



# INAUGURAL ASIA-PACIFIC CONFERENCE ON GENDERED VIOLENCE & VIOLATIONS

## MASTER CLASS SUMMARY

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**Date:** February 10, 2015

**Session title:** *Specialist Domestic Violence and Sex Offences Courts – planning and implementation strategies for an innovative court model*

**Presenter:** Rebecca Thomforde Hauser, Associate Director, Domestic Violence and Sex Offender Management Programs, Centre for Court Innovation.

**Convenor:** Annie Cossins, Associate Professor, Law and Co-Convenor, Gendered Violence Research Network, UNSW

### **Summary:**

The objectives of this master class were to: describe the Center for Court Innovation and its work in the U.S. with courts; provide a detailed description of the domestic violence and sex offense court models and placed them within the context of other problem solving court models; and describe the planning and implementation steps needed to ensure an effective specialist court.

### **WHAT IS THE CENTER FOR COURT INNOVATION?**

Winner of the Peter F. Drucker Award for Non-Profit Innovation, the Center for Court Innovation is dedicated to reforming the justice system through demonstration projects, research, and expert assistance. The Center's goals are to help courts aid victims, reduce crime, and improve public trust in justice. In New York, the Center creates demonstration projects that test new approaches to problems that have resisted conventional solutions. Beyond New York, the Center disseminates the lessons learned from its demonstration projects, helping court reformers around the world test new solutions to local problems.

The Center provides hands-on technical assistance, advising jurisdictions about program design, technology, and performance measures. The Center's approach to technical assistance is simple and practitioner-focused, based on direct in-house expertise implementing court reform projects.

With support from the Office on Violence Against Women and Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the Center is able to provide a variety of technical assistance services.

The Center's technical assistance includes:

- Intensive, on-site work with individual domestic violence and sex offense courts in all stages of planning and implementation.

- Practitioner-to-practitioner guidance, in which Center staff, drawing on their extensive hands-on experience creating and running domestic violence and sex offense courts, help other jurisdictions to learn from each other.
- Guidance with creating strong judicial compliance reviews, promoting victim safety, and developing effective partnerships with other agencies.
- Model documents, assessment and evaluation tools.
- Assistance building successful, multi-disciplinary planning teams.

## **HOW COURTS CAN IMPROVE THEIR RESPONSE TO DOMESTIC VIOLENCE AND SEX OFFENSE CASES: THE SPECIALIST COURT MODELS**

Sex offense and domestic violence courts are one tool that jurisdictions may elect to use as they consider the court's management of domestic violence or sex offense cases. The idea is simple: by specializing court response, your community can enhance coordination between justice partners and increase understanding of best practices across disciplines. These courts seek to create new links between key stakeholders, including: sexual assault and domestic violence victim service agencies, social service agencies, law enforcement, the defense bar, and mandated programs for offenders (i.e. community corrections, treatment providers, substance abuse treatment providers, and mental health services).

Domestic violence or sex offense courts may be particularly helpful in communities where there has traditionally been a lack of involvement by the court in the coordinated community response for victims. Specialist court programs use a variety of techniques to monitor offenders, impose accountability, and ensure consistency in judicial decision-making.

Both domestic violence and sex offense courts are accountability focused rather than diversionary, in other words these courts do not encourage the use of non-jail sentences unless those sentences are appropriate based on victim and community input as well as address safety concerns.

Sex offense and domestic violence courts rely on the following best practices:

***Dedicated Trained Judge and Staff:*** A judge with specialized training in sex offender management monitors offenders from case identification through disposition. Ideally, the judge is supported by trained staff and specialized trained stakeholders.

***Jurisdiction:*** Sex offense courts usually have jurisdiction, at a minimum, over all cases that include a registerable sex offense under the Sex Offender Registration Act (SORNA). Courts need not handle sex offense cases exclusively, but can have a specialized docket or sex offense calendar. Domestic violence courts may address criminal cases, civil cases, or a combination of both.

***Judicial Monitoring:*** Adapted from other specialized problem-solving courts, sex offense courts can employ continued judicial monitoring of offenders who are in the community and coordinate continued judicial monitoring with parole and probation for those offenders released from incarceration.

***Offender Accountability:*** Offender non-compliance with the terms and conditions of probation, sex offender registration, parole, or protective orders should be immediately communicated to the court and court responses to noncompliance should be swift. Regular communication between the court, probation and parole, and treatment providers should allow violations to be detected quickly.

***Community Supervision:*** Sex offense and domestic violence courts should promote the use of pre-sentence investigations for determining risk and setting appropriate conditions; and encourage probation and parole to use specialized conditions targeted to the specific risk and needs of each

offender. For sex offense courts that might include participating in specialized sex offender treatment, post-conviction polygraph, and restricting contact with the victim) to manage released sex offenders. For domestic violence courts that may entail community based batterer intervention programs and specialized domestic violence probation conditions.

**Training:** Training on issues related to sex offender behaviors or domestic violence dynamics should be provided to all court and related personnel so that court policies are continually informed by the latest research and best practices in the field.

**Stakeholder and Community Resources:** In order to enhance the effectiveness of judicial monitoring and community supervision, sex offense and domestic violence courts are encouraged to become familiar with the available services in their county, including services for litigants with limited English proficiency, hold regular stakeholder meetings, and collaborate with stakeholders on training programs.

**Victim Services:** Sex offense and domestic violence courts should work with local service providers such as community and system based victim advocates, rape crisis centers, child advocacy centers and other community based services to facilitate victims' access to child abuse, sexual assault, and domestic violence advocates.

## **PLANNING AND IMPLEMENTATION**

Successful planning and implementation of domestic violence or sex offense courts does take some time. Planning can range from three to 12 months. Most domestic and sex offense courts find that planning allows for a deeper understanding of each of the stakeholders' roles, relationship building, and understanding of current gaps in both safety and accountability processes, which lead to the creation of a court and community strategy that enhances victim safety, offender accountability and procedural fairness. The Center for Court Innovation has created planning and implementation toolkits for both domestic violence and sex offense that outline the planning steps and have worksheets or planning tools for use by court and community stakeholders seeking to enhance their response to domestic and sexual violence.

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### **For more information, please contact:**

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For more materials, including overviews of domestic violence and sex offense courts, interviews with judges, and research and evaluation, please visit our website at: [www.courtinnovation.org](http://www.courtinnovation.org)