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The Evaluation of the Judicial Oversight Demonstration

Findings and Lessons on Implementation

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The Evaluation of the Judicial Oversight Demonstration: Findings and Lessons on Implementation

Funding for the demonstration sites came from the U.S. Department of Justice, Office on Violence Against Women. Under a separate award from the National Institute of Justice, the Urban Institute conducted an evaluation of the Judicial Oversight Demonstration (JOD) Initiative, which includes process and impact evaluations.

The opinions and conclusions expressed in this document are solely those of the authors and do not necessarily reflect the views of the U.S. Department of Justice or the Urban Institute, its trustees, or its funders.

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ABOUT THIS REPORT

The Judicial Oversight Demonstration (JOD) Initiative set out to improve the provision of comprehensive services to victims of domestic violence (DV), increase victim safety, and hold offenders more accountable. JOD activities were jointly funded and managed by the Office on Violence Against Women and the National Institute of Justice (NIJ). The Urban Institute conducted an independent, multisite evaluation under a cooperative agreement with NIJ. This report (part of a series of reports on JOD) discusses some of the evaluation's findings and lessons learned about implementing court-involved DV prevention programs.

What did the researchers find?

Challenges encountered by the JOD programs included: partner agencies' gaps in knowledge about the operations of other partners, unanticipated changes in the workloads of partner agencies, state and county hiring limitations that restricted recruiting for new positions, lack of adequate systems for sharing data across justice agencies and with community

service providers, and overcoming obstacles to collaboration between justice agencies and community service providers (such as concerns about confidentiality).

Successful strategies included: a formal strategic planning process, an inclusive set of partners (incorporating a wide array of agencies including community-based organizations and service providers and, most importantly, local defense attorneys), active management of the collaboration with regularly scheduled meetings and a full-time project director, training and technical assistance by non-JOD partners with acknowledged expertise, and specialized staff dedicated to DV cases.

Impacts of JOD innovations included: fundamental changes in the coordination between the judiciary and other justice and community agencies (with the explicit involvement of judges in developing a coordinated response), increased consistency in the justice system response to DV cases, and changes in the response to DV that outlasted the demonstration time frame.

Christy A. Visher, Lisa C. Newmark, and Adele V. Harrell

The Evaluation of the Judicial Oversight Demonstration

Findings and Lessons on Implementation

In this report, the terms intimate partner violence (IPV) and domestic violence (DV) are used interchangeably to mean violence that occurs between intimate partners.

The Judicial Oversight Demonstration (JOD) Initiative tested an innovative idea for improving the justice system's response to domestic violence (DV) cases: that a coordinated, focused and systematic response by the judicial system, law enforcement and probation agencies, and community service organizations could improve victim safety and hold offenders more accountable while encouraging them to change their abusive behavior.

In 1999, following an extensive search for sites with the resources, infrastructure and commitment needed to implement the envisioned demonstration, three sites — Dorchester, Mass., Milwaukee County, Wi., and Washtenaw County, Mich. — were selected to implement the JOD project. The demonstration activities were jointly funded and managed by the U.S. Department of Justice's Office on Violence Against Women (OVW) and the U.S.

Department of Justice, Office of Justice Programs' National Institute of Justice (NIJ). Technical assistance to the sites, provided by the Vera Institute of Justice in New York City through a cooperative agreement with OVW, included onsite consultations, training, and educational opportunities within and across sites. The Urban Institute (UI) conducted an independent, multisite evaluation under a cooperative agreement with NIJ. Each demonstration site employed a local evaluator who assisted UI in gathering data for the evaluation and responded to local evaluation needs (see "Study Methods").

This Research for Practice report is the second in a series of reports about the experiences of the JOD sites in implementing the demonstration. It begins with a general description of JOD operations at the three study sites. (Specific details about the JOD operations at each

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STUDY METHODS

The implementation study and process evaluation of the Judicial Oversight Demonstration (JOD) used a variety of methods and data collection strategies. The primary methods were:

- *Site visits* that involved semistructured interviews with JOD partners; observations of court proceedings, project team meetings, and other activities (such as batterer intervention sessions); and meetings with groups of line staff (e.g., probation officers and law enforcement personnel in domestic violence [DV] units). Site visits were held quarterly during the initial phases of the demonstration and twice annually in the last year of the demonstration period.
- *Collection of quantitative data*, including: 1) aggregate descriptive data relating to the case before the court, court and treatment interventions, and system and client outcomes; 2) performance indicators to use in monitoring program operation and reporting accomplishments; and 3) documentation of services provided and court processing from the local evaluation staff. This entailed working with court and JOD staff to identify data elements, descriptive statistics, data retrieval and analysis strategies, and variables and categories needed to describe special JOD services or sanctions. Data from the different agencies involved in JOD at each site were gathered by the local evaluator and submitted to the Urban Institute (UI) monthly.
- *Participation of site staff and national partners* in conference calls, meetings and technical assistance workshops. The conference calls created opportunities for discussion of and reflection on how JOD was operating, including identification of problems, brainstorming of possible solutions, and revisions or modifications in the JOD project. The meetings and workshops included formal strategic planning sessions focused on individual sites as well as technical assistance workshops on specific topics such as victim advocacy, probation supervision and judicial oversight. OVW, NIJ, UI and the Vera Institute of Justice participated in the formal strategic-planning sessions in order to enhance their ability to work as partners with the sites.
- *Focus groups of offenders and victims* in each site to gain a more in-depth, personal perspective about how men and women involved in intimate partner violence (IPV) cases were affected by the actions of the JOD partner agencies, to ascertain their views about how they were treated by those agencies, and to help interpret the interview data. If victims or offenders indicated that they felt they were not treated fairly or given an opportunity to voice their opinions, that information might be useful in replicating the JOD model in other communities.
- *Site visits to comparison sites* (Ingham County, Mich., and Lowell, Mass.) at the beginning and end of the JOD demonstration period to document the criminal justice and community response to IPV cases in the communities that UI selected as part of the impact evaluation design. As did the site visits to the demonstration sites, the comparison site visits entailed interviews with a variety of agencies involved in IPV cases, including the court, prosecutors, law enforcement, probation, victim service agencies and batterer intervention program providers. These visits were important for interpreting the results of the impact evaluation and for documenting any changes that might have occurred in the comparison sites during the JOD demonstration period.

In combination, these methods for documenting the implementation of JOD complemented one another and provided UI with a thorough understanding of the overall operations in each JOD site

(and the comparison sites) and the specific procedures implemented by each JOD partner agency.

An important component of the process evaluation was to document the context in which JOD was implemented. UI interviewed key stakeholders in the demonstration project, including project planners, judges, court administrators and other court staff, prosecutors, law enforcement officials, pretrial services staff, probation and parole staff, members of the defense bar, victim advocates, victim service providers, and community providers of other important services such as substance abuse and mental health treatment. The interviews with these participants collected data on: 1) their perceptions of and goals for JOD, 2) how the justice system in their communities handled DV cases prior to project implementation, and 3) what databases relating to DV cases existed and how they might be used for the evaluation and collection of existing reports, statistics, policy or procedure documents, and forms to supplement the interviews. Interim reports describe the implementation process in all sites.*

*DeStefano, Christine, Adele Harrell, Lisa Newmark, and Christy Visher, "Evaluation of the Judicial Oversight Demonstration Initiative: Baseline and Implementation Report," interim report for the National Institute of Justice, grant number 99-WT-VX-K005, Washington, DC: National Institute of Justice, 2001, NCJ 220871, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/220871.pdf>; Harrell, Adele, Lisa Newmark, Christy Visher, and Christine DeStefano, "Evaluation of the Judicial Oversight Demonstration Initiative: Implementation Strategies and Lessons," interim report for the National Institute of Justice, grant number 99-WT-VX-K005, Washington, DC: National Institute of Justice, 2002, NCJ 220872, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/220872.pdf>.

site can be found in the first report, *Pretrial Innovations for Domestic Violence Offenders and Victims: Lessons From the Judicial Oversight Demonstration Initiative*, August 2007, available online at <http://www.ncjrs.gov/pdffiles1/nij/216041.pdf>.) This report then presents findings from a process evaluation of the three JOD sites (that is, an evaluation of the processes used at the sites), and concludes with lessons

learned about implementing JOD and similar initiatives.

A new approach to combating intimate partner violence

The JOD model included the following critical elements:

- *Uniform and consistent initial responses to DV offenses*, including: a) proarrest policies, b) the arrest of the

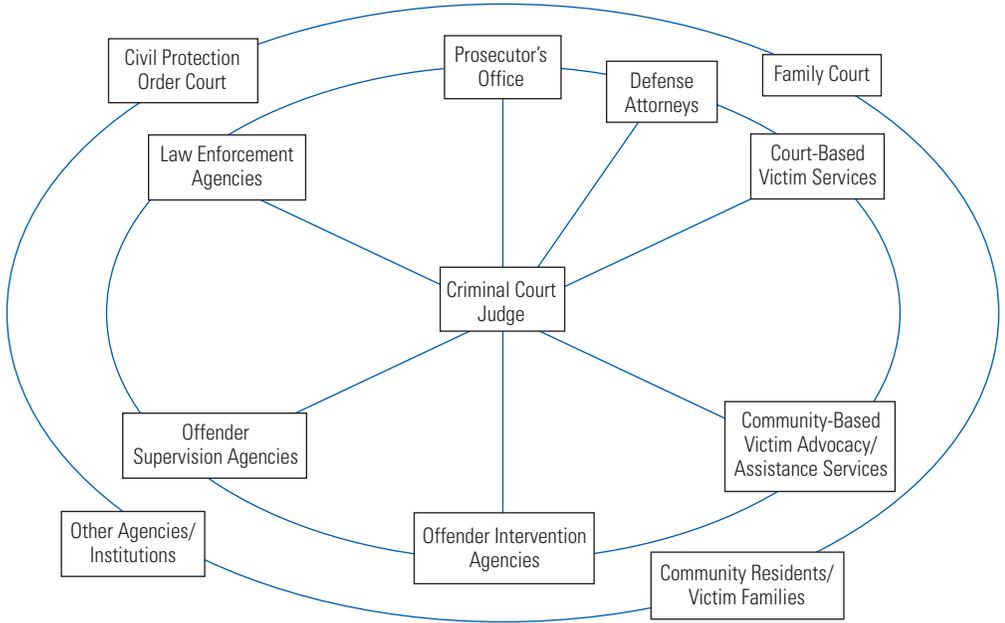
primary aggressor, and c) a coordinated community response by law enforcement and victim advocates.

- *Coordinated victim advocacy and services*, including: a) contact by victim advocates as soon as possible after the DV incident, b) an individualized “safety plan” for the victim and the victim’s children (if appropriate), and c) provision of needed services such as shelter, legal advocacy, medical assistance, economic support, etc.
- *Strong offender accountability and oversight*, including: a) intensive court-based supervision of offenders, b) referral to appropriate batterer intervention programs (BIPs), and c) administrative and judicial sanctions and incentives to influence offender behavior.

To achieve these objectives, a partnership among criminal justice agencies and community-based agencies that provide services to victims and hold offenders accountable was formed or identified in each JOD community to work in collaboration to respond to incidents of intimate partner violence (IPV) that enter the criminal court. This initiative differed from

earlier coordinated community responses to intimate partner violence because it placed special focus on the role of the court in the partnership, as illustrated in exhibit 1.

Support for JOD innovations was grounded in recognition of the challenges IPV cases pose to criminal justice agencies and the need to take steps to better protect victims from repeat violence. The likelihood of subsequent violence, potentially lethal, is often present but is difficult to gauge. Prior research shows that abuse following court hearings for protection orders is predicted, not by the type and severity of the current charge, but by the history of recent abuse in the relationship and other factors, which points to the need for thorough record checks of defendants and comprehensive victim interviews at court intake.¹ Victims and their children often need emotional support and medical, legal and financial assistance to cope with what is often a long-standing pattern of abuse. Victims are often reluctant to testify, fearing retaliation or hoping for reconciliation, and they may be socially isolated and without economic or emotional support.

Exhibit 1. JOD Network of Partners

JOD was also developed to test the feasibility and effectiveness of closely monitoring offenders to hold them more accountable. By adopting a more intensive approach to managing DV cases, JOD would hold offenders accountable for their criminal behavior and require their participation in treatment and community service when appropriate. JOD was designed to implement the fundamental purposes of the 1994 Violence Against Women

Act. It also incorporates key recommendations of the 1984 report of the Attorney General's Task Force on Family Violence:

- Family violence should be recognized and responded to as a criminal activity.
- Law enforcement officials, prosecutors and judges should develop a coordinated response to family violence.

- A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime for the victim.
- In granting bail or releasing the assailant on his or her own recognizance, the court should impose conditions that restrict the defendant's access to the victim and strictly enforce the order.

Over the past decade, the criminal courts have begun to assume a leadership role in coordinated responses to domestic violence through innovations such as specialized DV courts. These courts have introduced increased judicial supervision supported by case management, victim advocacy, enhanced supervision by probation, and mandatory batterer intervention programs for eligible offenders. A dual focus on increased offender accountability and coordinated services for victims in DV cases was the essential feature of JOD.

The three demonstration sites, assisted by technical assistance teams, reviewed model policies, findings from

the experiences of other jurisdictions, recent research, and other best practices previously identified for DV cases. They then developed programs geared to the needs of their individual jurisdictions. All demonstration sites included the following criminal justice and community elements:

- *Proactive law enforcement.* In law enforcement agencies around the country, written policies and procedures for responding to DV cases are now in place and officers are far more likely to have specialized training in responding to domestic violence than was true 15 years ago. The law enforcement components of the JOD initiative included innovations in training sites on arrest policies and protocols, enforcement of protection orders, and inter-agency communications.
- *Specialized prosecution.* JOD prosecutors expanded their use of independent evidence such as digital photographs of victim injury, hospital records, excited utterances (an exception to the hearsay rule), expert testimony, 911 audiotapes, and other evidence to support or replace victim

testimony. The JOD projects included best practices such as special units, no-drop policies, vertical prosecution (processing of cases by a single prosecutor), and evidence-based prosecution. One site placed special focus on prosecuting bail violations such as bail jumping and witness tampering.

- *Specialized pretrial procedures.* Two of the three JOD sites focused on improvements to pretrial processes, including: standardization of bond conditions; group meetings in the week after arraignment to review bond conditions with defendants; creation of a new position, the domestic violence commissioner, to manage a special court that would process pretrial matters only; and intensive pretrial monitoring for offenders accused of a repeat DV offense.
- *Specialized DV dockets.* Some of the features of the JOD courts included: 1) intake units for particular kinds of cases involving domestic violence, 2) screening to coordinate case processing, 3) automated case tracking, 4) automated systems for identifying related cases, and 5) specialized calendars. The JOD demonstrations included specialized dockets, judicial review hearings for probationers, and a domestic violence intake court at one site.
- *Specialized probation and court-ordered batterer intervention services.* The JOD sites' demonstrations included: specialized probation officers for DV offenders, enhanced supervision of DV offenders, increases in staffing to reduce probation officer caseloads, referrals to only state-certified batterer intervention programs, and greater communication between probation officers and BIP staff to provide information for judicial review hearings.
- *Enhancement of victim services.* JOD sites expanded in-court victim services from both justice-based and community-based providers in a variety of ways, including: in-court victim advocates from local nongovernmental DV programs, civil legal assistance, services that promote autonomy, and private victim waiting rooms with childcare provided in courthouses.

- *Coordination of court and community agencies.* The complex and recurring nature of domestic violence requires a coordinated, systemic response from courts and other community-based agencies. The importance of communitywide coordination was affirmed by the Violence Against Women Act of 1994, in particular through the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and the STOP (Services, Training, Officers, Prosecutors) Formula Grant Program, which requires states to engage in collaborative planning prior to awarding subgrants; allocate the funds among law enforcement, prosecution, courts and victim service agencies; and encourage coordinated community responses. Evaluation indicates that STOP subgrantees attributed the most significant changes in their communities to increased collaboration.²

The design of JOD and its specific elements in each site reflected principles that were identified in earlier demonstrations that focused on building coordinated community responses to domestic

violence. From that work, six essential features of successful implementation of a coordinated approach to domestic violence emerged: 1) clear policies defining the roles and responsibilities of partners; 2) designated personnel in each agency responsible for coordination; 3) enhanced leadership and oversight, especially by judges; 4) cross-training of staff from multiple agencies; 5) vigorous prosecution; and 6) formal monitoring of partnership performance.³ Mechanisms to ensure coordination in the JOD sites included: hiring a project director to coordinate and oversee implementation of JOD, an executive committee with working subcommittees that met regularly to identify and troubleshoot emerging issues, the development of standard policies and protocols to improve the consistency of case-handling practices, and enhanced communication among agencies through shared databases.

Lessons learned from implementing JOD

The “lessons learned” discussed here are drawn from the experiences of all three demonstration sites during the implementation of JOD.

It is hoped that these lessons will provide useful direction to other jurisdictions that are considering similar innovative, comprehensive responses to intimate partner violence in their communities. The lessons fall generally into three categories:

- Barriers and challenges faced in implementing JOD.
- Strategies used by JOD sites to facilitate change.
- The impact of JOD on system responses to intimate partner violence.

These lessons are described in this report with one or two examples drawn from the site case studies. Further discussion of these lessons can be found in Volume 2 of the final report to NIJ on this research.⁴

JOD implementation challenges

JOD partnerships began with a vision of collaborative operations in which agencies would work together seamlessly to protect victims and hold offenders accountable for their violence. Agreements were forged and commitments made. However, the process

of bringing this collaborative vision to life encountered barriers and challenges that can serve as a lesson and guide to agencies embarking on similar coordinated responses to intimate partner violence. The challenges highlighted below required each of the JOD sites to work on issues not anticipated when the vision was formed.

Challenge 1: Gaps in knowledge about the operations of other partner agencies.

Despite the existing coordinated community response for domestic violence that was in place in all three sites prior to the demonstration, JOD partner agencies often did not understand the specific operations of their partners. For example, Dorchester planners discovered that, under union rules, cameras for collecting pictures to be used as evidence could be used only by detectives and not by the officers who responded to an incident. Washtenaw County found that developing consistent policies and procedures across 11 law enforcement agencies, independent courts and probation agents required an enormous effort, in part because each lacked knowledge of the others' operations.

Challenge 2: Understanding the effects of changes on the workload of partner agencies.

A related challenge was the unforeseen impact of JOD activities on the workload of partner agencies. For example, Milwaukee introduced a crisis response team of advocates available to assist victims at the time of an incident without anticipating the extra burden on the police who would need to stay to ensure the safety of the advocate. Washtenaw County found probation agent workloads spiraling upward with the advent of judicial review hearings and added probation requirements, and decided to hire compliance specialists to assist the agents in monitoring IPV offenders.

Challenge 3: Dealing with hiring limitations imposed by county and state rules governing recruiting.

All of the sites found that state and county rules governing recruiting and funding of new positions can slow the start of a new project and limit hiring options. All three sites were eager to begin JOD and developed ambitious plans for immediate change, only to encounter difficulties in staffing their projects. Both Dorchester and Milwaukee

experienced delays in starting new activities, stemming from limitations on hiring key staff and turnover in key staff. In Milwaukee, the selection of the probation agent to staff the new pretrial monitoring unit was governed by Division of Community Corrections seniority rules, which resulted in the appointment of an agent whose lack of dedication to the initiative undermined the effectiveness of the new program. Dorchester encountered delays in hiring a project director because of county personnel rules governing hiring, a hiring freeze and seniority issues.

Challenge 4: Lack of systems for sharing data across justice agencies and with community service providers.

A critical need in a program that emphasizes offender accountability is the need for multiple agencies to share up-to-date information on offenders active in the criminal justice system. Data systems routinely kept by the courts and other justice agencies may not be adequate or in a form that can be used to provide information to partner agencies. This presented problems in all three JOD sites, none of which had systems shared by police, courts and probation agencies and

none of which had consistent procedures for collecting information on compliance with batterer intervention programs. In all three sites, developing these data-sharing systems was technically complicated and sometimes controversial. In Dorchester, probation agents received computers for the first time as part of the JOD initiative, permitting automated tracking of compliance for review hearings. In Washtenaw, the county devoted extensive local funding to an interactive, Web-based system for sharing data on probationers but found that the system was difficult and time-consuming to use. In Milwaukee, the state-maintained probation database lacked a field for identifying IPV offenders. This made it difficult for officers to monitor these offenders, who were a small part of large, general probation caseloads.

Challenge 5: Building collaboration between justice agencies and community service providers. Collaboration between victim advocates from community-based organizations and justice agencies was central to the goals of JOD, but integrating community-based service providers into justice system operations proved difficult in

all sites because of competing priorities between the two groups. Interagency differences among victim advocates needed to be accommodated through strategies for bridging the differences in goals, roles and expectations of the two groups. Issues arose around client confidentiality, encouraging victims to testify in court, and the weight to be given to victim preferences during prosecution. The sites had varying levels of success in meeting this challenge, and other communities are likely to face similar challenges.

Successful JOD strategies

The process evaluation identified a number of strategies used by the JOD sites to accomplish the goals of the project. The following list identifies those seen as critical to moving each site forward in the implementation of JOD.

Strategy 1: A formal strategic planning process. All three sites benefited from intensive strategic-planning sessions that included a kick-off meeting where site teams had an opportunity to present their plans to the other sites,

agency officials, the technical assistance provider and the national evaluator. Later, sites engaged in 1- or 2-day intensive planning sessions, usually with a trained facilitator, to discuss initial plans for JOD with all local JOD partners. For all sites, these sessions were the first time that such a diverse group of justice and community agencies had come together to discuss a coordinated response to domestic violence in their communities. These planning sessions highlighted components of the initiative that required more attention, allowed agency partners to discuss their views on their role in the initiative, and led to the development of sub-committees and technical assistance on specific topics.

Strategy 2: An inclusive set of partners. Projects typically began with a core group of agencies that had collaborated in project design and the preparation of the initial proposal to OVW for funding. It was critical, however, that this core group draw a wider group of agencies into project planning, giving them a voice in shaping policies and procedures. Of particular importance was the inclusion of the defense bar as full network partners in an effort to

maintain a balance between advocacy on behalf of victims and fairness to defendants in court cases. The sites also found it important to continue adding partners as the partnership grew, and developed plans for adding outreach to specific cultural groups and broadening the types of victim assistance and batterer intervention programs available for court referrals. It was not always easy to integrate JOD into the existing coordinated community response because judges were reluctant to appear to be advocates for either the prosecution or the defense. Introducing the courts into existing victim service provider networks also challenged some existing understandings about agency roles and responsibilities.

Strategy 3: Active management of the collaboration with regularly scheduled meetings and a full-time project director. Collective planning and ongoing meetings in all sites increased understanding among the participating agencies and increased the confidence of victim advocates, batterer intervention specialists and probation staff that their efforts to change offender

behavior would be supported. Case-level collaboration also increased substantially. In each site, JOD management required regular team meetings, executive committee meetings, and meetings of subcommittees formed around specific issues.

A full-time project director was also critical to the full implementation of JOD. In all three sites, the project director was knowledgeable about one or more components of the criminal justice system or community responses to intimate partner violence. One project director was from the victim service field, another was from the probation department, and the third had years of management experience in the prosecutor's office. The JOD project directors had the confidence of the primary agency that was initiating JOD (the court or the prosecutor), and sufficient contacts throughout the criminal justice system and the community service network, to know whom to talk to when a specific problem arose. The project directors also ensured that grant deadlines were met, committee meetings were scheduled, and the overall implementation of JOD continued to move forward.

Strategy 4: Training and technical assistance by “outsiders” with acknowledged expertise to help promote change. All demonstration sites had extensive and ongoing training of personnel in the JOD partner agencies and provided technical assistance to partners in developing new policies and procedures. All sites benefited from general training on DV dynamics, cross-agency training on specific interagency protocols being developed, and specialized technical assistance and training on skills for specific positions, including judges, prosecutors, law enforcement officers, probation agents and others. OVW funded the Vera Institute to coordinate specialized training that greatly assisted the sites. For example, judges were offered the opportunity to attend Judicial Training Institutes sponsored by OVW, the Family Violence Prevention Fund, and the National Council of Juvenile and Family Court Judges. State-sponsored training was also offered. Law enforcement officers in JOD sites received training from local DV organizations and law enforcement consultants as part of the technical assistance provided

by VERA throughout the demonstration period. Advocates and public defenders from each site received cross-disciplinary training. During JOD, the Milwaukee District Attorney's Office, in conjunction with a local service provider, the Task Force on Family Violence, conducted training for probation agents on investigation strategies to help them better prepare for revocation hearings.

Strategy 5: Dedicate specialized staff to IPV cases. Specialized staff in the justice agencies is critical to developing a more effective response to intimate partner violence. IPV cases present specific challenges, including difficulties in collecting evidence for prosecution, the need to consider victim safety, the resistance of offenders to changing their behavior despite intervention, and the ambivalent feelings of those victimized by intimate partners. To act effectively, the police, prosecutors, courts and probation agencies need to understand, through training, the challenges of these cases and the strategies for responding effectively to intimate partner violence. In addition, they need to build ties to specialized staff in partner agencies to foster a

team approach to managing cases.

Impact of JOD on system responses to IPV

The process evaluation identified three principal impacts of JOD on criminal justice and community responses to IPV cases.

Impact 1: Fundamental changes in the coordination between the judiciary and other justice and community agencies in IPV cases. A major contribution of JOD in the three demonstration sites has been the explicit involvement of judges in developing a coordinated response to intimate partner violence and the commitment of judges to the issue of domestic violence. This shift has dramatically and permanently changed the culture of the court system in all three sites.

JOD judges were committed to the independence of the judiciary and their role as interpreters of the law. They avoided involvement in policy decisions on substantive matters that might come before them. At the same time, they were committed

to systemic changes in the courts that were designed to improve the administration of justice, which meant holding offenders more accountable under the law. They realized the importance of being seen as fair and unbiased toward both the victim and the defendant, and they knew they must maintain a balance between the presumption of innocence and a willingness to hear the kinds of evidence that are relevant to domestic violence. The prospect of JOD challenged some traditional notions of the role of the judiciary, but all judges in the project emerged with a strong belief that JOD could simultaneously help ensure victim safety and justly hold offenders accountable.

JOD permitted experimentation with innovative court responses that likely would have not been attempted otherwise. In Milwaukee, JOD faced the challenge of integrating judges into a coordinated community response to domestic violence that had been managed for years by the Milwaukee Commission on Domestic Violence and Sexual Assault. Historically, the city's judges had been reluctant to become involved in the commission in order to avoid appearing biased

toward DV victims. It soon became apparent, however, that to integrate JOD into the larger community, the participation of judges in the commission was needed and could be handled in a way that did not compromise their impartiality. This shift in the commission's governance formally joined the court to the larger community response to intimate partner violence and left in place a structure for further joint planning of policies and practices well into the future.

One site's experience with the impact of JOD on the judiciary and its operations illustrates a lesson learned. There was relatively strong opposition within the court system to making the changes in procedures required by JOD. Pleas for additional judges were slow to be heard and space for project staff was difficult to arrange. But the leadership of the judges, the skills of the project director, and positive interactions with JOD staff produced gradual acceptance. Eventually, there was a fundamental change. As a staff member of one JOD partner agency put it, "It was a combination of ... a solid idea, plus dollars, that made it possible ... against all odds."

Impact 2: Increased consistency in the justice system response to IPV cases. An important concept of justice is consistency in the standards applied to defendants and probationers. One expectation of a well-functioning justice system is that the responses of the police, courts, prosecutors and probation will be similar for similarly situated individuals and that variations should derive from differences in the offense and mitigating circumstances. JOD jurisdictions made huge strides in establishing consistent practices and policies that were negotiated by multiple partners. They also made efforts to make these policies clear to offenders.

Extensive efforts were made in the JOD sites to standardize procedures for IPV cases and to communicate clearly the actions of the court to both offenders and victims. (Some of the most notable examples are reviewed in this Research for Practice. Further discussion of these issues is available in Volume 2 of the final report to NIJ.)⁵

Responses to intimate partner violence varied across law enforcement agencies within the same county. For

example, while one agency may have a mandatory arrest policy that results in jail time prior to arraignment, another law enforcement agency in a neighboring jurisdiction might issue a citation that requires the offender to pay a fine at the local police station. Standardized procedures for law enforcement officers are particularly difficult to develop and implement. In Washtenaw County, a uniform incident reporting form developed for IPV cases was eventually put into place in the majority of the law enforcement agencies in the county. In addition to getting officers to respond consistently to IPV incidents, the information collected greatly helped prosecutors in the development of their cases.

The judiciary has often struggled with consistent pretrial release conditions for IPV offenders, especially concerning when and for how long to impose a no-contact order. The judges in Washtenaw County negotiated a common script for the pretrial hearing that recommended imposition of a standard set of release conditions, including victim no-contact orders. Judicial meetings to discuss policies on pleas, sentencing and probation conditions, and their enforcement, occurred

regularly. One effect of these changes was greater consistency in the response to these offenders, reducing the potential for bias and increasing the predictability of outcomes.

Judges in the JOD sites also had difficulty in deciding whether and when to lift a no-contact order, either during the pretrial period or during probation. Less progress was made toward consistent policies in this area as judges reacted differently to victims' requests to drop no-contact orders. Probation officers were frequently asked for information about an offender's compliance with court requirements to provide additional information for the judge's decision. As a compromise, several sites developed a no-violent-contact or no-nonconsensual-contact agreement that all parties signed.

JOD paid substantial attention to the probation function as a critical element of offender accountability. Probation officers have little flexibility in their work, are often overworked and underpaid, and rarely can implement special supervision procedures for particular types of cases. In response, probation

agencies in JOD sites developed new procedures and protocols that attempted to impose some consistency on officers' interactions with offenders and with victims. These included protocols for officers' contacts with victims, revision of no-contact orders, and ending probation supervision. Specialized DV probation officers and, ideally, specialized DV probation units, improved consistency in the responses to offenders' violations of probation conditions.

Impact 3: Changes in the response to intimate partner violence that will outlast the demonstration period. All three demonstration sites chose to implement JOD throughout their communities rather than in a few police districts or with a selected subset of IPV cases. The demonstration became a full-scale assessment and overhaul of policies and practices related to the justice system and community response to IPV cases in which all partner agencies participated. Such an intensive process is likely to have lasting effects on the community. As of 2006, at least one year after the funding for JOD ended, a number of changes implemented during

the demonstration have outlasted the demonstration period:

- *Post-conviction judicial review hearings with IPV probationers.* These hearings were strongly embraced by most judges and probation officers, despite the extra work and time involved. Judges can see for themselves whether offenders are making progress and they appreciate the chance to receive feedback from victims and the probation staff. Most probation officers appreciated the court's support of their supervision and reported that offenders faced with a review hearing were more willing to comply with referrals to batterer intervention programs and other probation requirements.
- *Improved practices for investigating and prosecuting IPV cases.* All three JOD sites refined evidence-collection procedures for law enforcement and prosecution investigators targeted to IPV cases. The use of digital cameras at the scene of the incident and the introduction of tapes of harassing calls from jailed defendants to their victims are just two of

the innovative prosecution methods that resulted from JOD. In Milwaukee, the prosecutor's domestic violence unit documented their new practices in a manual for the investigation and prosecution of IPV cases.

- *Greater involvement of probation officers with victims and batterer intervention programs.* It is likely that permanent change has occurred in the ways that probation officers handle IPV defendants in JOD sites. Although not all sites have been able to retain specialized domestic violence probation officers, the lessons learned during the demonstration about enhanced monitoring have been included in training of new staff and formalized in written procedures. Moreover, probation officers in the JOD sites now recognize the value of communicating with IPV victims and have benefited from specialized training for victim contacts. In addition, probation officers have developed collaborative relationships with batterer intervention program providers (who have improved their case tracking and reporting procedures), thus enabling

probation and the court to have more timely information on the offender's compliance with probation conditions.

Conclusion

The process evaluation of JOD describes the broad changes in the demonstration sites as they implemented a model of coordinated justice and community response to intimate partner violence. Such a model was untested in the nation prior to the JOD site awards. All of the sites experienced challenges to the implementation of JOD yet, when faced with problems, were able in most instances to devise creative solutions and move forward. In addition, the dedication of the site teams to the goals of the demonstration enabled the sites to develop new strategies to facilitate changes in their communities' responses to intimate partner violence, even "against all odds." Their accomplishments are further supported by the permanent changes in the system response to intimate partner violence after the demonstration was concluded in the three sites.

Notes

1. Harrell, Adele, and Barbara E. Smith, "The Effects of Restraining Orders on Domestic Violence Victims," in Eve Buzawa (ed.), *Protection Orders for Domestic Violence Victims*, Beverly Hills, CA: Sage, 1996; Harrell, Adele, Barbara Smith, and Lisa Newmark, "Court Processing and the Effects of Restraining Orders for Domestic Violence Victims," final report to the State Justice Institute, Washington, DC: The Urban Institute, 1993.
2. Burt, Martha R., Adele Harrell, Lisa J. Raymond, Britta Iwen, Kathryn Schlichter, Bonnie Katz, Lauren E. Bennett, and Kim M. Thompson, "1999 Report: Evaluation of the STOP Formula Grants Under the Violence Against Women Act of 1994," final report for the National Institute of Justice, grant number 95-WT-NX-0005, Washington, DC: National Institute of Justice, 1999, NCJ 181797, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/181797.pdf>.
3. Hofford, Merideth, and Adele Harrell, "Family Violence: Interventions for the Justice System," Bureau of Justice Assistance Program Brief, grant number 89-DD-CX-K001, Washington, DC: Bureau of Justice Assistance, 1993, NCJ 144532.
4. Harrell, Adele, Lisa Newmark, and Christy Visher, "Final Report on the Evaluation of the Judicial Oversight Demonstration, Volume 2: Findings and Lessons on Implementation," final report for the National Institute of Justice, grant number 1999-WT-VX-K005, Washington, DC: National Institute of Justice,

2007, NCJ 219383, available at
[http://www.ncjrs.gov/pdffiles1/nij/
grants/219383.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/219383.pdf).

5. Ibid.

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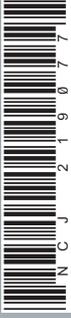
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