

## **AT A GLANCE**

### **Location of Court**

Coeur d'Alene, Idaho

### **Type of Court**

Criminal Domestic Violence Court

### **Project Goals**

Improve the criminal justice systems response to domestic violence through a centralized handling of all misdemeanor domestic violence cases with specialized staff; increase stakeholder communication and effectiveness; and identify and address barriers that challenge effective and efficient Domestic Violence Court operations.

Enhance victim safety by coordinating assistance, resources, and referrals to comprehensively address the needs of victims; collaborate with community agencies to enhance coordination of resources; and provide on-site non-governmental victim advocacy.

Increase offender accountability through enhanced monitoring with judicial review hearings and a dedicated probation officer and provide comprehensive intervention to address domestic violence, substance abuse, and mental health concerns.

## **KOOTENAI COUNTY DOMESTIC VIOLENCE COURT**

The Kootenai County Domestic Violence Court provides a centralized process for handling criminal misdemeanor domestic violence cases. The court provides increased offender accountability through judicial review hearings and a dedicated probation officer, as well as enhanced victim safety by providing on-site governmental and non-governmental victim advocacy. The infrastructure provides enhanced information sharing related to offender risk, victim safety, inconsistent orders, and offender compliance. This highly successful court is in a small jurisdiction with a single judge, probation officer, court coordinator and limited funding and resources. Collaboration requires an intensive effort and active participation from all stakeholders to ensure an effective community response to domestic violence. It really is about having the right people at the table and the integrity they bring with them.



This fact sheet is part of a series describing Domestic Violence Mentor Courts. Selected by the Office on Violence Against Women, Mentor Courts share their expertise and assist other domestic violence courts in implementing promising practices and procedures, and building the capacity of state court systems to respond effectively to these difficult cases.

## COURT STAFF

A dedicated team of prosecutors, victim witness coordinators, public defenders, family law attorneys, law enforcement, non-governmental victim advocates, in addition to assigned staff with training on domestic violence issues is essential to the effective operation of the Domestic Violence Court. Because the same judge, prosecutors, and probation officer handle all domestic violence cases in the jurisdiction, these individuals gain expertise in domestic violence issues ensuring greater consistency in the processing of these cases.

- **Kootenai County Domestic Violence Court** is a small jurisdiction characterized by a single judge, specially trained in domestic violence, handling all criminal misdemeanor domestic violence cases. The presiding Judge provides overall leadership for the Domestic Violence Court and to the Domestic Violence Court Implementation and Oversight Team.
- **Specialized domestic violence probation officer(s)** with domestic violence training and familiarity with domestic violence court procedures provides supervision of offenders to enforce compliance with terms of probation, and refer offenders to services. Probation attends and participates in training and assists with implementation and evaluation to support the effective Domestic Violence Court operations. The dedicated probation officer(s) attend review hearings and provide regular status reports to the court. Probation participates on the Implementation and Oversight Team. This position is partly funded through OVW Justice for Families grant funds.
- **A Domestic Violence Court Coordinator** provides case coordination, assists with judicial monitoring, and coordinates information and collaboration with key stakeholders. The Coordinator collaborates with victim witness coordinators, victim advocacy agencies, treatment providers, domestic violence evaluators, and other community providers to expand resources for victims. The Coordinator identifies gaps in a coordinated response and establish, expand, and enhance resources for the Domestic Violence Court to support victim safety and autonomy. This position also acts as a liaison between the Court and court personnel, advocates, treatment providers, evaluators, law enforcement, and the community to enhance communication and collaboration. The Coordinator maintains contact with treatment providers to track and report offender compliance through an online system. In addition, the Coordinator assists outlying/rural counties in the district by identifying points of contact for victim services, identifying and developing resources, working with treatment providers and probation related to information sharing related to offender compliance, and assisting courts in creating consistency in the disposition of

domestic violence cases. This position is funded through OVW Justice for Families grant funds.

- **The Prosecuting Attorneys** assigned to Domestic Violence Court attend all hearings. They also attend and participate in training and assist with implementation and evaluation to support the effectiveness of the Domestic Violence Court. Prosecutors work with other team members to establish written policies and procedures for the Domestic Violence Court. Prosecutors participate on the Implementation and Oversight Team.
- **A Public Defender** is assigned to Domestic Violence Court and attends all hearings. They attend and participate in training and assist with implementation and evaluation to support the effectiveness of the Domestic Violence Court. The Public Defender's Office works with other team members to establish written policies and procedures for the Domestic Violence Court and participates on the Implementation and Oversight Team.
- **Victim Witness Coordinators (VWC)** are assigned to Domestic Violence Court and attend all hearings. The VWC ensures the victim is notified of their rights and provides information and assistance for applying for victim's compensation and in requesting restitution. The VWC educates victims regarding laws, explain civil standbys and the protection order process, and explain the court process and what to expect from the court experience. The VWC prepares the victim or witness for upcoming court hearings and educates them in utilizing VINE. The VWC refers victims to victim advocates and other appropriate resources as necessary, and evaluates lethality in each case. They participate in training as well as participate on the Implementation and Oversight Team.
- **Family Court Services (FCS)** supports the Domestic Violence Court. They attend and participate in training and assist with implementation and evaluation to support the effective of the Domestic Violence Court operations. FCS provides support and assistance to the Coordinator, when needed. FCS works closely with the Coordinator to coordinate civil cases and services for all members of a family involved in domestic violence. FCS assists the Coordinator with fiscal budget development and other administrative matters. FCS also participates on the Implementation and Oversight Team. dockets

## **CASE MANAGEMENT**

**Types of cases:** All Kootenai County domestic violence assault and battery cases in this small jurisdiction under Idaho Code Title 18 Chapter 9, are assigned to the Domestic Violence Court,

including all County filed cases and municipality prosecutorial agencies. Felony charges of attempted strangulation or domestic assault and battery, which are resolved by an amendment to a misdemeanor, are assigned to the Domestic Violence Court. The Domestic Violence Court is mandatory for misdemeanor domestic assault and battery cases regardless of an amendment or a reduced charge. All subsequent misdemeanor cases, for a defendant when under the jurisdiction of the Domestic Violence Court are assigned to Domestic Violence Court to promote consistent and effective justice.

**Case identification, screening, and transfer:** The clerk at arraignment sets all misdemeanor domestic violence for first appearance in Domestic Violence Court. Felony charges amended to a misdemeanor domestic violence are assigned to Domestic Violence Court at plea for sentencing and judicial monitoring.

**Information sharing:** The judge has access through a statewide case management system (Odyssey) to information concerning all related cases and consults with judges assigned to hear the related cases involving the same party and/or family for the purpose of case management and coordination of the case. The Domestic Violence Court Coordinator meets with the judge regularly and organizes coordinated projects and trainings. The Coordinator is responsible for communicating with evaluators, treatment providers, and probation officers before review hearings and obtaining evaluations, treatment progress reports, probation progress reports, and other information for the judge to review. The Coordinator works in the courtroom during review hearings, which enhances personal relationships with probation and the treatment providers who attend the hearings. The Coordinator also collaborates with the attorneys and advocates on a regular basis.

**Schedule:** Domestic violence sentencings and review hearings set at least twice a month.

## **COMMUNITY STAKEHOLDERS**

On-going collaboration between victim service agencies, treatment/intervention providers, domestic violence evaluators, law enforcement, and other community stakeholders who represent or have on-going relationships with victims and offenders is critical to ensure the successful and effective operation of the Kootenai County Domestic Violence Court.

- Safe Passage, the local community-based victim advocacy agency, provides on-site victim advocacy in criminal domestic violence cases. Safe Passage provides a part-time on-site victim advocate at Domestic Violence Court Hearings. This position is funded through OVW Justice for Families grant funds. The advocate provides confidential services such as safety planning, crisis intervention, and referrals.

- Domestic Violence Evaluators provide risk assessment and offender evaluations addressing victim safety, dangerousness, risk for recidivism, and treatment recommendations.
- Highly skilled Domestic Violence Offender Intervention Programs provide quality intervention and comprehensive communication related to offender progress to the court.

**Frequency of stakeholder meetings:** The Domestic Violence Court Implementation and Oversight Team meets at least quarterly to review Domestic Violence Court procedures, identify any continued gaps, and address challenges.

**List of stakeholders:** The Domestic Violence Court Implementation and Oversight Team (Team) serves as the advisory/consulting committee to the Domestic Violence Court. The Team was instrumental during the planning phase of the Domestic Violence Court in identifying current gaps and establishing local court protocols and procedures consistent with Idaho Domestic Violence Court Policies and Guidelines. The Team consists of the presiding Domestic Violence Court Judge, the Domestic Violence Court Coordinator, prosecutors, victim witness coordinators, public defenders, probation officer, family law attorney, law enforcement, non-governmental victim advocates, and the Family Court Services.

## **VICTIM SAFETY**

**Court security:** Upon entry, all persons must clear courthouse security. Bailiffs ensures that victims leave at a separate time than the offender to ensure a lack of conflict in/outside of the courthouse.

**Risk assessment:** Assessing offender risk is crucial to the court in responding to requests to modify or dismiss no contact orders, as well as in deciding appropriate sentencing, monitoring, and treatment interventions. Formal domestic violence evaluations are required by an evaluator on the Idaho Supreme Court roster (Idaho Court Administrative Rule 75). Mental health and substance abuse evaluations may also be necessary for individual success. The greatest predictor of future violence is past violence, so a comprehensive history is important, including NCIC information. In addition, a quality evaluation reflects an efficient use of proven objective tools as well as effective victim and offender interview techniques. The evaluation must address safety, lethality, and risk for recidivism, while meeting the requirements of Idaho Criminal Rule 33.3. Domestic violence evaluations provide the judge information related to level of risk, level of stability in mental health and substance abuse, and treatment recommendations to determine an offender's sentence and probation plan.

**Victim Services:** Victims have access to a victim witness coordinator to assist with hearing notices, helping victims to understand court procedures, dispositions, and conditions of no contact orders. A non-governmental victim advocacy agency provides an on-site victim advocate at all hearings. The victim advocate provides access to confidential services such as safety planning, crisis intervention, emotional support, referrals to shelters, and relocation assistance.

## **OFFENDER ACCOUNTABILITY**

**Compliance:** Judicial monitoring (review hearings) is one of the pillars of the domestic violence court model. Review hearings assist the courts' work toward victim safety and offender accountability, including compliance with court orders. At sentencing, the judge reviews all conditions of the judgement and other requirements, including the no contact order, any treatment or intervention requirements, terms of probation, and the expectation of judicial monitoring to review compliance. Immediate consequences for violations and non-compliance are important to increase offender accountability. Prompt recognition of offender progress encourages other positive steps. While sanctions are important, positive incentives (verbal praise or reduced hearings) also play an important role in changing behavior. It truly is about the right balance of support and holding offenders accountability for offenders to be successful in treatment, probation, and life.

Effective calendar management is used to assure regular and frequent review hearings based on offenders' risk and/or need. Noncompliant offenders may appear for monitoring more frequently. Offenders who are in compliance with all conditions for several months may be permitted to come to court less frequently. Tailoring the frequency of court appearances to an offender's compliance is an effective sanction and reward response.

It is important to ensure enhanced supervised probation requirements and monitoring for domestic violence offenders. This includes immediate assignment of probation officer (at the earliest possible time) and includes, at a minimum, an intake meeting, drug and alcohol testing, immediate referral to treatment/ intervention and evaluations, GPS/SCRAM monitoring (if appropriate/needed), home visits, and intense monitoring of compliance with court-orders. The domestic violence probation officer is present at judicial review hearings to enhance quick response to both positive and negative behavior by an offender and can assist the court in developing appropriate requirements for each probationer. Review hearings are used to address barriers to compliance prior to the filing of a probation violation when possible. The domestic violence probation officer will file an affidavit in support of a probation violation once other attempts to gain compliance are unsuccessful.

**Offender Services:** Offenders receive intervention based on assessed risk and needs. Treatment providers are trained and supervised to deliver a continuum of evidence-based interventions,

such as MRT-DV, and other effective programs that are grounded in research. They utilize evidence based-practices and professional literature to guide service delivery. Domestic violence offender intervention programs are required to follow the Idaho Council on Domestic Violence Minimum Standards for Domestic Violence Offender Intervention Programs. Providers submit detailed progress reports regularly to probation and the court. Substance abuse and mental health treatment are not substitutes for domestic violence offender intervention though they may be necessary components of successful recovery. If the initial or on-going evaluation of an offender indicates the offender has co-occurring mental health issues, substance abuse concerns, this is reported to probation and the court through the domestic violence evaluation or the treatment progress report.

## TRAINING

Training contributes to the effective operation of the Domestic Violence Court, best practices that do not compromise victim safety, and enhancing the knowledge of community providers regarding domestic violence and victim needs. Training enhances judicial skills and increases court personnel's knowledge and understanding of the dynamics involved in domestic violence cases.

Trainings related to domestic violence in Kootenai County are well attended. Continuing education credits for attorneys, law enforcement, and counselors/providers are offered. The court also supports judges, clerks, and other court-based staff to attend trainings. All project partners have committed to attending all trainings offered through the Domestic Violence Court on an on-going basis.

The Domestic Violence Court staff have participated in training that includes:

- Judicial Engagement Network (JEN) Judicial Leadership Summit
- Enhancing Judicial Skills in Domestic Violence Cases Workshop
- Domestic Violence Court Open Houses
- National Institute on the Prosecuting of Domestic Violence
- Annual International Family Justice Center Conference
- Annual Idaho Safety & Resilience Conference

The Domestic Violence Court has provided local community training for judges, attorneys, advocates, evaluators/treatment providers and social service agencies on:

- Offender Accountability, Group Reporting, and Victim Centered Approach to Probation
- Non-Fatal Strangulation and Stalking
- Recognizing and Assessing Risk
- Best Practices and Essential Elements of Abuser Interventions

- Law Enforcement Challenges in Response to Violence Against Women
- Witness Intimidation and Forfeiture by Wrongdoing
- When Victims Use Violence and Victim Safety Issues

This project was supported by Grant Nos. 2020-TA-AX-K004 and 2020-TA-AX-K014 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.