



ENHANCING RESPONSES TO DOMESTIC VIOLENCE

PROMISING PRACTICES
FROM THE
JUDICIAL OVERSIGHT
DEMONSTRATION
INITIATIVE

INTRODUCTION

In 1999, in Milwaukee County, Wisconsin; Washtenaw County, Michigan; and Dorchester District in Boston, Massachusetts, judges and attorneys, advocates for women and batterer intervention specialists, probation officers, police, and others banded together in an ambitious effort to improve criminal justice and community responses to domestic violence. The three sites selected to participate in the Judicial Oversight Demonstration (JOD) Initiative—a national demonstration project funded by the U.S. Department of Justice’s Office on Violence Against Women—have spent the past five years working to enhance victim safety and the oversight of offenders in their communities.

The work conducted at each of these sites has sought to refine and build upon earlier successes. The 1994 passage of the Violence Against Women Act brought sweeping changes in the way law enforcement agencies view domestic violence, sexual assault, and stalking, and it led to increases in arrests and convictions for domestic violence offenses. But with these achievements came new challenges: Judges, courts, and others charged with intervening after a domestic violence conviction were confronting increased caseloads, looking for more effective sentencing options, and facing new concerns about the system’s ability to both hold offenders accountable and reduce repeat offending. Also, community-based agencies charged with helping victims were wrestling with the complexities of the criminal justice response and its often unintended consequences.

From the outset, one of JOD’s main goals was to test the effectiveness of combining strong judicial oversight of domestic violence cases with extensive graduated sanctions for offenders and comprehensive services for victims. How this has been undertaken and how the project has evolved in each jurisdiction reflects the particular local circumstances and needs. Dorchester, Milwaukee, and Washtenaw offer different approaches that other jurisdictions can learn from.

This brochure is the first of many planned efforts—including seminars, publications, and web site updates—to document the innovation and experimentation in the three sites and to share it with practitioners, policymakers, and others interested in more effective responses to domestic violence. A final outcome evaluation of JOD will provide more comprehensive information about how a coordinated response and a strong judicial presence can increase victim safety and hold offenders and the system accountable.



Milwaukee County, WI

Washtenaw County, MI

Dorchester District, MA



Contact information:
see back cover

ENHANCING SAFETY AND ACCOUNTABILITY AFTER CONVICTION

What happens after someone pleads or is found guilty of a misdemeanor domestic violence or assault charge? Are judges and probation agents confident that victims are safer, that conditions imposed on offenders are enforced, and that future acts of violence are being prevented?

These are the kinds of questions that each JOD team asked at the outset of the demonstration initiative. They weren't happy with the answers. Assistant District Attorney Paul Dedinsky, who heads the domestic violence unit at the Milwaukee County District Attorney's Office, recalls a 1998 review of approximately 1,200 cases in which people were ordered into batterer intervention programs in Milwaukee. "What we discovered was quite alarming: Only 800 actually appeared at orientation [and] only about 200 completed the program," he says.

Given similar situations in each of the three sites, key stakeholders came together to institute the post-conviction compliance process that represents the core achievement of the oversight initiative. This process has four essential components: judicial review hearings—a series of post-conviction court appearances that extend the judge's role and influence in a case throughout the probationary period; intensive probation supervision involving more field monitoring of offenders and increased contact with their victims, which gives judges detailed information about offender behavior during the review period; mandated attendance for qualifying offenders at batterer intervention programs; and enhancements to court- and community-based services for victims. Together, this network of post-conviction enhancements has provided greater motivation for offenders to comply with the terms of probation, swifter action and accountability for violations,

and greater opportunities for victims to have a voice in the process.

An added benefit of the judicial review hearing component is that it can improve the accountability of the entire system involved in intervening in domestic violence cases. The hearings notify victims and perpetrators alike that the system takes this crime seriously. They let actors within the system know they are accountable for results. And they send a clear message to the community at large that domestic violence will not be ignored. Says Dorchester's project director, Deirdre Kennedy, "Judicial reviews and a coordinated community response can bring out the best in the criminal justice system response, the community response, and all the partner agencies."

CLOSING THE SAFETY GAP DURING THE PRETRIAL PHASE

The time between when an accused batterer is arrested and when the case is adjudicated can be especially dangerous for a victim of domestic violence. The criminal justice system has limited legal control over alleged offenders; most are released on bail except under extreme circumstances. Yet it is also the time when an accused person is most likely to try to influence the outcome of the case, sometimes using threats and violence. What's more, the accused may view the decision to pursue the case as evidence that the victim is trying to leave the relationship, a perception that can result in heightened levels of violence. Studies show that half of all murders of wives by husbands take place within two months of a separation.

To reduce such threats, each of the JOD sites has taken various steps to increase victim safety at the front end of the judicial process. For some, these steps include hiring more staff to work with victims and witnesses after a complaint is made, expediting victims' access to



The role and influence of judges extends into the post-conviction period when they review offenders' compliance with court orders and the rules of probation.



Probation officers check reports as they prepare for a judicial review hearing

orders of protection, and aggressively pursuing witness tampering and bail jumping prosecutions when intimidation is present.

In Milwaukee County, the court created a Domestic Violence Court Commissioner's (DVCC) session that consolidates all misdemeanor pretrial proceedings involving domestic violence cases into one specialized docket. In addition to the regular pretrial activities—holding initial appearances, conducting arraignments, setting bail terms and conditions, issuing no-contact orders, etc.—the commissioner may order some defendants to the Pretrial Monitoring Program (PMP) as a condition of bail.

The Pretrial Monitoring Program is for defendants who have a previous domestic violence record but are not currently under the supervision of a probation or parole agent. Under this program, defendants are monitored by both the commissioner and a bail monitor. The PMP requires defendants to appear before the commissioner at least three times during the pretrial phase of the case. It also requires defendants to have three, face-to-face, check-in sessions with the bail monitor, who serves as a liaison between the DVCC and relevant stakeholders—the accused, the alleged victim, and other key justice system and nonprofit organization players—until the case is fully disposed. During this time, the monitor will visit the defendant's listed address to help verify that no-contact orders and other bail conditions are being met. If any violations are discovered, the commissioner has the power to modify bail. In addition, the monitor may visit consenting victims to explain court processes and the terms and conditions of the no-contact orders and to offer support and referrals for services.

REDUCING LANGUAGE AND CULTURAL BARRIERS TO EFFECTIVE INTERVENTIONS

Because intimate partner violence cuts across all races, cultures, and socioeconomic lines, and because misunderstandings based on language and culture can undermine the effectiveness of interventions, the JOD sites have made culturally sensitive programming a priority.

Some of the services they have developed focus on victims. For example, Dorchester Municipal Court invited four nonprofit agencies representing a range of minority communities to share office space with a group of Northeastern Law School interns to help domestic violence victims obtain petitions for civil restraining orders. The arrangement helped the court deliver services to hard-to-reach immigrant groups and gave the agencies earlier access to victims seeking help from the system. In Washtenaw County a nonprofit domestic violence organization offers a diverse array of victim support groups, including groups for women of color, Muslim women, and young women who have experienced dating violence.

Other culturally sensitive initiatives targeted offenders. The Dorchester JOD worked with a batterer intervention program provider and a victim services provider in the Haitian-American community to develop culturally specific programming for Haitian men who batter. Similarly, a community-based intervention for Latino men who batter grew out of a joint venture in Milwaukee between a domestic violence group with 20 years' experience conducting batterer intervention programs and a community-based social service agency with 32 years' experience providing services in the Latino community but no history of providing court-ordered batterer intervention programming, allowing each agency to learn from the strengths of the other.



Both inside and outside the courtroom, the pretrial phase can be especially dangerous for a victim of domestic violence. Bailiffs work to ensure safety in the courtroom.



Victim advocates work within the JOD initiative to make sure that victim services and safety are integral parts of the process.



Probation agents work closely with defendants throughout the probationary period, including court appearances and intensive field monitoring



Recognizing the importance of access to information, the sites have taken steps to improve the data they have and how they access it.

The JOD sites also advanced cultural sensitivity through technical and procedural innovations. When JOD partners in Washtenaw County need language services, they use the Ameritech language line, which provides cost-effective, 24-hour access to telephone interpreters in 140 languages. When Milwaukee's District Attorney's Office suspected that there were racial disparities in the group of defendants who had qualified for deferred prosecution agreements, it reviewed the qualifications and made changes to reduce the disparity.

SOLVING PROBLEMS BY WORKING TOGETHER

In the short time since JOD began, the sites have seen substantial benefits from coordinating their activities. Overcoming longstanding habits and institutional barriers in order to work together has allowed them to create projects and realize accomplishments that otherwise might not have been possible.

A good example of this kind of synergy is the Dorchester's Men's Outreach Worker Program, created in an unusual alliance between representatives from the defense bar and the victim advocacy community. This program seeks to increase victim safety by actively trying to reduce the anger among respondents in contested civil restraining order hearings. When restraining orders are upheld, an outreach worker engages the respondents in court to assess their level of anger and to provide clear explanations of the orders' terms and conditions, in the hope of preventing future violence. Outside the courtroom, the outreach worker conducts domestic violence seminars and encourages help-seeking behaviors for men at risk of committing intimate partner violence. Defense attorneys like the fact that the program reduces the chances that a defendant will receive criminal penalties for violations of civil court orders.

Washtenaw provides another example of teamwork. Many rural police districts lack specialized capacity to respond to domestic violence, even as the heightened isolation associated with these communities makes victims there particularly dependent on police intervention. To circumvent this dilemma, the Washtenaw JOD team and leaders from several rural police districts work together to create a shared domestic violence investigation service. Centrally housed with the county's specialized domestic violence prosecution unit, these investigators travel to outlying districts as needed to provide consultation, assist with follow-up investigation on individual cases, and serve as liaisons between the rural police offices and the county's prosecution team. The innovation has enhanced links between rural police districts and the Washtenaw County Prosecutor's Office and helped build a better-informed countywide response for rural victims.

Because better access to information is often a catalyst for innovation, the sites also have taken steps to improve the data they have and how they access it. For example, a domestic violence detective in Boston's police department developed a database that allows 911 calls to be sorted by address, letting responding officers know when there is a history of calls to a particular residence. The Repeat Call Analysis Database also helps keep the system and offenders accountable by showing police captains and supervisors how calls are coded in written records, the time elapsed from when an officer is dispatched to when the officer arrives at the scene and when the call is cleared, and what actions are taken.

Conclusion:

Enhancements to pretrial and post-conviction responses, steps to improve cultural competency, and increased capacity to solve local problems through coordinated community efforts and information sharing are just a few key highlights to date in the ongoing work against domestic violence in Dorchester, Milwaukee, and Washtenaw.

**Contact information:
see back cover**

The Judicial Oversight Demonstration Initiative is funded by the U.S. Department of Justice's Office on Violence Against Women with assistance from the National Institute of Justice. The Vera Institute of Justice provides centralized technical assistance, and the Urban Institute is working in coordination with the sites to conduct a national evaluation of the initiative and its programs. To learn more about the work in Milwaukee, Dorchester, and Washtenaw and about other JOD activities, or to request technical assistance or consultation, visit our web site, www.vera.org/jod.



RESOURCES

Milwaukee County, Wisconsin:
Danielle Long, Project Director
414-278-3985
danielle.long@wicourts.gov
Alternate Contact:
Office of the Chief Judge, 414-278-5116

Dorchester District, Boston, Massachusetts:
Deirdre Kennedy, Project Director
City of Boston/Dorchester Municipal Court
617-288-9500 x305
kennedy_d@jud.state.ma.us

Washtenaw County, Michigan:
Alan Israel, Chief of Staff
Washtenaw County Prosecutor's Office
734-222-6666
israela@ewashtenaw.org

Office on Violence Against Women:
Catherine Pierce, Deputy Director
212-307-3913
Catherine.Pierce@usdoj.gov

National Institute of Justice:
Angela Moore-Parmley, Acting Director
Violence and Victimization Research Division
202-307-0145
parmleya@ojp.usdoj.gov

Urban Institute:
Adele Harrell, Principal Research Associate
202-261-5738
aharrell@ui.urban.org

Vera Institute of Justice:
Nancy Cline, Project Director
Technical Assistance and Training
212-376-3041
ncline@vera.org

For general information on violence against women programs, visit the Office on Violence Against Women's web site at www.ojp.usdoj.gov/vawo.

© Vera Institute of Justice, 2004. All rights reserved.

Written by Robin Campbell, Cristina Damiani and Suzanne Menghraj. Publication of this brochure was funded by grant number 97-WE-VX-K002 awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice. Unattributed points of view are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

The Vera Institute of Justice is a private, nonprofit organization dedicated to making government policies and practices fairer, more humane, and more efficient. Working in collaboration with public officials and communities in the United States and throughout the world, Vera designs and implements innovative programs that expand the provision of justice and improve the quality of life.



Vera is a founding member of the Altus Global Alliance