

AT A GLANCE

Location of Court

Tucson, Arizona

Type of Court

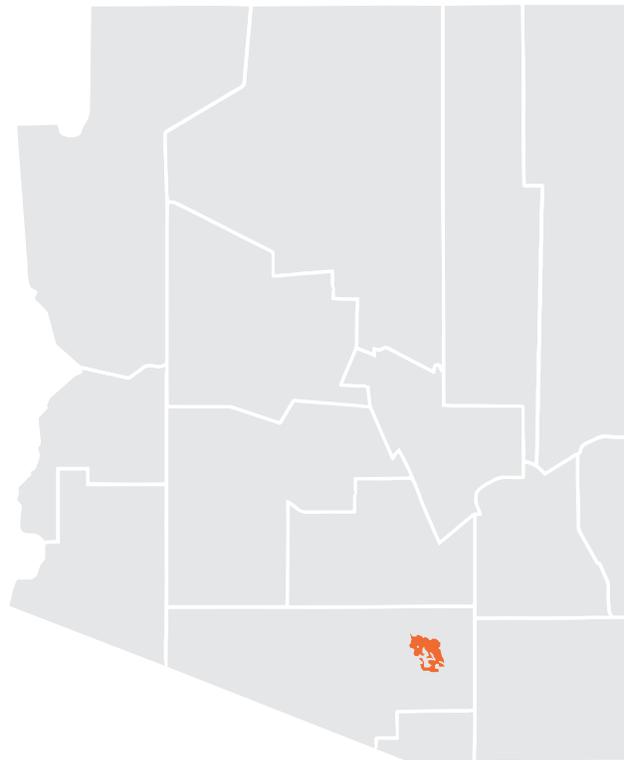
Criminal Domestic
Violence Compliance
Court

Project Goals

- Enhance victim safety with accessible services and advocate support
- Ensure that dedicated judges, court staff, and advocates are specifically trained in best practices of domestic violence at every court hearing

TUCSON CITY DOMESTIC VIOLENCE COURT

The Tucson City Domestic Violence Court is a high-volume criminal misdemeanor court. The Court specifically provides services and safety for Deaf victims of domestic violence through their partnership with Emerge! Center Against Domestic Abuse and the Community Outreach Program for the Deaf.



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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

- **City magistrate:** the judge presides over all hearings including domestic violence arraignments, in custody transport hearings, pretrial hearings, change of plea hearings, bench trials, and court supervised probation, and monitored probation review hearings
- **Court coordinator:** keeps statistics on all domestic violence dockets, works with Pima County Adult Probation Domestic Violence officers and domestic violence treatment providers on their reports for judicial review hearings, defendant and victim information, and petitions to revoke probation; regularly communicates with grant partners on ideas for making the court procedure more accessible for victims and the Deaf community
- **Victim advocates:** two independent victim advocates provide victims orientation into the criminal justice system, domestic abuse education, and individualized safety planning in a safe trauma informed environment

CASE MANAGEMENT

Types of cases: Intimate partner criminal misdemeanor domestic violence cases, the Court keeps the most serious cases (determined by the prosecutors) and each defendant is assigned a public defender.

Case identification, screening, and transfer: All misdemeanor domestic violence intimate partner cases that are processed through the Tucson Police Department are scheduled before the city magistrate for an arraignment or in custody transport hearing. Many of the cases in the Domestic Violence Court are felony level charges declined by the Pima County Attorney's Office, including many strangulation cases that may not have the physical evidence to prove the felony elements.

Information sharing: The coordinator meets with the judge and organizes coordinated projects and trainings. The coordinator is responsible for communicating with treatment providers and probation officers before review hearings and obtaining reports, probation revocations 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 deals with the attorneys and advocates on a regular basis- trouble shooting and providing support.

Schedule: Domestic violence arraignments are held every Tuesday afternoon. Custody transport hearings are held twice a week on Mondays and Wednesdays. On average 15-20 defendants a week are transported to Tucson City Court for these hearings. The rest of the week includes pre-trials and bench trial settings.

COMMUNITY STAKEHOLDERS

List of stakeholders: The Community Outreach Program for the Deaf (COPD) provides an array of services to persons who have a hearing loss and acts as the "one-stop" center providing

counseling, case management, employment services, communication access and community and personal support. Additionally, Emerge! Center Against Domestic Abuse provides services in both English and Spanish, including a 24/7 crisis hotline, safety planning, emergency shelter, housing assistance, case management, domestic violence education, individual and family support sessions, support groups, information and referral, lay legal services, and holistic treatment modalities.

VICTIM SAFETY

Court security: Domestic Violence Court has enhanced security for several courtroom sessions, and trained courtroom security staff is present during all domestic violence arraignments. Additionally, off-duty Tucson Police officers work at each pre-trial session and are available to serve protective orders, escort victims out of the courthouse, and monitor the safety of all the victims, attorneys and advocates inside and outside of the courtroom. Anyone who fears for their safety can ask for security escorts and presence during any courtroom proceeding.

Risk assessment: Arizona's Supreme Court recently approved a domestic violence risk assessment form developed by Dr. Neil Websdale and his team at Northern Arizona University. The assessment is administered in the field by law enforcement officers and provided to judges at initial release hearings. Judicial leadership is involved in training judicial officers all over the State on how to use this tool, and has trained with Dr. Websdale on risk assessments, their benefits and risks, and the use of the assessments by judges in domestic violence cases.

Victim services: Emerge! victim advocates are available at all court hearings for any victims who appear. On arraignment days, the Court sees an average of 50 defendants, and many victims attend with the perpetrators. Advocates speak to every victim before the judge arraigns the defendant. Then the victim is given the opportunity to address the court at the arraignment and review of conditions of release. The advocates not only support victims in the courtroom but also assist in coordinating and linking victims to community resources, assist them in filing orders of protection, make referrals for ongoing case management, facilitate access to emergency shelter, and refer to legal aid services, assistance with safe housing.

This project addresses Deaf victim's safety needs by educating the community, making services more available to Deaf victims, and providing a Deaf advocate for these individuals. Emerge! now has the appropriate equipment to communicate and allow victims to communicate with their family and friends, they have advocates who are trained in the Deaf culture, and they co-staff cases with Deaf agencies such as COPD and DeafHope. The Court provides separate interpreters for victims of domestic violence in court hearings, outreach, education and advocacy. Emerge! has established a relationship with Certified Deaf Interpreters and ASL interpreters in the community.

OFFENDER ACCOUNTABILITY

Compliance reviews: Whether offenders are placed on probation to the court or on adult probation after conviction, the Court holds review hearings with probationers, probation officers, and treatment providers. The coordinator works with probation officers, treatment providers, attorneys and other court staff, and court-monitored probation reviews are heard by the judge every other week. Each of the treatment providers sends a counselor from their agency to attend these hearings, which provides direct contact with the judge should any questions arise about a defendant's attendance or demeanor in class.

Counselors also attend supervised probation review hearings that are overseen by the judge and attended by probation officers. The coordinator works with the probation departments to gather their progress reports for each defendant, and probation officers also give verbal reports to the judge during the hearing.

The Court employs a deferred jail method to impose intermediate sanctions, based on drug court models. A certain amount of jail time is deferred at sentencing (as opposed to the suspended jail sentence). During probation reviews, if the defendant is missing drops, missing classes or otherwise non-compliant, the judge can use some of the deferred jail time to order the defendant to serve a short sentence as a sanction for his non-compliance, short of revocation of probation.

Offender services: The Court only uses domestic violence treatment programs that have been approved by Pima County's Adult Probation Treatment Program to ensure offenders are receiving the most effective treatment. Public defenders are appointed to all defendants on pending cases, for any appeals and for any probationers facing jail time- deferred or as a Petition to Revoke. The Court defers all court fines and fees while the defendants are on probation and complying with treatment programs.

In May 2015, Emerge! Center Against Domestic Abuse began providing Domestic Violence Orientation sessions for all male probationers convicted of intimate partner abuse. Domestic violence probationers must complete a 3.5-hour session within 30 days of their sentence to probation. The orientation curriculum is based on the Men Stopping Violence (Atlanta, GA) model. Sessions are offered twice a month and are co-facilitated by two male advocates from Emerge!. The facilitators engage the men in open and non-judgmental dialogue about their use of abusive and intimidating tactics against their partners, tactics used to enforce and maintain power and control, their attitudes, their choices, and who they want to be as husbands, partners and fathers. The orientation prepares and motivates them to participate more honestly and successfully in whichever abusive partner intervention program they will be assigned to attend by their probation officers. Anecdotally, program providers have reported that the men who have attended Domestic Violence Orientation engage more quickly and honestly in their intervention classes. Emerge is in the process of developing a Domestic Violence Orientation for women who are on probation for their use of force against their partners.

- **Deaf Community:** With partners Emerge! Center Against Domestic Abuse and Community Outreach for the Deaf (COPD), and with help from California victim services agency DeafHope, Tucson County has provided healthy relationships education at the Arizona School for the Deaf and Blind for several semesters, along with training for over 30 Certified Deaf Interpreters and ASL interpreters in the area of dynamics of domestic violence and interpreting for victims. COPD has provided training in Deaf culture to staff throughout the courthouse and to the Emerge! staff. Emerge! and DeafHope have trained COPD in the area of domestic violence. In February of 2018, Tucson County had a very successful Cops, Courts and Coffee session with the Deaf community. The Court organized the event and invited police officers from the Domestic Violence Unit and others, public defenders, prosecutors, the judge and protective order staff, Emerge! and COPD. Over 100 people attended this event.

TRAINING

The Court and partners have provided training to attorneys, interpreters, court staff, judges, and probation officers in:

- Protective order rules and procedure
- Victim advocacy
- Dynamics of domestic violence
- Deaf Culture
- Domestic violence treatment
- Risk assessments and judicial officer's responsibilities

The Court, staff, and partners have participated in numerous Office of Violence Against Women, Battered Women's Justice Project, Vera Institute, Center for Court Innovation and National Council for Juvenile and Family Court Judges trainings including sessions on language access, disability and offender services and treatment. The judge and her staff have also attended the End Violence Against Women International Conference and will continue to attend in the future.

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