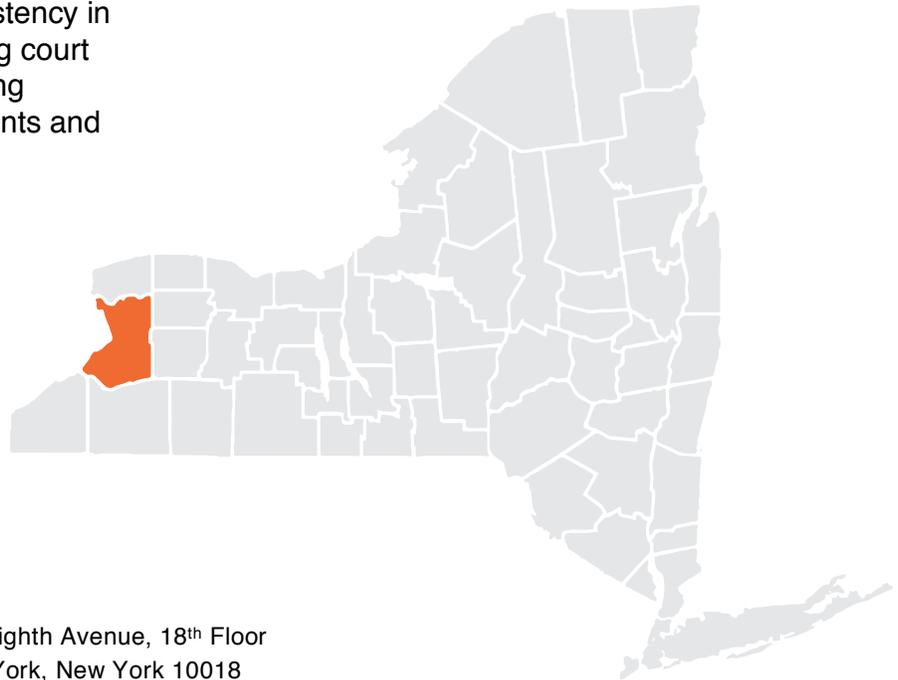


ERIE COUNTY INTEGRATED DOMESTIC VIOLENCE COURT

The Erie County Integrated Domestic Violence Court is a specialized part of New York State Supreme Court developed to better serve families in crisis. Integrated domestic violence courts are dedicated to the idea of "One Family-One Judge," allowing a single judge to hear related cases involving domestic violence complainants and their families. The court has changed the way the justice system treats families and children by promoting more informed judicial decision-making, creating consistency in orders of protection and reducing court appearances, as well as providing enhanced services to complainants and

ERIE COUNTY FELONY DOMESTIC VIOLENCE COURT

The Erie County Felony Domestic Violence Court was developed to hear all felony domestic violence cases in the county, seeking to promote justice while providing a comprehensive approach to case resolution, increasing offender accountability, ensuring complainant safety, integrating the delivery of social services and eliminating inconsistent and conflicting judicial orders.



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for
Court
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This fact sheet is part of a series describing Domestic Violence Mentor Courts. Selected by the Office on Violence Against Women, Mentor Courts share their expertise and assist other domestic violence courts in implementing promising practices and procedures, and building the capacity of state court systems to respond effectively to these difficult cases.

AT A GLANCE

Location of Court

Buffalo, New York

Type of Court

Integrated Domestic
Violence Court

Project Goals

- Increase informed judicial decision-making and efficient use of court resources through comprehensive information-sharing
- Enhance victim safety by considering family violence histories in decision-making and eliminating conflicting orders
- Provide social services and other resources to address litigant needs
- Improve confidence in the court system by reducing inefficiencies and litigation abuse
- Coordinate community response among justice system stakeholders

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COURT STAFF

- **Judiciary:** Erie County Integrated Domestic Violence Court has two Supreme Court justices presiding over the court
- **Judge's confidential law clerk:** assists the presiding judge with screening eligible cases for transfer to the Court, resolving operational and legal issues as needed, and conducts conferences on civil matters
- **Court attorney referee:** designated to work within Integrated Domestic Violence Court by the administrative judge to assist with conferences and hearings on civil matters. This court attorney referee is also the project coordinator for the 8th Judicial District and regularly assists with issues which may arise with implementation of integrated domestic violence protocols/procedures and domestic violence issues.
- **Resource coordinator:** coordinates linkage for litigants of court mandated programs, monitors compliance of offenders with court mandated programs to assist the judge with judicial monitoring of defendants; serves as a liaison to service providers and maintains quality control of service providers receiving court referrals

- **Court liaison:** a Supreme/County Court assistant, is responsible for coordinating eligible case identification and case screening for transfer of the cases to the Integrated Domestic Violence Court; the court Liaison coordinates the receipt of original case files from the originating courts to ensure they are received by the Integrated Domestic Violence Court in a timely fashion
- **Supreme and County Court clerks:** two clerks are designated to work in the Integrated Domestic Violence Court with the presiding judge—an additional Erie Supreme and County Court clerk is designated as the Integrated Domestic Violence Court clerk for Justice Montour (their back-ups are former Integrated Domestic Violence Court clerks); Integrated Domestic Violence Court clerk is responsible for maintaining the court calendar, preparing orders of protection that are immediately entered into the state’s Domestic Violence Registry and communicated to law enforcement, processing the orders signed by the judge, and updating and maintaining court records in case management systems that are involved with each specific case type
- **Judge’s secretary:** coordinates preparation and distribution of the integrated domestic violence transfer orders and scheduling notices for both integrated violence judges to the originating courts, attorneys and litigants involved in the cases and coordinating the court calendar
- **Court reporter:** assigned to each judge and maintains separate transcripts for each type of case called for integrated domestic violence case appearances
- **Court security officers:** received training in the handling of domestic violence cases and are also included in on-going trainings; due to the potential volatile nature of such proceedings and because there is always a criminal case component in integrated domestic violence cases, there are two New York State Court officers assigned to the Integrated Domestic Violence Court; have uniformed court personnel to check in litigants when they arrive at the courthouse, and direct them to the separate waiting areas for court proceedings
- **Other project partners:** community agencies provide services for litigants in the Integrated Domestic Violence Court for both the criminal and civil cases. These service providers include domestic violence advocates, domestic violence (batterer) programs, legal services agencies, parenting skills programs, substance abuse programs, mental health programs, veteran’s services, and supervised visitation programs

CASE MANAGEMENT

Types of cases: Criminal misdemeanor and felony cases, Family Court family offense petitions, custody/access petitions, child support petitions (heard by Integrated Domestic Violence Court support magistrate) and matrimonial/divorce cases.

Case identification, screening, and transfer: Related criminal, matrimonial and family court cases involving a single family may be eligible for transfer to the Court. Allegations of criminal domestic violence form the threshold requirement for entry into the integrated domestic violence part, with related cases in at least two of the three areas of law. Although the cases will all be

heard in the Integrated Domestic Violence Court part, each case will retain its individual integrity and will not be consolidated with the other cases involving the litigants.

A statewide Administrative Court Rule identifies eligible cases that can be transferred by the judge to the integrated domestic violence part of Supreme Court. The Administrative Court Rule further provides that transfer of cases to the Integrated Domestic Violence Court are made by issuance of an integrated domestic violence Transfer Order signed by the judge who has determined that the transfer of the matters to Integrated Domestic Violence Court would promote the administration of justice. Cases are preliminarily identified by the county attorney's office based on, primarily, the crime alleged and the offender's criminal history. The current offense must be a felony intimate partner violence offense. The offender must either have a prior felony conviction or a previous charge of a felony intimate partner violence offense and a conviction of any other offense arising out of the same circumstances.

Information sharing: All information received by the Integrated Domestic Violence Court is maintained pursuant to the same rules of confidentiality applicable to each case type. The Court receives information coordinated through the resource coordinator who has obtained HIPAA releases from litigants and maintains the information in confidential files in the Integrated Domestic Violence Court.

Schedule: The Erie County Integrated Domestic Violence Court is in operation Monday through Friday from 9 am - 5 pm.

COMMUNITY STAKEHOLDERS

Frequency of stakeholder meetings: Quarterly

List of stakeholders: Child and Family Services' Haven House Victim Services; Family Justice Center of Erie County; International Institute of Buffalo for immigrant and refugee litigants; Crisis Services; Catholic Charities Domestic Violence (batterer) Program, Center for Change Domestic Violence Program, Erie County District Attorney's office, Assigned Counsel Program, Legal Aid Bureau of Buffalo, Neighborhood Legal Services, Center for Elder Law and Justice; Children's Legal Center and 4th Department Attorneys for Children Panel; University at Buffalo Law School Family Violence Clinic; Erie County Probation Department; Catholic Charities Supervised Visitation Program; Pathways Supervised Visitation Program; substance abuse counseling programs; mental health counseling programs.

VICTIM SAFETY

Court security: Security screening of everyone who enters the courthouse is conducted by court security using metal detectors. The designated courtrooms have a secured victim waiting/conference room.

Due to the volatile nature of these proceedings and since there is always a criminal case component, at least two Erie County Sheriff's Deputies will be assigned to the IDV Court: one to be

present in the courtroom and the other to be stationed outside the courtroom in the waiting area to ensure that the parties are kept separate. An additional deputy provides floor security in the public areas. Additionally, victim advocates accompanying complainants may remain with them in the secured waiting room. This location is a secure, separate area which is not accessible by defendants. Court officers are also available to safely escort complainants from the courthouse.

Victim services: A community victim service agency provides full-time on-site victim advocacy for the Erie IDV Court. There are two onsite victim advocates with private secure offices within the courthouse to provide victim services for litigants in the Erie County IDV Court. Domestic violence counseling is also provided through this agency and includes counseling on the impact of domestic violence on children. These advocates coordinate with other community victim services including, but not limited to, the International Institute of Buffalo for immigrant/refugee populations, and Family Justice Center of Erie County which provides comprehensive free services for domestic violence victims and their children through an extensive collaboration with several partner agencies, including medical forensics, located at one secured location.

Supervised visitation: There are currently two supervised visitation programs available in Erie County that follow the standards developed by the National Supervised Visitation Network to promote safe and appropriate access for children who are impacted by the trauma of exposure to domestic violence.

Risk assessment: Ongoing risk assessment occurs in the IDV Court at every court appearance. In the criminal cases, the IDV Judge reviews the criminal history of the defendant, Domestic Violence Registry and is advised of any new arrests while the case is pending. In the civil cases, Erie County IDV Court Judge and Project Coordinator worked with the Center for Court Innovation and Unified Court System to develop a “Judicial Guide to Domestic Violence Risk Factors” for Family Court cases. This guide has been disseminated to Family Court Judges throughout New York State.

OFFENDER ACCOUNTABILITY

Compliance reviews: A key component of the Integrated Domestic Violence Court is offender accountability, accomplished by intensive judicial monitoring. Various studies have shown that judicial monitoring of defendants or respondents in domestic violence cases makes a significant difference in compliance with judicial mandates and reduces repeated instances of domestic violence. While ensuring on-going compliance with court orders, it also allows swift accountability when violations occur in efforts to promote victim safety. In the Erie Integrated Domestic Violence Court, judicial monitoring occurs throughout the pre-disposition period for both detained and released defendants, and post-disposition for domestic violence offenders.

Whenever appropriate, required attendance at mandated domestic violence (batterer) program with duration of up to 52 weeks, is imposed as a sanction for domestic violence crimes. The judge closely monitors attendance and behavior of defendants/respondents, scheduling follow-up court

appearances are consistent with the level of compliance, and provides timely imposition of appropriate sanctions, if necessary. The mandates may also include enforcement of payment of child support, supervised visitation, parenting skills programs, substance abuse, and mental health counseling. Compliance with terms of orders of protection is also monitored by the Integrated Domestic Court.

Compliance is monitored by the judge with the assistance of the resource coordinator within a separate compliance calendar which is held at the beginning of each integrated domestic violence session. Protocols have been established with community service providers to provide information to the Court on a regular basis. Additionally, the Erie County Probation Department monitors defendants who have been convicted of misdemeanor or felony crimes of domestic violence. Dedicated probation officers have been assigned to work with domestic violence offenders in the Integrated Domestic Violence Court and regularly communicate with the resource coordinator to report any non-compliance.

In the beginning stages of monitoring, a defendant will be required to report back to the Court within two weeks to determine compliance with court mandates. If an offender remains compliant with the Court's directives after several appearances, the Court may extend the time for the offender's next return date to court. If an offender is non-compliant, they will be directed to return to court immediately on notice to their defense attorney. Non-compliance may result in more severe sanctions including incarceration. In most cases compliance monitoring will continue for up to 52 weeks from the date of sentencing.

Offender services: Domestic violence offenders are mandated to attend domestic violence (batterer) programs for up to 52 weeks in either criminal or civil matters. These programs include information about the impact of partner violence on the adults but also on their children. Additional mandates from the Court may include completion of mental health and/or substance abuse evaluations and compliance with recommended treatment, access through supervised visitation programs, and parenting skills programs.

LEGAL SERVICES

Indigent criminal defendants are represented either by the Assigned Counsel Program or Legal Aid Bureau of Buffalo. A specialized panel of attorneys has been developed by the Assigned Counsel Office for integrated domestic violence cases so that one attorney may be able to represent a defendant in both the criminal and family court matters. In family law cases, the Assigned Counsel Program and Legal Aid Bureau of Buffalo represent both victims and offenders and the Legal Aid Bureau of Buffalo represents indigent litigants in matrimonial matters.

Neighborhood Legal Services and the University of Buffalo Law School Family Violence Clinic also provide legal representation to victims of domestic violence in family law cases.

Children are appointed attorneys in family law cases and are represented by an Attorney for children from the Fourth Department Law Guardian Panel as well as the Children's Legal Center. All Attorneys for Children are required to receive training on domestic violence issues.

TRAINING

Court staff and stakeholders have participated in training that includes:

- *New Developments in Addressing the Legal and Social Issues Impacting Family Violence Cases*
- *Impact of Domestic Violence on Children's Brain Development*
- Domestic violence training on firearms issues for Town and Village Court Judges
- Integrated Domestic Violence Court process
- Domestic Violence dynamics for court employees
- *NJIDV Comings and Goings* exercise for judges and court employees
- Hosted site visit for Canadian delegation developing their IDV Court

AT A GLANCE

Location of Court

Buffalo, New York

Type of Court

Criminal Felony Domestic Violence Court

Project Goals

- Hire and train dedicated personnel from court, prosecution, defense, Probation, offender intervention programs, and victim service agencies who are educated on the issues surrounding domestic violence
- Improve case information flow among partner agencies to improve judicial decision making and partner agency operations
- Emphasize defendant monitoring and offender accountability
- Enhance victim safety through protection and services for complainants

ERIE COUNTY FELONY DOMESTIC VIOLENCE COURT

The Erie County Felony Domestic Violence Court was developed to hear all felony domestic violence cases in the county, seeking to promote justice while providing a comprehensive approach to case resolution, increasing offender accountability, ensuring complainant safety, integrating the delivery of social services and eliminating inconsistent and conflicting judicial orders.

COURT STAFF

- **Judiciary:** Erie County Felony Domestic Violence Court has a designed Supreme Court Justice who presides over this court as well as the Erie County Integrated Domestic Violence Court; the integrated domestic violence back-up judge also serves as the back-up Felony Domestic Violence Court judge
- **Judge's confidential law clerk:** assists the presiding judge with operational and legal issues as needed
- **Resource coordinator:** coordinates information concerning compliance with court mandates between the Erie County Felony Domestic Violence Judge and Erie County Probation Department for defendants who are sentenced to probation in this court; also responsible for linkage to and receiving compliance reports from court mandated programs for any defendants who are not sentenced to probation; assists the judge with judicial monitoring by preparing reports for the judge to review concerning status of defendant's compliance with court mandates for each scheduled compliance review date and timely notifies the judge when defendant is not compliant; serves as a liaison to service providers and maintains quality control of service providers receiving court referrals
- **Erie Supreme and County Court clerk:** one designated to work in the Felony Domestic Violence Court

and is responsible for maintaining the court calendar, preparing orders of protection that are immediately entered into the state Domestic Violence Registry and communicated to law enforcement, processing orders signed by the judge, and updating and maintaining court records in the criminal case management systems

- **Court security officers:** due to the potential volatile nature of these proceedings, there are two New York State Court officers assigned to the Erie County Felony Domestic Violence Court; security officers receive training in the handling of domestic violence cases and are also included in on-going trainings

CASE MANAGEMENT

Types of cases: All indicted and pre-indicted domestic violence felony cases in Erie County, New York are heard in the Erie County Felony Domestic Violence Court.

Case identification, screening, and transfer: The Erie County District Attorney's office identifies all of the felony cases throughout Erie County which involve domestic violence and assign these cases to their Domestic Violence Bureau for prosecution. The District Attorney's office also gives the case their indictment number with a "D" for identification. This information is transmitted to the Erie County Supreme and County Clerks' Office which based upon the "D" designation assigns the case to the Erie County Felony Domestic Violence Court Judge.

Information sharing: The Erie County Felony Domestic Violence Court receives information through coordination between the Erie County Probation Department and the Resource Coordinator, who receives information on behalf of the Erie County Felony Domestic Violence judge. All information received by the Erie County Felony Domestic Violence Court is maintained pursuant to the rules of confidentiality applicable to criminal cases. The Felony Domestic Violence Court judge receives information coordinated through the resource coordinator who has obtained HIPAA releases from litigants and maintains the information in confidential files in the Erie County Felony Domestic Violence Court.

Schedule: The Erie County Felony Domestic Violence Court is in operation Monday through Friday from 9 am - 5 pm.

COMMUNITY STAKEHOLDERS

Frequency of stakeholder meetings: Quarterly

List of stakeholders: Child and Family Services' Haven House Victim Services; Family Justice Center of Erie County; International Institute of Buffalo for immigrant and refugee complainants; Crisis Services; Catholic Charities Domestic Violence (batterer) Program, Center for Change Domestic Violence Program, Erie County District Attorney's office, Assigned Counsel Program, Legal Aid Bureau of Buffalo; Erie County Probation Department; substance abuse counseling programs; mental health counseling programs; veteran's services.

VICTIM SAFETY

Court security: Security screening of everyone who enters the courthouse is conducted by court security using metal detectors. The designated courtrooms have a secured victim waiting/conference room. Due to the volatile nature of these proceedings and since there is always a criminal case component, at least two Erie County Sheriff's Deputies will be assigned to the Erie County Felony Domestic Violence Court: one to be present in the courtroom and the other to be stationed outside the courtroom in the waiting area to ensure that the parties are kept separate. An additional deputy provides floor security in the public areas.

Victim advocates accompanying complainants may remain with them in the secured waiting room. This location is a secure, separate area which is not accessible by defendants.

Court officers are also available to safely escort complainants from the courthouse.

Victim services: A community victim service agency provides on-site victim advocacy for the Erie County Felony Domestic Violence Court. There is an onsite victim advocate with a private secure office within the courthouse to provide victim services for litigants in the Erie County Felony Domestic Violence Court. Domestic violence counseling is also provided through this agency and includes counseling on the impact of domestic violence on children. These advocates coordinate with other community victim services including, but not limited to, the International Institute of Buffalo for immigrant/refugee populations, and Family Justice Center of Erie County which provides comprehensive free services for domestic violence victims and their children through an extensive collaboration with several partner agencies, including medical forensics, located at one secured location.

Risk assessment: Ongoing risk assessment occurs in the Erie County Felony Domestic Violence Court at every court appearance. The Felony Domestic Violence Judge reviews the criminal history of the defendant, Domestic Violence Registry and is advised of any new arrests while the case is pending.

OFFENDER ACCOUNTABILITY

Compliance reviews: A key component of the Erie County Felony Domestic Violence Court is offender accountability, accomplished by intensive judicial monitoring. Various studies have shown that judicial monitoring of defendants in domestic violence cases makes a significant difference in compliance with judicial mandates and reduces repeated instances of domestic violence. While ensuring on-going compliance with court orders, it also allows swift accountability when violations occur in efforts to promote victim safety. In Erie County Felony Domestic Violence Court, judicial monitoring occurs throughout the pre-disposition period for both detained and released defendants, and post-disposition for domestic violence offenders.

Whenever appropriate, required attendance at mandated domestic violence (batterer) program with a duration of up to 52 weeks, is imposed as a sanction for domestic violence crimes. The judge closely monitors attendance and behavior of defendants, scheduling follow-up court

appearances consistent with the level of compliance, and provides timely imposition of appropriate sanctions, if necessary. The mandates may also include enforcement of payment of child support, parenting skills programs, and substance abuse and mental health counseling. Compliance with terms of orders of protection is also monitored.

Compliance is monitored by the Felony Domestic Violence Court judge with the assistance of the resource coordinator within a separate compliance calendar. A majority of the Felony Domestic Violence Court offenders are sentenced to incarceration or to probation monitoring. The Erie County Probation Department is assigned to monitor defendants who have been convicted of misdemeanor or felony crimes of domestic violence. Dedicated probation officers have been assigned to work with domestic violence offenders in the Erie County Felony Domestic Violence Court and regularly communicate with the Court's resource coordinator to report any non-compliance that may occur before the compliance review date. Probation violations are also filed by probation officers and are heard before the Erie County Felony Domestic Violence judge. Protocols have also been established with community service providers to provide information to the court on a regular basis for those offenders who have not been sentenced to probation but have received court mandates. This information is reported directly to the Erie County Felony Domestic Violence Court through the resource coordinator.

Offenders who are not in custody and have been sentenced to probation will be reporting to both the Erie County Probation Department as directed, and to the judge to monitor compliance with court mandates. In the beginning stages of monitoring, a defendant will be required to report back to the Felony Domestic Violence Court within two weeks to determine compliance with court mandates. If an offender remains compliant with the Court's directives after several appearances, the Court may extend the time for the offender's next return date to court. If an offender is non-compliant, they will be directed to return to court immediately on notice to their defense attorney. Non-compliance may result in more severe sanctions including incarceration. In most cases compliance monitoring will continue for the duration of the probation period. If the defendant has not been sentenced to probation, compliance monitoring will continue for up to 52 weeks from the date of sentencing.

Offender services: Domestic violence offenders are mandated to attend domestic violence (batterer) programs for up to 52 weeks in the criminal case. These programs include information about the impact of partner violence on the adults but also on their children. Additional mandates from the Court may include completion of mental health and/or substance abuse evaluations and compliance with recommended treatment, and parenting skills programs.

LEGAL SERVICES

Indigent criminal defendants are represented by the Assigned Counsel Program, or Legal Aid Bureau of Buffalo.

TRAINING

Court staff and stakeholders have participated in training that includes:

- *New Developments in Addressing the Legal and Social Issues Impacting Family Violence Cases*
- *Impact of Domestic Violence on Children's Brain Development*
- Domestic violence training on firearms issues for Town and Village Court Judges
- Integrated Domestic Violence Court process
- Domestic Violence dynamics for court employees
- *NJIDV Comings and Goings* exercise for judges and court employees

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