

Technical Assistance Bulletin

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C E N T E R
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I N N O V A T I O N

CREATING A SAFETY NET IN BELTRAMI

BY DEBORAH BAER AND THE HONORABLE PAUL T. BENSHOOF

We are all familiar with the facts surrounding domestic violence. One in four American women will experience domestic violence in her lifetime. An estimated three women are killed every day by an intimate partner. And we all know that cases involving domestic violence are among the most difficult handled by the judicial system.

WELCOME BY LIBERTY ALDRICH

Recently, we saw many of you at our Domestic Violence Court Open House in DeKalb County, GA and learned about the exciting work being done across the country. In this issue of the National Domestic Violence Courts Technical Assistance Bulletin, we focus on promoting a deeper understanding of victim safety in domestic violence courts and throughout your communities.

We also welcome past, present, and new grantees that are all searching for strategies to improve their jurisdiction's response to domestic violence. We hope that you can look to the dedicated work of Beltrami County as an example for your own projects.

Finally, if your court has a project you'd like to share, please contact abbasin@courtinnovation.org. We would love to hear about it!

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Beltrami County has experienced its share of these complex and dangerous cases. One in particular stands out. It is a story of years of violence. It is a story that is all too familiar in intimate partner assault cases. And it is one that convinced our community that the status quo was unacceptable, that a new vision of addressing domestic violence was needed, and that implementing a domestic violence court could not be delayed. Here is our tragic story. (To protect confidentiality, we have changed the names of the litigants).

In 1995, Joe smashed the window of a car in which Mary was sitting. He grabbed her by the throat and attempted to pull her out of the car through the window. Later that same year, Joe pushed Mary down the stairs, grabbed her by the arms, and dragged her into a van to take her home. Neither incident was reported to the police. Two years later, Joe punched Mary in the face, inflicting serious injuries, including a blowout fracture to the eye socket, a broken nose, bruised eye, and chipped tooth. Joe pled guilty and was convicted of felony assault.

At that time, little was known about domestic violence by the judicial system in Beltrami County. Beltrami County did not have batterer's programming; lethality assessments were not used by police, probation, or the courts; and there was little, if any, community collaboration surrounding domestic violence. No one here knew then that couples counseling was just another opportunity for the batterer to emotionally abuse their victim.

And so, Joe received the standard local consequence: some time in jail and then five years of probation, with a requirement that he participate in individual and family counseling.

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A TRAUMA-INFORMED APPROACH: WHAT DOMESTIC VIOLENCE COURT PROFESSIONALS NEED TO KNOW

BY RACHEL WHITE-DOMAIN

Recently, I presented a webinar hosted by the Center for Court Innovation and moderated by Katie Crank. The webinar, *A Trauma-Informed Approach: What Domestic Violence Court Professionals Need to Know*, was based on material developed as part of the Trauma-Informed Legal Advocacy (TILA) Project, a project of the National Center on Domestic Violence, Trauma & Mental Health (NCDVTMH).

Since 2005, NCDVTMH has provided training and consultation on a trauma-informed approach to domestic violence services. A few years ago, we began receiving an increasing number of questions from legal advocates and lawyers about how a trauma-informed approach applies to their work with survivors in court. The TILA Project was launched in response to these requests. Using practice-based scenarios, the TILA Project offers practical guidance to legal advocates and lawyers on how to provide trauma-informed representation and legal advocacy. This article provides a glimpse into the type of information included in the TILA modules, which are available on the NCDVTMH [website](#).

Traumatic Triggers & Emotional Safety Planning for Survivors in Court

One of the questions asked most frequently by legal advocates and domestic violence lawyers is how to support a survivor who gets “triggered” in court.

A “traumatic trigger” is something that causes a person to re-experience some aspect of a past traumatic incident as if it were happening in the present moment. When we are triggered, we may experience the feelings and sensations associated with past traumatic experiences, such as fear, anxiety, anger, nausea, or the feeling of being “numbed out.” This happens because the part of our brain called the amygdala is telling our body that we might be in danger and that we need to react quickly to protect ourselves. The amygdala is our body’s alarm system and it controls our “fight, flight, or freeze” response.

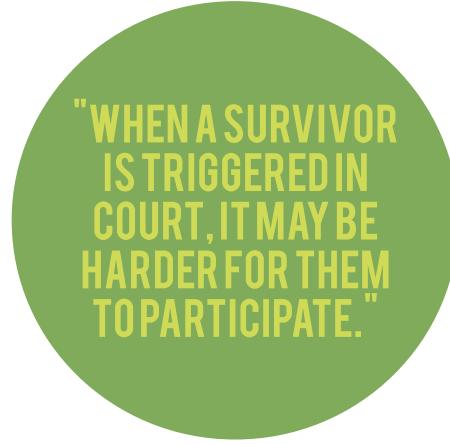
As NCDVTMH’s Director Dr. Carole Warshaw explains in her trainings that when we experience a lot of violence in our lives, our brains learn to react faster to possible threats. Importantly, we may also stay “on alert” for longer, meaning that it can take us longer to return to a place of calm. Of course, our brains are always changing, and with increased safety and support over time, we can change how our brains react and respond. In science, this concept is called *neuroplasticity*.

When a survivor is triggered in court, it may be harder for them to participate. Furthermore, in some cases, the court may misinterpret a survivor’s trauma response (e.g., looking away or appearing unfocused) as a sign that they are not

credible, when in fact, the opposite may be true. So how can we better prepare for this?

One key strategy in trauma-informed work is to let people know what is going to happen ahead of time, so that they can take control over how they want to prepare. In the legal context, this means telling someone what to expect in the courtroom. What will the room look like? Who will be there?

Advocates have asked us, “What if you always explain these details in advance, but many people still seem to ‘freeze up’ when they get in front of the judge?” While information about the physical environment is important, it’s not everything. Your “virtual tour” can also include insight into what the emotional experience might be like as well. For example, you can say, “As much as we prepare, a lot of people go into court and all of a sudden feel as though their minds go blank. If that happens to you, you’ll remember that we talked about this too. You might decide to pause for a moment, and often when you do that, what you wanted to say will come back to you.”



“WHEN A SURVIVOR IS TRIGGERED IN COURT, IT MAY BE HARDER FOR THEM TO PARTICIPATE.”

If you have time before a court hearing, you can work with the survivor to create an Emotional Safety Plan for court. I like to think of these plans as packing a suitcase. When I was little, our family took summer vacations in Florida. We drove there in our big Suburban. It always took about two days. We all liked board games and we had all of our favorite ones in travel size.

This is what you’re doing when you are creating an Emotional Safety Plan for court. You are thinking through what helps you cope in your day-to-day life and how to make those things travel size for your trip to court. For example, you cannot bring music into court, but you can memorize a single line from a song, poem, or prayer.

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BELTRAMI, CONTINUED

Five years later—and just two months after Joe was discharged from probation for the 1997 assault—Joe pulled a knife on Mary and threatened to kill them both. Mary went to court and filled out the paperwork needed to get an order for protection. The judge signed the order, but Mary never returned to court. The order was never issued.

For having threatened to kill her, Joe was originally charged with terroristic threats – a felony. Had he been convicted of that crime, Joe would have gone to prison. When Mary told the prosecutor she didn't want that, the charge was amended to gross misdemeanor domestic assault, which carried a maximum jail sentence of one year. Joe was sentenced just after Christmas 2002 and was required to follow probationary conditions similar to those imposed after his 1997 assault. It was what Mary "wanted."

Four months later, Joe began punching Mary in the kitchen of their home. When their adult daughter tried to intervene, Joe grabbed her by the hair, threw her to the floor, and started to hit her on the head. The daughter was then eight months pregnant. Joe again began hitting Mary, who tried to run. Before she could make it out of the room, Joe grabbed

her by the hair and threw her to the floor. He pulled out a bunch of knives and started swinging at both women. The daughter stood in front of her mother as Joe came toward them. Mary pushed her out of the way, only to be stabbed fatally by Joe. The murder occurred not only in the presence of the daughter but also in the presence of the couples' two young children.

Joe subsequently pled guilty to first-degree domestic assault murder and will not be eligible for parole until he serves 30 years in prison.

That is Mary's story. And that is what led us, in 2011, to engage stakeholders from the community and discuss possible changes to how the criminal justice system handled domestic violence cases. Those many meetings ultimately led to a decision to pursue funding through the Office on Violence Against Women (OVW) for a grant to develop and implement a Domestic Violence Court.

This was a leap of faith since we did not yet have a clear vision of what we **wanted** to do, let alone what we **could** do. But that leap of faith was rewarded when OVW granted us nearly \$450,000 to develop and implement a DV court.

Beltrami IDV Court Opens Its Doors

We opened our DV Court doors for the first time on September 6, 2013. We were then only one of three DV

courts in Minnesota that used a fully coordinated community response model. Each week, a Beltrami County judge presides over domestic violence cases. We implement the "one judge, one family" model whenever possible. A multi-disciplinary advisory team has been developed to oversee the functions of the dedicated docket and DV protocols. Ongoing training and tools have been provided to law enforcement, prosecution, probation, community advocates, and court personnel. Pre-trial supervision has been implemented. Five batterer intervention programs (BIP) provide batterer's re-education using the Duluth Model. BIP attendance is a court-ordered condition of probation. And regular and frequent compliance review hearings in front of the assigned judge are required for each participant. Our local women's shelter added 24-hour community advocacy support, and advocates are also available in the courtroom. Similarly, court-based community legal assistance is available to victims before, during, and after every session of DV court. Finally, we have worked with court security personnel to develop protocols to address victim safety in and around the courthouse.

In the past two years, we have heard almost 400 intimate-partner domestic violence-related criminal cases and approximately 100 men completed the batterer intervention program. They have been given education about power and control and ways to stop using violence in their relationship. They have been held accountable for their actions through heavy judicial monitoring, swift violation consequences, and dedicated supervision.

Analysis of the data will guide our team in filling gaps, learning from our mistakes, and enhancing what is working. Our advisory team will continue to discuss emerging ideas—knowing that communication and coordination is vital when working with family violence. And we will continue to hold victim and family safety at the center of every decision we make.

We have come a great distance since 2011 in addressing domestic violence in Beltrami County. But our work is far from finished. Domestic violence remains endemic — destroying families, harming women and their children, and tearing at the fabric of our community—and our efforts to protect victims will not end. In that regard, we were thrilled to learn recently that OVW has recently awarded us a second three-year Justice for Families grant to continue the work of ending domestic violence in northern Minnesota. Through OVW's financial support, the dedication of so many committed community people and organizations, and continued assistance from the Center for Court Innovation and so many other friends and organizations throughout the country, our efforts will not fail.

Deborah Baer is the Coordinator of the Beltrami County and newly funded Roseau County Domestic Violence Court, 9th Judicial District, Minnesota. Hon. Paul T. Benshoof is one of three Beltrami County DV Court judges and is the Chief Judge of the Ninth Judicial District.

**"THEY HAVE
BEEN HELD
ACCOUNTABLE
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DOMESTIC VIOLENCE BENCHBOOKS

This new publication provides a framework for jurisdictions seeking to create or enhance a domestic violence benchbook, benchcard, or checklist for judges. The guide includes common themes and best practices from benchbooks around the country, along with specific examples of benchbook topics.

The publication is available at: [Domestic Violence Benchbooks](#)

A TRAUMA-CENTERED APPROACH, CONTINUED

You cannot always bring your supporters, but you can bring a note they wrote you or a small object they gave you (e.g., a smooth stone) in your pocket. You cannot bring a special quilt or blanket, but you can cut out a small piece of patterned cloth to bring with you. A printable Emotional Safety Plan for Court worksheet that can be used as a guide can be found [here](#).

Trauma, Memory & Trust-Building

Another frequently asked question is why survivors will sometimes share information for the first time when they are in court, rather than prior to court. Of course, we know that there are many reasons why someone might not share information. Experiencing abuse by someone who is close to us can make it difficult to trust people. And someone's hesitations about sharing information may also reflect an awareness of real dangers, including the emotional risk of not being believed, especially if the information is highly stigmatized (e.g., substance use).

Trauma can also impact how we process information during a traumatic incident, as well as how we recall it after it has passed. First, during a traumatic incident, our survival response may cause us to focus on some details and not others. Or we may "check out" or dissociate during a traumatic event. (More information about responding if someone "checks out" or dissociates during court is available on the TILA page.) Other times, trauma responses might make it difficult to remember details later or to access the

emotions we felt at the time. Traumatic Brain Injury can also impact one's memory of past events.

We can work to build trust with someone, keeping in mind that building trust takes time. We can also make sure we are being transparent about why we need information, and avoid acting as though we are entitled to sensitive information merely because we are in a helping role. We can also be clear that we won't be judgmental, even though we recognize that others might. For example, we might say, "People may believe that if someone is drinking or using drugs when something bad happens to them, it's their fault. Even though some people think that, I don't." We can also help facilitate memory of an event by allowing the person we are working with to tell their whole story, as much as possible, before interrupting to ask questions.

Recognizing that sometimes it takes time to build trust as well as to remember details, it's also important to leave the door open for someone to share information at a second or third meeting, rather than months later. For example, we might say, "Sometimes, people think of something that they didn't say in the first meeting, that they want to say later. I know we just met and we don't know each other well yet. I am committed to building your trust, and I want you to know that if you think of something else you want to tell me later, you are most welcome to."

TILA scenarios on multiple topics can be found [here](#).

MANHATTAN INTEGRATED DOMESTIC VIOLENCE COURT

Domestic violence can involve physical, emotional, financial, and sexual abuse and require litigants to participant in multiple cases in many courtrooms before many judges. The Manhattan Integrated Domestic Violence Court streamlines the process by bringing a family's cases in one courtroom before a single judge. By doing so, the court promotes greater victim safety and makes it easier to link litigants to services and monitor compliance with court orders. To learn more about how IDV courts can help victims get the relief they need, click [here](#).



ENHANCING YOUR DOMESTIC VIOLENCE COURT

A Winter Webinar Series on Best Practices and the Courts that Use Them

Hosted by the Center for Court Innovation with presentations by the

Office on Violence Against Women Domestic Violence Mentor Courts

PART 1: THURSDAY, DECEMBER 10, 2015 | 2P.M. EST

WHAT ARE WE SUPPOSED TO BE DOING?

If you're seeking to improve your community's domestic violence court or docket, targeting areas for development can feel like an overwhelming task. Center for Court Innovation staff can help through this overview of evidence-based best practices in domestic violence courts. *Presented by Liberty Aldrich, Robyn Mazur, and Rebecca Thomforde Hauser of the Center for Court Innovation (90 minutes).*

REGISTER NOW:



Click
Here

PART 2: THURSDAY, JANUARY 14, 2016 | 2P.M. EST

SHOULD WE CREATE AN INTEGRATED DOMESTIC VIOLENCE COURT?

Integrated Domestic Violence courts prioritize two goals: 1) promoting the safety of victims, and 2) reducing recidivism by holding offenders accountable. Learn how different counties across the country have embodied these two goals through their integrated domestic violence courts.

**REGISTRATION
DETAILS
COMING SOON**

PART 3: THURSDAY, FEBRUARY 11, 2016 | 2P.M. EST

HOW DO WE GET OFFENDERS TO COMPLY?

Even if a survivor manages to obtain legal relief, court often struggle with making sure offenders comply with orders. Learn about what other courts are doing to ensure compliance and reduce offender recidivism.

**REGISTRATION
DETAILS
COMING SOON**

ABOUT THE CENTER FOR COURT INNOVATION: A public/private partnership, the Center for Court Innovation helps the justice system aid victims, reduce crime, and improve public trust in justice. With support from the Office on Violence Against Women, the Center provides a variety of services free of charge, including on-site support, site visits to domestic violence courts, peer-to-peer contacts, and planning materials. The Center also develops publications and Internet materials of special interest to a domestic violence court audience. For more information or assistance, contact Liberty Aldrich at aldrichl@courtinnovation.org or 646-386-4180.

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