



DV AWARE Multidisciplinary Institute

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Welcome & Introductions

DV AWARE Multidisciplinary Institute





**DV AWARE = Analysis, Warning,
Action, Recovery, and Engagement**

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.



est. 1937
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Icebreaker Exercise: Mapping Your Court

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



What we're bringing to the program



Use the colored post-it notes to write down your responses to the following questions:

1. I am most concerned about this aspect of our community's planning for and/or response to courthouse-related critical incidents in domestic violence cases
2. I hope to increase my understanding of these related topics
3. I hope a concrete outcome of my participation will be



Great ideas

- Use post its to capture anything that resonates for you that can be used in planning at the end
- We'll remind you to do this at various junctures, but please feel free to do so whenever something resonates with you



Analysis: Understanding Domestic Dynamics and Risk

Analysis

What we will explore:

- How do we define domestic violence?
- What are the evidence-based risk factors for victims and children
- What are the risk to courts and communities posed by those who engage in domestic violence?



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.

Comings and Goings: An exercise about choices



Learning Objective

- Recognize the complex reasons a victim might choose to remain in or return to an abusive relationship
- Identify risks of harm encountered by victims within and beyond the courthouse, and the implications for safety of court personnel, judges, and others



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Take Care of Yourself

This is a VOLUNTARY immersive interactive exercise involving descriptions of domestic violence dynamics and abusive tactics.

An Exercise About Choices...

- Interactive exercise
- Role
- Facts
- Decide where to go

An Exercise About Choices...

- Cost
(green card/money, yellow card/goodwill/
- Other component - blue cards for those that obtain a CPO (emergency or permanent)
- Conditions on locations

➤ Ground Rules

- Movement = pay the fare
- Ringing bell = pay fare or move
- No more resources = go home or be homeless

➤ Silence

HOME (1)
No CPO

No Cost

HOME (2)
With CPO

DOMESTIC VIOLENCE
SHELTER

Cost
1 Yellow GOODWILL

No dogs allowed

HOMELESSNESS

No Cost

FRIEND'S HOUSE

Cost
2 Yellow GOODWILL

No dogs allowed

APARTMENT

Cost
3 Green Money &
1 Yellow GOODWILL

Dogs allowed

Your Role

You are a 42 year old woman who has been married for 18 years. You have two children, Monica, age 9 and Raphael, age 12. You work part-time as insurance agent while your kids are at school. You are devoutly religious. You have a modest home in a rural area. Your husband works at the local community college as a security guard. You have recently given your son a 8-month old puppy for his birthday.

Comings and Goings: Debrief

From the perspective of the survivor

Large Group Discussion



- How did it feel to make these choices?
- How many sought a dismissal of the protection order?
Why? Why not?
- How did your interactions with the court feel?

Large Group Discussion



- What forms of abuse were you exposed to in your role?
- At what points did you sense an increase in danger to yourself? In other words, what risk factors stood out for you?
- For your children?

Domestic Violence: Definitions, Dynamics, and Context

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.

Definitions of Domestic Violence



The diagram consists of two large, dark blue, arrow-shaped boxes pointing towards each other, forming a central diamond shape. The left box contains the text 'Legal Definitions of Abuse' and the right box contains the text 'Broader definition necessary to understand risk'. The background of the slide features a white central area with blue and gold geometric shapes at the corners.

Legal Definitions
of Abuse

Broader
definition
necessary to
understand risk

Domestic Violence Defined

- A broad view of intimate partner violence includes physically, sexually, economically, psychologically, and coercively controlling aggressive behaviors.
- Individual state laws vary.
- 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.
- An individual may engage in a range of abusive behaviors each may have a different impact and pose a different level of risk.

Battering/Coercive Control

- A pattern of abusive behavior used by one partner to gain or maintain power and control over another intimate partner.
- Can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- Includes 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.

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.

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.

Determining context

Behavior:

Husband (from C&G) shows up at work at lunch every day to see how wife is doing

- What is the motivation behind husband's actions? [Intent]
- What is the meaning of the actions to wife? [Meaning]
- What is the impact on wife? [Effect]

Determining context

Behavior:

Wife yells at husband and says that she's leaving and he'll never see the children again

- What is the motivation behind wife's actions? [Intent]
- What is the meaning of the actions to husband? [Meaning]
- What is the impact on husband? [Effect]

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.

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 understand the context of the abuse, especially for 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. can make it difficult to discern the true victim
- 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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Preview: Research re: coercive control and risk

- Coercive control associated with a higher risk of ongoing severe and lethal violence
- “[H]ighlights the seriousness of this type of IPV, regardless of the other forms of violence experienced.”

Dichter, et al., “Coercive Control in Intimate Partner Violence: Relationship with Women’s Experience of Violence, Use of Violence and Danger,” *Psychol. Violence* (2018)

Preview: Research re: coercive control and risk

“We conclude that coercive control is the ‘golden thread’ running through risk identification and assessment for domestic violence and that risk assessment tools structured around coercive control can help police officers move beyond an ‘incident-by-incident’ response and toward identifying the dangerous patterns of behavior that precede domestic homicide.”

Myhill and Hohl, “The ‘Golden Thread’: Coercive Control and Risk Assessment for Domestic Violence,”
J Interpers Violence (2019)

Final Points

- Understanding the complexity of domestic violence:
 - enhances our capacity for empathetic responses and services
 - improves risk identification.
- Domestic violence often involves a complex pattern of behavior making it difficult to determine the actual dynamics between parties.
- Understanding how context/dynamics can impact the behaviors of both parties helps to focus on safety for the parties and court staff as well as procedural justice for both victims and abusers.



Lunch (1 HR)



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Comings and Goings: Debrief

From the perspective of your professional role

Small-Group Discussion



- What stood out for you in terms of the survivor's interactions with the court and other systems?
- What **risk factors** would you (in your professional role) have seen/known about the survivor's experience?
- Who should also know about the risk?

Small-Group Discussion: Report Back



- What stood out for you in terms of the survivor's interactions with the court and other systems?
- What **risk factors** would you (in your professional role) have seen/known about the survivor's experience?
- Who should also know about the risk?



Analysis: Risk Awareness



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 Our 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 posed in some way by the perpetrator of the domestic violence.

Defining Our 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.

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?

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 to the Victim and Children

Known Risk Factors in Domestic Violence Cases

- Threats of suicide or murder.
- Access to weapons.
- Separation and loss of control in the relationship.
- Use of drugs and alcohol.
- Escalation of violence.
- Victim belief that offender is capable of lethality.



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Strangulation: Serious Implications in Domestic Violence Cases

- One of the strongest predictors for the subsequent homicide of victims.
- 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 Alaska Native women experience domestic violence at rates far 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.

Disproportionate Impacts

- Although women are far more likely to be victims of domestic violence than men:
 - 1 in 4 men have been physically abused 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.
- Men of color are also overrepresented in these numbers and are also likely undercounted.



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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 on the financial and practical lives of the victim and any children involved.
- Custody and child access issues.
- Nature of present and past incidents.
- 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.

What We Know About Domestic Violence- Related Risks to the Courts and Others



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Ways Risk Shows Up for Judicial Officers (In and Out of Court)

Objective

Understand the impact of domestic violence on the court (and community) through the lens of **A**nalysis, **W**arning, **A**ction, **R**ecovery and **E**ngagement

The Data:

National Coalition Against Domestic Violence

National Institute of Health

United States Secret Service

Training Institute on Strangulation

Lehigh University

American Judges Association

Procedural fairness is a key ingredient in public satisfaction:

“The perception of unfair or unequal treatment is the single most important source of popular dissatisfaction with the American legal system.”

Risk Awareness and Communication

- Awareness of risk
- Risk identification and response planning
- Communications planning and implementation

Beyond the Courthouse

- Who in your community interacts with DV-related litigants?
- When and where do they have interactions?
- Where and how do those interactions overlap with others (e.g., departments, services, etc.) within the community and inside the courthouse?



Two Modes of Aggression:

When Awareness/Planning/Training Comes Into Play

Affective Violence

- Referred to as reactive, impulsive, or emotional violence
- Preceded by autonomic arousal, caused by a reaction to a perceived threat
- It is defensive violence
- Courtrooms

Targeted Violence

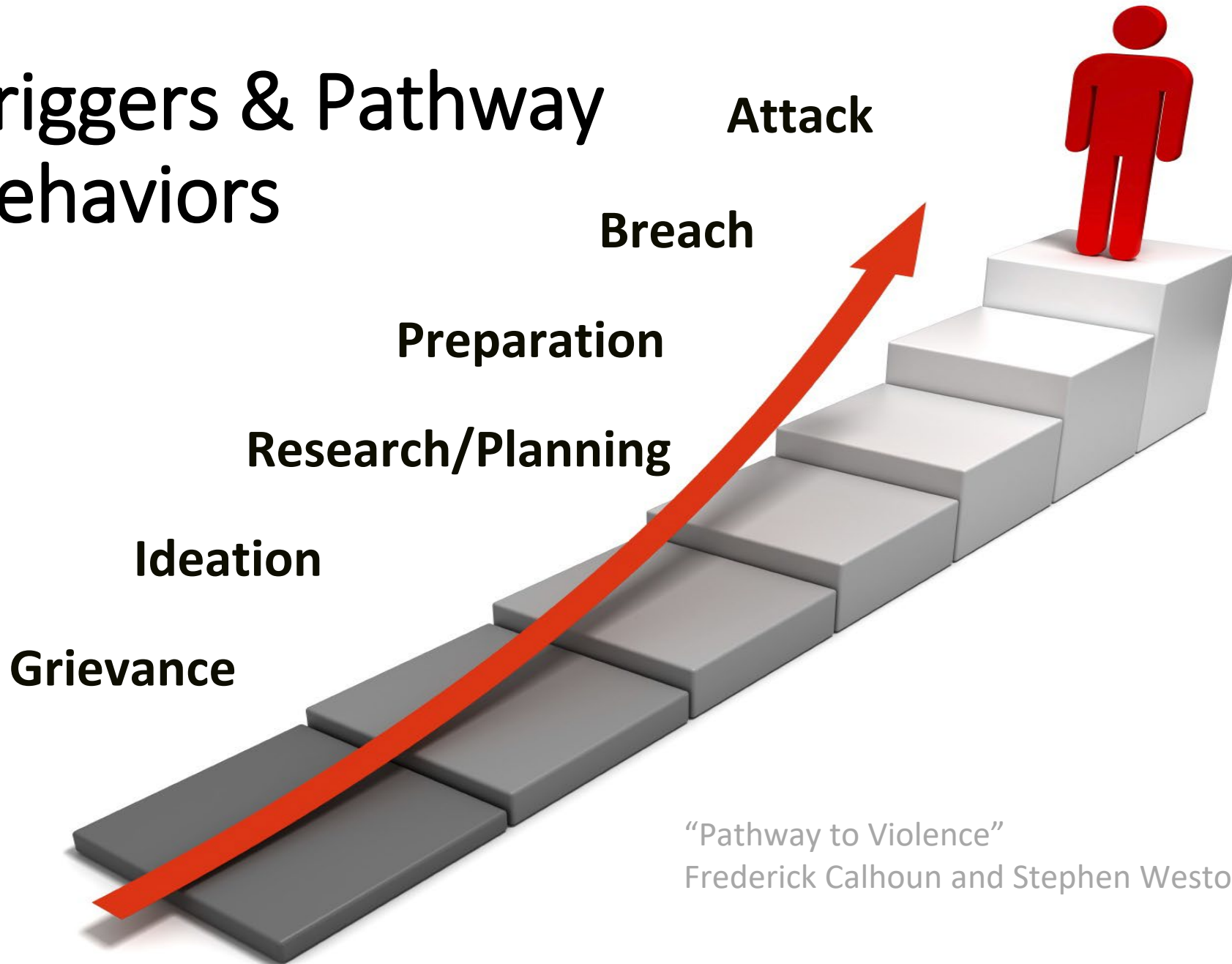
- Referred to as instrumental or premeditated violence
- Absence of autonomic arousal and emotion, the absence of imminent threat
- It is offensive violence
- Home, commute, known locations

What Drives Impromptu Violence?

- Fairness Elements
- Expectation
- Frustration
- Anxiety
- Resentment
- Drugs/alcohol
- Mental Instability



Triggers & Pathway Behaviors



“Pathway to Violence”

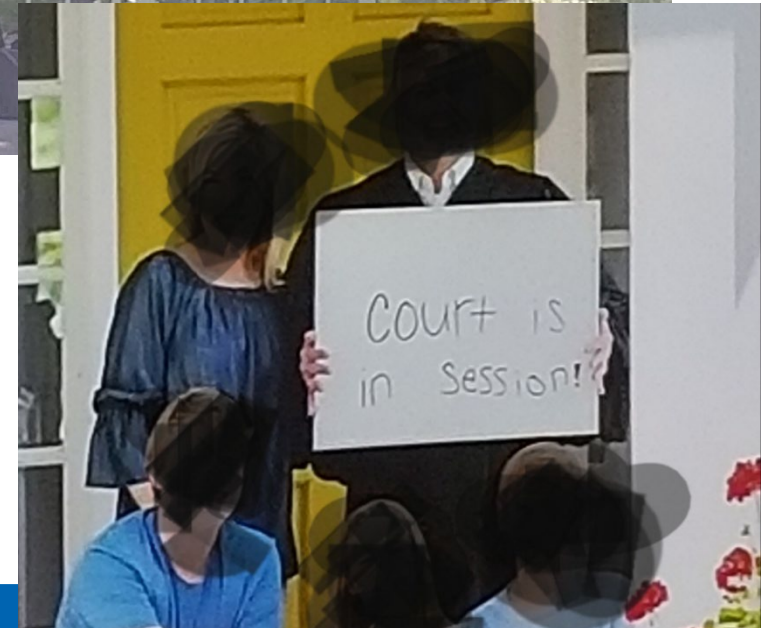
Frederick Calhoun and Stephen Weston

Situational Awareness

- “That’s off”/“doesn’t look right”
- Using ALL your senses to notice deviations to a norm
- Helps make sound, conscious and safe decisions
- Recognize the baseline

Targeted Violence to Judges: How and Where

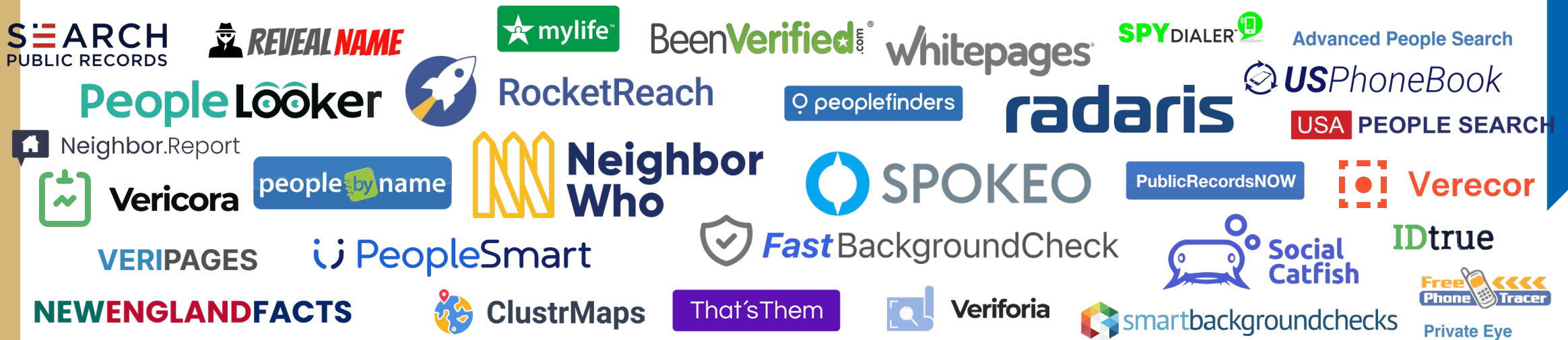
- Known Locations
- Home
- Parking
- Commute
- Social Media



Personally Identifiable Information (PII)

"The first thing my beloved internet gave me was your address."

-Joe Goldberg, Netflix series *YOU*



If You Feel Something, Do Something

“Intuition is always right in at least two ways: it is in response to something, and it always has your best interest at heart.”

-Gavin de Becker, *The Gift of Fear*





Warning:

Risk Awareness and Communication

Warning

What we will explore:

- How risk is identified
- Who identifies risk
- Communication of risk information: impediments and overcoming them

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)
- As well as the risks to a court's facility/campus;
- Accounts for actual resources available within a court and community (will differ);
- 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.



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A Strategic Approach to Risk Awareness

- 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.



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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.



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BREAK FIRST

Risk Identification and Response Planning

Large Group Share Exercise



- Have you 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 Identification 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.

Risk Identification Tools

- Assessments can be part of a process that includes development of a plan that:
 - includes determination of what any 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 Da 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.



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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.



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APPLICATION:

**ANALYSIS AND WARNING:
RISK AWARENESS AND
COMMUNICATION**

Comings and Goings: Risk Awareness and Communication

Small group discussion in disciplinary cohorts:

For your chosen set of facts:

- **What** information indicates risk?
- **With whom** would you share the information, including risk information?
- **How would you share the information?**
- **What barriers** are there to sharing the information?
- How could you overcome those barriers?

USE HANOUT X to guide your discussion

Comings and Goings: Risk Awareness and Communication

The risk information:

- **Severe coercive control:**
Constant texting, birth control, monitoring phone, ignoring court orders
- **Extreme jealousy**
- **Stalking at work**
- **Stalking and slashing tires at courthouse**
- **Sexual assault**
- **Pet injured**
- **Post-separation abuse**
- **Abuse in courthouse before hearing**
- **Firearms access**
- **Threat to take kids**



Wrap-Up

End of Day One



DV AWARE Multidisciplinary Institute: Day 2

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.



Welcome Back

What's on your mind after Day One?

Day 2

ANALYSIS AND WARNING: RISK AWARENESS AND COMMUNICATION (CONT.)

Comings and Goings: Risk Awareness and Communication

Report back

For your chosen set of facts:

- **What** information indicates risk?
- **With whom** would you share the information, including risk information?
- **How would you share the information?**
- **What barriers** are there to sharing the information?
- How could you overcome those barriers?

Risk Awareness and Communication

Developing a plan or protocol for communication about risk:

- What should such a plan/protocol include? What are your priorities?

Refer back to your small-group conversations and our debrief

Risk Awareness and Communication

Develop a plan or protocol for communication about risk:

- Establish ongoing communication about safety concerns about the upcoming court calendars or dockets among:
 - Courthouse security
 - Clerk's office/court administration
 - Other court personnel

Risk Awareness and Communication

Develop a plan or protocol for communication about risk:

- Establish a process for attorneys and/or service providers to alert court staff and security personnel of a high-risk participant or potential situation without having this information be entered into evidence or affect litigants' procedural rights

Planning for Effective Risk Communication

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.

Planning for Effective Risk Communication

- 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.

Planning for Effective Risk Communication

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



BREAK (15 MIN)

Enhancing Safety in Your Courthouse



Enhancing 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).



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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 incident and during 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.

Collaboration & Action Planning

Collaboration Exercise

Use Handout 9 and work on your own to answer the questions provided regarding collaboration, focusing on the information discussed in this module regarding analysis and warning of domestic violence-related risks

Action Planning: When you return home

Risk Awareness and Response Self-Inventory:

Work with your colleagues to inventory any current tools or plans developed by the court and/or stakeholders available to the team as part of a strategic approach to risk awareness and response 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

Recap: Analysis and Warning

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

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.?

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

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.

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?

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.

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.

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.

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?

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?

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



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?

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?

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.

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.

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.

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.

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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Recovery and Engagement: Court & Community



Learning Objectives

- Plan to *Engage effectively* with staff and the public about any incident in a trauma-responsive way.
- Use your resources to *Design collaborative short- and long-term* recovery strategies to support confidentiality, healing, safety, and community.
- Create an *ongoing process* to recovery and engagement considering safety, access, facility, and environment.



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Trauma and Trauma-Responsive Systems

Why Does it Matter?

- Reactions of people and groups to a traumatic event and ensuing trauma responses can either:
 - facilitate *healing and recovery* or
 - *re-traumatize*.

Recovery

- 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 and Recovery”?

What Is Trauma – Bessel van der Kolk

<https://www.youtube.com/watch?v=BJfmfkDQb14>

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?

Common Reactions to Trauma

Dept. Vet Affairs

- Losing *hope* for the future
- Feeling distant (*detached*) or losing a sense of concern about others
- Being unable to *concentrate* or make decisions
- Feeling *jumpy* and getting startled easily at sudden noises
- Feeling *on guard* and alert all the time
- Having *dreams* and memories that upset you
- Having *problems* at work or school
- *Avoiding* people, places and things related to the event

Common Physical Symptoms

Dept. Vet Affairs

- Stomach upset and trouble eating
- Trouble sleeping and feeling very tired
- Pounding heart, rapid breathing, feeling shaky
- Sweating
- Severe headache if thinking of the event
- Not keeping up with exercise, diet, safe sex or—regular health care
- Smoking more, using alcohol or drugs more, or eating too much
- Having your ongoing medical problems get worse

Common Emotional Symptoms

Dept. Vet Affairs

- Feeling nervous, helpless, fearful, sad
- Feeling shocked, numb, or not able to feel love or joy
- Being irritable or having angry outbursts
- Getting easily upset or agitated
- Blaming yourself or having negative views of oneself or the world
- Being unable to trust others, getting into fights, or being trying to control everything
- Being withdrawn, feeling rejected, or abandoned
- Feeling detached, not wanting intimacy

Trauma and Trauma Response – Micro/Macro

- 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: e.g., cultural or historical trauma, which can impact both individuals and communities across generations.

Trauma and Trauma Response – Individual Responses

- 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.

Secondary or Vicarious Trauma

The name for what we see and experience
There's a toll it takes on our physical and mental
wellbeing

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.
- *The experience of court professionals can parallel (mirror) those experienced by trauma survivors – even without a courthouse incident.*

The Basics of Trauma-Responsive Systems

SAMHSA – Change of focus

**Trauma-informed responses shift the focus
from**

**“What’s *wrong with you?*”
to “What *happened to you?*”**

The Basics of Trauma-Responsive Systems

SAMHSA

The “4 R’s” of trauma-responsive systems are:

- Realize – *realize* the impact of trauma
- Recognize – *recognize* different responses
- Respond – *respond* respectfully, and
- Resist – *resist* re-traumatizing



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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.

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.”

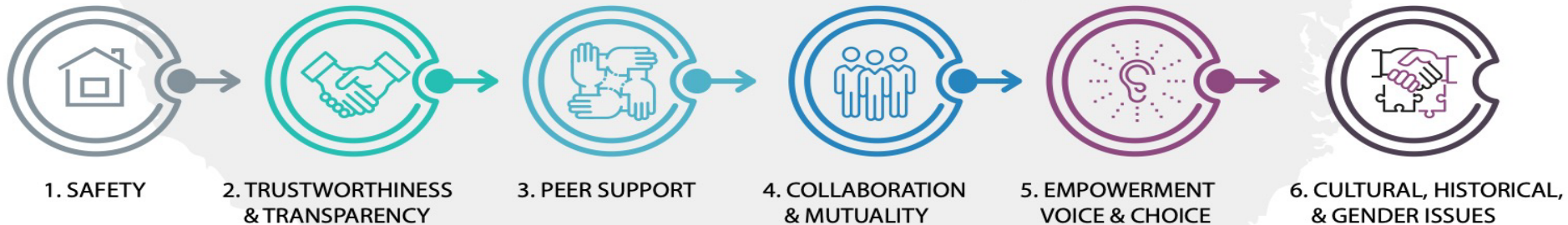
Substance Abuse and Mental Health Services Administration (SAMHSA)

SAMSHA's 6 Key Principles

6 GUIDING PRINCIPLES TO A TRAUMA-INFORMED APPROACH

The CDC's [Center for Preparedness and Response \(CPR\)](#), in collaboration with SAMHSA's [National Center for Trauma-Informed Care \(NCTIC\)](#), developed and led a new training for CPR employees about the role of trauma-informed care during public health emergencies. The training aimed to increase responder awareness of the impact that trauma can have in the communities where they work.

Participants learned SAMHSA'S six principles that guide a trauma-informed approach, including:



Adopting a trauma-informed approach is not accomplished through any single particular technique or checklist. It requires constant attention, caring awareness, sensitivity, and possibly a cultural change at an organizational level. On-going internal organizational assessment and quality improvement, as well as engagement with community stakeholders, will help to imbed this approach which can be augmented with organizational development and practice improvement. The training provided by [CPR](#) and [NCTIC](#) was the first step for CDC to view emergency preparedness and response through a trauma-informed lens.

**Large Group Share:
Create a list of resources**



Recovery and Engagement: Focusing on Safety, Healing and Community

Recovery and Engagement

- *Short Term* Recovery and Engagement – what does it look like?
- How is this different from *Long Range* Recovery and Engagement?
 - Goals
 - Process
 - Time
 - Immediacy
 - Outreach and Involvement

What Do *Short-Term* Recovery & Engagement Strategies Include?

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

Re-thinking What Recovery and Engagement Look Like

- What are the differences between strategies for *long-term* recovery and the *short term*?
- So, 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?

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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Small 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 are the immediate steps for communication about the incident to court staff not directly impacted? Human resources? Police?

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.



Recovery and Engagement: Post-Incident Review

Accountability and Recovery: Fatality & Incident reviews

- 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 for communities to use to build their own incident review methodology, plans and procedures, including those specific to domestic violence-related incidents and fatalities.

Accountability and Recovery: Fatality & Incident reviews

- *Not 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:
 - Impartiality and the appearance thereof, which is important for effective non-blaming incident review
 - Court administration can support the development of policies and procedures, including workplace policies and procedures relevant to incident review and community recovery
 - Focusing on improved courtroom culture can bolster efficiency and morale for court staff, particularly one that is in recovery.
- The goal of incident review should be a sincere desire to improve the system based upon honesty and transparency.



Recovery and Engagement: Communications

Recovery and Engagement – Communications, Media

- 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.

Recovery and Engagement – Communications, Media

- 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 public.

Recovery and Engagement - Advance Planning

- Developing your recovery plan *prior to* an incident greatly enhances 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.

Recovery and Engagement - Advance 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.

Keep in Mind Our Human Experience

Empathy: The Human Connection

- https://www.youtube.com/watch?v=cDDWvj_q-o8

Create your own “Note to Self”

What can you do to increase your
Empathy Quotient?



**BREAK (15 MIN) – see
next slide for optional
video to play during
break**

6 Ways to Heal Trauma Without Medication

<https://www.youtube.com/watch?v=ZoZT8-Hql64>

Collaboration & Action Planning

Setting Concrete Next Steps



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Objectives:

- *Identify* individuals and resources
- Begin to *build* a concrete plan
- Create a *roadmap* for future action

Action Planning Worksheets

Small Group Discussions

- What concrete steps do you want to improve court preparedness and response?
- What concrete steps do you want to improve court and broader community preparedness and response?
- What are the first steps needed to begin?
- Who are individuals you will invite to these discussions?
- What resources will you want? What do you already have?
- Who will convene? Where?

Note: Consider 'low hanging fruit', easily attainable first goals

Large Group Share

- Identify ***STRENGTHS*** of the plan
- Identify ***BARRIERS*** in execution of the plan
- Identify ***additional*** **INDIVIDUALS** and **RESOURCES**



Wrap-Up

End of Day Two

Thank You!

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?

Emergency Action Preparedness

Use Handout 11 to consider both individual and court emergency preparedness. Fill out the answers to the first set of questions before discussion with the group regarding your answers as well as the additional questions.

Collaboration Exercise

Use Handout 12 and work on your own to answer the questions provided regarding collaboration, focusing on the information discussed in this module regarding action.

Enhancing Courtroom Safety

Visualizing and Mapping Your Court Systems



Mapping Your Court

Inside, Outside, and Beyond





Mapping Your Court

- Using the maps, Handout 10, and the sticky-notes 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.



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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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: PFA, 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
- Offices (attorneys, clerks, VIP, etc.)
- Lobby
- Courtrooms
- Mediation or meeting rooms
- 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
- Commissioners
- Court clerks and law clerks
- VIP/Police/Court Security
- Judicial Assistants
- Interpreters
- Public Defenders
- Prosecutors
- Advocates/Mediators
- 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 other offices
- Case coordinators and schedulers
- Division of Family Services and other 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.