

**OFFICE OF THE DEFENDER GENERAL  
2009 GREEN MOUNTAIN JUVENILE AND  
CRIMINAL DEFENSE INSTITUTE**

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The Inn at Essex  
70 Essex Way  
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**SPECIALTY COURTS: THE PROS AND CONS  
DO THEY HELP OUR CLIENTS?**

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## Bennington County Integrated Domestic Violence Docket

### Goals:

- Offender accountability
- Reducing quantity and violent quality of recidivism;
- Providing for safe termination of relationship if so desired by victim or safe and healthy reunification with partner if so desired by both parties.
- Providing for safe and healthy reunification and/or parent –child contact with children of relationship: including protection of any children of relationship or otherwise affected by violence or threatened violence; maintaining parental or spousal responsibilities;
- Coordinating Court matters now handled in separate courts, so that all orders are consistent and geared toward the same goal; and provided in a manner which ensures the protection of the rights of all the parties."
- Improving efficiency of the Court process so that resolution of cases is reached as soon as reasonably possible consistent with due process and purposes of the program.
- Providing quicker access to appropriate treatment and educational programs including: RFA orientation court program, domestic violence offender treatment with options including BIP, IDAP, Anger management or other possible options to be developed, as appropriate and any other treatment program available; domestic violence victimization treatment; parenting education; substance abuse, mental health and other appropriate treatment, COPE; parent coordination.
- Misdemeanor domestic assaults B 13 V.S.A. sec. 1042 B
- Misdemeanor VAPO's B 13V.S.A sec. 1030(a) B
- Second offense VAPO B 13 V.S.A. Sec. 1030 (b)
- Second degree aggravated domestic assaults- 13 V.S.A. Sec. 1044 or any other case as referred, with the Judge's approval
- Probation Violations (regardless of other charges)

### The Domestic Violence Docket

The IDV Docket carries a specialized caseload and is handled by dedicated judges and court staff and linked to key partners, such as, the State's attorney, Public Defender, United Counseling Service, Have Justice Will Travel, and victim advocacy groups; providing them links to services; strives to alter the behavior of perpetrators and mandate them to appropriate interventions; and use the authority of the judge to demonstrate publicly the commitment that the system has to ending domestic violence.

This specialized docket is intended to address concerns of traditional domestic violence cases in which multiple judges and attorneys handle different aspects of a case, information is spotty and disjointed, monitoring of perpetrators is inconsistent, and victims coming through the court system are not linked systematically to any assistance. The domestic violence docket can institutionalize procedures that promote victim safety, ensure accountability for domestic violence perpetrators and enhance informed, educated judicial decision-making. The court also can build on an

extensive collaboration with agencies and community-based organizations, in an effort to strengthen the entire community's response to domestic violence.

What the Integrated Domestic Docket does differently:

#### Coordinated Court Process

- The IDVD takes existing Court processes and coordinates them in a more efficient manner for litigants.
- The IDVD alleviates the need for multiple trips to court: all related cases are addressed on Monday: criminal cases, Abuse Prevention Orders, or any pending Family Court case; litigants can get help filing/initiating other cases as necessary.
- Criminal Cases are expedited / cited for the next day/initial status conference scheduled for the following Monday. Litigants are educated about the IDV process and expectations.
- Orders involving the same parties traditionally handled in different Courts at different times are now coordinated to ensure they are consistent and modifications of those orders can occur at one time and place.
- Thus far the IDVC Project has addressed: Parentage, Parental Rights and Responsibilities, and Parent-Child Contact issues.
- Probation violations are brought back before the same IDV judge.
- Domestic violence conditions of probation have been created in criminal cases identifying specific behaviors that constitute a violation, it has been approved by the Public Defenders Office, the State's Attorney Office, the presiding District Court Judge, and the IDV Docket and is strictly monitored by DOC.

#### Early Access To Services

- An IDVD Coordinator helps insure that the Court processes are coordinated, community resources are available to the litigants early on and up to date information is available to the Judge.
- Appointments for screenings and assessments are made at Court.
- The coordinator helps access resources, including food, child care, and housing.
- Supervised visitation appointments are also scheduled. Many violations occur around access to the children, scheduling parent-child contact may lessen the number of violations of abuse prevention orders.
- There has been an increased access to attorneys for both sides. Have Justice Will Travel assists the plaintiff. Having the attorneys available clearly facilitates the coordination of court processes, helps to more appropriate orders in place, as well as stipulations for parental rights and responsibilities and child support.
- Litigants are screened for services through the Advocates at PAVE or via the assessment completed by a clinician from United Counseling Services of Bennington County.

## Enhanced Safety at the Court

- Staggered arrival times help to ensure safety in the parking areas and areas that aren't well supervised
- Separate waiting areas are designated for complainants and defendants
- Complainants/defendants view the Relief From Abuse orientation video in separate areas with a Sheriff present
- An additional sheriff is present for Integrated Domestic Violence Docket which currently occurs on Monday.
- Every case: Victim Referral to "Have Justice Will Travel", we have arranged for representation for defendants—we strive to have litigants represented by counsel at hearings.
- Every case: "Project Against Violent Encounters" (advocates) if victim has not been previously connected

## Risk Assessment in Domestic Violence Docket:

- What we are looking for in an assessment is a report similar a mini PSI....a complete assessment process, whereby risk is evaluated on a more comprehensive basis - assessing the batterers risk/needs, rigorous and objective assessments of offenders and use that screening information to make informed treatment planning decisions - an individualized approach; matching (if you will) batterers attitudes/behaviors and co-occurring needs, such as mental health/substance abuse issues with appropriate interventions at sentencing in conjunction with a strong coordinated criminal response, adjudication, (combined arrest, incarceration, intensive probation, supervision) along with defendant responsibility.
- Batterer assessments' value in predicting recidivism: (with the exception of the identifiably mentally ill), repeat assaults are not at this time predictable; risk assessment "instruments " are not accurate enough to be relied upon.. The path we are taking is more along the lines of a "safety assessment/ risk management" approach- whereby, an "assessment" person will conduct interviews with both parties and any other significant contributors (family members, friends, etc.) to try to identify factors that may contribute to re-abuse. In doing so, the assessor will be building a knowledge base of identifiable risk factors. Significant predictors of continued abuse include substance abuse, mental health issues, past history of physical abuse, and the victim's assessment of her level of endangerment. All of these variables are measured through the litigants interviews/reports, combined with the results of the "clinical" evaluation (already being done) to determine appropriate judicial/punitive and service response. The identification of the factors that contribute to re-abuse is critical in the guidance to intervening services, and court mandates.
- Determining the seriousness of a particular case and risk of escalation is necessary not only for the obvious reasons of allocating resources; it is also important to tailor the response to the level of dangerousness, to make the legal response more appropriate.

**WHY USE ASSESSMENTS:** In an effort to make better decisions, the use of safety assessment and screenings with these individuals serves to more fully inform those making the decisions about sentencing (release into the community, incarceration, treatment planning, and victim

safety), the assessment forms the basis for determining future actions, and ultimately achieving safe outcomes. Just a thought or an alternative to the "clinical judgment" method that we have been considering. Considering the fact that we have a clinician who is completing a fairly thorough psychosocial history – a which is an indispensable part of the basis for any assessment – perhaps this approach would be as beneficial and less costly – and less time consuming (we were given an average turn around time of 10 days)

If the results are computed and not based solely on the subjective and past knowledge; then in my admittedly limited opinion – anyone could do the risk assessment report (well, nearly anyone).

Very brief descriptions of both: as we know there really is no way (with any accuracy) to predict recidivism

- Clinical assessments are usually based on an "assessor's" intuition or subjective evaluation/combined with characteristics (known to be related to violence)
- Actuarial Assessment bases the results on measured relationship between outcome (violence/recidivism) and objectively measured variables (age, marital status, criminal record, employment history) unique to the person- weights for each are then computed.

Obviously, this is overly simplified; however it is tabulated numerically- and the outcome is the probability of recidivism.