



# **DV AWARE**

# **Multidisciplinary Institute**

*These materials were developed under grant number SJI-21-P-044 from the State Justice Institute. The points of view and/or recommendations expressed are those of the speakers and do not necessarily represent the official position or policies of the State Justice Institute.*

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# Welcome & Introductions

DV AWARE Multidisciplinary Institute



# Cycle of Continuous Improvement





# Learning Objectives

By the end of this training, learners will be able to ...

- Understand the elements of effective planning for and response to domestic violence related dangerous incidents in courts.
- Analyze their readiness and capacity to respond to domestic violence related dangerous incidents.
- Create and apply policies, practices and procedures aimed at improving court/system readiness and response.



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# Icebreaker Exercise: Mapping Your Court





# Mapping Your Court

What is the physical space you consider as part of the ‘court’ when thinking about safety planning, protection, and response?



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# Mapping Your Court

- When you think of court safety, does it only include the actual court building?
- What does your court building look like?
- Does your security area include parking lots or additional building spaces?



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# Domestic Violence: The Bigger Picture





# Learning Objectives

- Recognize the dynamics of domestic violence, including victim and offender behaviors inside and outside the courtroom.
- Explore the dynamics of domestic violence relating to considerations of risk and safety for your court.
- Understand court and community interactions with parties in domestic violence cases.

# Defining Domestic Violence

# Large Group Free-Think



- What does the phrase “domestic violence” mean to you?
- What acts do you qualify as “domestic violence”?
- Does domestic violence affect the court workplace? If so, how?

# Domestic Violence in Context

## **Transactional or incident-based perspective**

(an assault occurred, a threat was made, etc.)

**vs.**

## **Contextual perspective**

(larger context of the relationship of these parties to each other and these parties to the world)

- Domestic violence can vary widely in many ways; both typologies research and our experience teach us that.
- As the nature and context of the abuse can vary, so can the implications for risks.

# Domestic Violence in Context

- We think of context as being about intent, meaning, and effect (who is doing what to whom and with what effect).
- Let's explore this concept by looking at a couple's relationship...

# **Big Little Lies**



# Large Group Discussion



- What forms of violence/abuse were in the clip? Would you consider any behavior you saw to be domestic violence? Why or why not?
- What is the purpose of Perry's violence? What is the meaning of his violence to Celeste? Its impact on her?
- What is the purpose of Celeste's violence? What is the meaning of her violence to Perry? Its impact on him?

# **Big Little Lies**





# Large Group Discussion



- What forms of violence/abuse were in the clip?
- What is the purpose of Perry's violence? What is the meaning of his violence to Celeste? Its impact on her? On their son (in the clip)?

# **Big Little Lies**



# Large Group Discussion



- What additional information does this scene indicate about Perry's violence?
- What is the impact of Perry's violence on Celeste?

# Why Context Matters

# Domestic Violence Defined

- A pattern of abusive behavior in any relationship.
- It can happen to anyone regardless of race, age, sexual orientation, religion, or gender.
- It affects people of all socioeconomic backgrounds and education levels.
- It occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

# Domestic Violence Defined

- A broad view of intimate partner violence includes physically, sexually, economically, psychologically, and coercively controlling aggressive behaviors.
- Individual state laws vary on what legally constitutes domestic violence.
- The sociological behavioral definition of domestic violence is narrower in some ways and broader in other ways than the legal definition of domestic violence under most state statutes.

# Domestic Violence Defined

- It includes behavior that might not be a crime under the law, *i.e.*, financial abuse, mental abuse, etc.
- While an act may be a crime, the offender's motivation and the impact on the victim may be very different depending on the circumstances in each case.
- There may be a spectrum of behavior, especially depending on varying levels of risk.

# Battering/Coercive Control

- Domestic violence is a pattern of abusive behavior used by one partner to gain or maintain power and control over another intimate partner.
- Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.



# Battering/Coercive Control

- Power and control tactics.
- Entitlement to control.
- Separation and challenge to authority are triggers.
- Escalation.
- Most often male perpetrated on female.

# Coercive Power

## Based on Batterer's ability to:

- Cause harm or fear of harm
- Issue rewards
- Achieve dominance
- Enforce/ monitor

**Based on Victim's belief in Batterer's abilities.  
Victim chooses but it is not a "free choice"**

Dutton & Goodman, 2005

# What Makes Domestic Violence Challenging?

- Since domestic violence is often cyclical in nature, courts will frequently see the same litigants and/or families appearing in court, yet the level of risk and specific safety concerns may fluctuate, contributing to the “revolving door.”
- Difficult for courts to contextualize litigants that don’t fall within the “traditional” victim narrative.

# What Makes Domestic Violence Challenging?

- Issues of litigation abuse and the “race to the courthouse” or other court-based services like legal aid, etc.
- Societal elements of patriarchy and privilege that feed into coercive control.
- Therefore, understanding the context in which violent acts occur is critical in determining appropriate interventions and safety planning for court.



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# Context is Critical

- Measurement of violent acts alone cannot provide the whole picture.
- Failing to distinguish one kind of domestic abuser from another can:
  - Endanger victims of ongoing violence.
  - Embolden perpetrators of ongoing violence.
  - Place families and others, including courts, at risk.

# Context

## Context means:

- Intent
- Meaning
- Effect

## Who is doing what to whom and with what impact?

- Not meant to excuse behavior
- Context determines the appropriate interventions and safety planning.

# Context

Context means placing a litigant within the sphere of their whole lives and circumstances rather than taking one piece of their life and making assumptions about how that piece interacts with everything else happening to them:

- Cultural norms.
- Social status/privilege/access.
- Institutional systems.

# Context

- Contexts for domestic violence:
  - Battering/Coercive Control: patterned use of violence, intimidation and coercion to establish dominance.
  - Resistive/Reactive: violence produced and shaped by abuse.
  - Violence not involving coercive control (e.g., “situational,”): violence not linked to establishing an ongoing relationship of dominance.



# Determining Context

- Information from parties.
- History of violence.
- Existence of pattern of intimidation and threats.
- Intent and meaning of violence to victim.
- Risk assessment (we will discuss this more later).
- Information from others.

# Final Points

- It is important to grasp the complexity of domestic violence to enhance our capacity for empathetic responses and services as well as risk identification.
- Domestic violence often involves a complex pattern of behavior, and sometimes it is difficult to determine the actual dynamics between parties.
- With an understanding how a power-and-control dynamic can impact the behaviors of both parties, the court staff will be able to focus on safety for the parties and court staff as well as procedural justice for both victims and abusers.

# Understanding Behavior in Court and Beyond

# Rulemaking and Coercive Control



# Large Group Discussion



- What are examples of rulemaking/coercion?
- What were methods of enforcement?

# Basic/Fundamental Batterer Rules

- I make the rules.
- I am entitled to YOU, your obedience, services, affection, loyalty, fidelity and undivided attention.
- You cannot leave w/o my permission.
- You cannot tell anyone about the abuse.

# Batterer Behavior

- Typically a pattern of assaultive and controlling behavior.
- Abuse may be physical, emotional, psychological and sexual in nature and can include threats to harm self, children, other family members, pets and property.
- Violence is used to intimidate, humiliate or frighten victims, or to make them feel powerless.

# Large Group Discussion



- In your experience, what makes domestic violence cases difficult for courts generally?
- For the identification of risks associated with those cases?



# Camila and James

## Think/Share Exercise

# Background Facts

Two weeks after Camila broke up with her boyfriend James and asked him to move out, she returns from work surprised to find him in her home. James tells Camila he is there to pick up his belongings. A neighbor overhears shouting and calls the police, but James is gone by the time the responding officer arrives. When the officer asks Camila what happened, she states that after she objected to James taking one of the items, he shoved her, grabbed her arm and began shouting obscenities ...

# Background Facts

The officer notes that Camila's upper arm was starting to bruise. When asked about James' whereabouts, Camila states "I don't know where he went but he said, 'I'm going to ruin your life' before leaving." Camila also states that James has previously destroyed her property, followed her, and threatened her, but he never previously physically harmed hurt her or their daughter, who was currently with her grandmother. Camila also says that she is worried that she, "will never get rid of him."

# Large Group Discussion



- What are some red flags that stand out about this incident?
- How serious is this behavior?



## Civil Court

Camila eventually decides to go to court and is granted an emergency order based on the above incident. After he's served, James hires a private defense attorney. The attorney files for an order of protection against Camila, alleging that she began physically attacking James during the incident and he was merely trying to protect himself by holding her away. In the months prior to hearing, the defense attorney has sent nearly a dozen motions to Camila, mostly related to visitation and property.



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## Civil Court

Outside the courtroom, Camila spots James talking to his attorney in the hallway. She hovers around until they're looking away and hurries inside the courtroom before either of them see her. Camila checks in with the clerk, who informs her that her case will be at the end of the line. After some time, the judge finally calls her case.



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# Civil Court

***Defense Attorney:*** Your honor, the victim has not responded to any of my client's motions. She's not allowing him to see their child, which my client is extremely worried about. He believes she is turning the child against him.

***Judge:*** Would the petitioner like to respond?

***Camila:*** Well, I told James he could see our child whenever he wants. But every time he calls me about visitation, he starts screaming at me, saying all sorts of names. I'm pretty sure I saw his car on my street last week, too.



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# Civil Court

**Defense Attorney:** Your honor, that's simply not true. The petitioner has no evidence of this. There's a temporary visitation schedule in place that she's required to follow. My client simply wants to see his kid regularly while the court sorts out the other issues. He has no interest in speaking with her otherwise.

**Camila:** Then why is he always messaging me and showing up to my house?

**Judge:** Ms. Costello, please wait until your turn to speak.

**James:** Your Honor, I just want to see my daughter. It's really painful being apart from her. And I'm trying to do anything I can to make this right for her.



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## Civil Court

**Camila:** You barely even show up on your weekends. And when you do, you just have your mother watch her while you're out with your friends! (*James' mother scoffs loudly in the back*).

**Judge:** I don't want this back-and-forth in my courtroom. We're going to get supervised exchange to minimize any contact between the parties. No harassing phone calls and no preventing visitation. Do both parties understand?

*Both Camila and James nod.*



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# Questions ?

- Do you often encounter this dynamic in the courthouse?
- What are the differences between Camila and James' behavior?
- How much of this information would you or your team know at the time of the hearing?

# Victim and Perpetrator Behaviors

# Context is Critical

- Without an understanding the context and of DV dynamics (power and control), victim and abuser behavior can be inscrutable (at best) or misleading/eliciting responses that are harmful or dangerous.
- As demonstrated in the Camila and James exercise and the videos, victim and offender behavior must be contextualized in order understand and respond appropriately.

# Why Do Victims Stay?

Leaving is only one of many strategies to stay safe.

- Risk – familiar risk (battery) versus unknown risk (poverty, homelessness, loss of custody/desire to keep family together, escalating violence).
- Denial and guilt: belief that abuse will never happen again.
- Love: might want violence to end but not relationship.

# Why Do Victims Stay?

- Lack of education and lower-paying jobs.
- Victims with disabilities (not always about staying or leaving but fighting for most basic needs).
- Substance abuse (abusers use to excuse behavior; victims use as coping mechanism – Hannah?).
- Undocumented victims (abuser controls immigration status, lack of financial resources).
- LGBTQ (these fears + fear of being outed, lack of support from friends, family, etc.).



# Victim Behaviors in Court

Victims may display a range of behaviors in court to keep themselves or their children safe:

- Victims often deny the truth, even to themselves.
- Sometimes victims assume responsibility for what happened to them. See it as personal or moral failure, source of shame. Can lead to victims avoiding eye contact while testifying or communicating (should not be interpreted as a sign that a victim lacks credibility).



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# Victim Behaviors in Court

- Victims of abuse often desperately want to believe promises to change and improve and may even doubt their own judgment or estimation of the severity of the situation.
- Victims may refuse to testify, fail to appear for trial, plead with prosecutors to drop the charges because they fear they will be in further danger, or believe that everything is going to be alright.
- Pressure to avow love for the abuser.
- Display agitation or a raised voice in the courtroom, including towards the judge.





# Victim Behaviors in Court

How victims present in court may be impacted by culture: people with different backgrounds and behavior could be perceived very differently.



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# Abuser Behavior in Court

- Prior to coming to court, the abuser may harass, intimidate, or threaten violence to the victim, the children, or damage to property.
- During proceedings, the abuser may send notes to the victim or glance in such a way as to communicate authority over the victim.
- Some abusers testify about how the behavior “caused” him or her act abusively.



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# Abuser Behavior in Court

- Litigation abuse.
- Follow the victim into the hallway or within the courtroom.
- Make statements of profound devotion or remorse to the victim and the court. Abusers are practiced at maintaining an image of life that differs from reality. The court and attorneys may find this portrayal convincing.
- Victims have been assaulted as they go to and from the courthouse.



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# Victim Autonomy

- Victims decide when to access the (civil) system, what relief will best serve their needs, and when to exit the system.
- Courts cannot know whether interventions will be harmful or helpful, so need to heed informed victim views and desires.
- Victims are often in the best position to determine when or if the justice system should intervene in their lives when they experience violence and what services they need.
- Not all victims want to engage with the justice system or may engage and then discontinue, due to historical trauma, bias, legal concerns, safety risks, etc.

# Impact of Trauma on Behavior

- Victims of trauma often repress memories of traumatic events. Repression is a defense mechanism that helps the human psyche protect itself from pain.
- Minimization, denial, and memory loss, which are symptoms of psychological trauma, can make it extremely difficult to elicit consistent information.
- Victims' answers may not initially indicate victimization due to fear or forgetfulness related to trauma.



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# Impact of Trauma on Behavior

- Victims may have had prior negative or traumatic experiences with law enforcement and may be afraid or distrustful as a result.
- Difficulty in identifying posttraumatic symptoms or reactions can lead to lack of referral for screening, services, and treatment for trauma and trauma-informed care.
- Often offenders have also experienced previous trauma (not providing justification for abuse) and may need trauma intervention.



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**BREAK (15 MIN)**

# Enhancing Courtroom Safety:

Visualizing and Mapping Your Court Systems





# Large Group Discussion



Do you consider domestic violence cases ***no, low, medium, or high*** risk?

# Camila and James

- Without the benefit of knowing additional details, how could the court consider the risks related to John's behavior?
- What could the court do to be more responsive to Camila's needs? (e.g., a trauma-responsive court, providing for safety even though you may never know these details)
- What could the court do to be more aware and responsive?



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# Identifying Court Roles

Within and Beyond the Courthouse

# Debrief: Courthouse

- Who interacts with DV cases?
- Where and when do they interact with DV cases?

# Debrief: Community

- Who interacts with DV cases?
- Where and when do they interact with DV cases?

# Debrief: Understanding Interactions

- For the interactions identified, will the court staff and other professionals know about the context and risk of the domestic violence involved?
- Are you represented in your worksheets or diagrams? Why or why not?
- Of the court staff you oversee, who interacts the most with domestic violence cases?

# Final Points

**Domestic violence is everywhere** and touches – both directly and indirectly – various facets of your court systems

- Criminal: victims of crime (SA, physical assault), property crimes
- Civil: civil protection order, child support, child custody, divorce, property and housing matters, abuse and neglect, juvenile, probate.

# Final Points

Places inside the courthouse where court personnel may interact with DV cases (draw from participant responses)

- Parking lot and elevators
- Law library
- Attorney's offices (defense and prosecution)
- Lobby/security
- Clerk's office
- Self-help/self-represented litigants/advocate office
- Courtrooms
- Behind closed doors? HR, community relations, finance, court management, filing room, etc.

*Where else?*



# Final Points

Court personnel who interact with cases that involve DV include:

- Judge
- Court clerks and law clerks
- Court security officer
- Interpreters
- Advocates
- Court leadership/management;
- HR, community relations, finance;
- Custodial staff, etc.

*Who else?*

# Final Points

People and places outside the courthouse that interact with DV cases

- Service providers
- Hospital/medical
- Law enforcement
- Legal services and Prosecutor's office
- Case coordinators and schedulers
- Social services
- Victim/witness assistant

# Final Points

- Be aware that domestic violence litigants can be **anywhere**, including people you work with who are both powerful and not.
- Interaction with domestic violence cases extends **well beyond the courthouse** and many are not resolved just within the justice system.
- Many cases don't even go to hearing or trial and may require alternative services to resolve

# Roles and Opportunities for Coordination

- Court personnel **awareness** of their own functions regarding domestic violence services, and how these interact or overlap aid understanding the nature and extent of any risk factors.
- Court staff needs to understand their interaction with and **impact** on domestic violence cases and the parties involved.
- **Effective coordination and partnerships** between court personnel and among agencies allow a flow of information between appropriate parties.



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# **Analysis and Warning: Risk Awareness and Communication**



# Learning Objectives

- Analyze the risks posed to their court and appraise the gaps and barriers in their court's systems and plans.
- Structure their court's risk assessment and communications systems to adapt and respond to identified risks.
- Implement a systemic response strategy that incorporates best practices and procedures.

# Awareness of Risk

- What do we mean by risk?
- How do we increase our understanding and awareness of risks posed to individuals, courts, and others related to domestic violence?
- How can we use that understanding to increase our awareness of domestic violence-related risks to individuals, courts, and those within the courts?

# Free Think and Share



- What do you think of when you hear the term “risk”?
- Is it the same or different from “dangerousness,” “threat,” or “lethality”? Please explain.
- For domestic violence-related incidents, where do you see risk?
- Whom do you consider most at risk? Who else should be considered?



# Defining Your Terms

The focus of the training and this segment is to understand and analyze domestic violence-related risk:

- To the victim;
- To the victim's and/or abuser's families;
- To the judges, court staff, and anyone within the proximity of the court;
- To the courtroom, court facility, and/or grounds; and
- To the justice system (perception of access to justice/fairness, etc.).
- All delivered in some way by the perpetrator of the domestic violence.

# Defining Your Terms

- We are using the term “risk” as broadly as possible, as a situation involving exposure or possible exposure to danger, injury, harm, death or loss. We may also use the terms “dangerousness,” “threat,” or “lethality” as synonymous with risk.
- Risk is also the degree of probability of that danger, injury, harm death or loss will occur.
- There are two types of domestic violence-related risks: non-targeted and targeted. Non-targeted is impulsive, unplanned, and spontaneous - an emotional reaction to a situation. Targeted is planned.



**Lunch (1 HR)**



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# How We Process What We See

Risk Awareness

# Identity and Risk



- How do you think your role or “identity” within the system affects your “lens” with respect to seeing or identifying risk?
- With risks, threats, or dangerousness related to domestic violence?

# Final Points

- Everyone has a wealth of experiences and groups they belong to;
- This lends each person a unique culture, which affects the lenses we use to view the world,
- Victims, judges, courts, court systems and jurisdictions each have unique cultures and subcultures,
- They can contain contradictory, multi-faceted, and often-changing elements,
- Acknowledgement and understanding of these cultures and their differences and commonalities are central to how we identify and understand risk.

# A Father Confronts His Own Bias



# Large Group Discussion



- Can you identify with this story?
- Have you had experiences like this?
- For those who have ever jumped to a conclusion, what would you have done differently?



# Jamie Brown and Alex Green

Jamie Brown and Alex Green have been together for 20 years and married for five. They have a 14-year-old son named Josh. Jamie is an army veteran and Alex is a nurse. Jamie has applied for a civil protection order from Alex twice in those five years. Jamie withdrew the first request and failed to appear at the hearing for the second. Police were called to their home on several occasions by neighbors since the last filing, complaining of domestic disputes.

# Jamie Brown and Alex Green

Jamie has also called the police, stating that Alex is physically abusive. Alex has been taken into custody at least once, but there are no current criminal charges pending for domestic abuse. Jamie has been in contact with a local culturally specific domestic violence advocacy center, attends support group meetings whenever able to, and has filed another request for a civil protection order.

# Jamie Brown and Alex Green

What is the level of risk?

# Jamie Brown and Alex Green

Jamie and Alex are a same sex couple. Alex owns a handgun kept in a nightstand gun safe. After Jamie filed the last request for a CPO, Alex wants to seek sole custody of Jared.

# Jamie Brown and Alex Green

What is the level of risk?

# The Gift of Fear Master Class



# Final Points

- We are powerfully guided by the things we expect to see in the world.
- The unconscious mind processes vastly more information than our conscious mind by using shortcuts.
- The human mind naturally organizes ideas into categories based on experiences and observations.
- People are wedded to the idea that we can perceive things objectively, but you have to be conscious of the bias that you have in order to see the facts.

# Final Points

- Stereotypes are generalized images we have about groups of people, particularly about their underlying psychological characteristics or personality traits.
- All stereotypes are generalizations, but all generalizations are not stereotypes
- Prejudice is the tendency for an individual to prejudge others, negatively or positively, based on their group membership.
- Bias implies a distortion of judgment in favor of or against a person or thing – it can be conscious or unconscious.



# Final Points

- Everyone may be impacted by misinformation, bias, or “stereotypes” about certain groups and/or behavior.
- This includes victims, abusers, domestic violence dynamics, LGBTQIA+, our court-based roles, and racial/ethnic groups.
- Misinformation comes to us from many sources.
- Certain aspects of a particular culture may be true of individuals or families within a particular space and time, but these aspects are not always true for everyone from that group, at all times or in all locations.

# Final Points

- Focusing on one or more aspects of a group and holding the generalization to be true of all aspects makes it difficult to truly assess the circumstances of a case and the risk it presents.
- We must find other, more reliable means, of predicting future dangerousness and risk.
- To process facts without the limiting implications of bias:
  - slow down decision-making;
  - reconsider reasons for decisions;
  - question stereotypes; and
  - use the support of your peers to check for bias.

# **What We Know About Domestic Violence-Related Risks**

# Thomas Murto

Two weeks after Sara separated from her boyfriend James Murto, he showed up at her apartment. Hearing yelling, a neighbor called the police. When the responding officer arrived and asked what happened, Sara stated that she had disputed Thomas coming inside, he slapped her twice, wrapped his hands around her neck, and squeezed until he was finally distracted by phone ringing.

# Thomas Murto

The officer noticed that Sara's cheek and throat were red, and that her eye was puffy. When asked where James was, she told the officer that Thomas said something about going to get a gun. Sara told police that this was not the first time Thomas has abused her. Thomas is already on probation for an unrelated violent act and is now present in court for his first appearance on the charge of aggravated assault. Sara is not present.

# Large Group Discussion



- How serious is this incident?
- What, if any, is the relation of the seriousness of the incident to the risk to Sara? The court?
- Does the level of seriousness of an incident necessarily reflect the overall dangerousness of defendant?
- What about the gun?

# Known Risk Factors in Domestic Violence Cases

- Threats of suicide or murder.
- Access to weapons.
- Separation and loss of control in the relationship. Women who leave their perpetrators are at greater risk of being killed as the perpetrator loses that sense of control.
- Use of drugs and alcohol.
- Escalation of violence.
- Victim belief that offender is capable of lethality.

# Strangulation: Serious Implications in Domestic Violence Cases

- One of the strongest predictors for the subsequent homicide of victims of domestic violence.
- Stranglers of women are the most likely to kill police officers in critical incident encounters and they are often the mass shooters in this country.
- Congress made non-fatal strangulation a stand-alone, serious felony under VAWA in 2013.
- Most states have passed laws; most in the past decade, making strangulation assault a felony.



# Disproportionate Impacts

- Domestic violence disproportionately affects women and women of color.
- American Indian and Alaskan Native women experience domestic violence at rates far higher than their numbers within the population and when compared to women of any other ethnicity.
- 45.1% of Black women experience intimate partner sexual violence and/or intimate partner stalking in their lifetimes and an estimated 51.3% of black adult female homicides are related to intimate partner violence.



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# Disproportionate Impacts

- Although women are far more likely to be victims of domestic violence than men, 1 in 4 men have been physically abused (slapped, pushed, shoved) by an intimate partner and 1 in 7 men have been severely physically abused (hit with a fist or hard object, kicked, slammed against something, choked, burned, etc.) by an intimate partner at some point in their lifetime.
- Men of color are also overrepresented in these numbers.
- These numbers also likely are undercounted.

# Possession of Firearms

- Abused women are five times more likely to be killed by their abuser if the abuser owns a firearm.
- An Everytown for Gun Safety Study of every identifiable mass shooting (shooting in which four or more people were murdered) between January 2009 and December 2016 found that 54% of them involved the killing of a family member or a current or former intimate partner of the shooter.

# Other Factors to Consider

- History of abuse.
- Other risk/lethality factors.
- Impact of a court's order on the financial and practical lives of the victim and any children involved.
- Custody orders and child access issues.
- Nature of present and past incidents.
- Defendant's history.
- Pre-incident indicators (PINS).
- Behavioral change stressors.

# Other Factors to Consider

- Incidents of stalking, sexual violence, strangulation, pet abuse, jealousy, and threats with firearms are indicators of increased risk of dangerousness and lethal violence.
- Factors such as these, and others, can help alert victims that their safety is at risk and that they should consult an advocate for safety planning.
- Knowledge of these factors should also inform a judge's decision-making regarding provisions in orders that may enhance safety.
- These safety considerations should inform all aspects of your decision-making regarding risk awareness and warning.



**BREAK (15 MIN)**

# **A Strategic Approach to Risk Awareness**

# A Strategic Approach to Risk Awareness

- Considers the risk posed by individuals, the risks to individuals (such as the victim and/or third parties) and the risks to a court's facility/campus;
- Accounts for actual resources available within a court and community;
- Accounts for court culture and perception regarding requests for security (*e.g.*, not having good management of court room); and
- Accounts for actual bias, the appearance of bias, and the fear of appearance of bias.



# A Strategic Approach to Risk Awareness

- Looks at the actual history of violence used by a domestic violence perpetrator and its effects on the individual victim(s) in order to increase awareness of potential and actual risk.
- Incorporates the use of available tools and resources, such as available assessments, data, blueprints, plans, and training.
- Employs a collaborative partnership model.

# A Strategic Approach to Risk Awareness

- Incorporates specific community-based concerns.
- Allows for adaptation and response to situations not anticipated, which can help avoid assumptions about WHO the threat is just based on the petition, the person, etc. (avoidance of bias).

*As with victim safety, courthouse safety and security is a complex issue and there are no single solutions. A framework with clear direction, alignment of initiatives and efficacy measurement mechanisms must be implemented.*

# Risk Identification and Response Planning

# What are Assessments Tools?

- Behavioral assessments designed to show the assessor what the likelihood of violence can be from a perpetrator.
- Conducting these kinds of assessments can help mitigate risk to the victim and all others in the courthouse because it should inform every one of the potential for further violence.
- It includes a series of questions, and then compares the current constellation of factors to expert opinion and to past cases in which the outcome is known. The process can include interviews and other information gathering.

# What are Assessments Tools?

- Assessments can be part of a process that includes development of a plan that:
  - Determination of what the immediate action should be,
  - An objective data gathering process,
  - Development or reinforcement of a safety net for the at-risk, and
  - Long-term monitoring.
- Threat assessment tools include Jackie Campbell's Danger Assessment, MOSAIC, DA, ODARA, etc.

# Limitations

- Professionals conducting risk assessments must be trained. Courts cannot have just anyone do a risk assessment on a domestic violence case.
- The tools may be different or used in different roles by varying professionals.
- The research is based on past incidents – it is impossible to measure future risk of recidivism and/or lethality accurately.
- Propensity towards “false positives” – assessments may categorize circumstances as higher risk than reality. **But also:** an absence of these lethality markers does not mean a victim is **not** at high risk.

# Limitations

- Domestic violence cases are complicated and cannot be easily categorized: risk categories are not static or definite.
- Potential issues with bias – criminogenic factors can be skewed against some demographics.
- Analogy: they do not prescribe a cure but will assist in the diagnosis.
- They are prevention focused not prediction focused.

# Benefits

- Assessments can inform decisions on prosecution, conditions of release, and sentencing, as well as conditions on orders for civil cases.
- Standardized risk assessment tools allow greater coordination and awareness throughout a system and prevent risk-related information from falling through the cracks.
- Categorizing domestic violence cases in to high, medium, low-risk allows your court/community to efficiently prioritize resources for each case.
- Understanding risk facilitates more effective safety planning.



# Benefits

- Risk assessment tools help facilitate safety, helping victim understand risk levels.
- Assessments can validate intuition.
- A standardized approach is a consistent approach that helps eliminate bias and provides an objective lens.
- It can help triage cases and focus energy and resources.

# Why is this information important to your work?

- Court security should be informed of specific cases and trained on general cases with a heightened lethality risk.
- Courthouse policies and procedures can be developed to increase coordination.
- Advocates who work in a courthouse can administer risk and lethality assessment to victims.
- Appropriate risk information sharing with the judicial officer about a case that poses safety concerns. Balance the need for neutrality against need for judicial officer to know for courtroom safety purposes.

# Large Group Share Exercise



- Have you (court, law enforcement, advocate, other) ever used a risk assessment tool? For domestic violence-related risks? If so, which tool?
- Have you ever administered a danger or risk assessment in your work? If so, which assessment?
- What is your experience with such assessments and their use by the court? Do you find them to be useful?

# Risk Response Planning

# Bill and Rebecca

- Who knew what?
- When did they know it?
- What should have been done?
- What is the level of risk to the victim?
- What is the level of risk to the court?

# Time to Reflect

- Was this an unavoidable tragedy?
- Were there missed opportunities?
- Give some examples of information that you wanted or needed at various points. How you could get it?
- How could the system have responded differently?
- How could collaboration throughout the system help prevent this tragedy?
- How could use of assessments or other risk identification and response planning helped prevent this tragedy?

# Final Points

- In certain cases, you may not be able to prevent a tragedy, but it may furnish an opportunity to examine the system and prevent future tragedies.
- This case is an example of missed opportunities

# Ensuring Safety in Your Courthouse





# Ensuring Safety in Your Courthouse

Effective risk identification and response plans address court safety both for the victim and for the court itself, and should include:

- ☐ Prevention
- ☐ Protection
- ☐ Mitigation
- ☐ Analysis
- ☐ Response
- ☐ Recovery

# Prevention

How to avoid, prevent, or stop an incident.

- Pre-incident indicators before an incident happens.
- Address escalating behavior and the physical security risk to the court/room.
- Consideration of the contact offenders had with court the court and what was observed.

# Protection

Protection of people and assets.

- There are many layers to security and corresponding roles and responsibilities.
- Establish security measures that are designed to deter, detect, deny and delay an adversary.
- Examine your facility from the perspective of the threatener and consider barriers to accessing areas of the facility(ies).
- Develop a safety plan for cases when an injunction is violated, a victim is threatened, or there is an emergency in the courtroom (*e.g.*, an evacuation).

# Mitigation

Reduce loss of life and property.

- Actions to prevent or lessen the impact of an active threat incident.
- Part of the broad-based planning team discussion to get a wide array of input into appropriate actions, such as warning all people in the court of a potential or active threat.
- Includes prevention measures, de-escalation techniques, and physical security considerations.

# Analysis

Analysis of incident data for all types of cases.

- Part of risk awareness and assessment and includes the use of any assessments.
- What types of data are available to the court and its partners to assess risks?
- What kind of post-incident review occurs?

# Response

**Response** to an incident as it is happening.

- Planning for an ongoing incident.
- Identifying the chain of command.
- Consideration of how a threat is communicated and to whom.
- Understanding how first responders access the building and the challenges for first responders' access.

# Risk Response Planning

- Review your current resources and procedures.
- Include any incidents review team, including fatality review.
- Risk identification process that includes searching social media before key hearings.
- Provides clarity for what can be done in each role, including who should be involved and when.
- Balances reporting requirements/process and duties to clients/impartiality.

# Risk Response Planning

- An effective plan cannot be developed in a vacuum.
- Consider the overall courthouse and each operational department, functional team, working group or committee encompassing the full sweep of departments, job descriptions and employee status.
- Consider any jurisdictional issues,
- Invite others to review the plan.



# Risk Response Planning

The judicial role in planning.

- Plans should include the judge, including judicial training.
- Consideration should be given to how/when to inform a judicial officer regarding cases with a high degree of risk/dangerousness.
- Neutrality issues balanced against need for judicial officer to know for courtroom safety purposes.
- Judicial leadership is needed to support awareness of risk.
- Judges are in the unique position to stimulate community collaboration.



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# Final Points

- Risk planning and response should include a systematic review of protocols, practices, and spaces.
- It requires collaborative work: improved communication and collaboration amongst system professionals could help increase risk awareness and planning.
- Whatever the status of your plan, it is important to conduct regular training and education for court security and court staff on domestic violence and safety issues and response.

# End of Day One

# Communications Planning and Implementation

# Communications Regarding Risk

- In your position, have you ever received warning of a potential or actual threat at the courthouse?
- How did you receive that warning?
- Have you ever had information about a potential or actual threat?
- How did you provide a warning of that threat? To whom?

# Eva and Daniel Gordon



## Outside the Courtroom

Eva and Daniel Gordon are in the process of a divorce. Eva was previously granted a temporary civil order of protection against Daniel, which has been extended numerous times throughout the divorce proceeding. She also has a temporary custody order for Joseph, Eva and Daniel's 8 year-old son. After she left Daniel, Eva and Joseph stayed with her brother until she was able to find an apartment. She requested that her new address be redacted from any court documents so that Daniel could not find them.



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## Outside the Courtroom

The judge ordered Eva and Daniel to have her brother do the exchange for Daniel's visitation with Joseph. The protection order also orders Daniel to stay away from Eva's workplace, Joseph's school, and any family members. Recently, Eva was at home and repeatedly heard loud banging on the door and shouting. Anxious and trying to calm down a crying Joseph, she called the police, but no one was there by the time they arrived. Law enforcement later spoke with Daniel, who denied even knowing where Eva lived.



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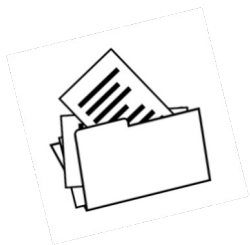


# Outside the Courtroom

- What is the level of danger and why?
- How could or should that danger be communicated?
- To whom?
- When?

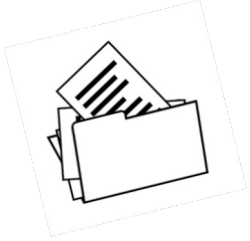


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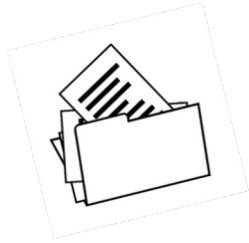
# Clerk's Office

- Clerk: How can I help you?
- Eva: Hi, I'm having trouble with my protection order case. I asked the judge to make sure my new address wasn't on any of the court documents so that my ex couldn't track me. But he showed up at my house a few days ago. Can you check if it's listed?
- Clerk: Sure, let me just pull up your file ... ah here it is! No, your address is definitely redacted from the orders. Any idea how he could have found it?
- Eva: No! I just moved and no one besides people I trust know my address. This is crazy. Are you sure it's not on one of these orders?



# Clerk's Office

- Clerk: Ok, let's calm down. Is this the only case you have going on?
- Eva: There's a divorce case, too. And I think he has something going on in criminal court.
- Clerk: Well it looks like the address was only redacted from your order of protection case, but it's in the divorce file. You said there was a criminal case too?
- Eva: Yeah, one for drunk driving. Another for something to do with his gun license. Is there anything I can do now?
- Clerk: Well, it looks like he already has the address.



# Clerk's Office

- What is the level of danger and why?
- How could or should that danger be communicated?
- To whom?
- When?



# Courtroom

Judge: Ms. Brown, I understand that you have some ongoing concerns with your protection order case.

Eva: Yes, your honor. I believe Mr. Green found my new address on the divorce paperwork and showed up at my house a few weeks ago.

Daniel: Your honor, I already talked to the cops, and I don't even have her address. She must be daydreaming; I was at my mother's house the whole time. She'll vouch for me. I'm just trying to do the right thing here; I've been attending classes and trying to get better.



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# Courtroom

Judge: Have you been attending your court ordered offender programming classes, Mr. Green?

Daniel: Yes, your honor.

Eva: Excuse me, your honor. I don't know if he's actually going to any classes, no one informs me of that. But I am worried, because ... he still has his hunting weapons.

Judge: Mr. Green, you haven't turned in your weapons? I ordered you to do so at our last court date, and you've had plenty of time.



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# Courtroom

Daniel: Oh yes, your honor. It's just hard because it's hunting season right now. But I'll do that as soon as possible.

Eva: Oh my God, are you kidding me?

Judge: Ms. Brown, please no outbursts in my courtroom. Ok, let's extend this out to another status hearing in three weeks. That'll give Mr. Green plenty of time to turn in his weapons. And make sure you keep going to your classes.

Daniel: Yes, your honor.



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# Courtroom

- What is the level of danger and why?
- How could or should that danger be communicated?
- To whom?
- When?



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# After the Hearing

As the Judge is leaving the courthouse for the day, he sees Eva walking into the parking garage next to the courthouse. The Judge then sees Daniel circling the garage in his car.

# After the Hearing

- What is the level of danger and why?
- How could or should that danger be communicated?
- To whom?
- When?

# Communications and Planning

Design communication strategies that:

- Keep your environment and facility in mind, including the physical grounds and layout, access points and communications points.
- Consider the court's public operations information (*i.e.*, the sharing of hearing dates and locations, including virtual/from home).
- Addresses WHO a stakeholder or member of the public tells, how is that shared, and when is that shared.

# Communications and Planning

- Considers language and other accessibility concerns and uses both verbal and other methods (such as signage);
- Contains practical communication steps, such as ensuring that a bailiff (or other staff) in the courtroom can communicate/warn outside the room about potential for danger.
- Includes communications before, during and after an event designed to reach all and includes proactive preparations with families.

# Communications and Planning

- Communications on safety should be immediate and appropriate.
- Those receiving safety communications should take appropriate action in a timely action to enhance safety.

# Self-Care and Action Planning



# **Action: Responding Effectively to Violence**



# Learning Objectives

- Evaluate emergency response resources among and between agencies/systems.
- Appraise the gaps and barriers in their courts' response systems and plans
- Formulate and implement effective response plans and protocols.



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# Elements of an Action Protocol

# Analysis and Warning Recap

- Identifying and categorizing domestic violence-related risks,
- Using standardized assessment tools, and
- Adopting a strategic approach to risk planning that includes greater coordination, awareness, and more effective safety planning.



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# What is Your Action Plan?

- What does your court security currently look like?
- Does your court have a security plan? If so, does that include any action plan for response to an incident?
- Have you ever had any specific threat/incident action plan developed? If so, is it a general plan?
- Does it include consideration of domestic violence-related risks?
- Who oversees any security planning for your department, program, etc.?



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# Understanding Your Resources for Action

- Planning for action in response to domestic violence-related incidents is part of a strategic approach to risk planning,
- Focused on a determination of what an immediate action should be in response to an active incident within the court.
- For action plans to be effective, they must be specific to the court, its facilities, and resources



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# Mapping Your Court

- Using the maps, the Handout and the tags/labels provided, identify where, how, and when domestic violence-related litigants/parties/others may interact with courts and court staff.
  - Any additional locations?
  - Likely places court case events occur?
  - People that may interact with parties.
- This information can help identify where and when safety risks may arise, discern opportunities to prevent or mitigate those risks, and therefore better plan for action in response to a domestic violence-related incident.



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# Mapping Your Court

- Who is involved at key points in the case?
- What are common events or situations that may trigger a safety risk and where do they happen?
- Who has information about the risk?
- Who is in a position to mitigate the risk?
- Who is in danger?
- Looking at the map, do you see any gaps?
- What other locations/events, etc. should be considered?



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**BREAK (15 MIN)**

# Elements of an Action Plan

Your action plan should identify:

- Your chain of command.
- Your capabilities to address saving lives,
- Meeting basic human needs for safety, and
- Provide for protecting property and the environment.



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# Elements of an Action Plan

- Be mindful of both the phased approach to incident management and other special considerations.
- Use the elements of planning for risk to guide you.
  - Prevention: how do you avoid, prevent, or stop an incident?
  - Protection: how do you protect people and assets?
  - Mitigation: how do you reduce loss of life and property?
  - Response: how do you save lives and protect property?
  - Recovery: how do you restore and strengthen the court and community?



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# Elements of an Action Plan

- Consider the types of domestic violence-related risks and the strategies that might be used for action in response to both.
- Identify your collaborative partners and their roles.
- Form a planning team.
- Buy in at the leadership level is key to obtaining approval and dissemination.

# Elements of an Action Plan

- Consider the overall courthouse model and each operational department, functional team, working group or committee encompassing the full sweep of departments, job descriptions and employee status.
- Consider evacuation and whether the routes are protected.
- This includes the understanding of roles.



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# Elements of an Action Plan

- Incorporate and integrate the analysis and warning systems into the plan, including how are early signs/risks are recognized and reported/shared.
- Incorporate existing security into your plans.
- Layered security slows an intruder, providing hurdles to make it progressively more difficult for them to reach their intended target or to escape undetected.
- Consider code words and duress alarms, having additional security personnel in the courtroom (based on any risk assessment) and redundant security screening outside the court door.



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# Elements of an Action Plan

- Examine appropriate policies and procedures needed to secure against an active threat.
- Special considerations may include emphasis on a property location or a specific facility, the priority departments or functional areas, and the key roles and duties of significant personnel who will be key to implementing the plan in a real-world event.



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# Elements of an Action Plan

- Know your families and who is in your courthouse.
- Plan for all the ways the court facility is used.
- Facility realities and design, including security challenges, should be integrated into plans.
- Examine your facility from the perspective of the threatener.
- Where and how should first responders access the building?



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# Elements of an Action Plan

- Plan for the human element:
  - Action plans should consider that staff or even judges may have triggers and react accordingly.
  - Understand and plan for disabilities and/or access and functional needs persons.
- Strengthen your plan by inviting others to review, evaluate it against a variety of scenarios, conduct exercises to evaluate your plan, and role-play the adversary's point of view.

# The Framework for Countering a Threat



# “Court Cam”



# Large Group Discussion



- How would you assess the response to the incident? By law enforcement? The judge? The attorneys? The others in the courtroom?
- What part of the response was effective?
- What could have been done better?
- What were the ongoing risks during the incident? To whom? Could the defendant have grabbed a weapon?

# Threat Decision-Making Hopper

- Prevention: how might the incident been avoided, prevented, or stopped?
- Protection: how might you protect people and assets?
- Mitigation: how do you reduce loss of life and property?
- Response: how do you save lives and protect property?
- Recovery: how do you restore, strengthen the court and community?



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# Final Points

- An effective active threat plan cannot be developed in a vacuum.
- Absent the assistance of operational departments and the input of employees who may be on the front line and confronted with the event, the plan will fall short.
  - Include input from first responders, law enforcement and EMS personnel as the plan is being developed.
  - Include the landlord, other tenants and neighboring businesses who may contribute and add value to the plan development.
  - Include community members and those who use the court in order to assure their use of the court is taken into consideration.

**Communicate, Drill, Review, and Repeat**

# Know Your Chain of Command

- If you call 911 from the court, who are you calling?
- Where do they show up?
- Would any security be informed?
- If you push a panic button what happens?
- Who is notified of the threat and who is not?



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# Communicate, Drill, Review, Repeat



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# Communicate, Drill, Review, and Repeat

- Have you ever participated in an emergency drill?
- What was the drill for?
- How was the plan for that drill communicated?
- Who is in charge of communicating to staff about where to go? Who communicates to community members?
- How often does your program/department/court engage in drills?
- Is there any debrief after a drill to identify or discuss its success and/or improvements?



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# Communicate, Drill, Review, Repeat

- Communication to all staff/personnel about not only the plan itself, but also the elements of that plan that pertain to them.
  - Do all staff, partners, agencies, etc. know who to approach? How to report an incident?
  - Does everyone know their role in the event of an emergency?
  - Are evacuation and other response procedures clear and shared among departments and programs?
- Drilling on a regular basis reinforces an action plan, ensuring better communication and knowledge of that plan as well as improving your response and therefore the safety of those in the courts.



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# Communicate, Drill, Review, Repeat

- Drilling and communication are part of an effective review process, designed to provide for continual improvement and thereby increase safety.
  - Debrief after an event and refine based on experience,
  - Review of prior drills and refining your procedures,
  - Ongoing communication on effectiveness and issues, and
  - Continuing training and discussion of safety.



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# Communicate, Drill, Review, Repeat

Review of an incident from a strategic perspective can highlight key aspects of an incident and its key phases:

- “Prior to” (Pre-),
- “During” (Trans-), and
- “After” (Post-) the event.



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# Communicate, Drill, Review, Repeat

- Review can include more analysis of pre-incident behaviors, escalation or adaptation of methods, tactics, complexities of societal impacts, behavioral issues, and some common elements.
- This process requires collaboration:
  - Identify the team,
  - Form a common framework,
  - Define and assign roles, and
  - Determine a meeting schedule.



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# Communicate, Drill, Review, Repeat

- Meet with responders to determine how best to coordinate actions.
- Work with support groups to identify appropriate recovery actions, and recovery resources for immediate and long-term support.
- Consider communication with the community, including media about ongoing incidents.



# LUNCH (60 MIN)



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# Action Planning

# Action Planning

- Are there mechanisms in place to communicate risk from those who know to those who are in danger and to those who can mitigate it? If not, what can be done to fill that gap?
- Are there other measures currently available that can address risk - equipment, training, staff?





# Recovery and Engagement: Community Healing



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# Learning Objectives

- Use available resources to design and implement collaborative short- and long-term recovery strategies that support confidentiality, healing, safety, and community.
- Engage effectively in a trauma-responsive way with staff and the public about any incident.
- Assemble a balanced and ongoing process and approach to recovery and engagement that considers safety, access, facility, and environment.



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# Trauma and Trauma-Responsive Systems

# Trauma and Trauma Responsive Systems

- The reactions of systems and communities to a traumatic event and the ensuing trauma response can facilitate healing and recovery or can be re-traumatizing.
- Recovery from an incident, both personal and systemic, should focus first on an understanding and implementation of trauma and trauma-responsive strategies such as:
  - honesty,
  - transparency,
  - continuous engagement with community stakeholders, and
  - a sincere desire to improve the systems' response.

# What Do We Mean by Trauma?



# Large Group Share



- Have you seen trauma responses from litigants before the court? How about with domestic violence-related matters?
- Have you seen trauma responses from judges, court staff, and others who work in and around the court?
- How do you think trauma impacts a court's/community's recovery from a violent incident?



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# Trauma and Trauma Response

- Trauma can be individual:
  - An individual's experience of a threat; and
  - The individual's response in terms of coping with an incident.
- Trauma can also be collective, affecting communities as a whole. This includes cultural or historical trauma, which can impact both individuals and communities across generations.

# Trauma and Trauma Response

- Trauma theory incorporates both the external experience (what happened to the person/group) and the unique individual response to what happened.
- Trauma can impact the brain by altering neuropsychological make-up and ongoing health and well-being.



# Trauma and Trauma Response

- Trauma can impact behavior:
  - Overwhelming one's capacity to cope with every day or "normal" stresses.
  - Victims of trauma often repress memories of traumatic events, which is a defense mechanism that helps the human psyche protect itself from pain.
  - Minimization, denial, and memory loss can be symptoms of psychological trauma and victims may not initially reveal their victimization due to fear or forgetfulness related to trauma.

# Trauma and Trauma Response

- Victims may have had prior negative or traumatic experiences with law enforcement, the courts, or domestic violence and may be afraid or distrustful as a result.
- Victims may be part of communities with their own history of trauma that affects their trust in law enforcement and other systems, including courts.
- Difficulty in disclosure or identification of post-traumatic symptoms or reactions can lead to lack of referral for screening, services, and treatment.



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# Trauma and Trauma Response

- Trauma can be secondary (or vicarious), chronic, acute, and cumulative (*e.g.*, toxic stress).
- Types of traumas can include:
  - Abuse (sexual/physical/emotional) and neglect.
  - Interpersonal violence.
  - Victim or witness to domestic violence.
  - Accidents/illness/medical procedures.
  - Natural disasters, war, or terrorism.
  - Racial and historical.
  - Workplace violence, including shootings.



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# Trauma and Trauma Response

- Everyone's experience of events or circumstances is unique and what may be experienced as traumatic by one person may not be by another.
  - How an individual assigns meaning to and is disrupted by (physically or emotionally) an event will determine whether it is experienced as traumatic.
  - Long-lasting adverse effects may occur immediately or over time and the individual may or may not recognize the connection to a traumatic event.



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# Trauma and Trauma Response

- Survivors of trauma may lose a sense of safety, trust, and their ability to impact the world.
- Trauma can affect access to resources as those impacted by trauma may:
  - Avoid reaching out,
  - Be distrustful of responses to their trauma and wary of re-traumatization (including distrust of law enforcement/justice systems), including misperception of their appearance, demeanor, etc.
  - Be unable to reach out for connections to resources.



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**BREAK (15 MIN)**



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# Secondary or Vicarious Trauma

# Beyond the Cliff





# Secondary or Vicarious Trauma

- Courts are by their nature and structure continuously involved in hearings, interactions and responses to cases involving:
  - Domestic violence,
  - Sexual assault,
  - Child abuse,
  - Animal abuse,
  - Homicides,
  - Abductions,
  - Trafficking,
  - A range of other acts of violence.

# Secondary or Vicarious Trauma

- The signs of secondary/vicarious trauma can include:
  - Stress, both from individual occurrences and cumulative exposure.
  - Burnout,
  - Compassion fatigue (or empathetic distress).
- Secondary/vicarious trauma can be a short- and long-term consequence of working with trauma victims/survivors as well as from particular events/incidents.
- The experience of court professionals can parallel (mirror) those experienced by trauma survivors.

# Think/Pair/Share



- Have you seen instances of vicarious trauma in your workplace?
- How has it affected you or your colleagues' well-being (physical, emotional, cognitive, interpersonal, spiritual, etc.)?
- What wellness or self-care strategies work for you (or what ideas have you learned from others)?
- How do you help colleagues who aren't reaching out for support (but need help)?
- What does your court do to mitigate secondary trauma or trauma-response?

# Secondary or Vicarious Trauma

- Vicarious or secondary trauma is often overlooked or put on the back burner in our daily work lives and in recovery from a traumatic event.
- It is often hard enough to just get the day-to-day work done in courts with shrinking resources and increased caseloads.
- The work can be further complicated when dealing with complex and sensitive cases such as domestic violence cases.



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# The Basics of Trauma-Responsive Systems

# The Basics of Trauma-Responsive Systems

- A trauma-informed or responsive system is one in which all parties recognize and respond to the impact of traumatic stress on those who have contact with the system.
- Programs and agencies infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies.
- They act in collaboration, using best practices to maximize safety, facilitate recovery and support their ability to thrive.



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# The Basics of Trauma-Responsive Systems

- The “4 R’s” of trauma-responsive systems are:
  - realize,
  - recognize,
  - respond, and
  - resist.



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# The Basics of Trauma-Responsive Systems

- The six key principles are:
  - resiliency and recovery;
  - understanding trauma and stress;
  - collaboration and empowerment;
  - compassion and dependability;
  - safety and stability; and
  - cultural humility and responsiveness.



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# Brené Brown on Empathy



# The Basics of Trauma-Responsive Systems

*“An essential component to being trauma-informed is to understand these behaviors not as character flaws or symptoms of mental illness, but as strategies ... developed to cope with the physical and emotional impact of ... trauma.”*

Substance Abuse and Mental Health Services Administration  
(SAMHSA).



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# Trauma-Responsive Adaptations



# The Basics of Trauma-Responsive Systems

- Evidence suggests that many persons who come in formal contact with the courts are likely to have histories of substantial adversity or trauma.
- Trauma responsive models and frameworks for systems
  - Normalize human responses to trauma,
  - Shifts our conceptualization of symptoms (symptoms are survival strategies),
  - Integrates multiple approaches,
  - Recognizes the impact on system employees, practitioners, organizations and systems, and
  - Re-humanize the experience of dehumanization.



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# Trauma-Responsive Practice Self-Inventory



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# Final Points

- Court systems and their partners can implement trainings that provide practical information and focus on identifying, preventing, addressing, and mitigating symptoms of secondary/vicarious trauma.
- They can promote trauma-responsive practice in staff's everyday interactions with litigants as it facilitates access to justice for survivors and offenders, safety, as well as enhanced public confidence in the court system.



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# Final Points

- Assess the current culture of your courthouse through a victim-centered lens, both inside and outside of courtrooms.
- Courts are uniquely positioned to promote healing. The interactions of court staff and system stakeholders during vulnerable and often scary times can either promote healing and resilience or can add to the trauma and stress of the individuals who are involved in the system.



# END OF DAY TWO



# **Recovery Strategies: Focusing on Safety, Healing and Community**



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# What Does Recovery Look Like?

- What do you think recovery means in the context of a violent incident impacting a court?
- Who do you think is involved in the recovery process?
- What are the goals?



# The Petition Hearing

Magistrate Lobato is presiding over a petition for a final civil protection order in a case involving domestic violence. The case is on the public docket and the courtroom has court staff, attorneys, advocates, and members of the public moving in and out of the chambers. The Respondent is representing himself and while cross-examining the Petitioner, begins yelling at the Petitioner and is becoming increasingly agitated.



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# The Petition Hearing

Magistrate Lobato does not have a bailiff in the courtroom and asks the clerk to contact the Sheriff. Before the Sheriff can arrive, the Respondent approaches the Petitioner and physically assaults and starts to strangle her. The Respondent renders her unconscious, runs out of the courtroom, and flees the courthouse. Paramedics also arrive to treat the Petitioner, who is taken to the hospital while still unconscious, and anyone else in the courtroom.



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# Large Group Exercise



- What is the goal of short-term recovery?
- What might be the process for closure and re-opening of the courtroom? Who is responsible for those processes?
- What are the immediate steps for communication about the incident to court building staff?
- What outreach is conducted to Jeff? Magistrate Lobato? The Petitioner? The Community?

# After the Petition Hearing

Present in the courtroom during the assault is Rose, the Petitioner's advocate, as well as the Petitioner's attorney, Janice, who works pro bono for the local domestic violence shelter. Jeff, a new judicial employee and a recently discharged veteran was also present as he was training with the court clerk. The courthouse offices include a self-help center and multiple staff at the center worked with the Petitioner and Rose, helping them through the process of for applying for the protection order and connecting Petitioner with local domestic violence services, including the shelter and treatment.

# Large Group Exercise



- What are the immediate steps for communication about the incident to the self-help center? The shelter? Local advocates?
- What outreach is conducted to Jeff? Rose? Janice? The Community?

# What Do Short-Term Recovery Strategies Include?

- Immediate Focus on the Impact to Court Staff.
- Incorporation of Trauma-Responsive Practice.
- Immediate Focus on the Facilities.
- Immediate Focus on Community.



# Final Points

- If you're not caring for yourself, you won't be able to help others
- Court and community leaders can develop policies and assistance plans recognizing that trauma is a serious and real consequence of their work as court professionals and include in those policies a focus on the necessary steps for short-term recovery after a domestic violence-related incident that includes those impacted directly and indirectly.



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# Longer Term Recovery and Engagement

# Re-thinking What Recovery Looks Like

- What do you think recovery means in the context of a violent incident impacting a court?
- Who do you think is involved in the recovery process?
- What are the goals of recovery?



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# The Community

The district where Magistrate Lobato presides covers four rural counties, and each county seat has a small courthouse, three of which were built over 30 years ago. The four counties include some small towns as well as small and more spread-out agricultural communities. Court funding in the district provides limited courthouse security measures, to include just a wand and metal detector bought from the federal government. In one county, the population is so small that a circuit judge only comes by once every two weeks to hear cases and there has never been security because people know each other.



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# The Community

The Sheriff's Department provides additional security as well as response to any courthouse incidents within the various district courthouses. There is also a tribe in the district whose lands cover two states. The Petitioner is a member of one of the tribes located near the courthouse and the Respondent is not. The population in the district includes many migrant families that come in for seasonal work. Given the small population, many within the community have friends or family members that work in or around the courthouse.



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# Large Group Exercise



- What are the differences between strategies for long-term recovery and the short-term?
- When we shift the focus to long-term recovery, what are the additional considerations?
- Who is included in the planning and design of long-term recovery strategies?



**BREAK (15 MIN)**



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# Including Community Engagement in Recovery



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# Large Group Think and Share Exercise



- Who is responsible for community engagement about the incident?
- When is that engagement conducted?
- What are the challenges with engaging effectively with the community described in the scenario?
- How does the court's engagement with the community relate to long-term recovery?
- Would it make a difference if there are no further judicial proceedings involving the parties to the incident?



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# Including Community Engagement in Recovery

- Effective community engagement planning and implementation is part of strategic planning for long-term recovery.
- Courts, court facilities and employees are part of the larger community and serve an important role as the public faces of justice within that community. Their response to domestic-violence related incidents within the community can affect perceptions of both access to justice and procedural justice.
- Community engagement strategies should include trauma-responsive practice ideas, including SAMSHA's six key principles.



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# Including Community Engagement in Recovery

- Consider again the discussions on bias and the lenses through which we view the world and include those considerations when designing and implementing community engagement strategies that account for cultural differences such as language, history, and perceptions of the justice and legal community.
- Like with other elements of recovery, engagement with the community regarding a domestic violence-related incident has the potential to help the community heal or re-traumatize.



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# Recovery and Post-Incident Review

# Brené Brown on Blame



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# Accountability and Recovery

- Fatality or incident reviews are a common part of recovery and engagement plans and procedures for communities impacted by violence.
- They can provide group review of an incident to consider and address questions.
- There are multiple guidelines and models out there for communities to use to build their own incident review methodology, plans and procedures, including those specific to domestic violence-related incidents and fatalities.



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# Accountability and Recovery

- Like with all other aspects of recovery, it is important to incorporate trauma-responsive practice into whatever model or procedure is adopted.
- This includes consideration of community engagement, both in the process of review itself, and the communication of the findings.
- It also includes consideration of the different impacts an incident may have within a community as an element of recovery.



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# Accountability and Recovery

- The focus should not be on blame for past events, but trauma-responsive review of an incident with the goal of improvement and long-term recovery for the court and the community.
- Courts are in a novel position regarding incident reviews. A central part of court and judicial functions is impartiality and the appearance thereof, which is also of importance to effective incident review. In addition, court administration includes the development of policies and procedures, including workplace policies and procedures that are relevant to consideration of an incident and community recovery. A focus on improved courtroom culture can bolster efficiency and morale for court staff, particularly one that is in recovery.
- A goal of incident review should be a sincere desire to improve the system based upon honesty and transparency.



# Recovery and Communications

# Recovery and Communications

- As we have seen in the different modules, communication can mean internal discussions, planning, warnings, and outreach as well as external communication to the community regarding an event and the response.
- Some of those communications are confidential and internal, while others are, and should be, public and part of a transparent public process.
- Communication with media (including any social media) outlets should be carefully considered as part of any communication strategy, which includes the initial question of who should talk to the media and who should not (or cannot) talk to the media.



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# Recovery and Communications

- In many jurisdictions, the state's court administrators have in their offices people who are the sole press contact, handle social media for the judicial branch or control public information on the website.
- Ethical considerations may dictate who can engage with the media and the restrictions on any such communication.
- Communicating in a manner that is concise, unclouded by legal jargon, relevant to the subject, and with an awareness of ethical restraints best serves the needs of the public.

# Recovery and Communications

- It is important to be aware of the type of outlet seeking information.
- Judicial involvement in opinion-based media outlets may raise ethical concerns in that there is no control over the questions and the use of the content.
- Consider the role of relationship building with the media before any incident.
- The advantage of a collaborative is that relevant educational information is provided from a cohesive, educated and specialized group whose existence is known by the community.
- Any spokesperson should speak as a representative of their individual agency.



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# Recovery and Communications

- Communicating with the media is one way of informing the public, but there are other methods.
- Your communication strategies should address facility challenges, security access, and diverse populations' needs, including those with communication access needs.
- Regardless of the method of communication, there is virtually no control on how something will be written or how information will be perceived.
- It is important to provide the information without expecting any particular result.



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# Large Group Exercise



- Who should be assigned to speak to the media? To the public? To the Petitioner? To those directly affected like Jeff, Rose, and Janice, and Magistrate Lobato? To other court staff?
- What information will be shared to the different groups?
- What information will be kept confidential?



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# Focus on Safety and Normalcy

- Like with short-term recovery, the ideas of longer term recovery strategies include ideas of safety and normalcy as well as restoration, strengthening, and revitalizing.
- There are as many diverse solutions to recovery as there are problems.
- After a traumatic event, it is important to provide both short- and long-term support for all involved in the event, the effects of which may last days, months, or years.



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# Focus on Recovery Planning

- Developing your recovery plan prior to an incident will greatly enhance the ability to recover and heal.
- Once the plan is developed, train and re-train staff on that plan as well as their role and responsibilities.
- Your plan should include your capabilities to address saving lives, meeting basic human needs, and protecting property and the environment.



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# Focus on Recovery Planning

- Develop a plan to notify disabled employees and visitors, which may include employees taking action to assist disabled patrons to recognize the incident and take protective actions.
- Provide a checklist if appropriate with contact information as well as their tasks and accountability procedures.
- Meet with responders to determine how best to coordinate actions, including having a liaison from the organization designated to assist responders with information on the facility, and occupants.
- Work with support groups to identify appropriate recovery actions, and recovery resources for immediate and long-term support.



# Focus on Review and Improvement

- After an event, it is important to consider and review the response to an incident in a way that includes transparency, collaboration building, and honesty.
- Rather than focusing on blame, the review should focus on accountability and the idea of continuous review and improvement.



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# Focus on Procedural Justice

- Courts are a central part of the justice system and any long-term recovery process must include considerations for procedural justice issues.
- These can include everything from details about recusal or changes of venue in a particular case to public access to the courthouse to perceptions of fairness.

# Focus on the Impact to Court and Community

- In addition to the short-term responses discussed regarding workplace violence, the impact of a domestic violence-related incident in a court both directly and indirectly affects all court staff in some manner and recovery planning should include the policies and procedures affecting the court staff as well as the larger community.
- After the event, it is incumbent upon leadership to provide resources to support those affected and policies should be in place that spell out those resources and how they can be accessed. This can include working collaboratively with local groups to identify appropriate recovery actions and recovery resources for immediate and long-term support.



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## Focus on Continuous Follow-Up and Re-Engagement

Acknowledgment of a trauma and effective recovery includes ongoing and continuous check-in and re-engagement with those affected, to ensure they are receiving the referrals or services they require, to keep them informed of the recovery process, and offering the opportunity for involvement in finding and implementing long-term solutions.

# Incorporation of Trauma-Responsive Practices

Consider and incorporate trauma-responsive models and frameworks for systems into your long-term recovery goals and strategies in order to ensure that they are included in your policies, procedures, and plans.



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## Helping Victims of Mass Violence and Terrorism



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# Self-Care & Action Planning



# Thank You!



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