

Tucson City Court Domestic Violence Court Fact Sheet



AT A GLANCE:

Location of Court

Tucson, Arizona

Type of Court

High volume, serious misdemeanor
Domestic Violence Compliance Court

Project Goals

- Consolidate serious DV misdemeanor cases in front of a DV trained judge, with DV trained prosecutors, defense counsel and advocates at every court hearing.
- Increase victim safety with access to advocates and services, and providing a safe space for them to be heard in court.
- Increase offender accountability by imposing conditions of pre-trial release, including gun surrender and substance abuse testing, using DV risk assessment tools for release conditions, and holding probation review hearings.
- Work with our partners to educate Tucson's Deaf community about the dynamics of DV, and ensure greater access to court and victim services for Deaf victims of domestic violence.

Tucson City Court Domestic Violence Court

The Tucson City Court Domestic Violence Court is a high volume criminal misdemeanor court, staffed by DV trained prosecutors, public defenders and a DV trained judge. Our victims services agency, Emerge! Center Against Domestic Abuse, also staffs the court with two independent victim advocates, who are available at every court session to offer support and services to victims. As part of our focus on providing services to underserved victims, the Court and Emerge! work with our partner Community Outreach Program for the Deaf on outreach to the large Deaf community in Tucson and to provide services and safety for Deaf victims of domestic violence.

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Court Staff

City Magistrate: The judge assigned to Domestic Violence Court is Judge Wendy Million. She presides over all hearings including, DV arraignments, in custody transport hearings, pretrial hearings, change of plea hearings, bench trials, and court supervised probation and monitored probation review hearings.

Domestic Violence Court Coordinator: Keeps statistics on all domestic violence dockets, works closely with the Pima County Adult Probation DV Officers and domestic violence treatment providers with their reports for judicial review hearings, defendant and victim information, and Petitions to revoke probation. The DV Coordinator communicates regularly with grant partners on ideas for making the court procedure more accessible for victims and the Deaf community.

Victim Advocates: Two independent victim advocates provide victims orientation into the criminal justice system, domestic abuse education, and individualized safety planning, in a safe trauma informed environment. On any given day, advocates are supporting victims with orders of protection, contested orders, victim impact statements, and reviewing and reassessing safety plans. Additionally, advocates refer victims to community-based Services or other community agencies to address their ongoing needs.

Case Management

Types of Cases: T.C.C. Domestic Violence Court hears serious intimate partner criminal misdemeanor domestic violence cases only. All misdemeanor domestic violence intimate partner cases that are processed through the Tucson Police Department are scheduled in Judge Million's courtroom for an arraignment or in custody transport hearing. DV Court keeps the most serious cases (determined by the prosecutors) and each defendant is assigned a public defender. Many of the cases in DV court are felony level charges declined by the Pima County Attorneys Office-including many strangulation cases that may not have the physical evidence to prove the felony elements. In 2016, DV Court handled 1,054 new cases and completed over 1,882 probation review hearing. In 2017, DV Court handled 1,144 new cases and completed 2,126 probation reviews.

Information Sharing: Our DV Court Coordinator attends meetings with the judge, sets up all the coordinated projects and trainings. The coordinator is responsible for communicating with treatment providers and probation officers before review hearings and obtaining reports, probation revocations and other information for the judge to review. She works in the courtroom during review hearings, which enhances her personal relationships with probation and the treatment providers who attend the hearings. She also deals with the attorneys and advocates on a regular basis- trouble shooting and providing support.

Schedule: DV arraignments are held in Judge Million's courtroom every Tuesday afternoon. In custody transport hearings are held twice a week on Mondays and Wednesdays. On average 15-20 defendants a week are transported to Tucson City Court for these hearings. The rest of the week includes pre-trials and bench trial settings.

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Grant Partners

COPD: Community Outreach Program for the Deaf was established in 1973 as the result of grassroots efforts made by Deaf community members. COPD provides an array of services to persons who have a hearing loss and acts as the “one-stop” center providing counseling, case management, employment services, communication access and community and personal support.

Emerge! Center Against Domestic Abuse: Emerge! is the largest provider of domestic abuse services in Southern Arizona. Emerge!’s comprehensive array of services, all of which are available in both English and Spanish, include: a 24/7 crisis hotline, safety planning, emergency shelter, housing assistance, case management, domestic violence education, individual and family support sessions, support groups, information and referral, lay legal services, and holistic treatment modalities.

Victim Safety

Safety in the courtroom: DV Court has enhanced security for several courtroom sessions. Our trained courtroom security staff is present during all DV arraignments. Additionally, we have off-duty Tucson Police officers who work at each pre-trial session. They are available to serve protective orders, escort victims out of the courthouse, and monitor the safety of all the victims, attorneys and advocates inside and outside of the courtroom. Anyone who fears for their safety can ask for security escorts and presence during any courtroom proceeding.

Victim services: The Emerge! victim advocates are available at all court hearings for any victims who appear. On arraignment days, the Court sees an average of 50 defendants, and many victims attend with the perpetrators. The advocates speak to every victim before the judge arraigns the defendant. Then the victim is given the opportunity to address the court at the arraignment and review of conditions of release. The advocates not only support victims in the courtroom but also assist in coordinating and linking victims to community resources, assist them in filing Orders of Protection, make referrals for ongoing case management, facilitate access to emergency shelter, and refer to legal aid services, assistance with safe housing.

Our project addresses Deaf victim’s safety needs by educating the community, making services more available to Deaf victims, and providing a Deaf advocate for these individuals. Through our work, Emerge! now has the appropriate equipment to communicate and allow victims to communicate with their family and friends, they have advocates who are trained in the Deaf culture, and they co-staff cases with Deaf agencies such as COPD and DeafHope. The Court provides separate interpreters for victims of domestic violence in court hearings, outreach, education and advocacy. Emerge! has established a relationship with ASL and CDI interpreters in the community.

Offender Accountability

Judicial Review Hearings: When offenders are convicted, they are either placed on probation to the Court or on Adult Probation. In both cases, the court holds review hearings with probationers, probation officers and treatment providers. The DV Court Coordinator works with the probation officers, treatment

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providers, attorneys and other court staff. Court monitored probation reviews are heard by Judge Million every other week. Each of the treatment providers sends a counselor from their agency to attend these hearings in person. This gives them direct contact with the Judge should any questions arise about a defendant's attendance or demeanor in class.

The counselors also attend supervised probation review hearings. These hearings are overseen by Judge Million and the probation officers are also in attendance. The DV docket coordinator works with the probation departments to gather their progress reports for each defendant scheduled but the probation officers also give a verbal report to Judge Million during the hearing.

The Court employs a deferred jail method to impose intermediate sanctions, based on drug court models. A certain amount of jail time is *deferred* at sentencing (as opposed to the suspended jail sentence). During probation reviews, if the defendant is missing drops, missing classes or otherwise non-compliant, the Judge can use some of the deferred jail time to order the Defendant to serve a short sentence as a sanction for his non-compliance, short of revocation of probation.

Offender Services: The Court only uses DV treatment programs that have been approved by Pima County's Adult Probation Treatment Program, to make sure offenders are receiving the most effective treatment. Public Defenders are appointed to all defendants on pending cases, for any appeals and for any probationers facing jail time- deferred or as a Petition to Revoke. The Court defers all court fines and fees while the defendants are on probation and complying with treatment programs.

Our Work with the Deaf Community

From our first OVW grant in 2012, it has been a priority of Tucson's Domestic Violence Court to reach out to the Deaf community in Tucson to provide education about domestic violence, and improve court services and victim services access to Deaf victims of domestic violence.

With our partners Emerge!Center Against Domestic Abuse and Community Outreach for the Deaf (COPD), and with help from California victim services agency DeafHope, we have provided healthy relationships education at the Arizona School for the Deaf and Blind for several semesters, and we have provided training for over 30 ASL and CDI interpreters in the area of dynamics of domestic violence and interpreting for victims. COPD has provided training in Deaf culture to staff throughout the Courthouse and to Emerge! staff and Emerge! and DeafHope have trained COPD in the area of domestic violence. In February of 2018, we had a very successful Cops, Courts and Coffee session with the Deaf community. The Court organized the event and invited police officers from the Domestic Violence Unit and others, public defenders, prosecutors, the judge and protective order staff, Emerge! and COPD. Over 100 people attended this event.

APRAIS Risk Assessment

Arizona's Supreme Court recently approved a domestic violence risk assessment form developed by Dr. Neil Websdale and his team at Northern Arizona University. The APRAIS assessment is administered in the field by law enforcement officers and provided to judges at initial release hearings. Judge Million is involved in training judicial officers all over the State on how to use this tool, and has trained with Dr.

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Websdale on risk assessments, their benefits and risks, and the use of the assessments by judges in DV cases.

Domestic Violence Orientation

In May 2015, Emerge! Center Against Domestic Abuse began providing DV Orientation sessions for all male probationers convicted of intimate partner abuse. DV probationers must complete a 3.5-hour session within 30 days of their sentence to probation. The orientation curriculum is based on the Men Stopping Violence (Atlanta, GA) model. Sessions are offered twice a month and are co-facilitated by two male advocates from Emerge. The facilitators engage the men in open and non-judgmental dialogue about their use of abusive and intimidating tactics against their partners, tactics used to enforce and maintain power and control, their attitudes, their choices, and who they want to be as husbands, partners and fathers. The orientation prepares and motivates them to participate more honestly and successfully in whichever abusive partner intervention program (APIP) they will be assigned to attend by their probation officers. Anecdotally, APIP providers have reported that the men who have attended DV Orientation engage more quickly and honestly in their intervention classes. Emerge is in the process of developing a DV Orientation for women who are on probation for their use of force against their partners.

Training

The Court and partners have provided training to attorneys, interpreters, court staff, judges, and probation officers in:

- Protective Order rules and procedure
- Victim Advocacy
- Dynamics of Domestic Violence
- Deaf Culture
- DV treatment
- Risk Assessments and judicial officer's responsibilities

The Court, staff, and partners have participated in numerous Office of Violence Against Women, Battered Women's Justice Project, Vera Institute, Center for Court Innovation and National Council for Juvenile and Family Court Judges trainings including sessions on language access, disability and offender services and treatment. The judge and her staff have also attended the End Violence Against Women International Conference and will be attending again this year.