

AT A GLANCE

Location of Court

St. Cloud, Minnesota

Type of Court

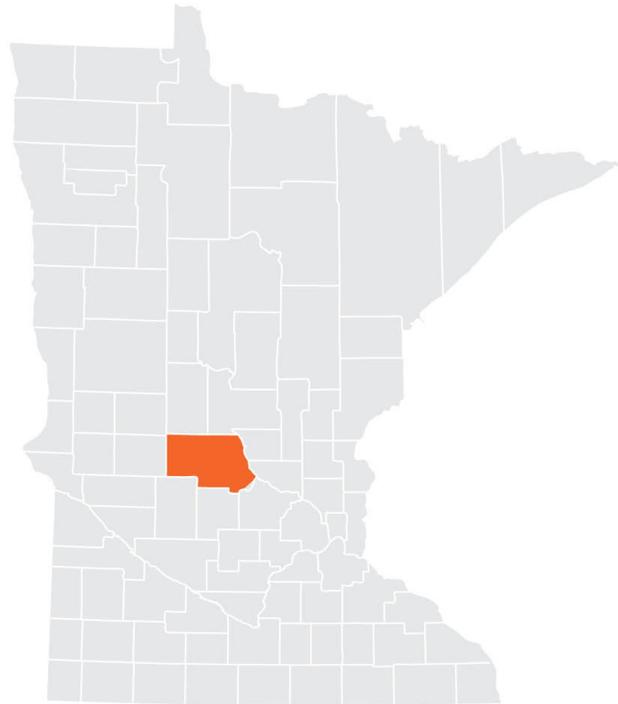
Criminal – All Felony
Domestic Violence Court

Project Goals

- Increase offender accountability
- Enforce the court's pretrial and probation orders of release
- Reduce the time from charging to trial
- Provide holistic support, care, and safety for victims including legal aid representation
- Increase victim trust and confidence in the criminal justice system
- Break the generational cycle for children in the household
- Stop the violence

STEARNS COUNTY REPEAT FELONY DOMESTIC VIOLENCE COURT

The Stearns County Repeat Felony Domestic Violence Court (DVC) handles serious repeat felony offenders from the time of arrest through either commitment to prison or through probation supervision.



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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.

COURT STAFF

- **Judges:** two judges are assigned to the Domestic Violence Court (DVC). They hear cases interchangeably in the early stages of prosecution. Both are active in staffing cases and oversight of all court operations.
- Full-time specialized **probation agent:** addresses rule violations at weekly court compliance hearings or before by requesting immediate custodial arrest; actively participates in monitoring offenders' treatment and employment or education searches
- **DVC victim assistance coordinator:** increases offender accountability by collecting and coordinating statements, jail phone call recordings, and past and present police reports for evidence-based (not victim-testimony-dependent) prosecutions
- **Surveillance agent:** dedicated to the DVC caseload: enforces court orders through intensive 24/7 surveillance, including extensive law enforcement interaction, random testing and whereabouts checks, mobile technology, a police radio, a "whereabouts" line for supervisees, and constant coordination with the jail, the DVC victim assistance coordinator, the specialized probation agent, and patrol officers
- **Prosecutor:** has dedicated time to this caseload, relies less on victim involvement and more on experts, information, and technology
- **Public defender:** provides representation to offenders in criminal cases
- Full-time **Legal Aid attorney:** provides representation to victims for child support, child custody, orders for protection, housing, consumer credit, disability/health care, and other individual types of legal help

CASE MANAGEMENT

Types of cases: The DVC hears adult felony domestic violence/intimate partner violence cases. Murder and attempted murder are excluded. The DVC capacity is 30-40 offenders.

Case identification, screening, and transfer: 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 have either: 1) a prior felony conviction; or have 2) a previous charge of a felony intimate partner violence offense and a conviction of any other offense arising out of the same circumstances.

Once an offender is preliminarily eligible, screening for entry into DVC is done by the DVC prosecutor, Community Corrections (probation), and the victim assistance coordinator from the county attorney's office. Screening criteria include residency, length and history of the relationship with the victim, and the number of offenders currently in DVC. Following screening, the court holds a DVC eligibility hearing. This usually takes place within a few days following the suspect's arrest. All intimate partner violence offenders are held for arraignment before release so that conditions of release including no contact orders are in place in all cases.

Information sharing: Information on the offender and the victim is generally shared between staff at the battered women's shelter, Legal Aid, and the DVC victim assistance coordinator. The

information the county attorney's office receives from the victim is not confidential and the victims are made aware that it will be shared. Legal Aid attorneys and advocates at the battered women's shelter do not share information unless their clients give them permission to do so.

Schedule: The DVC is held every Thursday afternoon in front of one of the assigned DVC judges. Staffing occurs prior to court proceedings and includes both judges, prosecutor, public defender, probation agent, and surveillance agent. The calendar includes off-the-record compliance hearings as well as on-the-record hearings that include pre-trial hearings and formal violations of probation or pre-trial release conditions.

COMMUNITY STAKEHOLDERS

Frequency of stakeholder meetings: Meetings take place regularly, usually every four to six weeks.

List of stakeholders: The county attorney's office staff, sheriff/jail, child protection, corrections, law enforcement agencies, the local battered women's shelter, Legal Aid, court administration, the public defender's office, and the judges.

VICTIM SAFETY

Court security: The courthouse features a single point of entry and armed deputies at the entrance; personal items are screened and those entering must pass through a metal detector. Victims are seated separately from the offender's family/friends. Cases are staffed prior to court—security concerns can be raised then.

Law enforcement: All officers in the county are trained on the dynamics of intimate partner violence. They conduct lethality assessments in conjunction with the battered women's shelter, which has staff who come to the scene of domestic violence calls when requested by law enforcement.

Risk assessment: The Lethality Assessment Protocol is used by street officers as well as our battered women's shelter at the scene of domestic violence calls. The county attorney's office also uses the Danger Assessment Tool by Jacqueline Campbell to facilitate conversation about the victim's living situation and assist in the safety planning process.

Victim services: Services include risk/lethality assessment; safety planning; emergency housing and long-term shelter; emergency funds; victim reparations; information on upcoming change in the custody status of a jailed offender; updates on the status of the criminal case and opportunity to provide input; meetings with the prosecutor; any/all civil legal needs of the victim provided by Legal Aid at no cost to the victim; any other applicable public benefit; art therapy for children; group discussion/counseling groups; and a pet shelter at the battered women's shelter.

Victims are connected to these services via staff at the battered women's shelter, Legal Aid, or the DVC victim assistance coordinator. The staff members of these three organizations are in daily

contact regarding victims' needs. In addition, through the Children's Response Initiative, one and one-half full time equivalent trauma-informed social workers focused on child victims and witnesses of intimate partner violence are co-located in the largest police agency.

OFFENDER ACCOUNTABILITY

Compliance reviews: The DVC probation agent and the DVC surveillance agent meet often with offenders through scheduled office visits and unannounced home visits to check for compliance with program rules and conditions. Compliance hearings are held weekly. Any violations of pre-trial release and probation conditions are handled formally and through the court process. When the violation implicates public safety, the DVC probation agent may issue an order to apprehend and detain (A&D order) an offender or the court may issue a warrant for the offender's arrest. There are no informal sanctions.

Offender services: Every offender convicted of a domestic assault in Minnesota is required to complete batterer's intervention programming. Probation agents are trained in motivational interviewing and cognitive/behavior-based therapy is used when appropriate. Generally, offenders are court-ordered to complete chemical dependency and mental health evaluations and treatment if these issues relate to the charged offense. Depending on case circumstances, the court or child protection facilitate the connection to supervised visitation services.

LEGAL SERVICES

One full-time Legal Aid attorney represents all victims of intimate partner violence whose abuser was admitted to DVC. This includes any and all legal needs. There is no fee required and no time limit on the services. One public defender ensures offender rights are protected. The battered women's shelter also provides assistance and support with applications for orders for protection.

TRAINING

The DVC has sponsored or provided training that includes:

- Detection and Investigation of Strangulation
- Dynamics of Domestic Assaults
- Annual law enforcement training on a number of topics including on-scene risk assessments and administering the Lethality Assessment Protocol
- Statewide multidisciplinary conference on Adverse Childhood Experiences
- Many national presentations on systemic change in justice systems.

Specialized training received by the DVC includes:

- Site visits to domestic violence courts in NY
- Annual domestic violence conferences through various national organizations
- National summits on intimate partner violence and abuse through the National District Attorney's Association

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