

Introduction

National research shows that more and more jurisdictions across the country are implementing domestic violence court systems. While there is great diversity in what these court systems look like and how they operate, they all have similar goals: enhance victim safety, hold offenders accountable, and administer justice fairly to all parties.

Here in Illinois, as this report reflects, the trend for establishing domestic violence court systems has been quite strong. There are nearly twenty domestic violence court systems across the state, and many more jurisdictions are considering developing such systems.

History and Origins of the Project

The idea for the Domestic Violence Court System Project arose in 1996, three years after the creation of the Illinois Family Violence Coordinating Councils (IFVCC). For the most part, the development of domestic violence courts was a trend that emerged with the formation of the first several local councils. The project resulted from the systems questions of the local councils who were seeking guidance as they began to implement domestic violence courts. What was especially notable about this trend was that it involved more than just the courts; it mirrored the multi-disciplinary nature of the councils. Local jurisdictions brought together the Judiciary, State's

Quotes from the Domestic Violence Court System Project Interviews

"Domestic violence is a community problem. Every part of the system has to come together to make it work."

"The domestic violence court, because of its nature, reverberates through the entire building."

Attorney's Office, Law Enforcement, Domestic Violence Advocates, Partner Abuse Intervention Programs, Public Defender's Office, Probation, and Circuit Clerk's Office to create specialized approaches to address the higher profile of domestic violence cases, generally, and the increasing volume of domestic violence cases, specifically.

Buzz circulated and questions were raised: What were these new courts? How were they set up? What did they involve? What worked well and what were the challenges? The IFVCC staff realized that the best way to answer these questions was to visit each domestic violence court system, interview the key players in the system, document what was said, and most importantly coordinate a statewide network of domestic violence court system personnel. This network could provide information and support to each other as well as informational and educational opportunities. The IFVCC Court Structure Committee was asked to host, advise, and guide the project, which it readily accepted. And thus, the Domestic Violence Court System Project was born.

Purpose of the Project

Interviewing Domestic Violence Court Systems

A goal of the project was to learn about and describe the domestic violence court systems in Illinois. This was accomplished by conducting site visits and meeting with the individuals involved in the domestic violence courts and surrounding system. The outcomes of the site visits were to learn how the different domestic violence court systems originally developed, how they operated, and to identify effective procedures and practices. This information could help existing domestic violence court systems improve by learning what other jurisdictions were

doing, thereby generating new ideas for their own systems. Additionally, jurisdictions that were contemplating creating a domestic violence court system could benefit by learning what key elements contribute to the success of such a system.

Creating a Learning Network

Another goal of the project was to create a learning network of domestic violence court system professionals that would facilitate the sharing of information. A key feature of the learning network would be annual roundtables for the domestic violence court professionals. These would serve as a forum to exchange information and best practices, engage in problem-solving dialogue, and lay a foundation for future networking and information exchanges on operating and implementing domestic violence court systems.

The Process

The first task of the Court Structure Committee was to identify jurisdictions with domestic violence courts. Because of the interdisciplinary and broad geographic representation on the Committee, a list of jurisdictions was quickly formed and interviewed in the following order:

The Process, cont.

- ◆ Kankakee County
- ◆ Will County
- ◆ Lake County
- ◆ Kane County
- ◆ 6th Municipal District of Cook County*
- ◆ Madison County
- ◆ Sangamon County
- ◆ La Salle County
- ◆ DuPage County
- ◆ Champaign County
- ◆ St. Clair County
- ◆ Peoria County

** Please note: Because of the unique nature of the Cook County court system and because each municipal district has developed*

“The domestic violence court system will not work unless there is constant training, review, and a strong accountability message from the head leadership.”

“We wanted to see if the

a domestic violence court since the onset of this project, the Committee has decided to hold a Cook County-only roundtable after each municipal district has been visited. After an initial Cook County roundtable, the municipal district domestic violence court systems will be included in all future statewide roundtables.

Unified Family Court could reduce the number of court appearances, eliminate conflicting orders from judges, better coordinate and get resources to needy families sooner.”

Next, the Committee formulated a list of questions to serve as a guide for what information to gather from each site visit. An individual was contracted with to write the reports. The interviews were conducted with a minimum of one IFVCC staff person accompanying the report writer on each site visit.

Each site visit was scheduled for three days in order to allow time to meet with all components of the domestic violence court system individually. Typically, the following entities were interviewed in each jurisdiction:

- ◆ Judiciary
- ◆ Clerk of the Circuit Court
- ◆ Probation Department
- ◆ Sheriff’s Department
- ◆ Police Departments (at least one)
- ◆ Partner Abuse Intervention Program(s)
- ◆ State’s Attorney’s Office
- ◆ Public Defender’s Office
- ◆ Domestic Violence Program(s)
- ◆ Substance Abuse Program
- ◆ Legal Services

At each site, domestic violence related statistics were gathered as well as information on the inter- and intra-agency policies regarding domestic violence cases. **The Process, cont.**

At the conclusion of the site visits, the interview team convened a meeting with all the system players who were interviewed. The purpose of this meeting was twofold. First, the interview team wanted to ensure the accuracy of their understanding of the system by walking a fictional case

“The domestic violence court is a more uniform and structured approach.”

through the system. To this end, each agency representative explained their role in the system on both the criminal and civil sides.

The other purpose of this meeting was to encourage dialogue and understanding among the parts of the system. Often, this was the first time that all of these individuals met together as a group. The interview team found that a synergy was generated by this meeting, in which the participants felt empowered to share their frustrations and ideas. The hope was that this group would continue to meet in order to problem-solve and improve the system together as a formal advisory committee for the domestic violence court system.

After a site visit was completed, a report was written and sent to the individuals interviewed for their comments or corrections. The reports were revised based on the feedback and then distributed to the Court Structure Committee.

What Is a Domestic Violence Court System?

For the purposes of this project, IFVCC defined domestic violence court systems quite broadly. Any court system that created specialized procedures to handle domestic violence cases was considered a domestic violence court system.

“A policy never fits every situation; that’s why we have to all meet regularly.”

While no two domestic violence court systems are the same, most would agree that a domestic violence court system could be defined as:

- ◆ a set time when orders of protection are heard during the court call of a particular judge(s); and/or
- ◆ a set time when misdemeanor domestic violence cases are heard during the court call of a particular judge(s), and specific attorney(s) in the State's Attorney's Office are assigned to handle all misdemeanor domestic violence cases.

What Works

Each of the domestic violence court systems interviewed had examples of procedures or processes that seemed to enhance the functionality of the system as a whole. Most of these examples were developed as creative solutions to system challenges, which is an ongoing process for all domestic violence court systems.

- ◆ **Domestic violence court system advisory committee.** Jurisdictions with these committees claimed that regular meetings with representatives from each component of the

“The advocates offer permanency in the system and consistency of staff month in and month out. By policy, other players are rotated out.”

domestic violence court system (e.g., Judges, Domestic Violence Advocates, Law Enforcement, Public Defenders, Partner Abuse Intervention Programs, Probation, State's Attorneys, and Circuit Clerk's Office) facilitated system problem-solving, enhanced communication among the various components, and helped clarify each of the component's function in the system so that each component had realistic expectations and understandings of each other's roles in the system.

- ◆ **Uniform procedures for law enforcement agencies.** Many jurisdictions stated that the State's Attorney's Office had issued a domestic violence protocol, which outlined standard procedures for handling domestic violence situations. These protocols helped streamline the prosecution system, because police and sheriff's departments were providing information to the State's Attorney's Office in a uniform way. Furthermore, the officers' understanding of the information needed to file charges with the State's Attorney's Office created a more efficient system. Protocols also helped to insure that all alleged victims and defendants received consistent treatment.
- ◆ **Partnerships between domestic violence advocates and police departments.** In some

"The most important aspect to a comprehensive law enforcement approach is designated roles for each part of the system."

"I look through all the domestic violence reports to see what needs to be done and review the amount of documentation completed. I look for discrepancies. If there was no arrest, and if the victim advised that nothing happened, yet, the house was disturbed, I want to know what transpired. I go back to her home or meet her some place to find out."

jurisdictions the police department provided office space for domestic violence advocates and/or paged domestic violence advocates to the scene in order to provide assistance to victims. Other jurisdictions set up a procedure in which the officer faxed domestic violence reports to the domestic violence program before leaving his/her shift, so that prompt follow-up could be made to the victim. Other police departments employed a social worker who could provide assistance, referrals, and support to victims.

The report is passed from Sargent to Sargent; it will get done.”

What Works, cont.

- ◆ **Frequent status hearings for offenders.** Requiring offenders to return to court every two or three months to report on their progress in a partner abuse intervention program increased accountability and promoted compliance. Furthermore, the presence of a representative from the partner abuse intervention program and, when applicable, the substance abuse program to offer compliance reports at the status hearing was especially effective in improving accountability and compliance.
- ◆ **Case-tracking.** At least one jurisdiction employed a compliance officer, who tracked all offenders on court supervision. The compliance

“The very best thing the leadership can do is create systems change that lasts beyond when the advocate is not present; so that when there are no advocates present, the system works as it should and for the right reasons.”

“The presence of the batterer treatment folks

officer collected fines and reported on compliance with the conditions of supervision.

Another jurisdiction designated a coordinator in the State's Attorney's Office to track participation in the partner abuse intervention programs.

- ◆ **Petitioner access to domestic violence advocates through the Circuit Clerk's Office.** Some courthouses provided office space to domestic violence advocates, so that the Circuit Clerk's Office could refer petitioners directly to them for assistance with the order of protection forms. In courthouses without domestic violence advocate offices, some Circuit Clerk's Offices had a designated telephone line to the domestic violence program, so that the petitioner could have assistance with the forms over the telephone.
- ◆ **Domestic violence probation officers.** Several probation departments had designated officers to monitor domestic violence offenders. Specialized training for these officers and a slightly lighter caseload enabled them to monitor these high risk offenders to the degree required to ensure accountability and compliance.
- ◆ **Briefings between domestic violence advocates and domestic violence court judges.**

in the courtroom has been a stabilizing influence."

"Follow up with the victim after the arrest is the most important thing that needs to be done. Good advocacy makes the difference. Without it, the chances of change are nil."

Briefings provided opportunities for feedback on court procedures, courtroom behavior, and gaps in the system, and were seen as helpful to improving the system.

What Works, cont.

- ◆ **Law enforcement department procedures for reviewing domestic violence reports prior to transmission to the State's Attorney's Office.** Some law enforcement agencies implemented a system in which a supervising officer reviewed all domestic violence reports whether there was an arrest or not. This checks and balances system ensured that arrests were being made, reports were detailed, a thorough investigation had been conducted (if not, officers were instructed to complete the investigation). It also reinforced domestic violence police trainings (especially helpful for new officers) and promoted the enforcement of domestic violence policies.

- ◆ **Victim and offender programs present in the courtroom.** Having representatives from the partner abuse intervention program(s), substance abuse program(s), legal services, and the domestic violence program(s) in the courtroom

enabled offenders to sign up immediately for their court-ordered services and provided victims with easy access to a full array of services.

- ◆ **Utilizing protocol compliant partner abuse intervention programs.** Programs, which are compliant with the Illinois State Protocol for Partner Abuse Intervention, are based on a research model of intervention for this type of offender specifically. Utilizing these programs reinforced accountability, promoted consistency, and enhanced victim safety. It also fostered collaboration with other parts of the system, because the protocol requires interagency coordination between the partner abuse intervention program(s) and the State's Attorney's Office, judiciary, probation, and the domestic violence program(s).

- ◆ **Pre-trial screening procedures.** Particularly in cases of dual arrest, pre-trial screening helped determine the actual aggressor and victim. Consequently, this reduced the number of cases because the charges were dropped against the victim, and the victim was referred to appropriate services. In addition, screening defendants for substance abuse and mental health issues ensured that those services were recommended when appropriate.

What Works, cont.

- ◆ **Surprise spot-checks by probation officers to partner abuse intervention program classes.** When probation officers began dropping into the classes at random and began appearing at graduations, offender attendance and compliance improved.
- ◆ **Communication between partner abuse intervention programs and the State's Attorney's Office and probation department.** Many jurisdictions had set up systems in which the State's Attorney's Office and the probation department faxed the partner abuse intervention programs the list of offenders mandated to them. In addition, many partner abuse intervention programs faxed daily attendance sheets to the probation department, so that offender compliance could be monitored closely.
- ◆ **Law enforcement officers signing complaints.** Several law enforcement agencies indicated that officers will sign domestic violence complaints on behalf of victims. This has helped ease the pressure on victims and reinforced that domestic violence is taken seriously.

- ◆ **Regular domestic violence training.** Many jurisdictions held regular domestic violence trainings for law enforcement and prosecutors. This ongoing education was seen as helping to facilitate the implementation of domestic violence policies, thereby creating a more efficient system.
- ◆ **Computer access in courtrooms for checking criminal histories.** Computer access to LEADS and NCIC in the courtroom enabled judges to review a defendant's criminal history quickly and easily, facilitating informed decision-making.
- ◆ **Notifying victims when offender is released from jail.** A few jurisdictions reported that they have a system in which victims are notified by telephone when the incarcerated offender is released from jail.

Challenges Raised by Domestic Violence Courts

Several challenges were identified throughout the interviews. Many systems were trying to develop strategies to address these challenges and also were interested in learning how other systems were handling them. Challenges included:

- ◆ **Dual arrest.** This generally occurred when injuries were seen on both parties. It is challenging because it causes an increased caseload, makes pursuing charges difficult because of the ambiguity of who the primary aggressor is, and inhibits the victim's confidence in the criminal justice system.
- ◆ **Mandatory arrest.** This has resulted in increasing the domestic violence caseload significantly. Concerns were raised that it may dissuade victims from calling police if they do not want an arrest made, that it takes away officer discretion, and promotes arrests when there is insufficient evidence for prosecution.
- ◆ **Adjusting resource allocations to match the increase of domestic violence caseloads.** As a result of pro-arrest and pro-prosecution policies, caseloads have dramatically increased without a corresponding reallocation of resources. This trend has affected the ability of the State's Attorney's Office, the Public Defender's Office, and the Judiciary to pay appropriate

“Communication, cooperation, and collaboration are essential, but it takes more time – it is a constant challenge.”

“Many offices working together to coordinate a response to victims is the key to their ability to follow through with prosecution.”

“The judge is increasing the number of status hearings. He is holding

attention to these complex, high risk cases and may compromise offender accountability and victim safety.

- ◆ **Orders of protection issued to both parties.** Concerns were raised about mutual orders of protection being issued without appropriate evidence or justification. Additionally, orders of protection are sometimes issued by two different judges who are unaware of each other's order. In either case, these orders present complications for enforcement and nullify the possibility for accountability of the actual offender.
- ◆ **Length of time from arrest to prosecution.** Several jurisdictions reported that defendants, who could not make bail, often sat in jail waiting for their hearing longer than if they were actually convicted.

Challenges, cont.

- ◆ **High ratio of arrests to convictions.** Concerns were expressed that this suggested that unjustified arrests were being made and could represent a policy that posed a possible infringement of people's rights. In addition, this may point to a number of system problems including poor evidence collection and insufficient resources in the State's

batterers accountable."

"We see each other all the time. The grant created consistency within the domestic violence court."

Attorney's Office.

- ◆ **Subpoenaing victims.**
Questions were raised about whether subpoenaing victims makes attending court easier for the victim or adds undue pressure. In addition, if a victim is subpoenaed, but does not show up, questions were raised about what would happen (e.g., arrest warrant issued).

- ◆ **Conflicting orders/decisions for various cases of the same parties.** Lack of communication among various courtrooms was reported as a challenge. Also challenging is developing a system that can identify whether parties are involved in multiple cases.

- ◆ **Initiating a contempt process *pro se* for violations of orders of protection.** Filing these is a complex process for victims. There is no system in place for educating victims and domestic violence advocates on how to do this. Sometimes, the contempt process is the only avenue available for the order of protection remedies to be enforced.

- ◆ **Petitions to revoke probation.** Deciding when to revoke probation and how many chances to offer an offender to comply was cited as a challenging determination.

- ◆ **Transportation.** Many jurisdictions, particularly rural ones, stated that transportation to and from the courthouse for both victims and defendants was a major challenge. In addition, transportation to/from partner abuse intervention programs could be an obstacle to offender compliance.

Confidentiality. Concerns about confidentiality arose in the context of regular domestic violence court system advisory committee meetings and in fatality prevention reviews, since there are no protections currently in place. In addition, many components of the system have confidentiality limitations such as the domestic violence programs, legal services, and the partner abuse intervention programs.

Diversion

A handful of jurisdictions have developed diversion programs for first-time offenders. Each diversion program is unique with different requirements, procedures, and consequences. Because of these differences, discussing them categorically is difficult. Rather, discussing diversion programs in terms of the following questions may be more helpful when considering their efficacy.

- ◆ How is offender accountability maintained?

“We have to treat domestic violence as a major crime and do the best documentation with written statements and photos. . . because more batterers plead guilty when the evidence is

- ◆ Is there a screening mechanism to disqualify defendants who are inappropriate for diversion, such as presence of a criminal history, severity of injury inflicted, or previous completion of the diversion program in the past?
- ◆ What do the data show about recidivism?
- ◆ How is recidivism monitored, by whom is it monitored, and to what jurisdictional extent is it monitored – within the county only, statewide, or nationwide?

there.”

Emerging Trends

Several interesting and innovative trends were noticed during the interviews.

- ◆ **Data collection.** Many jurisdictions were realizing the value of collecting data and were establishing standardized data collection procedures. Data can help assess the efficacy of the domestic violence court system, can identify system needs, and can provide justification for seeking additional resources or resource reallocation.

Women-only partner abuse intervention groups. These groups

are designed to deal with many issues, which are unique to women offenders, that the standard partner abuse intervention programs do not address. And often, this is where victims have been screened out.

Emerging Trends, cont.

- ◆ **Attorneys assisting domestic violence victims with custody and visitation cases and orders of protection.** Several legal services agencies across the state have received grants to assist eligible domestic violence victims with custody and visitation, divorce, and orders of protection, thereby offering a full array of legal services to these victims.
- ◆ **Visitation exchange centers.** The establishment of centers for the safe exchange of children and for supervised visitation with trained supervisors addresses an important community need.
- ◆ **Full faith and credit.** New federal and state laws have provided a framework for the enforcement of out-of-state orders of protection. These new laws plus local, regional, and statewide trainings on the laws have opened up a dialogue on how best to implement them.

“We’re better now than we were six months ago; we’re working better together.”

“The real story is looking at the progression of the domestic violence court system as it matures in a jurisdiction.”

Looking Toward the Future

The domestic violence court system interviews are just the first step in trying to understand, document, and disseminate information about the domestic violence court systems in Illinois. Also, the individual domestic violence court system reports only offer snapshots in time of the domestic violence court systems, because system development is an ongoing, dynamic process; each of the jurisdictions professed a commitment to constant system improvement. As the existing domestic violence court systems continue to mature and as new systems are developed, fresh challenges and trends will emerge. For these reasons, the Domestic Violence Court System Project will continue.

The creation of a learning network and the establishment of annual roundtables will provide and facilitate opportunities for dialogue, problem-solving, education, and support among domestic violence court system professionals. These opportunities will foster collaboration and strengthen the common goals of domestic violence court systems: services for victims and offenders, victim safety, offender accountability, and the administration of justice.

Contents

Introduction.....	1
History and Origins of the Project	1
Purpose of the Project	2
Interviewing Domestic Violence Court Systems	2
Creating a Learning Network	2
The Process	2
What Is a Domestic Violence Court System?.....	4
What Works	5
Challenges Raised by Domestic Violence Courts.....	9
Diversion.....	11
Emerging Trends.....	11
Looking Toward the Future	12