

Stearns County, MN Repeat Felony Domestic Violence Court

Planning and Implementation Best Practice Guide

How can a community come together to change its response to domestic violence crimes? Can a court and its partners make a difference in victim safety and offender accountability? The Stearns County Domestic Violence Partnership proves that with hard work, collaboration and innovation, victim safety and offender accountability can be enhanced.

In Stearns County, Minnesota domestic violence offenders and their victims were falling through the cracks of the criminal justice system—offenders were not being held accountable for their violence and instead were committing multiple felony offenses against their partners. The victims of these violent assaults were not being linked to services and their safety was jeopardized. That all changed, when the criminal justice partners in Stearns County came together to stop the violence. The Stearns County Domestic Violence Partnership (“the Partnership”) illustrates an innovative, cutting edge response to highly lethal domestic violence cases—through collaboration and strategic planning, Stearns County created **the nation’s first domestic violence court that focuses on repeat domestic violence felony offenses.**

In planning and implementing the Stearns County Repeat Felony Domestic Violence Court, the Domestic Violence Partnership relied primarily on the Center for Court Innovation’s “Creating a Domestic Violence Court Planning Toolkit: Adapting the Model to your Community” (excerpt attached as *Annex A*). This Toolkit provided the necessary roadmap for Stearns County to implement a successful and sustainable domestic violence court for repeat domestic violence felons. This document highlights some of the Toolkit Steps the Stearns County Domestic Violence Partnership undertook in its planning process.

CREATING A PLANNING TEAM: The Stearns County Domestic Violence Partnership:

In early 2008, the Stearns County Attorney invited criminal justice system partners together to examine how the system was handling domestic violence cases in the hopes of bettering criminal justice outcomes of felony level domestic violence cases and to understand the role of the other criminal justice partners in the County. The county attorney gathered the systemic data related to the offenders (criminal, civil, and family court involvement) and called together all domestic

violence stakeholders. The first meeting of department heads, supervisors, line staff, community leaders and judges led to agreement that the current practices were not the best use of resources and that it was a good idea to try something else. As a result, the Partnership was developed. During 2008, 20-30 prosecutors, defense attorneys, judges, court administrators, law enforcement, jail, corrections and human services, treatment professionals, community advocates and legal aid attorneys met weekly to brainstorm and research best evidence-based solutions.

DATA COLLECTION

While the majority of the nation's domestic violence courts handle misdemeanor cases, Stearns County partners decided to focus their attention on what were identified as the most dangerous offenders – repeat felons. 2007's data showed that an average of 30-40 offenders in Stearns County were each committing up to three domestic violence crimes a year – apiece – and that involvement in the criminal justice system's traditional programming of unmonitored conditions of release and relatively low bail was not working. The Partnership reviewed not only criminal history records, but also civil order for protection filings. This process revealed that most civil protective orders were dropped by victims after filing. Additionally, the Partnership looked at how many children were involved in the households where arrests were made, and how many police calls for help were answered and coded by police dispatchers.

Recognizing the dangerousness of these offenders (at that time, seven of the past seven intentional homicides in Stearns County had been domestic violence related) and targeting the resources of the criminal justice partners on these cases became the focus of the Stearns County Domestic Violence Court.

SITE VISIT AND TECHNICAL ASSISTANCE Once the Partnership identified these high risk and resource intensive cases, it reached out to the Center for Court Innovation (“the Center”). The Center's Domestic Violence Team worked with Stearns County over the next year providing comprehensive technical assistance, including a site visit to three operational domestic violence courts, planning webinars and phone conference calls to troubleshoot issues. The Center for Court Innovation helps jurisdictions plan and operate domestic violence courts both in the United States and around the world. In the U.S., the Center for Court Innovation offers free technical assistance, supported by the U.S. Department of Justice's Office on Violence Against

Women, to jurisdictions across the country interested in creating or expanding existing domestic violence court projects. For example, the Center has helped jurisdictions with victim safety issues, domestic violence case identification and calendaring, and the use of program mandates.

SYSTEM MAPPING AND NEEDS ASSESSMENT

The Partnership returned from its site visit with a mission: to create a repeat felony domestic violence court with the goal of stopping the repeated domestic violence. To ensure that the Partnership had a full understanding of how these cases were handled and what gaps in services existed, the Partnership undertook two planning steps: creating a system map and completing a needs assessment. These critical steps allowed the Partnership to identify all stakeholders involved with the handling of felony domestic violence cases, highlight gaps in accountability for the defendant and services for the victim, and strengthen the understanding of the roles and responsibilities of each partner at the table.

SETTING GOALS AND PERFORMANCE MEASURES

Once the Partnership developed a system map and reviewed its needs assessment survey, the group then focused on establishing performance measures for the goals of the court. The primary goal of the court is to stop the violence. The Partnership measures its success by keeping detailed statistics on each defendant—the dispositional data, probation compliance information, and tracking of the defendant post-disposition to monitor recidivism. Additionally, victim service providers keep statistics on the number of victims served and types of services provided to identify any increase in services provided as a result of the court as well as any on-going unmet needs of the victims.

WHAT DOES THE COURT LOOK LIKE OPERATIONALLY?

Once the Partnership knew what it wanted to do, the planning focused on how to implement a successful court. Issues such as: case identification and screening, judicial monitoring, calendaring, and coordination of services needed to be addressed. The Planning Team spent several months creating an operational plan, Domestic Violence Court specific protocols and brochures, and worked with each partner to ensure that services for litigants were coordinated and comprehensive.

The Stearns County Domestic Violence Court (DVC) is a repeat felony criminal model, with well-defined admission criteria, three phases of programming, and two permanently regularly assigned judges. Although the DVC has considered expanding its scope to integrate civil protective order hearings and child protection cases, the ongoing caseload analysis identifies areas of need that are more specific to more immediate victim services, children's mental health, and post-prison supervision; any expansion would focus on those areas.

To enhance services for both defendants and victims, the Partnership established relationships with non-criminal stakeholders. All victims are provided immediate access to civil legal services provided by a legal-aid attorney as well as a community advocate. Eighty-eight percent of victims are voluntarily using the services of legal aid, for assistance with civil orders for protection, child support, consumer, public assistance and health related legal advice, landlord issues, and immigration and disability law expertise.

The written policies of the Stearns County Domestic Violence Court consist of program admission screening criteria, programmatic phase components and phase change standards, community corrections supervision elements, a judicial order initiating GPS monitoring in some cases, a synthetic drug testing protocol, victim assistance procedures, and data collection requirements for DVC team members.

A screening sub-committee consists of prosecutors and probation staff. This screening occurs at the in-custody stage, beginning an immediate pretrial intensive supervision and support program including drug and alcohol testing, immediate access to treatment, and strict no contact and behavior conditions for offenders. The screening team meets weekly to:

- 1) Review all new DV-related offenses
- 2) Review defendants who fit the criteria of a prior felony conviction or a prior domestic violence related felony resulting in a felony or reduced level charge conviction and
- 3) Recommend defendants who are charged with a new felony DV-related offense for domestic violence court.

ENHANCED DEFENDANT ACCOUNTABILITY

Offenders are held accountable in many ways. The 24/7/365 surveillance coverage, accomplished by the full-time surveillance agent, and a detailed information sharing system among county-wide law enforcement, brings a level of supervision and knowledge of activities that includes employment, education, substance use, and most importantly, physical location. In three and a half years of operation, the repeat violence offenders (136 total as of June 2012) were charged with only five new domestic assaults – total. Going from an average of three new charged offenses a year, *apiece*, to five, total, is well beyond the DVC staff's experienced expectations. Weekly court hearings require offenders to report directly to the judge on their behavior and progress. Since offenders are monitored heavily for substance use and receive intensive treatment and counseling services, their overall ancillary criminal activity has dropped substantially as well.

The Domestic Violence Court is not a drug court model – it does not expect the violence to continue, and offenders are reminded of this, sometimes daily. Strict conditions of release are enforced. Daily, the County Attorney's victim advocate monitors jail phone calls for no-contact violations. Although the community based women's shelter expected to be overrun with victims now aware of available services, shelter use has dropped as victims feel safe to stay in their homes due to the intense monitoring of offenders. While initially concerned about due process rights for their clients, defense attorneys have found that contested legal hearings, including jury trials, occur at the same rate with this group of offenders as with those still in traditional court, and that client rights are protected. In fact, one formerly assigned public defender, recently appointed to be a judge, has noted that the additional rules helped some of his clients do better not only at not re-offending and remaining chemical free, but maintaining employment, eventually re-establishing contact with children, and other benefits of actually maintaining violence and chemical free life under this level of supervision and support.

ENHANCED VICTIM SAFETY

Victims need safety options. Depending on living situations, children, chemical dependency or mental illness needs, education and employment, victims and their families may prefer working with community advocates or legal aid rather than the prosecution's victim advocate. Many victims move between these three options depending on the status of the criminal case and how

they are managing their needs. The Partnership strongly believes in the importance of the confidentiality of the community advocates and legal aid attorney and always refers potentially sensitive inquiries to those partners. Victims' confidence in community advocates or legal aid attorneys is equally critical. The prosecutor's office is involved in monitoring offender calls from jail to victims, commonly finding serious violations before charges on the underlying crimes are filed. This ability to monitor offender behavior without imposing expectations on victims is important to offender accountability and victim safety.

While planning the domestic violence court, community based advocates were concerned that with the increase in services offered to victims, the battered women's shelter would be filled beyond capacity. What has occurred, in fact, is that with enhanced surveillance of defendants and law enforcement resources applied more strategically, shelter use has been reduced for these victims.

Victims have access to not only prosecutor's office victim assistance and the local women's shelter but also, new to this program, a legal aid attorney, independent of the government resources involved and designed to protect and serve victim and children needs beyond the criminal justice interactions, such as getting and maintain child support, preventing eviction and/or finding permanent housing, keeping the offender from selling cars and canceling cell phone contracts from his jail cell, and getting, modifying and keeping civil protective orders.

KEEPING ON TRACK: MONTHLY MEETINGS AND ONGOING COLLABORATION

Handling intensive domestic violence cases can be very difficult and trying on those working on this project. In order to prevent "burn out" and to keep focused on the goal of victim safety and offender accountability, the Partnership continues to meet monthly. Partnership meetings allow stakeholders to speak openly about operational challenges. In addition, these meetings allow the Partnership to review statistics, identify any new gaps or concerns, and create new goals to further enhance the court. For example, through review of statistics, the Partnership has identified jail calls as an issue and worked closely with the Sheriff's department and other Corrections staff to ensure calls by defendants from jail were better monitored. Additionally, the Partnership identified children's services as a gap in service and has worked with the community-based victim advocates to provide simultaneous therapeutic play groups for children while their mothers are working with victim advocates.

LESSONS LEARNED

1. Vital to the success of any domestic violence court is the collaboration with stakeholders. Stearns County worked hard to invite everyone to the table, including the defense bar, corrections, law enforcement, prosecution, probation, court staff, batterer programs, victim advocates, and civil legal services. Early meetings were difficult but, as each agency learned to trust and respect the other's role, the meetings became less tense and fluid communication began between the partners. Ultimately, a deeper understanding and respect for each agency's role was found at the conference room table.
2. The Center for Court Innovation's toolkit was essential to learning what other partners really do, getting past assumptions and stereotypes with real and candid interactions required to more fully understand the meanings and motivations behind systemic decision-making processes.
3. In hindsight, the composition of the Partnership has been key to the successful planning and implementation of the domestic violence court. Including the line staff who are doing the daily work as well as the department heads who are making the policy/staffing/funding decisions at the table every month is crucial. The line staff and department heads see the collaboration and its direct impact on their work. If just department heads were meeting without the on the ground knowledge of what's really happening, or if the line staff were meeting without the policy/staffing/funding authority to implement what they are seeing needs to be done, successful planning, implementation and on-going enhancement would not be possible.
4. Another key lesson learned was to keep statistics and refer back to them regularly. Recording statistics and reviewing them on regular intervals is key to the success of any problem-solving court. This allows the Partnership to remain focused on its goal while identifying any collateral needs or gaps. Statistics are kept by each agency and the Partnership meetings provide the setting for review. These

statistics also allow each agency to be held accountable and in turn hold the other agencies accountable to their roles and responsibilities.

5. Finally, having a dedicated team has proven invaluable. Over the past three years, although there has been some staff turnover, any new agency representative brought into the Partnership has been mentored and trained by the more veteran stakeholders. Overall, the staff commitment has been amazing. Each partner is fully committed to the domestic violence court and provides the much needed energy to sustain the Stearns County Domestic Violence Court.