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# Bringing Domestic Violence Best Practices to New York's Town and Village Courts

Amanda B. Cissner

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U.S. Department of Justice

520 Eighth Avenue, 18<sup>th</sup> Floor  
New York, New York 10018  
212.397.3050 fax 212.397.0985  
[www.courtinnovation.org](http://www.courtinnovation.org)

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## **Executive Summary**

Town and village courts are frequently the first (and sometimes only) encounter many people have with the New York State court system. These largely rural courts have jurisdiction over a large numbers of criminal cases, hearing violations, misdemeanors, and felonies in their early stages (in addition to limited civil cases).

Beginning in 2005, the Center for Court Innovation partnered with the Office of Court Administration's Town and Village Resource Center and local domestic violence stakeholders to develop the curriculum for a domestic violence education training project targeted at the eleven rural town and village courts of Tompkins County, New York. Funded through a STOP grant from the Office on Violence Against Women, the training project was intended to provide local justices in the most rural parts of the county with the tools needed to identify and process their domestic violence cases. The project also provided an opportunity to gain a deeper understanding of the domestic violence policies and practices implemented in New York's rural town and village courts.

This descriptive study reveals diversity in the domestic violence practices of these courts. Low domestic violence caseloads are the norm, although caseload estimates vary across sites. The town and village justices rely on an assortment of sentencing options, with program mandates common; for example, each of six justices interviewed report using batterer programs and drug and alcohol treatment with some frequency. Justices universally report issuing protective orders to victims of domestic violence, although they were largely unaware that they could access offenders' prior protective orders through a statewide online registry. Most of the justices do not return sentenced defendants to court for regular compliance monitoring, although they do hear of violations of program mandates and protective orders from program staff and probation. While most justices have victim service information available in their courtrooms, according to area advocates, town and village justices rarely refer victims to advocacy services. Justices were generally positive about the Center for Court Innovation training project, though their practices remained largely unchanged after attending the training.

In general, the town and village justice practices included in this report are limited, due in part to time and resource issues as well as a tendency to rely on traditional practices. This may also point to the need for further targeted outreach by the local domestic violence community to encourage local justices to incorporate additional domestic violence best practices.

## **Introduction**

Over the past 25 years, there has been a significant change in the criminal justice response to domestic violence. The work of advocates led to the recognition of domestic violence as an important social issue, precipitating much-needed reforms aimed at improving both police responses and prosecutorial practices in domestic violence cases (Schechter 1982). The passage of the federal Violence Against Women Act in 1994 led to a dramatic increase in mandatory arrest laws, a funding increase for victim services, and the creation of specialized domestic violence prosecution and police units (e.g., Buzawa and Buzawa 1996).

These changes were paralleled by a movement taking place within state court systems across the country. Frustrated by seeing the same offenders come through the court again and again and by the limited sentencing options available to judges, state courts began to seek new strategies for addressing domestic violence. The result, in many jurisdictions, has been the creation of specialized domestic violence courts, designed to enhance victim safety, strengthen the criminal justice response to the perpetrators of domestic violence, and send a message that the criminal justice system takes these offenses seriously.

Although the domestic violence court movement has spread across the country, the earliest and most-researched of these courts are primarily in urban and suburban jurisdictions. Consequently, many rural jurisdictions struggle with how to utilize the best practices of the domestic violence court model, given the realities of a widely dispersed population, limited funding, and limited access to victim advocacy, shelters, and other local services. In fact, many rural jurisdictions have neither the caseload nor funding to create a specialized domestic violence court. However, this does not mean that the lessons learned from over a decade of domestic violence court operations are not relevant for these jurisdictions. Given the relative scarcity of resources in rural settings, it is arguably even more crucial that these courts focus their limited means on implementing best practices found to be most effective with domestic violence populations.

Beginning in 2005, the Center for Court Innovation partnered with the Office of Court Administration's Town and Village Resource Center and local domestic violence stakeholders to initiate a domestic violence education training project targeted at the eleven rural town and village courts of Tompkins County, New York. Tompkins County has a total population of just under 100,000, spread over small towns, semi-rural, and rural areas covering 476 square miles (U.S. Census Bureau 2000).

Funded through a STOP grant from the Office on Violence Against Women, the training project was intended to provide local justices in the most rural parts of the county with the tools needed to identify and process their domestic violence cases. Justices were presented with domestic violence best practices, including information on the dynamics of domestic abuse, understanding victims and perpetrators, the role of the judge and the court, and utilizing local resources (e.g., local victim service agencies, the local Integrated Domestic Violence Court). The Center for Court Innovation partnered with staff from the Tompkins County Integrated Domestic Violence Court (IDVC),<sup>1</sup> who

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<sup>1</sup> Integrated Domestic Violence Courts are multi-jurisdictional courts dedicated to the idea of "one family - one judge." They allow a single judge to see the "full picture" of criminal cases, orders of protection, custody, visitation and divorce matters for one family. From a practical perspective, these courts simplify the court process for families in distress, creating an environment where litigants no longer have to navigate

provided background on the local context. In addition to providing local justices with tools for handling their domestic violence caseload, training facilitators encouraged justices to implement an action plan for putting some of the relevant best practices in to place.

This project further served as an opportunity to gain a deeper understanding of the domestic violence policies and practices implemented in New York's rural town and village courts and to measure the impact of the trainings on these practices. Research staff documented domestic violence practices through several data sources including: a policy survey asking the justices to identify their domestic violence policies and practices prior to the commencement of the training project; a pre-training survey asking justices to rate their understanding of domestic violence issues; a post-training survey asking justices to provide immediate feedback on the trainings; a series of court observations and interviews with a subset of the town and village justices; interviews with staff from the Tompkins County Integrated Domestic Violence Court (IDVC) designed to ascertain the frequency and nature of interaction between the local town and village courts and IDVC; interviews with local victim advocacy staff designed to explore the resources available to the local town and village courts; and a follow-up survey designed to measure changes in court policies since the training series.

This report first provides an overview of the town and village court system and a general description of Tompkins County. A more in-depth examination of six of the courts paints a clearer picture of their caseload, policies, and some of their limitations. Finally, an analysis of court responses to the training project set the stage for concluding comments.

### **The Town and Village Courts**

Town and village courts are frequently the first (and sometimes only) encounter many people have with the New York State court system. Descending from the tradition of the Colonial justice of the peace, New York State's 1,281 town and village courts are the first level of trial court in New York's Unified Court System. Although they are officially part of the state court system, the courts are funded by local municipalities, not administered by the New York Office of Court Administration. The courts are presided over by locally elected justices (2,154 statewide), who may or may not have legal training.<sup>2</sup> The courts have jurisdiction over more cases than any other court in the state criminal justice system; while the bulk of cases heard in town and village courts are traffic violations, more than 300,000 criminal matters appear in local town and village courts each year (Glaberson 2006).<sup>3</sup> In the twenty-one counties in the state with no city court, town and village courts decide the vast majority of criminal cases (Stoughton 2006). Town and village justices may also hear civil cases with claims up to \$3,000 and landlord-tenant disputes with no monetary cap (Glaberson 2006). The diversity of cases

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multiple court systems simultaneously and reducing the risk that they will receive conflicting court orders (Aldrich and Mazur 2005).

<sup>2</sup> According to a series of articles focusing on the State's justice courts in *The New York Times*, nearly three-quarters of New York's town and village justices are not attorneys. Of these, about one-third have no formal education beyond high school (Glaberson 2006).

<sup>3</sup> The courts hear primarily violations and misdemeanors, but may also hear felony cases in their initial stages.

heard by town and village courts coupled with justices' limited legal background<sup>4</sup> has led to several recent calls for a reorganization of the state court system (e.g., Glaberson 2006, Stoughton 2006).

### **Tompkins County, New York**

Tompkins County is a rural county located in the west central part of New York State, at the base of the Finger Lakes. The county seat, Ithaca, is home to Cornell University and Ithaca College and is the largest population center in the county. According to the 2000 census, Tompkins County has a total population of just over 96,500 (U.S. Census Bureau 2000).

As Table 1 shows, the county is predominantly white (86%), with African-American (4%) and Hispanic (3%) populations falling far below the state and national averages. Undoubtedly due to the presence of two universities, Tompkins County residents have higher educational attainment levels than the state or national population. Despite these relatively high education levels, the rural county sees lower median household incomes and higher poverty rates than either New York State or the country as a whole.

<b>TABLE 1: 2000 COMPARATIVE DEMOGRAPHICS FOR TOMPKINS COUNTY, NY</b>			
	<b>Tompkins County</b>	<b>New York State</b>	<b>United States</b>
Total population	96,501	18,976,457	281,421,906
Race			
White	86%	68%	75%
African-American	4%	16%	12%
Asian	7%	6%	4%
Other	3%	10%	9%
Hispanic (any race)	3%	15%	13%
High school degree or higher*	91%	79%	80%
Bachelor's degree or higher*	48%	27%	24%
Living in poverty	18%	15%	12%
Median household income	\$37,272	\$43,393	\$41,994
Percentage of homes that are owner-occupied	54%	53%	66%

*American Fact Finder 2000, U.S. Census Bureau*

\*Of residents 25 years or older.

Tompkins County is comprised of nine towns, many of which are further divided into villages and hamlets. Each of the nine townships (Caroline, Danby, Dryden, Enfield, Groton, Ithaca, Lansing, Newfield, and Ulysses) has its own town court. In addition, the Village of Freeville (in the Town of Dryden) and the Village of Cayuga Heights (in the Town of Ithaca) each have their own village court. During the time period examined in this report, these eleven courts were presided over by nineteen individual judges (called "justices" in the town and village court context).

<sup>4</sup> Town and village justices who do not have previous legal training are required to attend a six-day training administered by the state (Glaberson 2006).

## **The Courts**

Policy surveys were mailed to the nineteen justices serving in the eleven town and village courts of Tompkins County. Of these, six justices (32%) responded to the survey, one from each of six courts. Court observations and interviews with staff were conducted only at courts that responded to the policy survey.<sup>5</sup>

The atmosphere of the six observed courts varied widely. In part, this was a result of the physical location of the courts; depending on the resources of the municipality, there may or may not be space available specifically for the court. Three of the six observed sessions were held in what appeared to be permanent courtrooms; that is, they had permanent benches where the justice and other court staff sat, and two of the three had permanent seating for those appearing in court (the third had folding chairs). While these courtrooms may also serve additional community needs (e.g., meetings of local groups), they maintained the feel of a formal courtroom.

The remaining three courts were held in rooms that were clearly set up to hold court during the observed session, but which were used for other purposes when court was not in session. One of these was held in such a small, crowded office that not all audience members could be seated at the same time. Another was more spacious, but did not contain enough folding chairs to allow everyone to be seated. One court was held in an office connected to the local firehouse garage; while no alarms were sounded during the observed session, it would presumably be distracting if the fire trucks were called out during a court session.

The physical space of the courtroom may be noted here for several reasons. First, the lack of a proper courtroom speaks to the limited resources available to town and village courts. Shared space also raises concerns when documents such as court files are located, where non-court personnel might see them. Although little research exists on the impact of the physical setting of the court, it is hypothesized here that the tone of the court may be affected by its physical location. If defendants in criminal cases come to believe, based on the physical condition of the courtroom, that the court is not completely legitimate, it could perhaps impact how seriously they take their cases. Finally, if domestic violence victims do not feel safe attending a court in which they must be in close physical proximity to their abuser, these small and cramped courtrooms may have very real implications for the prosecution of domestic violence cases.

The frequency of the court session likewise varies across the courts, based primarily on caseload. Four of the observed courts are in session twice weekly. Each of these courts has two sitting justices, with both justices sitting once a week. One court is held once each week and has one sitting justice. The final court is held twice a month and has a single sitting justice. Responding justices had been on the bench between two and seventeen years, with an average of just over ten and a half years on the bench.

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<sup>5</sup> It is worth noting that low response rates were endemic throughout this project. For each of the surveys distributed to the nineteen justices via mail (i.e., policy surveys, pre-training surveys, and three month follow-up surveys) response rates ranged from 21% to 32% (i.e., from four to six surveys returned). This was despite follow-up contact via mail and email. These low response rates should be kept in mind when reading the descriptions in this section and, more importantly, the responses in the following section, as findings may not accurately represent the practices of all nineteen justices. Therefore, results should be interpreted with caution.

In addition to the one or two court justices, each of the six courts is staffed with a clerk (one court employs two part-time clerks and one full-time clerk). Three of the courts are also staffed by a security officer, although in one of these courts the officer is only present during jury trials. An assistant district attorney (ADA) staffs each court once a month; cases in which the judge needs to consult with the district attorney's office or where the defendant hopes to get a plea offer are adjourned for the date the ADA will be present in court.

Based on feedback during interviews and training sessions, many of these courts have fewer than one domestic violence case every month; at least two justices reported that they have only one or two domestic violence cases each year. The District Attorney's Office does not currently have a system for accurately identifying the number of domestic violence cases in the town and village courts. Although only two justices completed both a pre-training survey and a three-month follow-up survey, neither reported consistent caseloads between the pre- and post- surveys, indicating that justices may not have an accurate idea of how many domestic violence cases come through their court.<sup>6</sup> It also seems likely that the justices do not correctly identify all the domestic violence cases appearing in front of them as such.

With these qualifications in mind, five of the six justices completing the policy survey indicated that they saw between one and five cases monthly, the sixth justice reported between six and ten cases monthly. Justices completing the pre-training and/or follow-up survey reported an average of less than one case a month (with the lowest being one case every three months). Several justices mentioned that they believed domestic violence caseloads were down recently. When asked for an explanation, only one justice hazarded a guess; she suspected victims are reporting fewer incidents, in the hopes that they can resolve the violence without involving the criminal justice system.

At least partially due to low domestic violence caseloads in these courts, only one domestic violence case was observed. Justices were asked to notify research staff when domestic violence cases would be appearing in their court, but despite follow-up, none of the justices reported domestic violence cases during the approximately three month period between initial court observations and the final training session.

Each of the six observed courts hears violations and misdemeanors, as well as felonies in their beginning stages. Justices report using a variety of methods for identifying domestic violence cases, including reading the accusatory instrument and the statements, talking to the arresting officers or reading the Domestic Incident Report (DIR) filed by the officers, and looking at defendant rap sheets. Each of the justices reported that the district attorney may go forward with the case even if the victim does not wish to prosecute. When asked which sentences they use in domestic violence cases, all six justices report using fines. Five of the six report using conditional discharges in domestic violence cases, with an order of protection, probation, and program evaluation and attendance (often mandated as a condition of probation) being the most commonly identified conditions. Although five of the six indicate that they sometimes sentence domestic violence offenders to an adjournment in contemplation of dismissal (ACD), only one indicated that this sentence was used with any frequency and that justice further

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<sup>6</sup> The pre-training survey asked respondents to estimate the number of domestic violence cases they adjudicate in six months; the three month follow-up survey asked respondents how many cases they had adjudicated since the last training.

specified that ACDs are only used when the victim wants to drop the charges. (In New York State, cases disposed with an ACD are typically dismissed either six or twelve months later, provided there is no re-arrest.) Five of the six justices reported using short-term incarceration in domestic violence cases, while only two of the six reported sentencing domestic violence offenders to community service.

### *Program Mandates*

The Domestic Offense Offender Re-Education Services (DOORS) program is the batterer program available in Tompkins County. The DOORS program is run by Tompkins County Mental Health Department and follows an educational model incorporating many components of the Duluth Model. The program runs for 48 weeks. Defendants pay for the program, although the fee schedule is on a sliding scale for defendants who document need. Justices at the six observed courts reported more use of the DOORS program than justices completing pre-training and follow-up surveys; four of the six justices completing the policy survey reported that they mandate defendants to DOORS, while only one of the seven justices completing pre- and follow-up surveys reported mandating the program in more than half of domestic violence cases.

In addition to mandating offenders to batterer programming, the six justices completing the policy survey report mandating offenders to alcohol treatment programs, substance abuse treatment programs, mental health treatment, and anger management. A few of the justices also report sentencing defendants to mediation, couples counseling, and parenting classes. When asked how they determine which program is appropriate for defendants, justices report that they consult any resource available to them. Justices draw information from pre-sentence investigations, from police and witness statements, from conversations with the prosecutor, the victim, the defense attorney, or the defendant himself. One justice checks with the local Department of Social Services if it has been involved with the family in the past.

All six justices report that they mandate defendants to programs both pre-plea and post-plea, but most acknowledged that obtaining a pre-plea agreement is difficult for defendants who are typically facing fairly low-level charges. One justice indicated that if he thinks he can get a defendant to go to *any* program pre-plea, he will use whichever program the defendant agrees to attend. Another justice allows defendants to choose the program they attend if they agree to go pre-plea. In some cases, justices mandate defendants to a program as a condition of a conditional discharge, but more commonly, defendants are sentenced to probation and any program mandate is a condition of probation.

In discussing program mandates generally and the DOORS program specifically, a good deal of misinformation was revealed. One of the justices reported that he used to mandate defendants to the DOORS program, but stopped because he heard that the program was defunct. Another justice stopped mandating defendants to the program when she heard it was no longer focused on domestic violence, but was accepting a more general criminal population. A third justice was unsure whether the program would accept pre-plea cases.<sup>7</sup> This lack of information seems easily rectifiable through targeted

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<sup>7</sup> DOORS does not accept pre-plea cases because offenders are required admit to the current offense as part of the program. If pre-plea defendants were to admit to the incident, program staff could be required to testify against offenders in court.

outreach on the part of program providers. Whether such outreach would increase program mandates is uncertain, but knowledge of the locally available services may be a first step in bringing the key principles of domestic violence courts to the town and village courts.

<b>TABLE 2: TOWN AND VILLAGE JUSTICE OP PRACTICES*</b>	
Issue a Protective Order	100%
Review Terms of Protective Order	100%
Order Weapons Relinquished	71%
Check OP Registry	43%

\*Percent of justices who engage in practice at least 50% of the time.

### *Protective Orders*

According to New York’s Unified Court System domestic violence registry, 35 temporary orders of protection and nine final orders were issued by the Tompkins County town and village justices in 2006. Justices responding to all surveys universally report that they issue an Order of Protection in all or nearly all domestic violence cases. Judges at the county Integrated Domestic Violence Court confirm that there is an order of protection in place in nearly all domestic violence cases transferred to the county court from the town and village courts. All responding town and village justices report that they review the conditions of the order of protection with defendants during court. During interviews, five of six justices indicated that in almost all cases the initial order is a full stay away order prohibiting all contact between the defendant and the victim, although the order may be revised to a limited, non-harassing order upon the victim’s request if the defendant is compliant with court orders. Judges from the IDVC also indicate that they are often asked to change orders when a case is transferred to the county court, but specify that this is typically because after the immediate crisis passes, victims often want less restricted contact with defendants. The IDVC judges did not feel that the orders issued by town and village justices differed significantly from those issued in the county court. Several of the town and village justices noted the importance of including a no-firearms clause in the protective order, citing the prevalence of firearms and knives among rural populations where hunting is common. Often, according to the justices, defendants express surprise and frustration at being required to relinquish their weapons.

Although town and village justices have access via the internet to a statewide registry of protective orders, allowing them to see any previous orders defendants may be violating when they appear in court on a new charge, only two reported regularly checking the registry. However, nearly all justices expressed interest in learning how to access this tool. Information on accessing the registry was distributed to justices in their training packets.

During the first training session, two justices raised the concern that they could not hold *victims* in violation of the protective order if victims reach out to offenders and/or invite offenders to disregard the protective order. This issue was raised again during interviews with these justices. This concern may speak to the need for additional training about the purpose of protective orders in domestic violence cases.

### *Compliance Monitoring*

Two of the six justices reported regularly bringing defendants back in order to monitor their compliance with court orders. In one court, defendants typically return to court twice on a year-long order of protection. Defendants who are compliant at three months and six months may have their nine-month and one year compliance appearance waived. In a second court, the judge determines how frequently defendants will return on a case-by-case basis. Monitoring appearances may occur once a week, every other week, or monthly, according to this justice. Although none of the other courts regularly brings defendants in for judicial monitoring, two of the remaining justices noted that a violation of the order of protection will result in the defendant being returned to court and re-sentenced.

Most justices rely on probation to monitor defendant compliance with program mandates. That said, each of the justices reported that they are in contact with program representatives and would find out if a defendant failed to attend the mandated program. If a defendant with a conditional discharge and a program mandate misses program sessions, it is within the court's power to return the defendant to court and impose a sanction or sentence the defendant to jail. Two justices indicated that they do not have time to monitor conditional discharges and, therefore, leave this task up to probation. While other justices seemed to take on more of the monitoring role themselves, only one justice mentioned bringing defendants back to court for failure to comply.

Although the probation department could not provide an accurate count of how many defendants in the town and village courts are currently on probation, a representative from probation agreed that most domestic violence offenders in these courts are sentenced to probation. According to this representative, nearly all of these defendants are in some type of program. Probation meets regularly with program staff to get compliance updates and to determine which measures to take for any noncompliance. Violations of probation are reported back to the local courts.

One justice in particular expressed great interest in developing a specialized compliance calendar and bringing domestic violence offenders back to court regularly. However, he was skeptical that the low-level charges facing defendants in his courtroom could result in a plea agreement including regular monitoring appearances. Further training on working with the district attorney's office and scheduling cases for continued monitoring could be useful.

### *Victim Services*

The challenges posed to all victims of domestic violence may be even greater for victims in rural areas plagued by poverty, limited public transportation, health care provider shortages, extensive under-insurance (or lack of insurance), and greatly restricted resources (e.g., job training and opportunity, educational resources, child care). In a 2000 policy paper, the U.S. Department of Health and Human Services' Office of Rural Health Policy identified additional obstacles faced by rural victims of domestic violence including geographic isolation, cultural values common among rural populations (e.g., allegiance to the land, kinship ties), and the prevalence of weapons (e.g., firearms, knives) (Johnson 2000).

These additional concerns for rural victims make targeted outreach even more critical in tiny towns and villages where victims of domestic violence may be isolated from service providers. The majority of courts responding to the policy, pre-training, and follow-up surveys indicated that victim advocacy services are available to victims whose cases are in their courts. However, only one court reported actively partnering with victim service providers; the rest indicated that victims were contacted by service agencies outside of the court setting. Two justices reported that they typically contact victims themselves to determine “if she needs anything” following the offender’s arraignment. One of these justices suggested that victim services typically aren’t necessary in these cases; the order of protection is generally enough to end the violence. The other justice praised the local service providers, but felt that because she is familiar with the players in these cases, it is often better if she makes the initial contact.

Four of six courts indicated that they have information on local victim services available in their courtroom; two others indicated that there is “no room” for pamphlets and other provider information in their already cramped courtrooms. Half of the courts have a safe space for victims that is separate from the main courtroom, although all of the justices interviewed agreed that they rarely see victims in court.

When asked how frequently they are contacted by the town and village courts, a representative from the Advocacy Center of Tompkins County – the service agency providing most of the victim services in the county – said that in seven years with the Advocacy Center, she only recalls one referral directly from the town and village courts. Based on interviews, the reluctance of town and village justices to refer victims to the Advocacy Center may go beyond a lack of knowledge of the available resources. Some of the justices – though not all – prefer to handle incidents locally and keep the city from getting involved. In fact, several victims have reported that local justices have discouraged them from filing a case in the Family Court, since this would typically result in the transfer of the local criminal case to the Integrated Domestic Violence Court and would preclude a local resolution. Local justices, who know the victims and their batterers from church, rotary club, and other community organizations, may feel that filing a case in the Family Court is “going over their head.” However, advocates report that this is not the case with all the local justices and some of the courts are more amenable to the victim service agency than others.

Although the majority of town and village courts are not directly referring victims to the Advocacy Center, many rural victims do receive services from the agency nonetheless. In some instances, victims are referred to service providers by the local police, who are supposed to complete a Domestic Incident Report in all domestic violence cases. Contact information for local service providers is printed on the reverse of the Domestic Incident Report copy that police leave with victims. In addition, those victims who may come to Ithaca to receive other services (e.g., DSS, Family and Children’s Services, Catholic Charities) or who receive a Family Court Order of Protection are referred to the Advocacy Center. Despite the multiple avenues for connecting victims to advocates, advocates indicate that rural victims are difficult to reach, and some continue to fall through the cracks. Advocacy staff stress that the local town and village courts should utilize them as a resource rather than taking on the work of reaching out to victims themselves.

### *Coordination with the Integrated Domestic Violence Court*

The Tompkins County IDVC handles all the related cases pertaining to a single family where the underlying issue is domestic violence, allowing for informed judicial decision-making based on current, comprehensive information on a family's situation. Families have all cases heard on a single day, in front of a single judge who knows the family's history. The court is comprehensively linked to local service providers and is able to address family needs through these linkages. Because both family and criminal protective orders are given by a single judge, the Integrated Domestic Violence Court model seeks to reduce conflicting orders, thereby increasing victim safety.

In a rural county such as Tompkins, many of the criminal cases entering the IDVC originate in a local town and village court. Typically, IDVC staff screen cases appearing in the Family Court and in the county Criminal Court to determine whether families have another pending case in a Town or Village Court. If there is an overlapping case in one (or more) of the local town and village courts, the IDVC requests that the case is transferred to the county court. In addition, the IDVC requests that all local justices fax the accusatory statement on any domestic violence cases appearing in their courts. Local law enforcement is also asked to fax any Domestic Incident Reports to the IDVC.

None of the six justices who were interviewed found the process of transferring cases to the IDVC to be burdensome, although one justice expressed some reluctance to transfer cases when she feels that she knows the involved parties better and has a better understanding of the family situation. The justices all agreed that the transfer process involved very little work on their end; the IDVC takes care of notifying local courts when a case should be transferred and the transfer process itself was not reported to be labor-intensive. Two justices indicated that they still were not clear on the criteria for transferring a case to the IDVC and, consequently, felt the decision to transfer a case was somewhat arbitrary. Additional outreach from the IDVC to further clarify eligibility criteria could be beneficial.

None of the justices reported utilizing the IDVC's resources in terms of social service linkages. IDVC staff indicated that local justices contact the court occasionally with questions, but that these are typically questions about IDVC eligibility. Other than these infrequent inquiries, IDVC staff nearly always initiates communications with the local town and village courts.

### **Court Response to Training**

The two-part training series offered in the Spring and Fall of 2006 sought to expand and enhance the domestic violence education given to Town and Village Justices, thereby improving court responses to domestic violence. Training topics included the dynamics of domestic violence, issues of victim safety and offender accountability, best practices from Domestic Violence Courts, and collaboration with the local IDV Court. The first session was facilitated by two staff members from the Center for Court Innovation. Based on participant response, the second session was primarily facilitated by the two Tompkins County IDV Court judges with the assistance of one local town and village justice. Staff from the Center for Court Innovation served as support staff during this second training. Training sessions utilized a variety of training formats, including lectures, video, group discussion, and justice participation in developing action plans for each court.

<b>TABLE 3: RATING THE TRAINING COMPONENTS*</b>	
	Mean Score
Networking Reception	3.70
Action Plan Implementation	4.00
Video Presentation and Discussion	4.09
Communication with Litigants	4.09
Coordination with Service Providers	4.18
Presenters/Moderators	4.45
Session Topics	4.36
Handouts	4.09
Overall	4.36

\* N=11. Scale for rating training components ranged from 1.00 (Poor) to 5.00 (Excellent).

Pre-training surveys were mailed to the nineteen justices prior to the first training session. Despite follow-up efforts, only 21% of justices returned completed pre-training surveys. The post-training survey had a slightly higher response rate; all of the eight justices attending the second session completed a post-training survey. Five of the nineteen justices (26%) completed the three-month follow-up survey.

When asked to rate the aspects of the training they had just attended using a scale from one to five, eight of the nine training components received a mean score of at least four, as shown in Table 3. The presenters, session topics, and the training overall received especially high ratings. When asked to identify the most valuable aspect of the training, respondents identified several aspects, including learning about the resources available through the Advocacy Center, learning how to access the online OP registry, opening the discussion with service agencies, learning more about monitoring defendants, and identifying the array of services available in the community.

Response rates to the follow-up survey sent to justices three months after the final training session were low, with only five justices returning completed surveys. Of these five, only one of the justices (20%) had implemented any of the best practices outlined during the training sessions. This justice reported that he had begun to utilize the online OP registry and had started to engage in some judicial monitoring. He had also made available pamphlets from the Advocacy Center in his courtroom. Two justices cited caseload issues as the reason they had not implemented best practices; neither had enough domestic violence cases in three months to change their practices. A fourth justice indicated that nearly all of the best practices were already implemented in his court prior to the training sessions.

Respondents to the follow-up survey generally rated the sessions lower than those completing surveys immediately after the training sessions. Respondents rated six of the eleven aspects of the training as at least somewhat helpful (3.00). This may speak to a need for more technical assistance following training sessions to address any questions that arise as justices attempt to implement best practices. Low ratings may also reflect the need to reevaluate training content to best meet the needs of town and village courts.

<b>TABLE 4: RATING THE EFFECTIVENESS OF TRAINING SESSIONS*</b>	
	Mean Score
Implemented Best Practices	20%
How Helpful were the Trainings**	
OP Use	3.20
OP Registry	3.25
Probation	3.00
Program Mandates	2.50
Compliance Monitoring	2.75
Sanctions	3.00
Firearms	2.80
Collaborating with Victim Service Providers	3.00
Collaborating with the Integrated Domestic Violence Court	2.80
Developing an Action Plan	3.20
Implementing an Action Plan	2.80

\* N=5.

\*\* Scale for rating the trainings ranged from 1.00 (Not Very Helpful) to 5.00 (Very Helpful).

As compared to those completing pre-training surveys, justices responding to the follow-up survey were slightly more likely to issue a protective order in domestic violence cases ( $p < .10$ ) and significantly *less* likely to use probation for monitoring in domestic violence cases ( $p < .05$ ). There were no significant differences between pre-training and follow-up practices on any other measures (how often do you use probation for investigating; how often do you mandate to a batterer program; how often do you verify offender compliance; how often do you order weapons relinquished; how often do you check the OP registry; how often are victim advocates available in your court). Again, response rates were quite low and only two of the four respondents completing the pre-training survey also completed a follow-up survey.

## **Conclusion**

The justices participating in this project were taking steps to better prepare themselves for addressing the domestic violence cases appearing before them. It might be anticipated that justices participating in a voluntary training would be predisposed to be more interested or knowledgeable in the area of domestic violence than the average town and village justice. However, even among these justices, there was a good deal of misinformation and missing information. For instance, justices were largely unaware of many of the local services at their disposal. Several had ceased mandating defendants to the local batterer program based on erroneous information. Most did not know that they had online access to the OP registry. Many were uncertain of the criteria for the local Integrated Domestic Violence Court.

All of the above indicate that training efforts for town and village justices may need to go further than traditional judicial training efforts. Town and village justices often lack formal legal training. Many of these justices hold regular jobs, and the position of town and village justice is not highly paid. The result is a heavier burden on

service providers and local stakeholders, who must engage in more outreach if they want town and village courts to join in community efforts to address domestic violence.

In addition, domestic violence stakeholders may face real resistance when trying to engage the town and village justices. As reflected by the comments of several of the justices, there is a sense that local problems should be solved locally, that local justices understand the individuals in front of them better than county judges would, and that the community knows what is best for its own.

Also, a lack of resources in many town and village courts raises added challenges. Regular judicial monitoring may be difficult to fit in when court is only held once a month. In many rural areas, justices may have little access to the already scarce victim advocacy resources. Justices need to work with trainers and community stakeholders to develop innovative ways to solve these and other issues.

Despite the many challenges facing town and village justices, it is noteworthy that several of the justices have already implemented some domestic violence best practices. Although only two justices reported regularly calendaring cases for monitoring appearances, additional justices were using communication with program staff and probation to verify that their orders are followed by offenders. Although justices reported some confusion about the local batterer program, many continue to mandate offenders to attend this program. The majority of justices reported that information on victim services is available in their courtrooms. Finally, all responding justices report that they issue protective orders in the majority of domestic violence cases. As local justices are made increasingly aware of the resources available to them through continued training efforts and outreach by the local domestic violence community, these initial steps may pave the way for bringing additional domestic violence best practices to the Tompkins County town and village courts.

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