

Our Mission,

Should You Choose to Accept It...

- Misdemeanor Courts,
- Probation,
- Police,
- Prosecutors,
- Defense Counsel,
- SAFE House,
- BIPs
- County Administration
- City of Ann Arbor
- and other
- members of the community collaborate to:

Washtenaw County JODI Mission Statement

- ✂ **Maximize the safety of victims and their families;**
- ✂ **End community tolerance of domestic violence;**
- ✂ **Hold offenders accountable for their violence and abuse;**
- ✂ **Ensure fair and equitable treatment in the criminal justice system for persons affected by domestic violence.**



WASHTENAW COUNTY, MI

Why Judges Sometimes (“Often”) Dislike (“Disdain”) Domestic Violence Cases

- Stress
- A “family matter”
- Transference
- It’s “close to home”
- “There’s a bulls eye on me”



Dislike



WASHTENAW COUNTY, MI


Sentencing Objectives

TO STOP THE VIOLENCE!!!

EVERYTHING ELSE IS A FUNCTION OF THIS!

- Victim Safety
- Offender Accountability






WASHTENAW COUNTY, MI

Information Needed to Meet Sentencing Objectives

- Facts of the Case
- Criminal History
- History of Abusive Behavior
- Drug or Alcohol Abuse
- Animal Cruelty
- Status of Relationship
- Pregnancy
- Presence of Children
- History of Mental or Emotional Illness
- Stalking
- The Judge's Observations of the Defendant






WASHTENAW COUNTY, MI

Assessing Danger ("Signs")



DANGER

<ul style="list-style-type: none"> Issuance of and Adherence to Prior Protective Orders Substance Abuse Hostage Taking Escalation of Risks Behavior on Pre-Trial Release Threats of Homicide and Suicide 	<ul style="list-style-type: none"> "Ownership" of partner "Separation Violence" Access to V and Family History of Violence Employment Status
--	---



WASHTENAW COUNTY, MI

Recommendations for Sentencing

SENTENCING DATE: _____ **CASE #:** _____
DEFENDANT: _____ **CHARGES:** _____

93/365 days jail (the maximum) _____ days credit for time served, _____ days jail suspended on timely completion of probation.

24. **Probation:** Probation Officer: David Olsak

A) 5425 Fines & Costs, plus \$960 probation oversight fees (at \$40.00 per month).

B) Meet with probation when and where directed, including home visits, weekly phone reports, and Probation Group Meetings.

C) Attend and complete the Q&A behavior intervention program at a rate of 1 session per week for a minimum of 12 weeks plus 8 mentoring sessions for a minimum total of 60 sessions.

To be in compliance with probation, you must understand and comply with the program's attendance policy and regularly pay for each session. You must attend one credited session per week unless excused by the court, Probation or the program, and provide proof of payment for each session to Probation.

D) Submit to, pay and be responsible for random drug/alcohol tests, as requested by the court, any probation or police officer, or any treatment provider.

E) Provide monthly verification of compliance and completed conditions to probation.

F) Attend court reviews as ordered by the court and provide proof of compliance.

G) Make earnest efforts to maintain legitimate employment.

H) Other: _____

Cancel all conditions of pretrial release on LEIN (The Law Enforcement Information Network).

Enter the following conditions of probation on LEIN:

K) Defendant is restrained from harassing, stalking, or threatening, or engaging in other conduct that would place _____ in reasonable fear of bodily injury.

L) No excessive or threatening behavior with _____ or anyone else.

M) No contact with _____

N) No going to the place of residence or place of employment of _____

O) No use/possession of alcohol, legal drugs, or drug paraphernalia, no being in the presence of anyone possessing/using any illegal drugs or drug paraphernalia.

P) No use/possession of any firearms, firearm components, ammunition or other dangerous weapons; no being in the company of anyone carrying or using firearms or other dangerous weapons.

Q) Appear for review hearing on _____ at 9:00 am.




WASHTENAW COUNTY, MI

Consider: How did/do you select a babysitter?

End

**2 Minute
Timer**







WASHTENAW COUNTY, MI

The Law of Demand and Supply


- What can you do if there is not a BIP in your community?







Probation Innovations
Maximize Victim Safety

- Victim safety is paramount
- Ongoing victim contact
- Probation group meetings
- Regular meetings with BIPs
- Surprise alcohol testing at BIP
- Mandatory PBTs New Year's Day.






Creative Sanctions
Monitoring & Collaboration

- Long-term BIP (64 weeks)
- Immediate enrollment in BIP
- Graduated sanctions
- Fines and costs (make it expen\$ive)
- Restitution (not only money)

People who do not use punctuation deserve a long sentence.

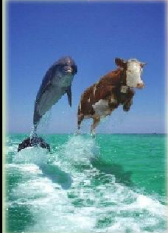






Creative Sanctions
Monitoring & Collaboration



- Jail available despite overcrowding
- ADA Jail intervention program
- Increased BIP attendance (2-3 times per week in the beginning stages of the program)
- Some sanction for (even) minor violations





MAJOR DIFFERENCES FROM DRUG COURTS


- Victim is someone other than the Defendant
- “Relapse” is not expected, nor tolerated
- Zero tolerance for repeat abuse
- Hearings serious, formal
- Treat “minor” violations as important
- There is no objective test to measure compliance





Your DV Tool Box!

Criteria for effective DV sentence

- What information do you need and where do you get it, from whom and why do you need it? (scenario)
 - Victim input





Delivering the Sentence & Making the Point: Expectations and Consequences


A WHITE PAPER OF THE AMERICAN JUDGES ASSOCIATION
THE VOICE OF THE JUDICIARY®

PROCEDURAL FAIRNESS: A KEY INGREDIENT IN PUBLIC SATISFACTION

Kevin Burke & Steve Leben

Americans are highly sensitive to the processes of procedural fairness. It is no surprise, then, that the perception of unfair or unequal treatment "is the single most important source of popular dissatisfaction with the American legal system."¹ Even first-graders react negatively to a situation where a mother punishes her child for a broken vase without consulting a witness first. This negative reaction signifies powerfully that children are already sensitive to the principles of procedural fairness.² If children in early elementary school already react negatively to perceived violations of procedural fairness, it is only that much more imperative to address the needs of the adults who appear in the courts to fight for custody of their children, file bankruptcy, contest a speeding ticket, or respond to allegations of felonious criminal behavior.


<http://aja.ncsc.dni.us/courtrv/cr44-1/CR44-1-2BurkeLeben.pdf>



WASHTENAW COUNTY, MI

"DO"

- DV Is a Crime
- Acceptance of Responsibility
- Consequences of Violations
- The Judge "Owns" the Protective Order
- Accountability/Compliance
- Comprehension of Conditions
- **Victim Input**





WASHTENAW COUNTY, MI

"DON'T"

- Say: "It's Just a Domestic..."
- Blame the Victim
- Put Victim on Spot
- Assume it's Over Because They Are Living Apart
- Allow excuses for violence
- Minimize Case Because Victim Has Previously Dropped Charges
- Order the Victim to Counseling
- Forget the Children
- Proceed if You Feel There Is Not Enough Information





WASHTENAW COUNTY, MI

Ongoing Monitoring

ACCOUNTABILITY!

ACCOUNTABILITY!

ACCOUNTABILITY!



WASHTENAW COUNTY, MI

Judicial Reviews

- Bi-monthly or monthly
- In a Group
- Progress
- Violations
- Over time modify or maintain conditions
- Predictability
- Consistency
- Certainty



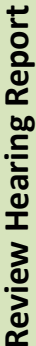
WASHTENAW COUNTY, MI

THE JUDGE & PROBATION OFFICER

A Tag Team for Safety

The Judicial Review is only as good as the information provided.





CASE NO. 085-14-044

PROSECUTOR MEMO IN
REPLY TO COURT

Court Date: May 9, 2012
Submission Date: April 4, 2012

TO THE HONORABLE JUDGE: _____
JUDGE, DISTRICT COURT COURT TIME: DOMESTIC VIOLENCE I, AGGRAVATED

Re: _____

Mr. Day, Judge: The Court for violation hearing. This Court accepted file to a 24-month probation term on April 2, 2011. The list of conditions is as follows:

1. Report to the Probation Officer weekly, until May 31, 2012.
2. Abstention and avoidance of the AA program.
3. Compliance with all court-ordered conditions including modification period.
4. No contact with the victim.
5. No alcohol or drug consumption or possession.
6. No contact with the victim or family members of the victim.
7. No contact with the victim or family members of the victim.
8. No contact with the victim or family members of the victim.
9. No contact with the victim or family members of the victim.
10. No contact with the victim or family members of the victim.
11. No contact with the victim or family members of the victim.
12. Compliance with all court-ordered conditions.

As of May 3, 2012, Mr. Day's status is as follows:

- As to item 1, Mr. Day has reported as usual.
- As to item 2, Mr. Day has abstained from alcohol and drug consumption.
- As to item 3, Mr. Day has complied with all court-ordered conditions.
- As to item 4, Mr. Day has complied with all court-ordered conditions.
- As to item 5, Mr. Day has complied with all court-ordered conditions.
- As to item 6, Mr. Day has complied with all court-ordered conditions.
- As to item 7, Mr. Day has complied with all court-ordered conditions.
- As to item 8, Mr. Day has complied with all court-ordered conditions.
- As to item 9, Mr. Day has complied with all court-ordered conditions.
- As to item 10, Mr. Day has complied with all court-ordered conditions.
- As to item 11, Mr. Day has complied with all court-ordered conditions.
- As to item 12, Mr. Day has complied with all court-ordered conditions.


RECOMMENDATION:

1. Continue to place on the Community Work Program for the violation.
2. Continue to place on the Community Work Program for the violation.
3. Continue to place on the Community Work Program for the violation.
4. Continue to place on the Community Work Program for the violation.

Respectfully submitted,
1501 District Court, Pontiac, MI 48341
MAY 3, 2012

Real Time Web Based Reporting

First	Week Session	At Risk	Status	Absences Balance	Exceeded Absence	Tuition Balance	Acad Balance	Class
Jay	2	Cancel	Non-Compliant	4	4	275	5	F1MP
Paul	2	No Show	Non-Compliant	6	6	173	1	FWA
David	17	Cancel	Non-Compliant	6	1	63	3	T175.30
Matthew	2	Cancel	Non-Compliant	12	12	123	5	DTP
Terrence	48	EGS - Absence	Compliant	9	0	165	1	DTP
Isalah	23	No Show	Non-Compliant	14	9	153	1	T1A
Dorrie R.	20	Late Cancel	Non-Compliant	6	1	165	2	T1M8:00
William	48	Attended	Compliant	7	0	25	1	OTA
Michael	10	Memor Session	Non-Compliant	7	2	215	2	T175.30
Lyman	37	Cancel	Compliant	9	0	95.03	5	T1A
Robert	4	ASSESSMENT Interview	Compliant	0	0	3	0	
Brenda*	42	Attended	Compliant	5	0	53	0	OMP9:00
Fred	41	Cancel	Compliant	9	0	73	0	T175.30
Robert	37	Late Cancel	Non-Compliant	14	5	63	3	OMP9:00
James	47	Attended	Compliant	7	0	63	0	OMP9:00
Justin	16	Attended	Compliant	1	0	28	0	HWA
Thomas	33	Attended	Compliant	7	0	53	0	T1A
Nathan	5	No Show	Compliant	3	0	83	2	F1MP
Sl	11	Cancel	Compliant	1	0	3	0	T1M8:00
Daniel	2	Attended	Non-Compliant	8	8	-5	3	DTP
John	26	Cancel	Compliant	6	0	3	0	I A
Dwylene	3	Cancel	Non-Compliant	3	3	275	2	FWA



BIP Weekly Reports

Week	Session #	Status	RDS #	RDS +/-	AA	Sub Tx	Demerit/Reason	\$ Paid	Balance
1/5/12	1	neg	AA	Y	N/A		25	0	
1/12/12	2		AA	Y	1 late		25	0	
1/19/12	C 1						0		
1/26/12	3		THC	No	No	2, AA Sub TX	25	0	

The goal is to have multiple people watching the batterer.

Need to be able to identify non-compliance immediately.

Create a system to inform the correct people for safety and accountability.



Is there a duty to warn policy & how is it operationalized?



LOW OR NO CO\$T STRATEGIES


- Recognize that proper handling of misdemeanor DV is **homicide prevention**
- Focus on victim safety
- Expedite DV court hearings (“rocket docket”)
- Conduct frequent court reviews to ensure compliance







LOW OR NO CO\$T STRATEGIES


- Establish procedures to promptly enforce violations of conditions of release and probation
- Ban use/possession of firearms, ammunition, illegal drugs and alcohol
- Know and work with your local victim advocates
- Improve cross-system communication and training
- Seek out and attend DV trainings and share the information
- Take part in a coordinated community response






LOW OR NO CO\$T STRATEGIES

- If possible, judge at pretrial keeps case for any trial, sentencing and review
- Educate court staff on the importance of DV cases
- Use BIP that meets state standards (not anger management)
- Assign/request specialized DV probation officer(s)
- Establish procedures to promptly enforce violations of conditions of







The American Judges Association proudly announces the newly developed and free online domestic violence education program for judges. This innovative learning tool was developed with the assistance of Futures Without Violence and the National Center for State Courts.

Using interactive web-based delivery methods, "Effective Adjudication of Domestic Abuse Cases" explores the unique dynamics of domestic violence, including assessing lethality and dangerousness, custody and protective orders, special evidentiary issues, and effective sentencing.

Participants can learn at their own pace and at their own convenience from leading national domestic violence experts they may not otherwise have the time, opportunity or funding to see. All educational modules are accessible on any device including PCs, laptops, smartphones, tablets, or any other mobile device.

The AJA offers this timely, engaging and convenient resource at no cost to judges who want to apply this state-of-the-art learning in an effort to make all of our communities safer.

Check it out at <http://education.amjudges.org/>

For a 90-second preview, click on <https://vimeo.com/75154956>



EFFECTIVE ADJUDICATION OF DOMESTIC ABUSE CASES: <https://vimeo.com/75154956>






National Resources

- **American Judges Association:** <http://education.amjudges.org/>
- **Battered Women's Justice Project:** www.bwjp.org
- **Battered Women's Justice Project Probation:** <http://www.bwjp.org/probation.aspx>
- **Praxis International:** www.praxisinternational.org
- **Institute on Domestic Violence in the African American Community:**
www.dvinstitute.org
- **Batterer Intervention Services Coalition of Michigan (BISC-MI)**
www.bisc.mi.org
- **National Council of Juvenile and Family Court Judges:**
www.ncjfcj.org
- **American Probation and Parole Association (APPA):** www.appa-net.org




National Resources

- **National Judicial Institute on Domestic Violence:** <http://njidv.org/>
- **National Council of Juvenile and Family Court Judges:** <http://www.ncjfcj.org>
- **Futures Without Violence** (formerly Family Violence Prevention Fund):
<http://futureswithoutviolence.org>
- **The American Judges Association:** <http://aja.ncsc.dni.us/>
- **National Center for State Courts:** <http://www.ncsconline.org>
- **The Center for Court Innovation:** <http://www.courtinnovation.org>
- **Vera Institute of Justice:** <http://www.vera.org>
- **Office on Violence Against Women:** <http://www.usdoj.gov/ovw>

***We need to do more
than the least
we can do...
It's the least we can do!***

