



## JODI Judges Round Table

### Panel Discussion

Judges Elizabeth Hines, Sydney Hanlon & Carl Ashley

November 5, 2009

---

---

---

---

---

---

---

---



## JODI Judges Round Table

- A Confidential, Interactive and Frank Discussion about JODI
- Challenges and Benefits of Adjudicating Partner Violence Cases in the Context of a "Coordinated Community Response"

---

---

---

---

---

---

---

---



As a result of this presentation, you will be better able to:

- ❖ Understand factors that impact a Judge's ability to hold batterers accountable
- ❖ Analyze the role victim autonomy has in a Judge's decision in Domestic Violence cases

---

---

---

---

---

---

---

---



❖ Assess the role of Judges as leaders in a coordinated community response to Batters

---

---

---

---

---

---

---

---

As a result of this segment you will be better able to:

- Identify the problems in assessing what a victim really wants
- Identify barriers to receiving accurate information in deciding whether to modify a no contact order
- Consider victim safety and respect victim autonomy

---

---

---

---

---

---

---

---

What type of no contact order do you have?

- No contact of any kind, direct or indirect
- No violent contact
- No direct contact but you can have third party contact
- No unsupervised contact
- Criminal or Civil

---

---

---

---

---

---

---

---



### What stage is the order entered?

- Law enforcement (72 hours)
- Initial appearance
- Pretrial hearing
- Sentencing
- Post sentencing

---

---

---

---

---

---

---

---



### Purpose of No Contact Orders

- Victim Safety
- Victim autonomy
- A message to the community

---

---

---


---

---

---

---

---



### How do you obtain quality victim input?

- Do you need the victim in court?
- Can someone speak for her/him?
- Will written information from victim be enough?
- Will information from the victim/witness advocate suffice?
- Will information from the community advocate be enough?

---

---

---

---

---

---

---

---



## Civil versus Criminal

- Criminal proceedings; it's your order
- Civil proceedings, arguably it could be considered the petitioner's order

---



---



---



---



---



---



---



## Civil Proceedings

- Refer Petitioner-victim to an Advocate
- Consider cultural issues
- Make the environment safe
- Consider appointing a GAL
- Check for other cases in the system
- Are there indications of coercion?
- Victim autonomy

---



---



---



---



---



---



---



## Criminal Proceedings

- Meet with advocate
- Evidence that the offender has changed
- Lethality review
- Victim presence in court
- Victim safety planning
- Victim Autonomy

---



---



---



---




---



---



---



Create a courtroom culture that helps victims feel safe and supports the Judge's authority

1. Do not allow batterers to control the proceeding;
2. Assess the courtroom culture (what message is being sent);
3. Develop a process to determine if the batterer is compliant with court orders;

---

---

---


---

---

---

---

---



You should be satisfied that you have tried to accurately determine what the victim really would like and that they have been given an opportunity to consider alternatives.

---

---

---

---

---

---

---

---



Judicial Review Hearings in Domestic Violence Cases

- A great opportunity to individually and aggregately support changing a defendant's behavior and support victim safety
- Gives the Court the ability to assess a defendant's compliance and probation follow up.

---

---

---

---

---

---

---

---



- Defendants can be sanctioned or awarded for their behavior
- Victims are able to receive and give information on the defendant's behavior

---

---

---

---

---

---

---

---



## Judicial Education

1. The best intentions are no substitute for informed decision making.
2. Judicial decision makers have tremendous impact on the victim, batterers, and the system
3. Judicial Officers have a major leadership role in developing and supporting a coordinated community response

---

---

---

---

---

---

---

---



## ENCOURAGE JUDICIAL INVOLVEMENT AND LEADERSHIP

- Judges should stay involved when referring batterers to programs and monitor their success.
- Judges have a role in advocating for effective programs.
- Investigate your local programs; what they do and how they do it.

---

---

---

---

---

---

---

---



We can tip the balance in favor of more positive outcomes



---

---

---

---

---

---

---

---