

AT A GLANCE

Location of Court

Coeur D'Alene, Idaho

Type of Court

Criminal Domestic Violence Court

Project Goals

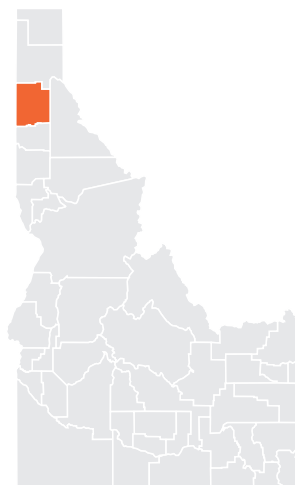
Improve the criminal justice systems response to domestic violence through a centralized handling of all misdemeanor domestic violence cases with specialized staff; increase stakeholder communication and effectiveness; and identify and address barriers that challenge effective and efficient Domestic Violence Court operations

Enhance victim-survivor safety by coordinating assistance, resources, and referrals to comprehensively address the needs of victim-survivors; collaborate with community agencies to enhance coordination of resources; and provide on-site non-governmental victim-survivor advocacy

Increase offender accountability through enhanced monitoring with judicial review hearings and a dedicated probation officer and provide comprehensive intervention to address domestic violence, substance abuse, and mental health concerns

KOOTENAI COUNTY DOMESTIC VIOLENCE COURT

The Kootenai County Domestic Violence Court provides a centralized process for handling criminal misdemeanor domestic violence cases. The court provides increased offender accountability through judicial review hearings and a dedicated probation officer, as well as enhanced victim-survivor safety by providing on-site governmental and non-governmental victim-survivor advocacy. The infrastructure provides enhanced information sharing related to offender risk, victim-survivor safety, inconsistent orders, and offender compliance. This highly successful court is in a small jurisdiction with a single judge, probation officer, court coordinator and limited funding and resources. Collaboration requires an intensive effort and active participation from all stakeholders to ensure an effective community response to domestic violence. It really is about having the right people at the table and the integrity they bring with them.



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.

COURT STAFF

A dedicated team of prosecutors, victim witness coordinators, public defenders, family law attorneys, law enforcement, non-governmental advocates, and assigned staff with training on domestic violence issues is essential to the effective operation of the Domestic Violence Court. Because the same judge, prosecutors, and probation officer handle all domestic violence cases in the jurisdiction, these individuals gain expertise in domestic violence issues, ensuring greater consistency in the processing of these cases.

- **Domestic Violence Court Judge:** handles all criminal misdemeanor domestic violence cases. The presiding judge provides overall leadership for the Court as well as the Domestic Violence Court Implementation and Oversight Team.
- **Specialized Domestic Violence Probation Officer(s):** with domestic violence training and familiarity with domestic violence court procedures provides supervision of people who cause harm to enforce compliance with terms of probation and refer individuals to services. The probation officer(s) attends and participates in training and assists with implementation and evaluation to support effective operations. The dedicated probation officer(s) attends review hearings and provides regular status reports to the court. Probation also participates on the Implementation and Oversight Team.
- **Domestic Violence Court Coordinator:** provides case coordination, assists with judicial monitoring, and facilitates information-sharing and collaboration among key stakeholders. The Coordinator collaborates with victim witness coordinators, advocacy agencies, treatment providers, domestic violence evaluators, and other community providers to expand resources for **victim-survivors**. The Coordinator identifies gaps in a coordinated response and establishes, expands, and enhances resources for the Domestic Violence Court to support **victim-survivor** safety and autonomy. This position also acts as a liaison between the Court and court personnel, advocates, community providers, evaluators, law enforcement, and the community to enhance communication and collaboration. The Coordinator maintains contact with intervention providers to track and report compliance through an online system. In addition, the Coordinator assists outlying/rural counties in the district by identifying points of contact for **victim-survivor** services, identifying and developing resources, working with intervention and treatment providers and probation on information-sharing related to compliance, and assisting courts in maintaining consistency in the disposition of domestic violence cases. This position is funded through OVW Justice for Families grant funds.

- **Prosecuting Attorneys:** assigned to the Domestic Violence Court attend all hearings. They attend and participate in training and assist with implementation and evaluation to support the effectiveness of the Domestic Violence Court. Prosecutors work with other team members to establish written policies and procedures for the Domestic Violence Court. They also participate on the Implementation and Oversight Team.
- **Public Defense Attorneys:** assigned to the Domestic Violence Court attend all hearings. They attend and participate in training and assist with implementation and evaluation to support the effectiveness of the Domestic Violence Court. The Public Defender's Office works with other team members to establish written policies and procedures for the Domestic Violence Court and participates on the Implementation and Oversight Team.
- **Victim Witness Coordinators (VWC):** are system-based advocates who work for the prosecuting attorney's office or law enforcement agencies assigned to the Domestic Violence Court and attend all hearings. The VWC ensures the victim-survivor is notified of their rights and provides information and assistance with applying for compensation and requesting restitution. The VWC educates victim-survivors regarding laws, explains civil standbys and the protection order process, and helps them understand the court process. The VWC prepares the victim-survivor or witness for upcoming court hearings and educates them on the statewide jail release notification system. The VWC refers victim-survivors to community-based advocates and other appropriate resources and evaluates lethality in each case. They participate in training as well as the Implementation and Oversight Team.
- **Family Court Services (FCS):** supports the Domestic Violence Court. They attend and participate in training and assist with implementation and evaluation to support the Court's effectiveness. FCS provides support and assistance to the Coordinator when needed. FCS works closely with the Coordinator to coordinate civil cases and services for all members of a family involved in or impacted by domestic violence. FCS assists the Coordinator with fiscal budget development and other administrative matters. FCS also participates on the Implementation and Oversight Team.

CASE MANAGEMENT

Types of cases: All Kootenai County domestic violence assault and battery cases in this small jurisdiction under Idaho Code Title 18 Chapter 9, are assigned to the Domestic Violence Court, including all County-filed cases and municipality prosecutorial agencies. Felony charges of attempted strangulation or domestic assault and battery, which are resolved by an amendment to

a misdemeanor, are assigned to the Domestic Violence Court. The Domestic Violence Court is mandatory for misdemeanor domestic assault and battery cases regardless of an amendment or a reduced charge. Any subsequent misdemeanor cases for a defendant when under the jurisdiction of the Domestic Violence Court are assigned to the Court to promote consistent and effective justice.

Case identification, screening, and transfer: The clerk at arraignment sets all misdemeanor domestic violence cases for first appearance in Domestic Violence Court. Felony charges amended to a misdemeanor domestic violence are assigned to Domestic Violence Court at plea for sentencing and judicial monitoring.

Information-sharing: The judge has access through a statewide case management system (Odyssey) to information concerning all related cases, and consults with judges assigned to hear the related cases involving the same party and/or family for the purpose of case management and coordination of the case. The Domestic Violence Court Coordinator meets with the judge regularly and organizes coordinated projects and trainings. The Coordinator is responsible for communicating with evaluators, intervention and treatment providers, and probation officers before review hearings and obtaining evaluations, progress reports from providers and probation, and other information for the judge to review. The Coordinator works in the courtroom during review hearings, which enhances personal relationships with probation and the providers who attend the hearings. The Coordinator also collaborates with attorneys and advocates on a regular basis.

Schedule: Domestic violence sentencings and review hearings are set at least twice a month.

Caseload: 180

COMMUNITY STAKEHOLDERS

Ongoing collaboration between victim-survivor service agencies, treatment and intervention providers, domestic violence evaluators, law enforcement, and other community stakeholders who represent or have ongoing relationships with victim-survivors and people who cause harm is critical to ensure the successful and effective operation of the Kootenai County Domestic Violence Court.

- Safe Passage, the local community-based advocacy agency, provides on-site victim-survivor advocacy in criminal domestic violence cases. Safe Passage provides a part-time on-site advocate at Domestic Violence Court Hearings. This position is funded through

OVW Justice for Families grant funds. The advocate offers confidential services such as safety planning, crisis intervention, and referrals.

- Domestic Violence Evaluators conduct risk assessment and evaluations addressing victim-survivor safety, dangerousness, risk for recidivism, as well as intervention and treatment recommendations for sentencing.
- Highly skilled Domestic Violence Abusive Partner Intervention Programs and other community providers offer quality services and comprehensive communication related to progress to the court.

Frequency of stakeholder meetings: The Domestic Violence Court Implementation and Oversight Team meets at least quarterly to review Domestic Violence Court procedures, identify any continued gaps, and address challenges.

List of stakeholders: The Domestic Violence Court Implementation and Oversight Team (Team) serves as the advisory/consulting committee to the Domestic Violence Court. The Team was instrumental during the planning phase of the Domestic Violence Court in identifying current gaps and establishing local court protocols and procedures consistent with Idaho Domestic Violence Court Policies and Guidelines. The Team consists of the presiding Domestic Violence Court Judge, the Domestic Violence Court Coordinator, prosecuting attorneys, victim witness coordinators, defense attorneys, probation officers, family law attorney, law enforcement, non-governmental advocates, and the Family Court Services District Manager.

VICTIM-SURVIVOR SAFETY

Court security: Upon entry, all persons must clear courthouse security. Bailiffs ensure that victim-survivors leave at a separate time to minimize the risk of conflict inside or outside the courthouse. Bailiffs will escort victim-survivors outside the courthouse if requested.

Risk assessment: Assessing risk is crucial to the court in responding to requests to modify or dismiss no contact orders, as well as in deciding appropriate sentencing, monitoring, and domestic violence intervention or other treatment needs. Formal domestic violence evaluations are required by an evaluator on the Idaho Supreme Court roster (Idaho Court Administrative Rule 75). Mental health and substance abuse evaluations may also be necessary for individual success. The greatest predictor of future violence is past violence, so a comprehensive history is important, including a statewide and national criminal background check. In addition, a quality evaluation reflects an efficient use of proven objective tools as well as effective interview techniques. The evaluation must address safety, lethality, and risk for recidivism, while meeting the requirements of Idaho Criminal Rule 33.3. Domestic violence evaluations provide the judge

with information related to level of risk, level of stability with respect to mental health and substance abuse, and intervention and treatment recommendations to determine a sentence and probation plan for the person causing harm.¹

Victim-survivor Services: The Kootenai County Domestic Violence Court is designed to promote access to services and safety planning for victim-survivors as early as possible in the legal process. This does not mean that the court acts as a direct service provider, but rather that the structure of the court contains avenues for comprehensive service provision and safety planning to occur. Victim-survivors have access to a victim witness coordinator to assist with hearing notices, helping victim-survivors to understand court procedures, dispositions, and conditions of no contact orders. A non-governmental advocacy agency provides an on-site advocate at all hearings. The advocate provides access to confidential services such as safety planning, crisis intervention, emotional support, referrals to shelters, and relocation assistance.

ACCOUNTABILITY AND ENGAGEMENT

Compliance: Judicial monitoring (review hearings) is one of the pillars of the domestic violence court model. Review hearings assist the courts' work toward victim-survivor safety and accountability for people who cause harm, including compliance with court orders. At sentencing, the judge reviews all conditions of the judgement and other requirements, including the no contact order, any treatment or intervention requirements, terms of probation, and the expectation of judicial monitoring to review compliance. Immediate consequences for violations and non-compliance are important to increase accountability. Prompt recognition of progress encourages other positive steps and can enhance engagement. While sanctions are important, positive incentives (verbal praise or reduced hearing appearances) also play an important role in changing behavior. It truly is about the right balance of support and accountability to promote success in intervention, probation, and life.

Effective calendar management is used to ensure regular and frequent review hearings based on risk and/or need. Noncompliance may result in more frequent appearances and monitoring. People who cause harm who are in compliance with all conditions for several months may be permitted to come to court less frequently. Tailoring the frequency of court appearances to compliance is an effective sanction and reward response.

It is important to ensure enhanced supervised probation requirements and monitoring for people who cause harm. This includes immediate assignment of a probation officer (at the earliest

¹ The authors use people-first language. "Victim-survivor" refers to the person being harmed, and "people who cause harm" to the person causing harm through IPV/coercive control.

possible time) as well as, at a minimum, an intake meeting, drug and alcohol testing, immediate referral to treatment/intervention and evaluations, GPS/SCRAM monitoring (if appropriate/needed), home visits, and intense monitoring of compliance with court orders. The domestic violence probation officer is present at judicial review hearings to ensure timely responses to both positive and negative behavior by a person causing harm and can assist the court in developing appropriate requirements for each probationer. Review hearings are used to address barriers to compliance prior to the filing of a probation violation when possible. The domestic violence probation officer will file an affidavit in support of a probation violation once other attempts to gain compliance are unsuccessful.

Services for People Who Cause Harm: People who cause harm receive intervention based on assessed risk and needs. Providers are trained and supervised to deliver a continuum of evidence-based interventions, such as Domestic Violence-Moral Reconciliation Therapy, and other effective programs that are grounded in research. They utilize evidence-based practices and professional literature to guide service delivery. Abusive partner intervention programs are required to follow the Idaho Council on Domestic Violence Minimum Standards for Domestic Violence Offender Intervention Programs. Providers submit detailed progress reports regularly to probation and the court. Substance abuse and mental health treatment are not substitutes for abusive partner intervention though they may be necessary components of successful recovery. If the initial or ongoing evaluation of a person causing harm indicates co-occurring mental health issues or substance use concerns, this is reported to probation and the court through the domestic violence evaluation or the provider's progress report.

TRAINING

Training contributes to the effective operation of the Domestic Violence Court, best practices that do not compromise victim-survivor safety, and enhancing the knowledge of community providers regarding domestic violence and victim-survivor needs. Training enhances judicial skills and increases court personnel's knowledge and understanding of the dynamics involved in domestic violence cases. Trainings related to domestic violence in Kootenai County are well attended. Continuing education credits for attorneys, law enforcement, and counselors/providers are offered. The court also supports judges, clerks, and other court-based staff in attending trainings. All project partners have committed to attending all trainings offered through the Domestic Violence Court on an ongoing basis.

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