



**Domestic Violence in
Collaborative Courts
Challenges and
Opportunities**

Examples of Collaborative Courts



CJC: Community Justice Court

Drug Court

VJC: Veteran's Justice Court

ISC: Intensive Supervision Court

YAC: Young Adult Court

BHC: Behavioral Health Court

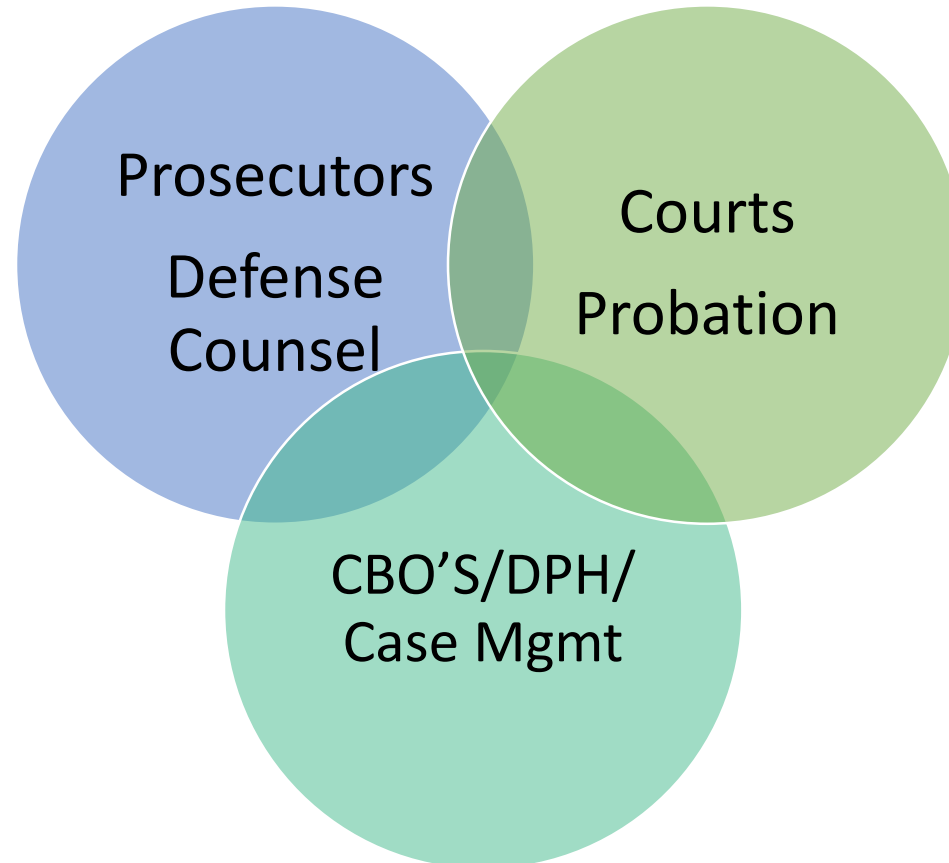
MBHC: Misdemeanor Behavioral Health Court

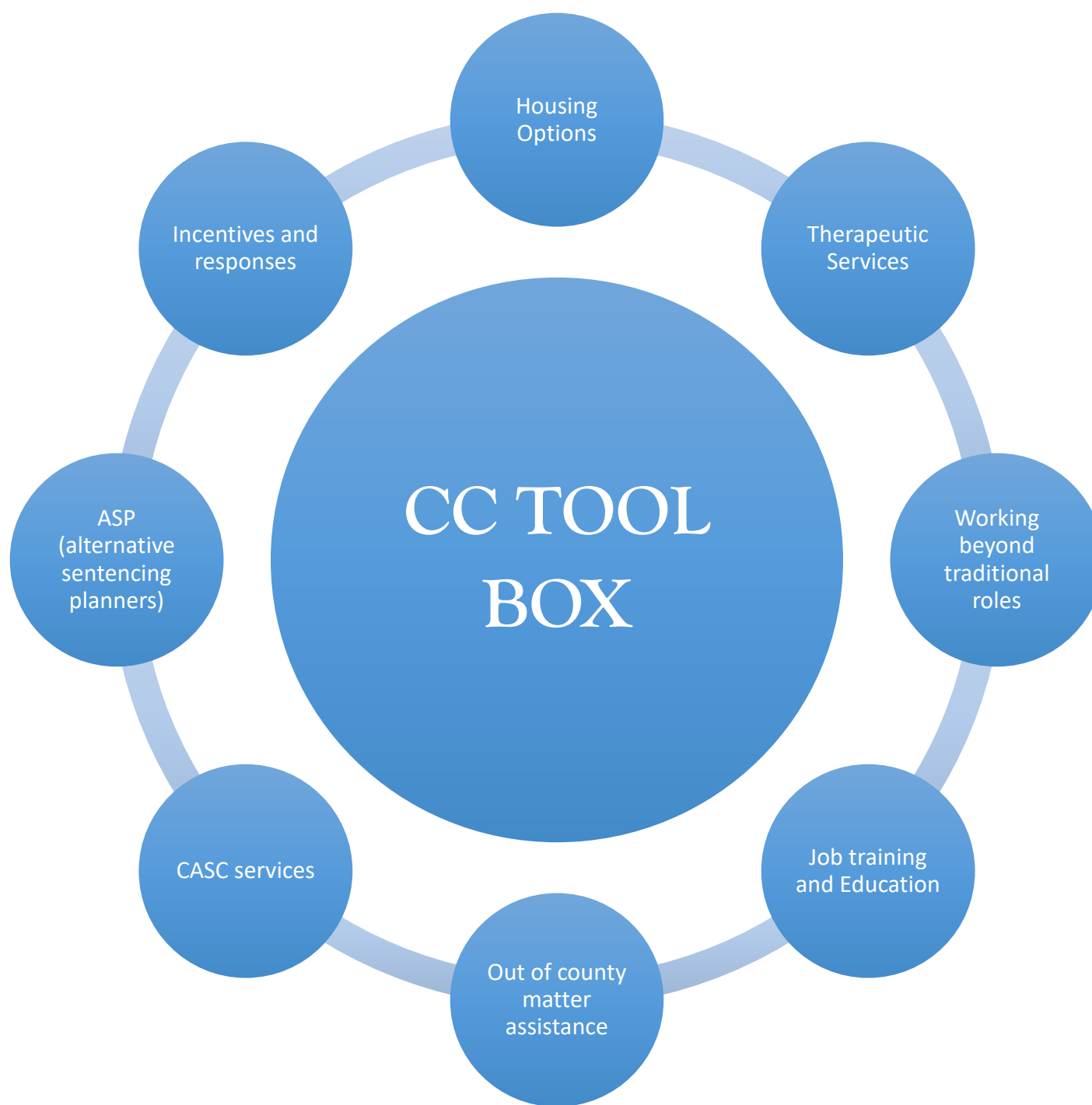
MHD: Mental Health Diversion

Team Approach In Collaborative Court



Working together to ensure public safety while servicing clients.







Case processing

- Cases come through criminal court and are normally litigated from arraignment through plea or trial, which results in a conviction, acquittal, plea or dismissal.
- For CC cases, a referral is made to a particular CC, normally before trial (at the early stages or post preliminary hearing but pre trial) Referrals are normally made by the client's attorney, but often times a DA or the Court may make the suggestion if they think the case is a good fit for a particular CC.

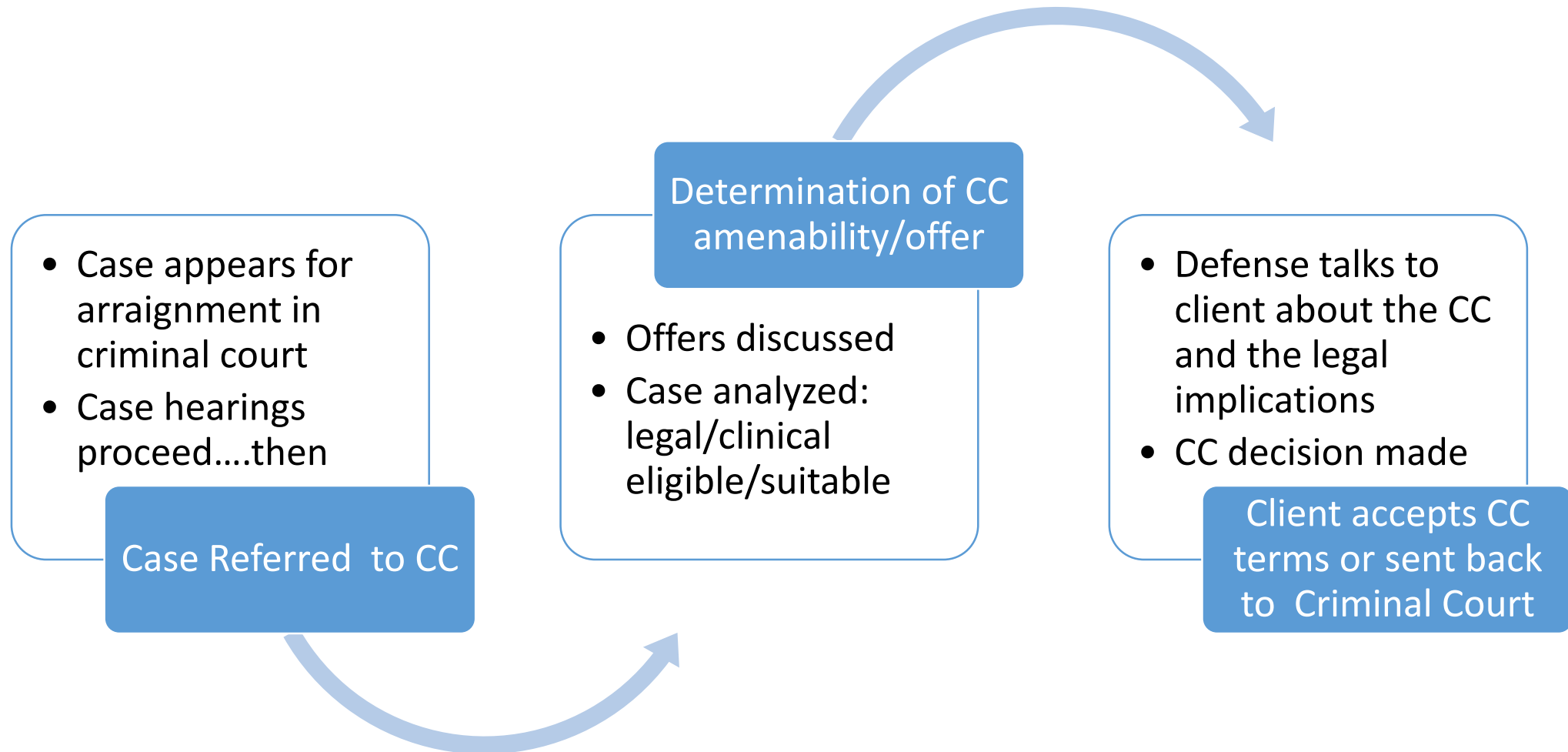
Roles of the DA and the Defense in CC

- The roles of the DA and Defense (PD or private counsel) are more fluid in CC. Although advocacy is still an essential component of the process, the adversarial process is less present. And if arguments need to be made often times we use pre court to hash out issues, and then make a brief record at the calling of the case. This minimizes tensions among the parties and stress to the participants.

Sentencing

- Sentencing structure is very different in CC. Cases can proceed:
 - Pre Plea
 - DEJ (Deferred Entry of Judgement)
 - Probation (both Court and Formal)
- Even when a client is placed on probation, there are often times incentives built into the probation disposition: Withdrawal of the more serious plea to a non serious plea (i.e.. Strike to Non Strike), Reduction to Misdemeanor charges, and/or termination of probation before the natural expiration.

Case Study: The Flow to and through CC



So how Does this CC Model work with Domestic Violence Cases?

- Traditional Criminal Justice Principles frown upon Diversion for DV cases ... Why? Here are some common concerns
 - Less accountability
 - Sealing of records
 - Not same oversight
 - Promotes myth that DV is a “behind doors matter”
 - Probation lasts longer so more “hammer” if re-offense occurs
 - Protecting Victim not as effective if the case is diverted out

What Does a CC have to offer that is better?

- If we were to analyze the effectiveness of CC for Domestic Violence cases what CC principles might be helpful...?
 - More customized programming
 - One on one therapy vs. group therapy
 - Holistic approach to the case and client rather than treating one aspect through traditional prosecution and supervision
 - More buy in from the client to behavior modification long term
 - More accountability
 - More court appearances
 - Consistency of criminal justice partners at the table

How to Address Individual Needs

- How can we make sure that DV cases are being handled appropriately in CC if we are to open the door to allowing more non traditional approaches to these class of cases ?
 - Ideas?
 - In depth needs and risk assessments
 - Looking at criminogenic factors that cause risk
 - Intense case management coinciding with treatment
 - Working with victims throughout the process (often differs from traditional process)

Why Traditional Process May not Work

- Why do we need a more individual approach to DV cases
 - More and More specific mental illness associated with DV
 - Substance Abuse primary factor that may not be easily or adequately addressed by traditional court process
 - Monolingual services needed that may not be as easily accessible in traditional criminal process
 - Neuroscience in DV for young adults (brain development studies may dictate non traditional approach to treating underlying causes of violence)

How Do Incentives and CC support Work to Achieve Success in DV cases

- When public safety principles are applied to DV cases in Collaborative Courts you can still achieve success with incentives
 - Voluntary participation post graduation knocking time of probation
 - Mentor opportunities post graduation to help others
 - Community service in a more meaningful way
 - Case manager TCPs (Transitional Care Plan) post CC.

Working with Victims' Groups

- How can we overcome the challenge of introducing DV cases into our collaborative courts with “buy in” from the community
 - What are the concerns ?
 - Examples
 - Why is CC considered “too soft” an approach to DV cases?
 - What approaches in CC do we think would be of concern to the public?
 - What safeguards can we put in place to assure public safety while addressing DV cases in a holistic manner?

How MHD changed DV Cases

- How do we reconcile traditional DV criminal case processing with the law (Penal Code Section 1001.36)
- How pre plea work on DV cases helps and hurts the success rate of
- Does MHD broaden the ability of DV cases to slip through the cracks and create public safety risk?

Next Steps

- How to establish screening tools to assess DV cases that can successfully make it in a CC setting
- Education of how CC can effectively monitor and supervise clients with DV
- Case Manager training in areas specific to DV work and finding partners to work in a criminal justice setting.
- **Other ideas?**

The background features a large, light gray seal of the San Francisco District Attorney's Office. The seal is a seven-pointed star with a circular center. Inside the circle is a shield with an eagle on top, flanked by two figures. Below the shield are the words "ORO EN PAZ" and "FIERRO EN GUERRA". The outer ring of the seal contains the text "DISTRICT ATTORNEY'S OFFICE" at the top and "SAN FRANCISCO" at the bottom.

Questions?

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