacles, a critical component of the YODVC is victim outreach, through which adolescent victims of relationship violence are offered information, safety planning, and support. The victim advocate is responsible for reaching out to all teen complainants, linking them to counseling, safety planning, and access to other services. In addition, the advocate is available to discuss and explain the victim's participation in the criminal justice process and provide information about the status of the case.

The structure of the King's County DA's Office is such that domestic violence cases should be sent to a specialized Domestic Violence Bureau, through which the victim advocate gains access to the case. However, some domestic violence cases are sent to a non-specialized prosecutorial track.⁶ The decision to send cases to this non-specialized track is based on a number of factors, including the current charges as well as the defendant's criminal history. Defendants with a less severe current charges and/or criminal history are more likely to be sent to the non-specialized track. YODVC eligible cases are not intentionally sent to the non-specialized track, but occasionally defendants who are between sixteen and nineteen are accidentally transferred. Although age-appropriate cases not in the specialized Domestic

⁶ As of September 2005, the District Attorney's office no longer sends domestic violence cases to this non-specialized prosecutorial track. However, at the time the research was conducted, this practice was still customary.

Table 2. Complaining Witness Cooperation

Total Cases Heard in YODVC	360	
Total Defendants Seen in YODVC	279	
Corroborative Affidavits		
Complaining Witnesses tracked by VA ¹	191	68% ²
Total % C/Ws Signing Corroborative Affidavits	108	39% ²
Of C/Ws Successfully Contacted by VA, %		
Signing Corroborative Affidavits	107	68%
% of C/Ws Never Successfully Contacted	121	43% ²
C/W Reported a History of Abuse³	110	85%

¹ Not all complaining witnesses for all YODVC cases are tracked by the victim advocate.

The victim advocate does not have access to those cases in which there is a cross-complaint or cases that are not in the DA's Domestic Violence Bureau, for instance.

²Percent based on total number of *all* defendants (i.e., N=279).

³ With the defendant or others. Percent is out of the 130 C/Ws contacted by the VA who answered this question.

Violence Bureau end up in the YODVC, the victim advocate does not have access to these cases, resulting in a number of victims who will never be contacted by the advocate. Additionally, in cases in which there is a cross-complaint – that is, in which both parties have filed cases and are, therefore, *both* defendants and *both* complaining witnesses – the advocate is not able to contact either party. For all other cases, the advocate is charged with reaching out to the complaining witness. If the complaining witness is not available, the victim advocate leaves a message (in the interest of victims' privacy and safety, the standard message is vague, asking the complaining witness to return the call and providing a telephone number). Once the advocate establishes contact with the victim, she discusses whatever the victim wants to talk about – whether that is the court case or other services needed by the victim:

“It’s just working with the [complaining witness], seeing what she needs, if there’s anything else that I can help her with. In terms of those who aren’t willing to cooperate, are not interested at all, I usually call them once a week. I don’t want to call them too much because I don’t want to be harassing them, but I just say, ‘Well, I know you’re not interested, but this is what I do also and I just want you to know my services aren’t based on whether you cooperate or not. I will work with you regardless of whether you are going to go forward with the case or not.’ But... I’m honest – I’ll let them know it’s easier for me to help you with certain things if you cooperate.”

By explaining the court process and the various orders of protection available to victims, the victim advocate hopes to make the experience more comprehensible and less overwhelming for victims and to overcome victims' reluctance to prosecute cases. Additionally, the advocate explains the STEPS program to complaining witnesses, being careful to remind them that no program is a cure-all for violence. The advocate continues to check in regularly with victims throughout the course of each case.

The victim advocate's outreach has resulted in many complaining witnesses signing corroborative affidavits, strengthening the District Attorney's case against defendants and increasing the chances that defendants will be offered (and will accept) the STEPS program. As illustrated in Table 2 (above), 39% of all complaining witnesses with cases in the YODVC signed a corroborative affidavit. If the victim advocate was able to successfully establish contact with the complaining witness even once, this percentage jumped to 68% of complaining witnesses corroborating. This finding underlines the importance of successfully establishing contact with victims of domestic violence. When comparing defendants offered STEPS versus those not offered the program, those cases in which a corroborative affidavit was signed were significantly more likely to be offered STEPS (60% versus 25%, $p < .001$).

The victim advocate stresses the importance of measuring success not solely with signed corroborative affidavits. For some victims, signing an affidavit may result in the deportation or incarceration of someone with whom they have children and from whom they need continued support. Responding to the specific desires and needs of individual victims, the victim advocate pushes for the STEPS program only when it is the wish of the complaining witness.

“[The dedicated prosecutor] will say, ‘Does she really, really want him to be in [STEPS]?’ and... I’ll call the [complaining witness] and find out if she really does. And usually most of the time, they do – that’s really a big thing, when they say they want him in, it usually never changes.”

Regardless of whether victims are interested in signing an affidavit or in having their partner attend the STEPS program, the victim advocate listens to their service needs and connects them to service providers. Although there is no data available to document the vast amount of additional services provided by the victim advocate, she reports that educational and housing concerns top the list of issues victims want to discuss.

“College tends to be a thing that comes up with a lot of them. A lot of them do have children, so a lot of them dropped out of high school or didn’t finish high school, didn’t go to college, so that’s a big thing.”

“[Sometimes they are living] with the defendant, sometimes they’re living by themselves, sometimes they’re living with their families, but it’s just more that he knows where they live.”

Perhaps even more than adult victims of domestic violence, teen victims may burn out before the process of matching them with services is successfully resolved:

“Housing takes longer, housing takes up to a year, so it’s a big, long, drawn-out process that most teenagers aren’t willing to go through and I find that they don’t have the support network from their families... after awhile [they] just say, actually, ‘I don’t even want to bother with housing anymore, I don’t want to bother with this anymore, I can’t be bothered, I’m tired.’”

Finding, Victim Outreach: *Complaining witnesses whom the victim advocate was able to contact at least once were much more likely to sign corroborative affidavits than those witnesses never successfully contacted.*

Finding, Victim Advocacy: *Additional victim contact information and services for Spanish-speaking victims could potentially help increase the successful contact rate, as could additional advocacy staff.*

Finding, District Attorney Policy: *The policy of the District Attorney’s Office, which leads the victim advocate to have contact only with victims routed to the specialized Domestic Violence Bureau, necessarily limits the number of victims who receive victim services. By working to ensure that all appropriate cases end up in the bureau or by expanding the advocate’s ability to contact non-bureau cases, the advocate’s impact could be made even greater.*

Finding, Tracking Victim Services: *Beyond signed corroborative affidavits, much of the success achieved by the victim advocate came in the form of unmeasured service referrals. Complaining witnesses expressed a number of additional needs, including the need for educational services, housing, and childcare. In order to report on the full range of assistance provided by the victim advocate, additional data collection should be implemented.*

Chapter 5.
The Courtroom Experience

Table 3. The Courtroom Experience

Days of Court Observations	25
Cases Observed	355
<i>Length of Appearance</i>	
Mean, 1st call (minutes)	3.6
Mean, 2nd call (minutes) ¹	4.5
Mean, total time before judge (minutes)	4.1
<i>Judicial Interaction</i>	
Judge Spoke Directly to Defendant	44%
Judge Gave Positive Feedback	37%
Judge Gave Negative Feedback/Lecture	19%
Judge Gave General Instructions/Facts of Case	44%
Defendant present at 1st call	82%
Defendant present at 2nd call	75%
Bench Warrant Ordered	10%
Bench Warrant Vacated	26%
Returned On a Warrant	1%
Defendant Is in Custody	7%
Defense Attorney²	
Legal Aid Society	62%
18B	13%
Brooklyn Defender Services	11%
Retained	2%
Other/missing	5%
Average minutes spent on non-YODVC cases ³	18.2

¹ Of the 68 cases that were second called.

² Attorney information taken from CRIMS. Percentages are out of total number of YODVC defendants whose cases have not been dismissed and sealed.

³ Based on 11 court observations.

This chapter describes the processing of cases once they enter the YODVC. Included are discussions of how defendants come to enter the STEPS program, how cases are adjourned, and what happens when cases result in a trial. Additionally, infractions, incentives, sanctions, and program completion for defendants in the STEPS program are discussed. Finally, defendants' sense of procedural justice – that is, whether they feel they were treated fairly in the YODVC – is described.

The YODVC opens following the court's lunch recess on Thursday afternoons. Occasionally, non-YODVC-eligible domestic violence cases that were not heard during the court's morning session are interspersed with YODVC cases. During eleven YODVC sessions, an average of just over 18 minutes of YODVC time were devoted to non-YODVC cases, indicating that the majority of YODVC-allotted time is, indeed, spent on YODVC-eligible cases. Table 3 (above) presents some additional basic information on cases appearing in the YODVC. This table reveals that the majority of defendants were available in court the first time their case was called, although nearly one-fifth of defendants missed first call. However, a bench warrant was only ordered by the judge in 10% of cases, reflecting the observation in

court that missing defendants often have their cases second-called with no warrant ordered, providing them with a second opportunity to arrive in court.⁷ Defendants spent an average of just over four total minutes in front of the judge.

Although the researcher had hoped to observe the frequency with which defendants were accompanied by someone in court (e.g., a parent, a complaining witness, a new girlfriend, or a friend), it quickly became evident that tracking this was unfeasible.⁸

Entering the Program

During the planning process, it was expected that most eligible defendants would be mandated to participate in the program as a release condition. However, the defense bar was unhappy with this arrangement and the judge wanted to avoid setting a hard-and-fast policy, leaving himself free to make decisions on a case-by-case basis. Overall, there was some concern about the implications of mandating a program without a plea agreement:

“It’s an on-going struggle to decide what to do with [YODVC] cases. Do you mandate a defendant to go to the program as a condition of bail if he doesn’t come to court when required?⁹ Do you mandate a defendant to go to the program if there hasn’t been a corroborating affidavit obtained? Can you legally mandate someone to go to... the program if there’s no corroborating affidavit? My general approach has been not to mandate anyone if there’s no corroborating affidavit, on the view that it’s unlikely that I have the authority to do it. Or even if I did have the authority to do it, it’s not very practical because when you’re mandating someone, then you want to hold them accountable if they don’t follow your mandate. And if there’s no corroborating affidavit, I could put them in jail for five days, but that would be the end of it and that would not generally be a likeable (sic) way of handling it... I don’t think that’s really the right thing to do... It doesn’t mesh with my sense of justice on how to handle the cases.”

After operations began in December 2003, it became apparent that the reluctance of several stakeholders to implement a pre-plea mandate-based system necessitated a new system.

“We envisioned that these could be court-mandated and we realized that they had to be plea agreements, because we weren’t finding a way for the judge to comfortably mandate the program if there hadn’t been a change in the conditions of release... So we first thought, for the first three to six months, that we’d have more of those kind of cases, where the program was mandated by the court. Now we can’t really talk about it like court mandates, we talk about it as part of the plea, part of an agreement between the attorneys.”

This change was noted by several stakeholders as a sign of the willingness of stakeholders to work together and compromise to find a solution that worked for everyone. A defense representative noted:

“The main thing is that I don’t want people going to the program as a condition of bail... I think that they wanted to do that, but they backed off of that, a lot because of [defense] concerns... Then they moved into

⁷ Judicial interaction data will be discussed below.

⁸ This proved difficult because family members and girlfriends often do not sit with defendants in the courtroom. This seemingly occurs for several reasons. First, many defendants have small children who may be disruptive in the courtroom, making it necessary for whoever accompanies the defendant to take them into the hall. Second, defendants commonly sit with other defendants they have met through the program; some STEPS participants even came to court on days when their case was not on the calendar, strictly to provide support to their fellow STEPS participants. This makes it difficult to determine which defendants are in court for an appearance and which are in court to support friends. Finally, if there is a full order of protection in place, defendants and complaining witnesses are well aware that they are not to have contact; if they choose to do so anyway, both parties are usually cognizant that they should not appear to be together so as not to risk criminal charges resulting from the violation. Consequently, it was too difficult to reliably track this information.

⁹ New York State’s Criminal Procedure Law states that in order to change the conditions of release, there must be a change in the conditions of the case.

why can't we just take a plea and work it out as part of a plea. And that was what I wanted. And they did hear [defense] out on that and I think they did move in that direction for the most part."

Another stakeholder praised the importance of the DA's flexibility in facilitating this change:

"We fixed [this] just by backing down and recognizing that we aren't going to get any mandates, so we have to go with pleas. [We were] very fortunate to have such cooperation from the DA's office, that they are willing to offer pleas."

The current system of program entry sees the dedicated prosecutor offering STEPS as part of a plea bargain to those defendants with appropriate criminal charges and histories. The prosecutor additionally takes into account the wishes of the complaining witness, as indicated by her conversations with the victim advocate. Although defendants in cases with a signed corroborative affidavit are more likely to be offered a plea agreement including STEPS, some defendants in cases with no corroborating affidavit are also offered the program based on additional evidence (e.g., witnesses, 911 tapes). Defendants who accept a plea bargain including STEPS are mandated by the court to complete the program and face criminal justice consequences if they do not complete, but the post-plea arrangement helped to alleviate many of the concerns of both the defense bar and the other players.

As indicated in Table 4, 38% of all YODVC defendants were offered STEPS and 65% of these defendants entered the program. In addition to prosecutorial discretion, STEPS eligibility requirements further limit the pool of potential program participants. Currently, this limits STEPS offers to male, English-speaking defendants. Although no count of non-English speaking defendants is available, based on court observations, the need for a court interpreter was infrequent. However, 22% of YODVC defendants were female. While no exact count of how many of these female defendants are involved in a cross-complaint, anecdotally, the victim advocate has noted that she cannot reach out to a number of victims because they are involved in a cross-complaint.

Early in program operations, the original dedicated prosecutor typically offered defendants an adjournment in contemplation of dismissal (ACD) in conjunction with the STEPS program. However, when a new dedicated prosecutor was named, she voiced concern that once ACDs were given, it was too difficult to restore the case and too difficult to hold defendants accountable in the event of program noncompliance. Therefore, the prosecutor now more commonly offers STEPS in conjunction with an ACD to be given only upon successful completion of the program (coupled with an order of protection and other conditions).

Table 4 (page 23) further indicates that of those defendants who had entered STEPS as of the March cut-off date for this report, 52% had successfully completed, while 32% had been permanently terminated from the program. An additional 17% had open cases. Of all those STEPS participants whose cases are closed, 62% have successfully completed their court mandate. It would generally be unsurprising to find teen abusers less likely to complete their program mandate, as older age is generally positively correlated with program completion and, indeed, this is slightly lower than the completion rate of 70% found for adult defendants mandated to one of two batterer program in the Brooklyn Criminal Court (Cissner and Puffett 2004), although it is slightly higher than the 58% to 61% completion rate reported across two studies of adult misdemeanants mandated to batterer programs in the Bronx (Labriola, Rempel, and Davis 2005; Puffett and Gavin 2004).

Table 4. STEPS Entry and Completion

Total Cases Heard in YODVC	360	
Total Defendants Seen in YODVC	279	
Defendants Offered STEPS	105	38%
Took STEPS ¹	68	65%
Open Case	11	17%
Successfully Completed	34	52%
Failed	21	32%
Successful Completion Rate ²	62%	
Defendant was Given Two Chances to Complete STEPS ³	25	45%

¹ Of defendants offered STEPS.

² (Successfully Completed Cases)/(Successfully Completed Cases+Failed Cases)

³ Of those who have completed (or failed) STEPS.

**Table 5.
Cases Offered STEPS v. Cases Not Offered STEPS**

	Offered STEPS	Not Offered STEPS
Total Defendants Seen in YODVC	105	173
Average Number of Cases per Defendant	1.4	1.2*
Descriptive Statistics		
Average Defendant Age	18.4	18.3
Male Defendant	99%	81%***
Defendant and C/W have a Child in Common ¹	56%	42%
Defendants with Non-Sealed Priors ²	27%	38%+
Average Number of Priors ^{2,3}	0.4	0.6
Mean Days from Arrest to YODVC Entry ²	37.2	34.7
Mean Days from Arraignment to YODVC Entry ²	33.1	33.8
Mean Number of YODVC Appearances ²	6.7	3.3***
Mean Days between YODVC Appearances ²	27.9	28.5
Top Charge⁴		
Assault	73%	64%
Criminal Contempt	21%	15%
Menacing	10%	11%
Harassment	6%	5%
Criminal Mischief	4%	2%
Weapons	1%	2%
Other	8%	5%
Corroborative Affidavits		
Total % C/Ws Signing Corroborative Affidavits	60%	25%***
Of C/Ws Successfully Contacted by VA, % Signing Corroborative Affidavits	82%	54%***
% of C/Ws Never Successfully Contacted	9%	13%*
C/W Reported a History of Abuse⁵	84%	85%

+ p<.10, * p<.05, ** p<.01, *** p<.001

¹ Or the CW is pregnant.

² Includes data for only the cases that are not dismissed and sealed.

³ Of defendants with any unsealed priors.

⁴ Top charge on any case. Because many defendants have multiple cases, percentages are out of the total cases seen in the YODVC, rather than the total number of defendants seen in the part.

⁵ With the defendant or others. Percent is out of the 130 C/Ws contacted by the VA who answered this question.

Table 6. STEPS Offered: Accepted v. Rejected

	Accepted STEPS Offer	Refused STEPS Offer
Total Number of Defendants	68	37
Average Number of Cases per Defendant	1.5	1.2
Descriptive Statistics		
Average Defendant Age	18.4	18.4
Defendant and CW have a Child in Common ¹	58%	53%
Defendant has Non-Sealed Priors ²	24%	33%
Average Number of Priors ^{2,3}	0.4	0.4
Mean Days from Arrest to YODVC Entry ²	39.5	31.6
Mean Days from Arraignment to YODVC Entry ²	34.1	30.8
Mean Number of YODVC Appearances ²	7.2	5.5*
Mean Days between YODVC Appearances ²	28.5	26.5
Top Charge⁴		
Assault	75%	70%
Criminal Contempt	22%	19%
Menacing	12%	5%
Harassment	4%	8%
Criminal Mischief	6%	0%
Weapons	0%	3%
Other	9%	5%
Corroborative Affidavits		
Total % C/Ws Signing Corroborative Affidavits	66%	49%
Of C/Ws Successfully Contacted by VA, % Signing Corroborative Affidavits	82%	82%
C/W Reported a History of Abuse⁵	89%	74%

+ p<.10, * p<.05, ** p<.01, *** p<.001

¹ Or the CW is pregnant.

² Includes data for only the cases that are not dismissed and sealed.

³ Of defendants with any unsealed priors.

⁴ Top charge on any case. Because many defendants have multiple cases, percentages are out of the total cases seen in the YODVC, rather than the total number of defendants seen in the part.

⁵ With the defendant or others. Percent is out of the 130 C/Ws contacted by the VA who answered this question.

Table 5 (page 23) presents the differences between those defendants offered STEPS and those defendants not offered STEPS. Defendants offered STEPS had more cases on average ($p<.05$) and fewer non-sealed prior arrests ($p<.10$) than those defendants not offered STEPS. The limited legal leverage of the District Attorney in weaker cases (e.g., defendants facing fewer charges) mean that the prosecutor has virtually no ability to get these defendants to accept a plea including a program. Defendants offered STEPS were also significantly more likely to have a case with a signed corroborative affidavit ($p<.001$). One reason that a defendant may not be offered STEPS is a lack of evidence in the case; conversely, particularly severe or strong cases in which the District Attorney believes that a conviction is likely may also lead the prosecutor not to offer the program. In fact, 65% of corroborated cases in which the defendant was not offered STEPS resulted in a guilty plea and/or jail time. (For further discussion of why cases with a signed corroborative affidavit might not receive a STEPS offer, see Appendix E.)

At the time the offer is made, defense attorneys who know something about the program may explain the program and its requirements to their clients. The YODVC judge encourages defendants to meet with the STEPS facilitator to hear more about the program, and to be assessed for eligibility, prior to deciding whether to accept the prosecutor's offer. Particularly if defendants are close to reaching their

twentieth birthday and aging out of the program by their next court appearance, the judge encourages defendants to meet with STEPS.¹⁰

Defendants who are interested in accepting the STEPS program have their cases adjourned for a second call. Between the first and second calls, potential STEPS participants meet with either the YODVC coordinator or a STEPS facilitator, who explains the program and its rules. In addition, potential participants are interviewed for eligibility.

When the case is called again, the defendant either accepts or rejects the prosecutor's offer, and an adjournment date is set. Table 6 (page 24) presents the differences between those defendants who accepted the prosecutor's STEPS offer versus those who rejected STEPS. Due at least in part to a limited sample size, almost no variables reach significance in this comparison.

During defendant interviews, STEPS participants largely reported that they realized that the decision to enter STEPS was their choice to make. When choosing between the program and a potential jail sentence, many reported that they believed they would get more out of STEPS than they would out of jail.

"I thought that if I went to the program, that would help me... better than me being in jail... that really wouldn't help me with the problem that I had at the time. Jail, that's just another way to make people be down, not teaching them anything. But the program has taught me a lot since I've been there... Every week when I go to the program, it's like, I'd rather be in the program, going there every week, than to be locked up every week and not being outside, for me doing something that I know I shouldn't do.[sic]"

"[I entered STEPS] not only because of the jail time, not only because of the fifteen day jail time, because I felt like I wanted to try something new to make me realize that maybe I'm too violent or maybe to calm me down."

However, two defendants reported that the decision between jail and a program wasn't much of a real choice.

"I mean, yeah, you've got a choice – you either go to STEPS for twelve weeks or go to jail for fifteen days. [Laughs.]... [The program is] a lot of people who were like, 'I'm not going to jail, I'm going to do the program.'"

"I had no choice. I was going to get fifteen days [jail]... With the fifteen days, I would have lost my job."

Finding, Program Completion: Consistent with planners' expectations, 65% of defendants in STEPS had successfully completed the program. This is slightly lower than studies of adult offenders in Brooklyn, though successful program completion is routinely associated with older age.

Finding, Program Entry: Defendants largely reported that they felt their STEPS participation was their own decision.

Finding, Program Eligibility: The limitations of available batterer programs necessarily impact how many defendants will be eligible. This may be especially important in courts with a high volume of female defendants, non-English speakers, and defendants with substance abuse problems.

¹⁰ STEPS officially accepts defendants until they turn twenty. Participants admitted while they are nineteen but who turn twenty during their participation are permitted to complete the program. However, in a few cases, it has been determined that, because a defendant would turn twenty after pleading to the program but prior to beginning program participation, the defendant is not STEPS eligible.

Table 7. YODVC Appearances

	All Cases 279	In STEPS 68	Not In STEPS 208
Mean Number of YODVC Appearances ¹	5.0	7.2	3.8***
Mean Days between YODVC Appearances ¹	28.2	28.5	27.9

+ p<.10, * p<.05, ** p<.01, *** p<.001; Significance levels measure differences between those in STEPS and those not in STEPS.

¹ Includes data for only the 264 cases that are not dismissed and sealed.

Adjournments

During the planning process, it was expected that length of case adjournment would be used as a tool to encourage defendants to enter STEPS. Those defendants who entered STEPS would be given longer adjournment times, enabling them to come to court less frequently. Those defendants declining STEPS would be given shorter adjournment times, forcing defendants and attorneys to appear in court more often. In this way, the court would exercise some coercion over defendants who might otherwise not consider entering a batterer program.

For the first several months of YODVC operations, the judge implemented this policy periodically. However, rarely were defendants and their attorneys informed that their decision to accept or decline the prosecutor’s offer impacted the length of their adjournment. That is, while defendants choosing not to enter STEPS occasionally received shorter adjournment times of one or two weeks, the judge did not explicitly tell them that they were getting shorter adjournment times due to their decision not to enter the program or, conversely, that should they choose to enter the program, they would appear in court less frequently. For example, during one court observation, the defense attorney complained to the judge about a short adjournment date, saying his client had been to court four times already. The judge agreed, but neither changed the adjourn date nor offered an explanation for the frequent appearances. During another observation the judge more explicitly spelled out the connection between accepting the prosecutor’s offer and length of adjournment for a defense attorney who asked for a longer adjournment by responding, “You don’t have to agree to a STEPS interview and I don’t have to agree to a longer adjournment.” By and large, however, such clear explanations were not common, and this scheme for encouraging defendants to enter the program dropped away entirely when a new judge took the bench.

As indicated in Table 7 (above), YODVC defendants appeared in the YODVC, on average, every 28 days (consistent with the plan for monthly monitoring). However, defendants in STEPS had significantly more court appearances on average (7.16 versus 3.76, p<.001) than those not in STEPS. This is likely due to the length of the STEPS class; monitoring defendants on a monthly basis throughout the twelve-week STEPS class means that their case is likely to be held in the court for longer than those defendants who do not enter STEPS.¹¹

***Finding, Collaborative Decision-Making:** During planning, it was anticipated that shorter adjournment times would be used to persuade reluctant defendants to enter STEPS. Additionally, it was thought that the majority of program participants would be mandated to enter the program as a condition of bail. Neither the YODVC judge nor the defense bar were comfortable with these arrangements and, thus, neither was realized. Fortunately, stakeholders were able to work together to find an acceptable alternative, again emphasizing the importance of stakeholder flexibility.*

¹¹ Table 6 further reveals that those defendants accepting the prosecutor’s STEPS offer had significantly more court appearances on average than those rejecting STEPS (7.16 versus 5.48, p<.05), indicating that the initial intention to utilize the adjournment length to encourage STEPS entry was not fully realized.

Trials

Trials raised additional operational issues. Although it is rare for YODVC cases to reach trial, occasionally no plea agreement is obtained in a case with sufficient evidence to be prosecuted. Initially, there was some concern over when to hold trials. On days when the YODVC calendar was full, there was not sufficient time in the afternoon to hold a trial in addition to the regular calendar. However, some stakeholders worried that by moving the trial to a time outside the regular YODVC time would make tracking these cases difficult. In the end, because many of the same parties (the judge and resource coordinator, most critically) are active in the same court part outside of the YODVC, it was determined that tracking trial outcomes would not be problematic regardless of when trials were held. Ultimately, trials ended up being scheduled in a somewhat ad hoc fashion. Trials were often adjourned to a day when the YODVC calendar was fairly light, with the trial proceedings to occur after the last case on the calendar had been adjourned. Occasionally, trials were also scheduled for the morning session of the adult domestic violence court. Although this ad hoc system means that trials may be broken up over the course of multiple court dates, stakeholders did not express concerns about this, possibly because trials occur so rarely.¹²

Infractions, Incentives, and Sanctions

During the early stages of YODVC, there was much discussion of what to do with defendants who failed to attend STEPS. The STEPS policy allows each defendant to miss one class without negative repercussions. Additionally, absences are excused in the case of hospitalization or a death in the family with proper documentation. Additional unexcused absences result in a discharge from STEPS. However, deciding on a court policy to address additional absences took some time. Initially, the court was frequently inconsistent in upholding the absence policy. Defendants missing more than their one allotted absence were typically allowed to re-enter the program, but some defendants were allowed to pick up where they left off, while others had to start over. That is, if two defendants had both attended eight of twelve classes and then missed two classes, one defendant might be readmitted to STEPS and ordered to complete his four remaining classes, while the other defendant might be readmitted to STEPS and ordered to complete an entire twelve classes, as though he had never attended STEPS before.

In interviews, several defendants mentioned the incoherence of these early policies, stating a belief that most excuses could result in readmission to STEPS, regardless of the number of chances defendants had. At least one defendant noted the down side of such a policy, holding that he had little motivation to go to STEPS, knowing he could always be readmitted.

“If you was [sic] late and you had a legit excuse for it... [you’d get] another chance... That’s what kept me in the program for so long... being given chances... [The policy] didn’t work because I felt like, it’s okay to slip up.”

After the court had been operational for several months, the team of stakeholders agreed on a more consistent policy. Defendants are allowed the single unexcused absence. Any additional absence without documentation indicating a true emergency results in the defendant being discharged from STEPS. Defendants discharged for the first time are given another chance to complete the program. However, when defendants return to the program for a second time, not only are they required to complete any classes remaining in the twelve weeks, they also have to attend an additional three weeks, resulting in fifteen total weeks in the program. It is the judge’s policy to be very clear about what will happen if defendants who are starting the program for a second time miss another class. The judge instructs defendants that, while she believes that everyone deserves a second chance, she does not believe in third chances. This warning has become a standard given to defendants readmitted to the program. As indicated

¹² Only one full trial occurred in the first fifteen months of operations, though several additional cases were scheduled for trial before being pled out at the last minute.

in Table 4 above, nearly half of those who completed STEPS were given two chances to do so. Of those given a second chance, 45% went on to successfully complete the program, while 55% would ultimately fail.

In addition to the new absence and re-admittance policy, the judge began to set strict jail alternatives for all defendants entering the program. When they accept the prosecutor's offer of STEPS, defendants are told exactly how much jail time they can expect if they do not successfully complete the program. For most defendants, this jail alternative is fifteen days, although it may be higher for defendants facing more serious criminal charges.

Defendants noticed the change in policy. One defendant expected his absences to be excused but was surprised when a change in his work schedule resulted in additional classes, coupled with a stern warning from the judge.

"I told the judge... that I might have to be working... but then... I missed a couple of days of the program, I came in late the first day and the second day I didn't come in because I was working and I forgot about the program so I went back to court and I told the judge but I didn't get a chance to explain that I was working now... And that maybe I could postpone it to the working time."

Although the new policy is strict, defendants reported feeling that it is fair.

"A lot of people haven't done what they have to do, but [the judge] gives them a second chance. [The judge] wants us to succeed."

In addition to clearly explaining the attendance policy in court, the judge utilizes positive reinforcement for defendants who are compliant in the program as an incentive to encourage continued compliance. The YODVC judge speaks directly to defendants in STEPS rather than communicating to defendants through their attorneys. As indicated in Table 3 above, the judge spoke directly to defendants rather than communicating through defendants' attorneys in 44% of the cases observed. In 37% of those cases, the judge provided some positive feedback to defendants, such as encouraging a defendant to "keep up the good work," wishing defendants good luck in completing STEPS, and praising defendants who see their program obligations through. The judge frequently told compliant defendants that not only should they be learning from the program, but that other STEPS participants would learn from their positive example and active participation in STEPS classes.

Defendants frequently noted the judge's praise during interviews, citing the praise as added motivation.

"It makes me feel good. Makes me feel happy. Makes me feel like I accomplished something. Like I'm really starting to learn... Making me feel... wiser."

Defendants saw the connection between their compliance and the judge's positive feedback.

"When I used to go to court, I was going to court nervous, because I didn't know what the judge was going to do to me. Now I can say I'm going to court with confidence like the judge is going to give me a nice compliment this time because I was never late, I was always early, always on time, I have yet to miss a day."

Several defendants saw the judge's praise as an indication that she wants them to succeed.

"[The judge] gave me more feedback... 'How you doing?', 'I...hope you finish this program, you're almost done.' ...Because she wants to see me do good, you know, get out of here."

However, a few defendants were less impressed by the judge's praise. One defendant saw the judge's consistency as impersonal.

"The judge says positive things, but it's just the same speech for everyone... it's just the speech that she gives to everybody... I sit in court for almost three hours, everybody's just doing the same thing as me, just coming up for a checkout. You know what I mean – it's just the speech."

The flip side of judicial praise is the negative feedback defendants receive when they are noncompliant. As with defendants who are doing well in STEPS, the judge speaks directly to defendants who have not been living up to the program requirements. Table 3 above reveals that the judge lectured defendants or gave them negative feedback in 19% of observed cases in which she spoke directly to the defendant. Frequently, this came as a warning to defendants that the jail alternative would be imposed if they continued to be noncompliant. Several defendants mentioned negative feedback and the threat of jail time from the judge as a motivating factor helping them to get in line with the court's expectations.

"[The judge] told me... 'One more time, if you miss even one time, if you even come late once, I'm giving you the maximum time – 15 days in jail.' So that's when I really took [the program] serious [sic]."

"Her comments was, most of the time, they was bad. So it was like, I took them bad comments and then alright, I said to myself, that comments is not getting you nowhere but a longer stay in the program and jail time. So it was like, to get all of it over with, just go to the program, be on time, don't miss no days, and... just sit back and learn, participate. And so far that's what I've been doing... Right now, I can't wait 'til I go to court... I know she's gonna have something good to say to me, about me. [sic]"

Not only does the negative feedback from the judge impact those at whom it is directed, but defendants sitting in court also hear the judge's responses to others' noncompliance. However, when asked about seeing others get lectured or remanded, most defendants felt that those not living up to the program requirements got what they deserved.

"Yeah, that [defendant] got remanded 'cause he kept sleeping. He'll have a lot of time to sleep [in jail]... Everybody's accountable for their own actions, that's the first thing you learn when you come to this class - accountable for your own actions. You fall asleep, you've got to know to expect it.[sic]"

"It's... [their] fault. It's up to them... this ain't nothing. I mean, it's twelve weeks. You can do this, get it out of the way. Go ahead with your life. You the one choose to mess it up. She gave it to you – you get a second chance. If you mess up for the second chance, you should go to jail. Cause it ain't nothing. Not like you have to stay for years... you're just waiting for twelve weeks. [sic]"

Defendants reported being motivated by seeing others receive positive feedback from the judge.

"I was slipping up. So every time I went into court, [the judge] was saying bad stuff about me, but [I saw] the judge give people compliments in court, so I figure like, if I can do this, she'll give me compliments when I go to court. Some people go in, 'Oh, you're doing good, I see you have such and such weeks. Good job.' And then that's it. When I go up there, I [am] standing in front of her for maybe like 15, 20 minutes [because I am noncompliant]. When the next person goes up, they won't even be standing there a minute because of the compliments that they [are] doing good. [sic]"

Likewise, seeing others complete the program served as a motivation for this defendant:

"When I first came, like three people completed... They completed it, they was finished already. So when I seen them completing it, I looked and I realized, ...if they can do it, why can't I do it? I know I can do it. [sic]"

Beyond judicial interaction, about six months into YODVC operations, the judge began to use case calendaring as an incentive for those doing well in STEPS. Particularly as the YODVC calendar became increasingly heavy, defendants could spend a good deal of time waiting for their case to be called. As an added incentive for those in compliance, the judge and the resource coordinator worked to call compliant defendants early in the afternoon, so compliant defendants could have their cases heard and leave. Occasionally, if a defendant is not in court when the case is called, this method is not possible, but compliant cases tend to be called early. One exception is that the judge also wants STEPS participants sitting in court to see what happens to noncompliant cases. Therefore, defendants who are being remanded also tend to be called fairly early.

***Finding, Judicial Interaction:** Program participants reported that both personal interactions with the YODVC judge and a set jail alternative motivated them to complete the STEPS program. Additionally, seeing others receive praise from the judge made an impression on many defendants.*

***Finding, Court Policy:** Inconsistent readmit policies for non-compliant defendants led to confusion among stakeholders and program participants. Although new policies were stricter, defendants reported appreciating the consistency offered by the more structured policy.*

Program Completion

Upon attending twelve STEPS classes, defendants complete their STEPS requirements. However, all defendants make a final court appearance after completing the STEPS program. The judge's final feedback has changed over the course of YODVC operations. Initially, the judge praised completing defendants on their hard work and wished them good luck. Based on feedback from the victim advocate, who worried that complaining witnesses observing this praise might feel that such a positive reaction made light of the defendant's violence, the judge altered her completion speech. Now, in addition to commending defendants for their commitment to finishing, the judge reminds defendants that violence is never acceptable and that violence against an intimate partner is particularly intolerable. In addition, the judge instructs defendants that should they ever appear in her court again, the repercussions of repeated violence will be more severe.

Procedural Justice

When asked if they felt that they were treated fairly in the YODVC, defendants responded largely in the affirmative.

"I think it's fair. The only way I wouldn't think it was fair is if the judge give somebody else two more chances. Like if she didn't terminate them... That's the only thing that would be unfair to me."

However, a few defendants expressed some sense of unfairness. One defendant felt that sending only male defendants to STEPS was unfair.

"Generally, no [the judge isn't fair]. 'Cause she's sending home all the females. And all the guys had to do program."

The majority of defendants not only reported that they felt that they were treated fairly in court, but that the judge treated them with respect. In large part, this sense of respect seemed to stem from the personal interactions between the judge and defendants.

"[The judge is] actually looking at me and talking to me... [I felt] well-respected. Because he's actually talking to me and not the attorney coming back to me while they are just talking right in front of me."

“[The judge] talks to us, she tells me, she talk to me over and over and tell me, she tell me the consequences. It’s like she don’t really want me ... to mess up. Know what I mean? She want me to do this and get it over with. [sic]”

Finding, Procedural Justice: *Defendants generally felt that they were treated fairly and with respect in the YODVC. Seemingly, regular judicial interaction and judicial consistency contributed to defendants’ overall sense of justice.*

Chapter 6.

STEPS to End Family Violence

In this chapter, the STEPS program is described. Program curriculum, rules, and logistics are outlined. Participant feedback concludes the chapter.

Curriculum

STEPS to End Family Violence runs a 26-week educational teen male batterer intervention program in Harlem. The main objective of the program is to educate teen males in an effort to deter abusive behavior and to promote healthy relationships. Additionally, the program serves as an accountability tool for the court, as participants are expected to take full responsibility for their actions while examining the ways in which their abusive and controlling behaviors damage others as well as themselves. A STEPS representative characterized the program this way:

“[STEPS is an] accountability tool for the court. Studies have shown that batterer intervention programs don’t do much in terms of changing behavior, but it is a tool to measure whether defendants are taking their mandates seriously.”

STEPS is based on an educational model and is not an anger management or therapeutic program. Topics covered in the class include: gender roles, how dating violence affects teens, how dating violence affects children, socialization of men and women, manhood and masculinity, power and control, male privilege, and cultural portrayals of women. The facilitators employ lectures, group discussion, videos, and handouts to address these topics.

The group differs from adult batterers’ groups in that it is interactive and designed to engage young people while providing information and tools that are developmentally appropriate and speak to the issues of adolescent boys. The idea is to offer young men skills and information about the learned behavior of domestic violence. A STEPS representative explained:

“[STEPS provides] a place for the young men to have a safe space to talk, a place for them to learn, a place for them to consider their actions and their behaviors.. a place for them to be challenged on their behaviors, thoughts, ideas on roles of men and women.”

Because YODVC defendants face misdemeanor charges that typically do not result in severe penalties, the District Attorney is not able to get defendants to plea to a 26-week program. Fortunately, STEPS was willing to work with the court to condense the standard curriculum to fit a twelve-week schedule. The curriculum of the twelve-week program is the same as that of the longer class, merely condensed. The program is free to participants.

Rules

As noted above, defendants in the program are permitted one unexcused absence. On the second absence, defendants are terminated and sent back to court. Absences may be excused in very limited circumstances – in the case of a medical emergency for the defendant or his minor child on the day of the group or in the case of a death in the family. If the defendant has appropriate documentation for an excused absence, the defendant may be readmitted.

STEPS sessions last one and a half hours. Promptness is utilized as a tool for accountability. Participants who arrive even one minute late will be counted absent. Once the session begins, participants are not permitted to leave the room for any reason.

STEPS participants are expected to actively participate in class discussions and to conduct themselves in a respectful manner. Participants must be alert and attentive during class time. Intimidation by means of dress (e.g., gang colors), language, and behavior is prohibited. No distracting objects such as

cell phones, pagers, dark glasses, and hats that cover the eyes are allowed in class. Participants are not allowed to attend class under the influence of drugs or alcohol. Any participant suspected to be under the influence of drugs or alcohol during class will be discharged and counted absent. No weapons are permitted in class.

When asked if they understood program rules, defendants largely reported that the rules of STEPS were made clear to them both prior to their entry into the program and repeatedly during their participation.

“The rules are clear. [The facilitator] states it every time. Like we got a couple new people today, we usually get a new person - like every week, every two weeks a new person is coming in. So, it’s like every week the rules have been stated. So it’s embedded in your head now, how could you not know?”

Logistics

In order to avoid delays in getting defendants into the program, STEPS has a rolling admission. While defendants attending twelve sessions in a row will cover each of the twelve lessons, defendants will not all receive the lessons in the same order. In addition, those defendants who miss the one allotted class will likely repeat one lesson area.

When the YODVC first opened, there was some confusion among stakeholders about the length of time defendants would be required to spend in the program. Consequently, for approximately the first three months, most defendants were sent to the program for ten rather than twelve weeks. Condensing a 26-week course into twelve weeks was difficult enough for STEPS; condensing the course into ten weeks proved unfeasible and in March 2004, stakeholders agreed that defendants would thereafter be sent to a full twelve weeks of STEPS classes.

Initially, it was thought that conducting STEPS directly after defendants’ appearances in the YODVC on Thursday afternoons would be ideal. Similarly, the courthouse was initially thought to be an ideal location; as participants would already be in court, it was hoped that fewer defendants would “disappear” on their way between court and the program. However, both of these assumptions proved problematic. First, holding STEPS directly after defendants appeared in court meant that the judge was forced to rush through the appearances for defendants in STEPS so that they could leave the YODVC in time to arrive in class. As the number of defendants in STEPS grew, this became increasingly difficult. If STEPS participants missed first call and showed up in court late, the judge was often forced to drop everything in order to hear the case so that the defendant would arrive in STEPS on time. Additionally, because the STEPS facilitator sits in court each week to conduct intake interviews with potential STEPS participants, not only would all STEPS participants need to be called before participants left for their weekly STEPS session, but all *potentially* STEPS eligible cases that might agree to an intake interview would need to be called before the facilitator left to conduct the weekly STEPS session. Also, the empty courtroom initially used for STEPS was frequently locked or unavailable, defendants had difficulty opening up in a courtroom, and the ideal seating-in-the-round class format was made impossible by court benches and bolted down furniture.

Due to these issues, early in March 2004 the STEPS meeting time was changed from Thursdays to Wednesdays. At the same time, STEPS was able to secure a location in downtown Brooklyn near the courthouse. Later, this new location became unavailable and STEPS was moved for a second time to a location in downtown Manhattan. Neither location change was accompanied by a drop in attendance.

A final logistical issue arose around the STEPS facilitators. Ideally, STEPS should be co-facilitated by two instructors – one male and one female. However, it took STEPS several months to find a qualified male facilitator. This male facilitator worked with the group for a few months before leaving STEPS. Again, it took several months for STEPS to locate a qualified male facilitator.

In general, most defendants felt that the single female facilitator led discussions fairly and informatively. A few of the interviewed defendants suggested that they feel a male co-facilitator is

important to the program. Most who suggested this feel that the “male point of view” is missing when a female facilitates the group alone.

“A male [facilitator] would be good... It would be good to have both a male and female perspective. A male facilitator represents our point of view. [The female facilitator] represents the female point of view.”

When pressed on whether there really is a single male point of view and a single female point of view, two defendants maintained that, indeed, “the guys always agree.”

Finding, Program Logistics: *What were initially thought to be ideal time and space arrangements proved problematic once the court was operational. Again, the flexibility of stakeholders helped create solutions to these unforeseen issues. Additionally, due to the connections STEPS had established with other service agencies, a relatively wide range of alternative locations was available to the program.*

Participant Feedback

Participants in the STEPS program were largely positive about the program, maintaining not only that it helped them in their relationships, but that they learned a good deal from STEPS and that they enjoyed the classes. Most defendants reported that STEPS made them look at themselves and their behaviors differently:

“You have to think about the consequences of your actions – don’t just act on instinct, but think about what you are doing. I’m really glad to be in this program. I’d probably be in jail without this program. I’m thinking first.”

“[In STEPS we] learned about power and control. It was like that – I wanted to control my girl.”

“I look at women in a whole other different way and... [I look at] life in general different too.”

Several participants indicated that STEPS gave them new ways to deal with anger:

“Certain things, you just got to let go sometimes. Arguments, I learned to walk away from them... Learn to really control your temper as far as when you’re talking, so it won’t lead to an argument.”

“I learned that in a relationship or with anything, if there is a conflict, it takes two. So instead of worrying about myself, I got to worry about what the other person is thinking and how they [are] feeling and whatnot. I just can’t worry about myself.[sic]”

Defendants particularly liked that STEPS gave them a place to express themselves, to talk about issues in their lives, and to get feedback from the facilitator and other participants. All defendants interviewed agreed that STEPS provides them a safe space in which they feel free to disagree and voice their opinions:

“The thing I found useful is a lot of talking with each other. Like expressing each other’s feelings – whether we’re angry, sad, you know, different emotions. Well, basically, why I felt successful in there that we could express ourselves in there. It was just between the group. You know, there was nothing outside – it was just us talking [about] reality. [sic]”

“We’re open to each other. We’re not afraid to show our feelings. We speak to each other on everything.”

As an accountability tool, a program with this level of bonding and self-expression might not typically be viewed as desirable. However, teen defendants are particularly difficult to engage and the facilitator reports using group discussions to try to keep the class relevant to their lives. When participants make contentious statements, the facilitator uses this as a jumping off point to talk about the assumptions underlying such statements. Moreover, according to STEPS, many teens involved in teen dating violence have experienced domestic violence throughout their lives and need a safe forum to discuss violence within an educational framework.

Most participants gave the impression that they understand the message of accountability sent by STEPS. When asked if they hold the complaining witness in the case responsible for their court involvement, the majority reported that they do not hold their partners responsible:

“I hold myself responsible. She didn’t ask me to hit her. I don’t blame her for calling the police – it was only right.”

“I hold myself accountable. It’s my actions, so I hold myself accountable.”

However, a few defendants failed to even give lip service to the message of accountability. Although this defendant reported not holding the complaining witness responsible, neither did he take responsibility for the case:

“Her mom called the cops, so I hold her mom responsible.”

Another defendant missed a good deal of the message of STEPS. He complained about the insensitivity of other STEPS participants when they laughed at a video showing a woman being punched by her partner, explaining:

“That’s not funny – you don’t hit a female with a closed fist. She’s not a dude. You don’t hit a female with a closed hand. I can understand, she swings at you, she hits you, maybe a little smack, as long as you’re not abusive with it, like an everyday thing. Smacking her five times a day, on a daily basis, that’s not good.”

Despite the above exceptions, the majority of defendants interviewed were able to repeat at least some of the lessons STEPS instills during their interviews. The question of whether these lessons stick – whether they lead to changes in defendants’ future behavior – will require further research after defendants have been out of the program for a longer period of time.

Finding, Participant Perceptions: *Participants generally reported learning a good deal from the STEPS program, understanding program expectations, and utilizing program lessons in their daily lives.*

Chapter 7. *Outcomes*

Without the context provided by a comparison group, many of the criminal justice outcomes included in this chapter are somewhat difficult to interpret. However, this chapter examines case outcomes for YODVC cases, looking at final dispositions and charges.

Table 8. District Attorney's 2002 Exploratory Study

Total Cases	67
Open	37
Convicted	30
Misdemeanor	3%
Violation and Conditional Discharge	20%
Batterers Intervention Program	0%
Case Adjourned in Contemplation of Dismissal or Dismissed ¹	77%
ACD	40%
Dismissed Without Prejudice	3%
No Public Record	33%

¹ Total cases receiving an ACD, dismissal, or no public record.

Criminal Justice Outcomes

As noted above, the District Attorney's office conducted a preliminary study of YODVC-eligible cases in 2002. Table 8 (above) represents what had happened to these 67 cases at the end of the four-month period. As indicated by the final row in this table, the majority of cases (77%) that had been disposed in this time period had been either adjourned or dismissed. Only one defendant had received a misdemeanor conviction; an additional six received a violation and a conditional discharge. No defendants had been mandated to attend a batter intervention program.

Table 9 shows the outcomes for YODVC defendants. Because many YODVC defendants have more than one case in the YODVC, final dispositions represent the percentage of defendants who had a given disposition *on any case*. While 66% of defendants still had a case either dismissed or adjourned in contemplation of dismissal, 28% pled guilty to a charge on at least one case. The charges to which defendants pled are also indicated in Table 9.

In contrast to the 23% of defendants pleading to a charge (misdemeanor or violation) in the DA's preliminary study, 28% of the YODVC defendants entered a charge. Although this difference is not huge, the level of offenses pled to by YODVC defendants is noticeably higher – 32% pled to a misdemeanor and 1% even pled to a felony charge.

Table 9 (page 37) further indicates that 27% of YODVC cases were dismissed and sealed. While more than half of these cases were dismissed because the DA's office was unable to gather sufficient evidence to prosecute the case within the ninety days required by law (this usually indicates that there is insufficient evidence for prosecution), a sizeable number were adjourned in contemplation of dismissal. However, Table 10 (page 38) provides some context for this high level of cases adjourned in contemplation of dismissal. Because defendants who successfully complete STEPS are frequently given an ACD, this level is reflective of the numerous defendants who have entered the STEPS program. In fact, as illustrated in Table 10, defendants in STEPS are significantly more likely to have received an ACD than those not in STEPS ($p < .01$). Likewise, defendants in STEPS were more likely to have received a conditional discharge (with the condition that defendants attend STEPS) than those not in the program ($p < .001$). These differences reflect in fact that, rather than "getting off with nothing," a large percentage of defendants receiving ACDs and CDs are entering the STEPS program.

In addition to defendants receiving STEPS, when added together, the percentages in Table 9 indicate that 22% of YODVC defendants faced either jail, probation, community service, or another

program. Of those defendants receiving some jail time, the median time spent incarcerated was one month.

Table 9. YODVC Outcomes

Total Cases Heard in YODVC	360
Total Defendants Seen in YODVC	279
Final Disposition	
ACD on Any Case ¹	42%
Plead Guilty on Any Case	28%
<i>Charge Plead To</i> ²	
Harassment	58%
Criminal Contempt	10%
Disorderly Conduct	8%
Attempted Assault	7%
Menacing	6%
Criminal Mischief	5%
Petit Larceny	2%
Drug Charge	2%
Attempted Criminal Contempt	1%
<i>Charge Level Plead To</i> ²	
E Felony	1%
A Misdemeanor	23%
B Misdemeanor	9%
Violation	66%
Conditional Discharge on Any Case	19%
Jail on Any Case	11%
Community Service on Any Case	4%
Another Program on Any Case	4%
Violation of Conditional Discharge on Any Case	3%
Probation on Any Case	1%
Time Served on Any Case	1%
Split Sentence on Any Case ³	1%
Average Days in Jail ⁴	96
Median Days in Jail ⁴	30
Cases Dismissed and Sealed	96 27%
<i>Reason for Dismissal</i>	
30/30 ⁵	54%
ACD ¹	31%
Mutual Dismissal ⁶	7%
DA/Weak Case	5%
Defendant Found Incompetent to Stand Trial	1%
Other	4%
Defendants Adjourned or Dismissed ⁷	66%

¹ Of the 116 defendants who received an ACD, only 28 had had their case dismissed by the time of the analysis. The number under Reason for Dismissal: ACD reflects only the 28 whose cases had been dismissed.

² Totals are out of the 86 pleas entered. Although 77 defendants entered guilty pleas, several defendants plead to multiple charges.

³ Sentence is a split between jail time and time on probation.

⁴ Of defendants receiving either jail or a split sentence.

⁵ The King's County District Attorney has 90 days to prosecute cases without a signed corroborative affidavit. Once cases go past this time limit, they are dismissed.

⁶ Cases against both parties; both cases dropped.

⁷ Total defendants receiving an ACD (both those whose cases had been already dismissed by the time of the analysis and those still adjourned in contemplation) or dismissal.

**Table 10. YODVC Outcomes:
Defendants in STEPS v. Not in STEPS**

	In STEPS	Not in STEPS
Total Defendants Seen in YODVC	68	208
Final Disposition		
ACD on Any Case	46%	29%**
Plead Guilty on Any Case	56%	19%***
Conditional Discharge on Any Case	37%	13%***
Jail on Any Case	19%	8%*
Community Service on Any Case	9%	2%**
Another Program on Any Case	4%	4%
VOCD on Any Case	9%	0%**
Probation on Any Case	4%	0%**
Time Served on Any Case	1%	1%
Split Sentence on Any Case	1%	1%

Chapter 8. *Conclusion*

Based on the above discussion, it appears that the YODVC has generally been successful in attaining the following goals set out in the original funding document:

- *Awareness and Prevention:* Through a diverse team of stakeholders, the YODVC has focused on the issue of teen dating violence and has taken measures to increase the number of teen defendants entering a program to address the negative behavior of teen dating violence.
- *Developmentally Appropriate Batterer Programming:* Through a partnership with STEPS to End Family Violence, the YODVC has successfully developed programming to address the unique developmental needs of teen perpetrators of relationship abuse.
- *Accountability:* Although the YODVC struggled with issues of consistency early on, there is now in place a standard process for identifying teen dating violence cases and for responding with consistency, certainty, and celerity. Less clear is the level of accountability achieved with defendants not in the STEPS program. Although it appears that some of these defendants plead to charges, this outcome is by no means certain, nor is it consistent across cases. Focusing on ways to achieve increased certainty and consistency for these non-STEPS cases or focusing on how to get more defendants into the STEPS program may be a next step for the YODVC.
- *Monitoring:* The research indicates that YODVC defendants are appearing in court for monitoring once a month on average. Monitoring is even more intensive with those defendants who enter STEPS, as the monitoring continues over the course of seven months on average, rather than over the course of just under four months for defendants not in STEPS.
- *Victim Services:* Without a baseline, it is impossible to know how many victims were previously connected with services, although anecdotally we know that these young defendants, who are typically seen as “lower risk” and who generally have short criminal histories, were more likely to be sent out to the zones rather than handled by the specialized domestic violence bureau, meaning that victim services would not have been in contact with many teen victims. Outreach by the YODVC’s victim advocate has resulted in contact with nearly 70% of complaining witnesses. Not only has this outreach resulted in a nearly 40% rate of obtaining corroborating affidavits, it has also resulted in safety planning and additional services reaching numerous victims of abuse.

The lessons taken from the planning and implementation of this project reflect the importance of establishing a strong stakeholder collaboration. The planning and operations group worked through many of the challenges faced in the first fifteen months through compromise and flexibility. In fact, this team approach to problem-solving was cited by many stakeholders as a primary strength of the YODVC. This lesson as well as the other lessons learned during the initial operations of the YODVC may prove particularly valuable as more court-based initiatives are developed to address the issue of teen dating violence.

Questions regarding the impact of the YODVC on future recidivism remain. These questions will be the subject of a forthcoming report examining new arrests for the defendants examined through this report.

Cissner, A. and N. Puffett. 2004. *Batterer Intervention Programs in the Brooklyn Criminal Domestic Violence Court: The Relative Impact of Program Philosophy and Program Duration on Outcomes*. Presented at the 2004 American Society of Criminologists in Nashville.

The City of New York. March 1998. *Teen Relationship Abuse Fact Sheet*.

Commission to Combat Family Violence. 1999. "Blueprint: The Adopt-a-School Initiative: A School-Based Teen Relationship Abuse Prevention Program." New York, New York.

Family Violence Prevention Fund. 2001. "Younger Women at Great Risk of Intimate Partner Violence." Accessed at <http://endabuse.org/programs/printable/display.php3?NewsFlashID=287>, June 27, 2005.

Herman, K. 2004. *Youth Dating Violence: Can a Court Help Break the Cycle?* Center for Court Innovation.

Hickman, L., L. Jaycox, and J. Aronoff. 2004. "Dating Violence Among Adolescents: Prevalence, Gender Distribution, and Prevention Program Effectiveness." *Trauma, Violence, and Abuse*, 5(2), 123-142.

Kaiser Permanente. 1995. *Children Now: Kaiser Permanente Poll*. Cited in *Teen Dating Violence Fact Sheet*, National Council for Victims of Crime, 2003.

Labriola, M., M. Rempel, and R. Davis. *Testing the Effectiveness of Batterer Programs and Judicial Monitoring*, forthcoming.

McClosky, L.A. and E.L. Lichter. 2003. "The Contribution of Marital Violence to Adolescent Aggression Across Different Relationships." *Journal of Interpersonal Violence*, 18(4), 390-412.

Molidor, C. and R. Tolman. 1998. "Gender and Contextual Factors in Adolescent Dating Violence." *Violence Against Women*, 4:180-194.

Molidor, C., R. Tolman, and J. Kober. 2000. "Gender and Contextual Factors in Adolescent Dating Violence." *Prevention Research*, 7(1), 1-4.

O'Keefe, M. 1997. "Predictors of Dating Violence Among High School Students." *Journal of Interpersonal Violence*, 12(4), 546-568.

O'Keefe, M. and L. Treister. 1998. "Victims of Dating Violence Among High School Students." *Violence Against Women*, 4:195-223.

Puffett, N.K. and C. Gavin. 2004. *Program Outcome and Recidivism at the Bronx Misdemeanor Domestic Violence Court*. Center for Court Innovation.

Rennison, C.M. 2001. *Intimate Partner Violence and Age of Victim, 1993-99*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Special Report.

Roscoe, B. and J.E. Callahan. 1985. "Adolescents' Self-Report of Violence in their Families and Dating Relations." *Adolescence*, 20(79), 545-553.

Sagatun-Edwards, I., E.M. Hyman, T. LaFontaine, and E. Nelson-Serrano. 2003. "The Santa Clara County Juvenile Domestic and Family Violence Court." *Journal of the Center for Families, Children, and the Courts*, 4:91-114.

Silverman, J.G., A. Raj, L.A. Mucci, and J.E. Hathaway. 2001. "Dating Violence Against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality." *Journal of the American Medical Association* 572.

Spencer, G.A. and S.A. Bryant. 2000. "Dating Violence: A Comparison of Rural, Suburban, and Urban Teens." *Journal of Adolescent Health*, 27(5), 302-305.

Wolfe, D.A., K. Scott, C. Wekerle, and A.L. Pittman. 2001. "Child Maltreatment: Risk of Adjustment Problems and Dating Violence in Adolescence." *Journal of the American Academy of Child and Adolescent Psychiatry*, 40(3), 282-289.

APPENDIX A.
Court Observation Log

New Case Compliance Monitoring Non-STEPS Monitoring

Case Called Time: 1st Call _____ Case Adjourned Time: 1st Call _____

Case Called Time: 2nd Call _____ Case Adjourned Time: 2nd Call _____

Defendant Name _____

Is defendant accompanied by anyone yes no

Is defendant in custody yes no

Multiple cases? yes no

Multiple DV cases? yes no

Defendant present at 1st call yes no

Defendant present at 2nd call yes no

Defendant present at 3rd call yes no

Bench warrant ordered yes no vacated

Is assigned defense attorney present? yes no

 If no, does another attorney stand in? yes no

Attorney at 1st Call yes no

Attorney at 2nd Call yes no

DA offer yes no

STEPS Violation ACD: at completion today

Full OP Limited OP Other _____

Does defense accept DA's offer yes no

Interviewed by STEPS yes no

Found Eligible by STEPS yes no

Will enter YODVC/STEPS yes no

 Reason _____

STEPS start date _____

Compliance

In compliance

Not in compliance

 STEPS sessions attended _____ STEPS sessions missed _____

 Reason for missed session(s) _____

Sanctioned

More frequent court appearance

Lectured

Failed from program

Start program over

Returned to program

Other _____

Does defendant have anything to say about STEPS _____

Order of Protection

in place at court date given at court date extended

full limited

unless ordered otherwise in Family Court

Adjourned until _____

Did judge directly interact with defendant yes no

 Describe interaction:

General instructions

Facts of the case

Positive, _____

Negative, _____

Notes: _____

APPENDIX B.
Informed Consent for Study Participant in the
Brooklyn Youth Offenders Domestic Violence Court Evaluation

1. Why are you being invited to take part in this research?

You are being asked to sign this Informed Consent because you are being requested to participate in a research study to determine how YODVC defendants view their experiences in the STEPS program.

2. Who is doing the study?

Researchers at the Center for Court Innovation, a public/private partner of the New York State Unified Court System, are conducting the study.

3. What is the purpose of this study?

The purpose of this study is to determine how YODVC defendants view their experiences in court and in the STEPS program. By agreeing to participate in this interview, you can help officials at this court develop more fair and effective programs.

4. What will you be asked to do?

You will be asked to be interviewed by a researcher from the Center for Court Innovation. The interview will take place in the courthouse where the YODVC is held, in an empty courtroom on the third floor. The interview will last approximately 30 minutes and will be conducted directly after you appear in court. During the interview, you will be asked to discuss your experiences in the YODVC and STEPS. In particular, you will be asked to talk about factors that you found particularly useful in helping you to succeed, factors you found ineffective, things about the court you would change, and so on.

5. What are the possible risks and discomforts of being in this study?

Although none of the questions you will be asked are expected to cause any emotional distress, it is possible that discussing your YODVC/STEPS experience may be distressing. You are not required to answer any question that makes you uncomfortable. In addition, if your participation in the interview causes you to experience stress or discomfort, the researcher conducting the interview can provide you with a referral to the appropriate services.

Finally, because participants in the YODVC are, by definition, youths, there is some risk that the potential ramifications of participation in the study will not be fully realized. Therefore, multiple steps will be taken to protect the interests of participants. First, prior to the interview, you will be given the opportunity to discuss your participation with your defense attorney of record. In addition, for defendants under 18 years of age, a parental consent form will be required prior to involvement in any interviews.

6. Are there any benefits to you being in this study?

By participating in these interviews, you can help the court develop more effective programs and processes. Furthermore, this interview will provide you with an opportunity to have your voice heard.

In addition to these benefits, your participation in this study will be compensated in the amount of \$20.

7. Do you have to take part in this study?

No. Your participation in this study is completely voluntary. If you do not wish to participate in the study, it will not influence how your case is being handled.

8. Do you have to stay in the study?

No. You can stop your participation in the study at any time, for any reason. Your decision to end your participation will not influence how your case is being handled.

9. Will information about you be confidential?

Yes. Although we cannot guarantee confidentiality, if you participate, we promise you that we will take the utmost precautions to assure that everything you tell us will be kept in strictest confidence. Your name will not be given to anyone, including court officials, or police. Only the people doing the research will see any information that identifies you personally. Your name will never be used in any report. The interview will be recorded. All written records and hard copies of interviews will be kept in locked cabinets in a secure area for three years following completion of the study. After that period, the hard copies of the interviews will be destroyed.

The only exception to this pledge of confidentiality is if you tell the interviewer that you intend to harm yourself or somebody else, have committed child abuse, or intend to commit a specific crime against someone else.

10. What should you do if you have any questions?

If you have any questions about the study, or wish to receive a summary of the interview when it is completed, you can call Amanda Cissner, Principal Investigator, at the Center for Court at (212) 373-1362.

In addition, you may contact the Institutional Review Board's Administrator, Kelly O'Keefe, at the Center for Court Innovation at (718) 643-5729 if you have any questions regarding your rights as a research participant.

(For current participants) If you have any questions about the legal ramifications of participating in this study, we encourage you to discuss this issue with your attorney.

Please sign and date below to show that you have read and understood this information, and you agree to participate in the study. A copy of this consent form will be provided to you.

PARTICIPANT'S STATEMENT

I agree to participate in this interview. I understand that my participation is voluntary and will not affect how any current or future case is handled. I understand that I can stop participating at any time or refuse to answer questions asked of me. I have received a copy of this form.

Name _____
(PLEASE PRINT)

Signature _____ Date _____

INVESTIGATOR'S STATEMENT

I have discussed the proposed research with this participant, and in my opinion, the participant understands the benefits, risks and alternatives (including non-participation) and is capable of freely consenting to participate in the research.

Signature _____ Date: _____
Member of the Research Team

Print Name: _____

APPENDIX C.
Parental Consent for Study Participant in the
Brooklyn Youth Offenders Domestic Violence Court Evaluation

1. Why are you being asked to sign this consent form?

You are being asked to sign this Parental Consent because _____ (your child / juvenile) has been requested to participate in a research study to determine how he views his court experiences in the Youth Offenders Domestic Violence Court (YODVC) and STEPS to End Family Violence. Because your child / juvenile is a minor, we require that he obtain the permission of his parent / guardian prior to participating in this study.

2. Who is doing the study?

Researchers at the Center for Court Innovation, a public/private partner of the New York State Unified Court System, are conducting the study.

3. What is the purpose of this study?

The purpose of this study is to determine how YODVC defendants view their experiences in court and in the STEPS program. By participating in this interview, your child / juvenile can help officials at this court develop more fair and effective programs.

4. What will participants be asked to do?

Your child / juvenile will be interviewed by a researcher from the Center for Court Innovation. The interview will take place in the courthouse where the YODVC is held, in an empty courtroom on the third floor. The interview will last approximately 45 minutes to one hour and will be conducted directly after your child / juvenile appears in court. During the interview, your child / juvenile will be asked to discuss his experiences in the YODVC and STEPS. In particular, he will be asked to talk about factors that he found particularly useful in helping him to succeed, factors he found ineffective, things about the court he would change, and so on.

5. What are the possible risks and discomforts of being in this study?

Although none of the questions your child / juvenile will be asked are expected to cause any emotional distress, it is possible that discussing his YODVC/STEPS experience may be distressing. Participants are not required to answer any questions that make them uncomfortable. In addition, if participation in the interview causes your child / juvenile to experience stress or discomfort, the researcher conducting the interview can provide him with a referral to the appropriate services.

Finally, because participants in the YODVC are, by definition, youths, there is some risk that the potential ramifications of participation in the study will not be fully realized. Therefore, multiple steps will be taken to protect the interests of participants. First, prior to the interview, participants will be given the opportunity to discuss participation with their defense attorneys of record. In addition, for defendants under 18 years of age, this parental consent form is required prior to involvement in any interviews.

6. Are there any benefits to participants in this study?

By participating in these interviews, your child / juvenile can help the court develop more effective programs and processes. Furthermore, this interview will provide him with an opportunity to have his voice heard. In addition to these benefits, your child / juvenile will be compensated in the amount of \$20.

7. Does your child / juvenile have to take part in this study?

No. Your child's / juvenile's participation in this study is completely voluntary. If he does not wish to participate in the study, it will not influence how his case is being handled.

8. Does your child / juvenile have to stay in the study?

No. Your child / juvenile can stop his participation in the study at any time, for any reason. His decision to end his participation will not influence how his case is being handled.

9. Will the information be confidential?

Yes. Although we cannot guarantee confidentiality, if your child / juvenile participates, we promise that we will take the utmost precautions to assure that everything he tells us will be kept in strictest confidence. His name will not be given to anyone, including court officials, or police. Only the people doing the research will see any information that identifies him personally. His name will never be used in any report. The interview will be recorded. All written records and hard copies of the interviews will be kept in locked cabinets in a secure area for three years following completion of the study. After that period, the hard copies of the interviews will be destroyed.

The only exception to this pledge of confidentiality is if your child /juvenile tells the interviewer that he intends to harm himself or somebody else, has committed child abuse, or intends to commit a specific crime against someone else.

10. What should you do if you have any questions?

If you have any questions about the study, or wish to receive a summary of the interview when it is completed, you can call Amanda Cissner, Principal Investigator, at the Center for Court at (212) 373-1362.

In addition, you may contact the Institutional Review Board's Administrator, Kelly O'Keefe, at the Center for Court Innovation at (718) 643-5729 if you have any questions regarding your child's / juvenile's rights as a research participant.

Please sign and date below to show that you have read and understood this information, and you agree to allow your child / juvenile to participate in the study. A copy of this consent form will be provided to you.

PARENT/GUARDIAN STATEMENT

I agree to allow my child / juvenile to participate in this interview. I understand that his participation is voluntary and will not affect how any current or future case is handled. I have received a copy of this form.

Parent / Guardian
Name _____
(PLEASE PRINT)

Parent / Guardian Signature _____ Date

In the matter of

Defendant's Name (PLEASE PRINT)

APPENDIX D.
Brooklyn Youthful Offenders Domestic Violence Court
Communications Survey

I am requesting that you complete a short survey, the results of which will be used as part of the YODVC evaluation. This survey should take no more than 15 minutes of your time to complete.

Please answer each question as honestly and accurately as possible. Your answers will remain confidential and will be reported in the aggregate only. If you have any questions or concerns, feel free to speak with me. If you cannot speak to me in person, you can contact me by phone (212.716.1362) or email (acissner@courts.state.ny.us).

Please return the survey (within two weeks if at all possible) to me in person, by fax at 212.397.0985 or mail it to:

Amanda Cissner
Center for Court Innovation
520 Eighth Avenue, 18th Floor
New York, NY 10018

Thank you!

During the past four (4) months, approximately how frequently did you communicate with each of the following people on matters pertaining to the Brooklyn Youthful Offenders Domestic Violence Court?

Please consider all forms of communication - in person, phone, fax, email, etc. when marking your answer.

Name	5 or more days/week	3-4 days/week	2-3 days/week	1 or Fewer days/week	Never
Director of DV and Family Court Programs, CCI					
YODVC Judge					
STEPS Facilitator					
Teen Victim Advocate, DA					
Domestic Violence Bureau Chief, DA					
Victim Advocate Supervisor, Safe Horizon					
YODVC Resource Coordinator					
YODVC Coordinator, CCI					
Deputy Bureau Chief, DA					
Domestic Violence Coordinator, Administrative Judge's Office					
Special Victims Division Chief, DV, DA					
STEPS Director					
Adolescent Program Coordinator, STEPS					
Attorney-in-Charge, Brooklyn Legal Aid Society					
Executive Director, Brooklyn Defenders					
Director of Clinical Services, DA					
Borough Chief Clerk					

For each person, please make a check (✓) to mark the best answer.

YOUR NAME: _____

In the space below, please list the other people, if any, with whom you have had contact regarding the YODVC and who should be included in future versions of this survey.

Overall, how would you rate your level of satisfaction regarding the *frequency* of communication with your YODVC colleagues? (Please circle best answer)

1. Very Satisfied
2. Satisfied
3. Neutral
4. Dissatisfied
5. Very dissatisfied

Overall, how would you rate your level of satisfaction regarding the *quality* of communication with your YODVC colleagues?

1. Very Satisfied
2. Satisfied
3. Neutral
4. Dissatisfied
5. Very dissatisfied

APPENDIX E.
**Outcomes for Defendants with a Corroborative Affidavit
 who were not Offered STEPS**

**YODVC Outcomes for Defendants
 With Signed Corrobs Who Were Not
 Offered STEPS**

Total N	44
Valid N ¹	35
Disposition	
Nothing ²	14%
ACD only	19%
Plead Guilty	53%
<i>With CD</i> ³	53%
<i>With Time Served</i> ³	5%
<i>With Jail</i> ³	42%
Jail	6%
Split Sentence	6%
Received any jail ⁴	13
Average days in jail ⁵	73
Median days in jail ⁵	30

¹ Defendants with no dismissed cases.

² Some of these cases have not been in the YODVC for long and therefore, no final disposition has been reached. The average number of court appearances for these 5 cases is 2.4 (range: 1 to 6).

³ Of those pleading guilty.

⁴ Includes defendants receiving time served dispositions.

⁵ Does not include incarceration time for defendants receiving time served dispositions.

Although those cases in which a corroborative affidavit is signed are more likely to be offered the STEPS program, this is not the instance in all such cases. The above table represents the outcomes for cases in which a signed corroborative affidavit was obtained, but the STEPS program was not offered by the District Attorney's office. Nine of the 44 cases (20%) had their case dismissed and sealed, leaving only 35 cases with a determinable disposition. Of these, 14% had not been in the court long enough to have a final disposition. An additional 19% received an adjournment in contemplation of dismissal only. However, 65% either pled guilty to a charge (coupled with a conditional discharge, time served, or jail), or received jail or a jail/probation split sentence. Of the total thirteen defendants who spent some time in jail (37% of those whose cases were not dismissed and sealed), defendants spent a median of one month incarcerated.