

**CEDV ACCOUNTABILITY WORKGROUP DRAFT PROPOSAL**  
**RECOMMENDATIONS ON IMPROVING ACCOUNTABILITY WITHIN THE**  
**JUDICIAL SYSTEM**

**SCOPE**

The proposed improvements to the current Judicial System in this report are recommendations geared toward enhancing the current Accountability programming/systems as well as adding new evidence-based programs aimed at improving the outcomes for the victims and families of those who cause harm. Included in these recommendations are training and education for staff, implementation of a Domestic Violence Accountability Docket, development of assessments and programs aimed at addressing the criminogenic needs of those who cause harm and measures aimed at repairing the harm caused to the victim/families.

**DEMONSTRATION OF NEED**

Currently, defendants who are placed on Pre-Trial and Probation supervision in the County, do not get any domestic violence related risk assessments through Court Services. The evidence-based risk assessments that are conducted as a requirement of the Department of Criminal Justice Services (DCJS) for all local Pre-Trial and Probation services do not sufficiently address the risks/needs specific to incidents involving domestic violence.

Additionally, there is no formal Court process to follow up on a defendant's progress while on Court ordered supervision. When the Court is notified of non-compliance through affidavits filed by Court Services, the violations are often dismissed or nolle prosequi. While the exact reasons are not known in all of these cases, it can be stated that a contributing factor is due to the Pre-Trial/Probation Officers not receiving notice of Court dates and subsequently not being present when the case is disposed of. This also happens with motions filed by the defendants' counsel to amend Court Orders. The result of this is that the Court does not hear directly from the Pre-Trial/Probation Officer who would be able to provide supporting arguments to the violation and make recommendations on any further need/risk factors that should be addressed.

Another trend is that defendants are entering plea deals that are worked out by the Commonwealth Attorney's Office and their defense counsel that may include some form of treatment or program to be completed but no Pre-Trial or Probation supervision is included. This means that the defendant is on their own to navigate the process of locating an appropriate program, enrolling in the program, and ensuring the Court receives the appropriate documentation upon completion. This presents many challenges for the defendant as they generally are not aware of the State Certification Curriculum for Domestic Violence Intervention Programs or which programs have such certification. They also may not be assessed for additional criminogenic risk/needs which may hinder progress in such a program. Additionally, this presents a hardship on the program if there are issues with compliance or other barriers keeping the defendant from being successful in the program. Assistance of a Pre-Trial/Probation officer assigned to these cases would help to alleviate many of these issues which will lead to more successful outcomes.

The focus group conducted with survivors as part of this Accountability workgroup highlighted their experience with the Court system and concluded that some did not feel their voices were centered. There also have been instances where a victim may not show up for court as a witness and the charges are subsequently nolle prosequi with no follow-up on why the victim had missed court. It is unknown whether there is a formal process in place to follow up with the victim after completion of a case and there is currently no way to show that harm has been repaired.

While there is no “one size fits all” response when it comes to DV, there are ways to ensure that the process is consistent in determining the needs of each defendant/victim, which services/programs are appropriate, and compliance while being monitored.

Court Services should be used as a mechanism to promote accountability, increase survivor safety and improve outcomes for all parties involved including the defendant, survivor, children and the family unit as a whole.

Community Corrections Probation and Pretrial Officers, through the use of Motivational Interviewing and other Evidence Based Practices, go beyond what is ordered on the bench and assist the defendant with the creation of a Case Service Plan. Goals are set and the Probation Officer works with the defendant in an attempt to help them succeed in reaching those goals. These goals vary but can include things such as household budgeting (many domestic disputes occur due to a lack of household funds), job placement, employment training, substance abuse counseling (when not already ordered but deemed necessary), obtaining a driver’s license and so much more. If the defendant is not placed on probation as a part of the Court’s order, they miss out on all of this and do not receive the full extent of the services that are available to assist them in improving their lives and becoming not only more productive members of the community, but also a better member of the family.

## **DESCRIPTION OF PROPOSED RECOMMENDATIONS**

### ❖ Implementation of a Domestic Violence Accountability Docket.

Can create pathways to better partnerships between all stakeholders through a DV Coordinated Court Response Team which would include designated members of the

- Judiciary
- Commonwealth Attorney’s Office
- Public Defenders Office or other defense attorney
- Victim Services/Victim Advocate
- Law Enforcement
- Court Services
- Child/Adult Protective Services-If involved
- Service Provider-Domestic Violence Intervention Program

Input is given from all involved stakeholders in each case on a coordinated action plan to be considered as part of the plea/disposition. The Victim Impact Statement would include the victim’s proposed action plan to be taken into consideration for sentencing. A uniform Court Order would be utilized which would be filled out by the Court Response Team prior to being presented to the Judge. Judges make any adjustments as they see fit. Cases would be identified to be assigned to the docket at arraignment or

advisement or when the first court date is set. After sentencing, a review set every 60-90 days would address ongoing compliance and progress. With the coordination of stakeholders in a Domestic Violence Accountability Docket, there is a better understanding of the risk/needs/responsivity factors in each case which drive violent behavior and will assist in identifying appropriate responses and programming to promote accountability. A docket would also significantly reduce the incidence of probation violations being heard/dismissed without a Probation Officer present to provide testimony and recommendations.

❖ Sanctioning/Sentencing guidelines

Sanctioning/sentencing guidelines can keep a balance between consistency and accountability. Guidelines are not necessarily required but can provide creative ways to address non-compliance while addressing needs and barriers.

❖ Repairing Harm

In an effort to repair the harm caused by domestic violence, a provision would be included as part of the Court Order that the offender be required to “fix” what was damaged. This refers directly to property damage, monetary losses, physical damage, or any other harm caused by the violence. This speaks to how visual reminders can delay healing and how that damage, if left unaddressed, can contribute to ongoing trauma.

❖ Introductory Domestic Violence Intervention pre-class/Waitlist Groups/Jail Groups

The purpose of a Domestic Violence pre-class, such as the “Peaceful Choices” three-hour class out of Georgia, provides an introduction to what the full certified program will include. This educational class offers specific program information and touches on some of the main topics in the certified class. This class should be used during the pre-trial phase of the case to prepare the defendant for the full program which would be ordered as part of the post dispositional phase. This class could also be utilized post disposition as part of the probation intake and could be offered by court services with facilitating staff who have obtained specialized training and/or certification or this could be added as part of the intake with a Certified Domestic Violence Intervention Program.

Waitlist groups are mostly educational with the structure of a support group. These groups can be held in Court Services with a specially trained staff or be added to a local certified domestic violence program curriculum. This can be utilized after the offender has attended the three-hour pre-class and while they are awaiting a certified domestic violence program to start. Waitlist group models have been used by the Community Services Board when a defendant was assessed and recommended for substance abuse services but there was a waitlist.

Jail domestic violence groups provide domestic violence education while a defendant is incarcerated awaiting trial or serving a sentence.

❖ Informational pamphlets for Victims/Defendants with information on statute and rights during the court process.

Information contained in the pamphlets for defendants might include statutes that they need to be aware of involving possession weapons, protective order compliance, contact information for key stakeholders that the defendant may need to be in touch with and any other information important to highlight. Information contained in a pamphlet for the victim might include any services available to them, contact information for key stakeholders involved, their rights pertaining to protective orders and any other pertinent information. These pamphlets would be handed to the victim/defendant in court.