



DOMESTIC VIOLENCE COURTS

CRIMINAL DOMESTIC VIOLENCE COURTS: KEY PRINCIPLES

This fact sheet is one in a series to support the development of domestic violence court initiatives. For other documents in the series, please visit

[www.courtinnovation.org/
domesticviolencecourt.html](http://www.courtinnovation.org/domesticviolencecourt.html)

Criminal domestic violence charges are challenging to prosecute and adjudicate. Domestic violence cases, most often charged as misdemeanors, often carry the risk of further harm from the offender. Victims may feel frustrated or powerless in the face of bureaucratic proceedings, while prosecutors might feel stymied by victims' unwillingness to cooperate. Judges who may not have specialized training in the dynamics of domestic violence often hear criminal domestic violence cases alongside other misdemeanors, such as drug-related charges or petty larceny. Without a targeted approach to domestic violence, outcomes in these criminal cases may be inconsistent at best, and at worst may further endanger victims. Specialized Criminal Domestic Violence Courts are a response to these challenges. These courts usually have one or more specially trained judges who hear domestic violence cases on a separate calendar.

Criminal Domestic Violence Courts are specifically designed to promote: victim safety and defendant accountability; informed judicial decision-making; consistent handling of all criminal domestic violence matters; efficient case processing; and a concentration of social services for victims and their children. These specialized courts can also build upon other legal responses to domestic violence, including mandatory arrest, a dedicated domestic violence unit within the prosecutor's office, and evidence-based prosecution, a method in which prosecutors rely on material evidence to prosecute a case rather than the cooperation of the victim.

The Center for Court Innovation, a technical assistance provider for the U.S. Department of Justice's Office on Violence Against Women, provides support to dozens of jurisdictions. Both within the United States and internationally, these communities seek tools to enhance their response to intimate partner violence and sexual assault. These seven key principles are based on the Center's experience developing Domestic Violence Courts among this varied group of jurisdictions.

1 Dedicated Court or Docket for all Criminal Domestic Violence Cases

One or more dedicated judges preside over criminal domestic violence matters, including criminal sexual assaults. The stage at which Criminal Domestic Violence Courts take their cases varies. While some courts hear domestic violence cases from arraignment through disposition, others take cases after the initial court appearance. Consistent among these variations is a specially trained judge who can tailor his or her orders to address all issues, including criminal orders of protection for victims and bail conditions, sentences, treatment mandates, and sanctions for re-offending perpetrators.

2 Comprehensive Resources for Families

In Criminal Domestic Violence Courts, referrals are often available to each person affected by the crime(s). Through a resource coordinator or other specialized staff



member, adult and child victims are connected to supportive services while the perpetrator is often mandated to a batterer's intervention program. Courts may also refer perpetrators to substance abuse programs or other treatment for issues co-occurring with the intimate partner violence.

3 Compliance Monitoring

Typically, Criminal Domestic Violence Courts hold regular compliance review calendars. Increased communication and coordination between the court, service providers, and probation is key to improving accountability for defendants. Some courts employ resource coordinators to facilitate this communication; representatives from accountability programs can also appear at court to communicate directly with the judge about the perpetrators' compliance with mandated programs. With representatives from probation, the defense bar, the prosecutor's office, and batterer's programs present, the judge can make swift and consistent decisions if a perpetrator fails to comply. Responses to noncompliance may include increasing court appearances, amending or revoking probation, or jail time.

4 Advocacy for Domestic Violence Victims

Criminal Domestic Violence Courts often have at least one dedicated victim advocate. System-based advocates, working for the prosecutor's office, can provide domestic violence victims with immediate safety planning, counseling, and access to services. Clients may not have confidentiality protections with these advocates, who share information with prosecutors. Criminal Domestic Violence Courts may also have community-based advocates on site. These advocates can work closely with system-based advocates, and are able to maintain full confidentiality of any facts relayed by the victim.

Advocates ensure that victims know the status of their case as it proceeds, and are available to escort victims to meetings with the prosecutor or social service agencies. Having dedicated advocates, whether system-based or community-based, enables the court to provide a crucial link to safety for victims who face numerous hurdles due to isolation, limited transportation, and scarce resources.

5 Judicial and Court Staff Training

Judges presiding in Criminal Domestic Violence Courts should receive special training, which covers not only operational and legal matters pertaining to the Domestic Violence Court but also the dynamics of domestic violence and the impact of domestic violence on children. Court personnel, such as clerks and court security, should also attend train-

ings, ensuring that all individuals staffing a Criminal Domestic Violence Court are sensitive to the unique dynamics surrounding domestic violence

6 Community Partner Involvement

Criminal Domestic Violence Courts work closely with a network of stakeholders, including police, probation, prosecutors, defense counsel, lawyers for children, victim service agencies, children's services, batterers' programs, mental health services, and substance abuse treatment providers. It is critical that the court provide continuing forums for communication through regular meetings after implementation. These stakeholder meetings are an important avenue for information sharing and checking in; the meetings can also be a venue for ongoing education.

7 Outcomes

The active collection and analysis of data—measuring outcomes and process, costs and benefits—are crucial tools for evaluating the effectiveness of operations and encouraging continuous improvement. Public dissemination of this information can be a valuable symbol of public accountability. The Center for Court Innovation has developed a performance measure tool for Domestic Violence Courts that helps to evaluate outcomes in the areas of victim safety, case processing, offender accountability, and interaction with community agencies.

For More Information

Visit the Center for Court Innovation's National Domestic Violence Technical Assistance Program at www.courtinnovation.org/domestic-violence-technical-assistance

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