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New York State Unified Court System

BEST PRACTICES

Youth Dating Violence

Can a Court Help Break the Cycle?

Written by

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2004

This publication was supported by the New York State delegation to the United States Congress through funding provided by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, under Grant No. 2002-DD-BX-0046. Points of view and opinions in this document are those of the author and do not necessarily represent the official position or policies of U.S. Department of Justice.

About the Author

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Acknowledgements

The author would like to thank the New York State Unified Court System, the Kings County District Attorney's Office, STEPS to End Family Violence, Judge Richard Allman and Beth Havericak.

Can a Court Help Break the Cycle?

Introduction

As awareness of domestic violence has grown, court systems across the country have responded by developing new strategies for assisting adult battered women.¹ Despite its prevalence, domestic violence between young people often falls outside of these efforts. This lack of attention is manifest in the results: in an internal review of domestic violence cases in the Kings County District Attorney's Office, domestic violence cases against teen defendants resulted in dismissals approximately 77 percent of the time. This shouldn't be surprising: faced with huge numbers of cases, district attorneys, advocates, and social service agencies often concentrate their resources on those defendants with prior records and teen defendants rarely have adult criminal records. Additionally, teen domestic violence cases are further complicated by the reluctance of victims to participate in the prosecution, the large percentage of teen victims who have children with the defendants, the general distrust that adolescents have of adults, and the desire of

many teen victims to stay in relationships with their abusers.

Despite these potential obstacles, a teen domestic violence arrest offers important opportunities for intervention. The potential exists to modify adolescent perpetrators' behavior before it escalates, send a message about the seriousness of relationship violence to young people (victims and perpetrators alike), and provide adolescent victims with information, safety planning, and support.

The criminal justice system is not the only area lacking in adequate interventions for teenage victims. Traditional social service responses, such as shelter, may not be available or appropriate for teen victims. Advocates accustomed to working with adults may not be comfortable

Domestic Violence and Youth

- **Young women 16-24 years old experience the highest rate of domestic violence and sexual assault nationwide.²**
- **New York City's domestic violence hotline receives an average of 375 calls a month from teenagers seeking help with an abusive relationship. Ten percent of domestic violence victims treated at New York City hospitals are under the age of 20.³**
- **A *Journal of American Medicine* study found that as many as 20 percent of high school girls have been physically or sexually abused by a dating partner.⁴**
- **Nearly 80 percent of girls who are physically abused in their intimate relationship continue to date their abuser.⁵**

confronting teenagers' developmental issues. And teenagers, even more than adults, hate to reach out for help just when they are trying to prove their independence.

The bottom line is that the current response to domestic violence committed by teens against teens does little to send the message that this behavior is unacceptable. There are few mechanisms to ensure that offenders are held accountable and few targeted services devoted to the unique needs of adolescent victims.

The New York State Unified Court System, under the leadership of Chief Judge Judith S. Kaye, has dramatically changed the way that courts handle domestic violence cases. In 1996, in cooperation with Kings County District Attorney Charles J. Hynes, the court system opened in Brooklyn the state's first domestic violence court. There are now over 30 domestic violence courts throughout the state.

Building on this model, the New York State Unified Court System launched the Brooklyn Youthful Offender Domestic Violence Court in December of 2003.⁶ The Court provides an opportunity to address the unique and complicated issues that adolescents in dating violence situations bring to the court system, offering developmentally appropriate services to both defendants and complainants.

This paper describes the Brooklyn Youthful Offender Domestic Violence Court and answers the question: How can courts respond more effectively to teen dating violence?

What Can a Court Do?

The Brooklyn Youthful Offender Domestic Violence Court (YODVC) is designed to promote:

- *Victim safety* through links to a specialized victim advocate, social services and other resources that address the unique needs of teen complainants (such as difficulty in safety planning, limited shelter options, developmental concerns such as loss of autonomy, issues regarding trust, parents and families, school, etc).
- *Behavior change* among adolescents arrested for dating violence through adolescent educational groups designed to prevent their continuing the cycle of violence into adulthood.
- *Informed judicial decision-making* based on specialized training in adolescent development and relationship violence among teens (i.e., enhanced knowledge about the ways in which teens experience social pressures; the secrecy surrounding teen dating violence; the common reconciliation between teen couples, particularly when the teens have a child in common; and teens' lack of relationship experience).
- *Collaboration* among criminal justice agencies, schools and community-based groups offering assistance to adolescent domestic violence victims.

Court Structure

In the Youthful Offender Domestic Violence Court, a single Criminal Court judge presides over all misdemeanor criminal cases involving domestic violence charges in which the defendant is between 16 and 19 years old. In addition to a judge, the YODVC features a non-rotating prosecutor, a victim advocate, a specialized domestic violence program for teen perpetrators, court monitoring, staff training, and the involvement of community partners.

By handling all of the teen dating violence cases in Brooklyn, the judge gains a specialized understanding of adolescent domestic violence and is able to promote a more consistent response to teen offenders. The judge (and back-up judge) receive training on the unique needs and challenges of adolescent victims and perpetrators of relationship abuse.

The court meets one afternoon a week to hear the teen domestic violence cases. (The afternoon was selected to accommodate students' school schedules.) Prior to arraignment, the District Attorney's Office screens all cases involving defendants between the ages of 16 and 19 years charged in intimate partner violence cases. These cases are adjourned to the Youthful Offender Domestic Violence Court calendar no later than two weeks after arraignment. Early identification is important so that victims are referred to the specialized teen victim advocate for outreach and services as quickly as possible.

Working with Victims

The Court does not expect to change teen victims' reluctance to trust the criminal justice process, but does aim to at least let them know that help is available. As one victim said, "I don't like the whole court thing. It takes too long, but it's nice to know that there's someone there to help."

The Youthful Offender Domestic Violence Court's specialized teen victim advocate, employed by the District Attorney's Office, works to engage teen victims and earn their trust. The victim advocate is responsible for reaching out to all teen complainants, linking them to counseling, safety planning, and access to other services. In addition, the advocate is available to discuss and explain the victim's participation in the criminal justice process and provide information about the status of the case.

Since beginning operations in December 2003, the victim advocate has reached all but 12 victims out of 90 cases in the Youthful Offender Domestic Violence Court, and secured corroborating affidavits in 58 percent of the cases where she was able to make contact with the victim.

Working with Offenders

The Youthful Offender Domestic Violence Court partners with a local community organization, STEPS to End Family Violence, to offer a free 12-week program to adolescent perpetrators of relationship violence. The program meets once a week for an

'Someone Who Listens'

It's nice to have someone who listens. I don't really have that with my family.

—“Cynthia,” a 15-year-old victim

hour and a half one block from the court house and has a rolling admission. The group’s facilitator is available during YODVC hours to provide immediate intake screenings.

The group differs from adult batterers’ groups in that it is interactive and designed to engage young people while providing information and tools that are developmentally appropriate and speak to the issues of adolescent boys. The group provides information on healthy relationships, communication, respect, gender roles, the effects of domestic violence on children and young men, and issues of power and control. The idea is to offer young men skills and information to change the learned behavior of domestic violence. While not promising to change defendants, the program does respond to the wishes of many victims. As “Samantha,” a 17-year-old victim, said, “I would like to get him [the defendant] into [the] STEPS [to End Family Violence Program] because even though things are finished with me and him, he is still the father of my child, which means he is still going to be in my life.”

To promote accountability, the court employs a resource coordinator who works for the judge to gather case information. The resource coordinator is responsible for obtaining regular reports on the defendants’ compliance with all programming. All defendants in the Youthful Offender Domestic Violence Court are scheduled for monitoring dates to track compliance throughout the duration of their cases. Defendants who are not enrolled in the STEPS program are scheduled for judicial monitoring on a more frequent (i.e. weekly) basis and may receive a plea offer that includes community service. Participants in STEPS typically report to court on a monthly basis until they complete the 12-week program, although the judge reserves the right to increase the frequency of reporting if necessary.

Partnership

Youthful Offender Domestic Violence Court personnel receive specialized training in teen dating violence, including lessons in adolescent development, social dynamics, and available services to adolescent perpetrators and victims. Additionally, court personnel receive training on expanded staff roles and responsibilities, a team-oriented

approach to case management, and working relationships with court agencies and outside organizations.

Training has proven to be an excellent way to bring together various players in the YODVC and promote increased communication. The YODVC’s commitment to collaboration began before the court opened; court planners regularly met with all relevant partners during the planning process. Partners included the District Attorney’s Office, the police, area schools, the local defense bar, victim

‘New Relationship Skills’

Traditional domestic violence courts focus first and foremost on the protection of victims and the accountability of perpetrators. Our court, in a kind of partnership with the defense bar and the prosecution, seeks also to offer adolescents a chance to learn new relationship skills and expose them to positive role models.

—Judge Miriam Cyrulnik, presiding judge over the Youthful Offender Domestic Violence Court

service agencies, adolescent batterer programs, adolescent mental health and substance abuse service providers, and others. The Youthful Offender Domestic Violence Court holds regular monthly meetings in order to provide an on-going forum for communication among partnering agencies.

Questions

The Youthful Offender Domestic Violence Court planning process raised some new and interesting questions:

What about family engagement? Several stakeholders suggested that the families of teenage victims could be a source of support and safety for the teen. But engaging the victims' families has proven hard to accomplish. The Youthful Offender Court advocate has consistently found that teen victims do not want their families involved in the process. Without the consent of the victim, advocates, who are bound by confidentiality, cannot successfully engage families in services and safety planning.

Is parental consent necessary to enroll a defendant in a batterers' program?

While participation in mental health and substance abuse treatment requires parental consent by law, it is not required for participation in a batterers' intervention program. Batterers' programs are not treatment or therapy; rather they are an educational accountability tool that can also provide information to young people about abusive patterns of behavior.

How can the court engage the defense bar?

The defense bar in Brooklyn had some concerns about the Youthful Offender Domestic Violence Court. In planning the court, it became clear that it was necessary to work with the defense bar early and often, and to make every effort to keep them engaged in the process. One concern defense attorneys had with the Youthful Offender Domestic Violence Court was the confidentiality of information defendants disclose during the intake process for the adolescent perpetrators' group. The defense bar

'A Unique Approach'

The YODVC is a unique, promising approach to addressing what has been an essentially intractable problem: the issue of teens in abusive relationships. YODVC, while still in its early stages, has significantly increased the participation of young victims in the prosecution of their cases. YODVC provides the intervention, education, and opportunity to change abusive behavior at a critical developmental stage. Indeed, in ten years of prosecuting domestic violence cases, I never saw a defendant, after completion of a batterers' program, stand up in court and thank the court and the program for intervening in his life. A young defendant in YODVC recently did just that, in a tearful speech in which he told the court that it was the first time any positive attention had ever been paid to him.

—Wanda Lucibello, chief of Special Victims Bureau, Kings County District Attorney's Office

wanted to make certain that information would not be used against the defendant in the criminal proceeding. To address this concern, the Youthful Offender Domestic Violence Court adopted a clear policy and disclosure form for defendants informing them of the confidentiality of alcohol and drug abuse information.

How does the court overlap with Family Court? While many teen victims of dating violence do not meet New York State’s definition of “family” for the purposes of petitioning for a Family Court order of protection, 46 percent of victims in the Youthful Offender Domestic Violence Court had at least one child in common with the defendant, and an additional seven percent of the victims were pregnant with the defendant’s child at the time of the incident. In these cases, the court informs the parties of their right to go to Family Court. In addition, any order of protection issued by the YODVC judge is subject to Family Court orders of visitation.

Evaluation

The Youthful Offender Domestic Violence Court has developed a research and evaluation plan that tracks the number of cases heard, the types of cases heard, dispositions, compliance rates, the number of defendants ordered into the adolescent batterers’ program, the percentage of victims meeting with the teen victim advocate, and the number of corroborated teen dating violence cases. The research plan also includes in-depth, structured interviews with defendants to explore their perceptions of the STEPS program and the court process. The goal is to gather comprehensive, and previously unknown, information about the population of adolescents who perpetrate relationship violence.

While it is still too early to judge the success of this model, the Youthful Offender Domestic Violence Court has produced some interesting results in its first six months of operation. The specialized victim advocate has been able to secure corroborating affidavits in 50 percent of all of teen domestic violence cases. Prior to having a specialized teen victim advocate, the District Attorney’s Office estimated that it obtained corroborating affidavits less than 10 percent of the time.

From December 4, 2003 through June 4, 2004, 112 defendants were adjourned to the Youthful Offender Domestic Violence Court. Of those, 37 defendants received the STEPS program as a court mandate. As of June 4, 2004, 27 percent of the defendants had completed the program, 24 percent had failed to complete the program, three percent completed for other issues (one defendant had his case dismissed due to mental health issues that arose) and the remaining 46 percent of defendants were still attending the program.

As court systems focus attention on the growing need to respond more effectively to teen dating violence victims, Brooklyn’s Youthful Offender Domestic Violence Court offers a model that ensures that victims are provided with appropriate services and demonstrates to offenders that their crimes are taken seriously.

Notes

1. The National Center for State Courts estimated that there were more than 300 domestic violence courts nationally in 1998.
2. “Younger Women at Great Risk of Intimate Partner Violence,” Family Violence Prevention Fund, Nov. 2, 2001, <http://endabuse.org/programs/printable/display.php3?NewsFlashID=287>, 26 Oct. 2004.
3. “Blueprint: The Adopt-a-School Initiative: A School-Based Teen Relationship Abuse Prevention Program,” Commission to Combat Family Violence, New York City, Nov. 1999.
4. Jay. G. Silverman, “Dating Violence Against Adolescent Girls and Associated Substance Abuse, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy and Suicide,” *Journal of the American Medical Association*, Aug. 2001.
5. “Teen Relationship Abuse Fact Sheet,” New York City, March 1998.
6. A similar concept has been explored in Santa Clara County’s Juvenile and Domestic Violence Family Court. Created in 1999, this California court established the nation’s first juvenile domestic and family violence court characterized by a dedicated court docket and specialized probation caseload, specialized services for offenders and victims, and interagency collaboration. Crimes committed by persons younger than 18 years of age in California are under the jurisdiction of family court. In New York State, persons committing a crime on or after their 16th birthday are subject to adult criminal court.

Center for Court Innovation

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts and criminal justice agencies can aid victims, change the behavior of offenders and strengthen communities.

In New York, the Center functions as the State Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts and others.

Nationally, the Center disseminates the lessons learned from its experiments in New York, helping courts across the country launch their own problem-solving innovations. The Center contributes to the national conversation about justice through a variety of written products, including original research, journal articles and white papers like this one. The Center also provides hands-on technical assistance, advising court and criminal justice planners throughout the country. Current areas of interest include community prosecution, court technology, drug courts, domestic violence courts, mental health courts and research/evaluation.

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