



Welcome to Enhancing Judicial Leadership Skills in Domestic Violence Cases ACTION PLANNING

This project was supported by Grant No. 2019-TA-AX-K026 and material developed under 2016-TA-AX-K026 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed by program faculty and in program materials, including curriculum outlines, PowerPoint slides, handouts, contents of folders and websites, and other program documents, are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

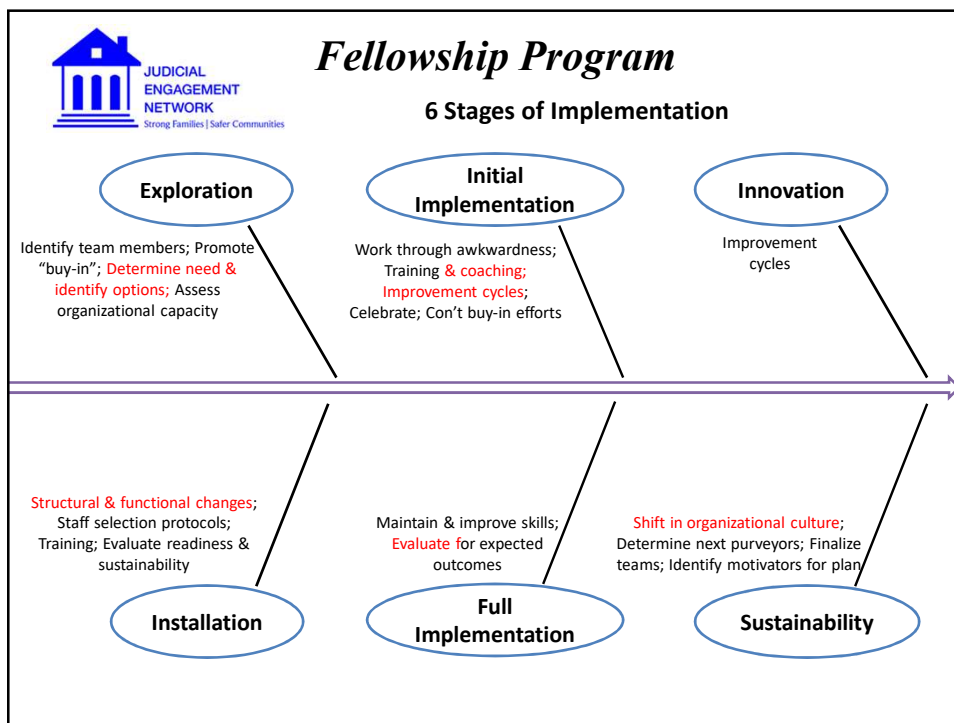
Why is implementation planning important for judicial leaders?

- It ensures the plan you have developed fulfills your goals, and ensures good outcomes.
- It creates accountability among stakeholders and staff.
- Maintains transparency between the bench and community.
- Allows for course correction.

Six Stages of Implementation

- Exploration
- Installation
- Initial Implementation
- Full Implementation
- Innovation
- Sustainability

3



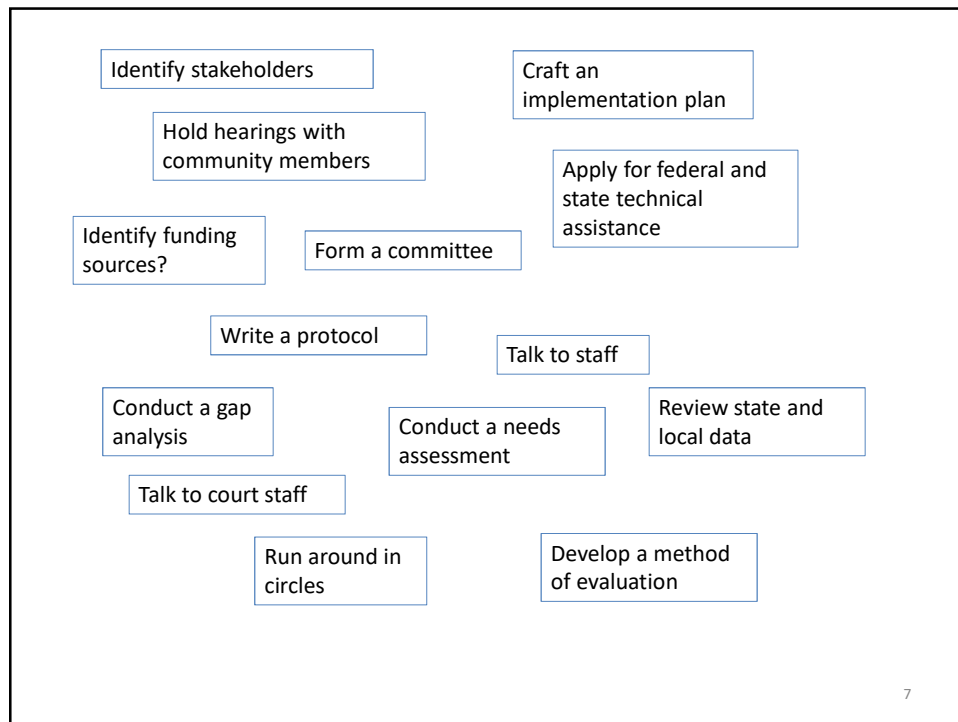
During exploration a judicial leader will:

- 1 • Identify their team members
- 2 • Promote “Buy-in”
- 3 • Determine Need and Identify Options
- 4 • Assess organizational capacity
- 5 • Identify structural and functional changes
- 6 • Make recommendations (go/no go)

5

ACTION PLANNING

6



Breaking it down

- Small, organized, actionable steps.
- Makes projects manageable.
- Helps prevent *mission creep*.
- Creates an environment of clear leadership.
- Promotes accountability and direction
- Assists in evaluation

Compare

- Jane, get some stakeholders together and let's set a committee meeting.
- Jane, can you,
 - Identify who should be involved.
 - Reach out to those people to see if they are available in the next two weeks (maybe using a doodle poll).
 - Find a mutually agreeable date.
 - Set a location.
 - Send out invites.
 - Relay to me who is coming two days prior to the meeting.

9

Prioritization

- “It is crucial that the planning process include court administrators and all partner agencies and community groups involved with the court. ...credibility and effectiveness depend upon coordination among numerous partners, and their experience, responsibilities and concerns must be addressed on an ongoing basis throughout the planning and implementation stages of the court.”
 - Futures Without Violence, Creating a Domestic Violence Court (2002)

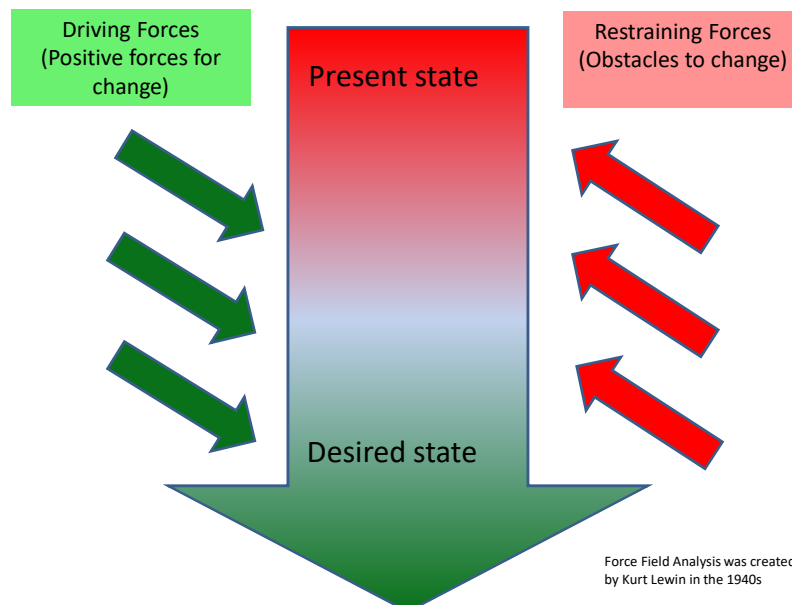
10

Prioritization

- Victim voice should be included at all stages of the project, including preliminary planning.
- During planning, space for marginalized groups is also key to achieving buy-in for project objectives.
- Succession and sustainability are part of planning, including sustainability *during* the planning process.

11

Force Field Analysis



12

SMART Plans

To make sure your plan is clear and reachable, make sure it is:

- **S**pecific
- **M**easurable
- **A**chievable
- **R**elevant
- **T**ime bound

Its criteria are commonly attributed to Peter Drucker's [Management by Objectives](#) concept.
The first known use of the term occurs in the November 1981 issue of *Management Review* by George T. Doran.



Judicial Engagement Network

Fellowship Program 2020

Action Planning Worksheet

I. What system change do you wish to make?

II. What first three steps will you take to start?

1)

2)

3)

III. Who else needs to be involved?

IV. How will you know if you are successful (possible ways to measure)?

This project was supported by Grant No. 2016-TA-AX-K026 awarded by the U.S. Department of Justice, Office on Violence Against Women. The opinions, findings, conclusions, and recommendations expressed by program faculty and in program materials, including curriculum outlines, PowerPoint slides, handouts, contents of folders and thumb drives, and other program documents, are those of the authors and do not necessarily reflect the views of the U.S. Department of Justice, Office on Violence Against Women.

A collaboration and partnership of the National Council of Juvenile and Family Court Judges and the Center for Court Innovation



JUDICIAL
ENGAGEMENT
NETWORK
Strong Families | Safer Communities

Fellowship Program 2019

February 4-6, New York City

Action Planning Worksheet

Step 1. List the new practice you want to implement	Step 2. What are your <u>first three steps</u> to implement this practice? Why did you prioritize them?	Step 3. Who else do you need to involve in these efforts?	Step 4. Target Date for Completion	Step 5. How will you know you have been successful? (<i>Think of how you can measure this practice.</i>)

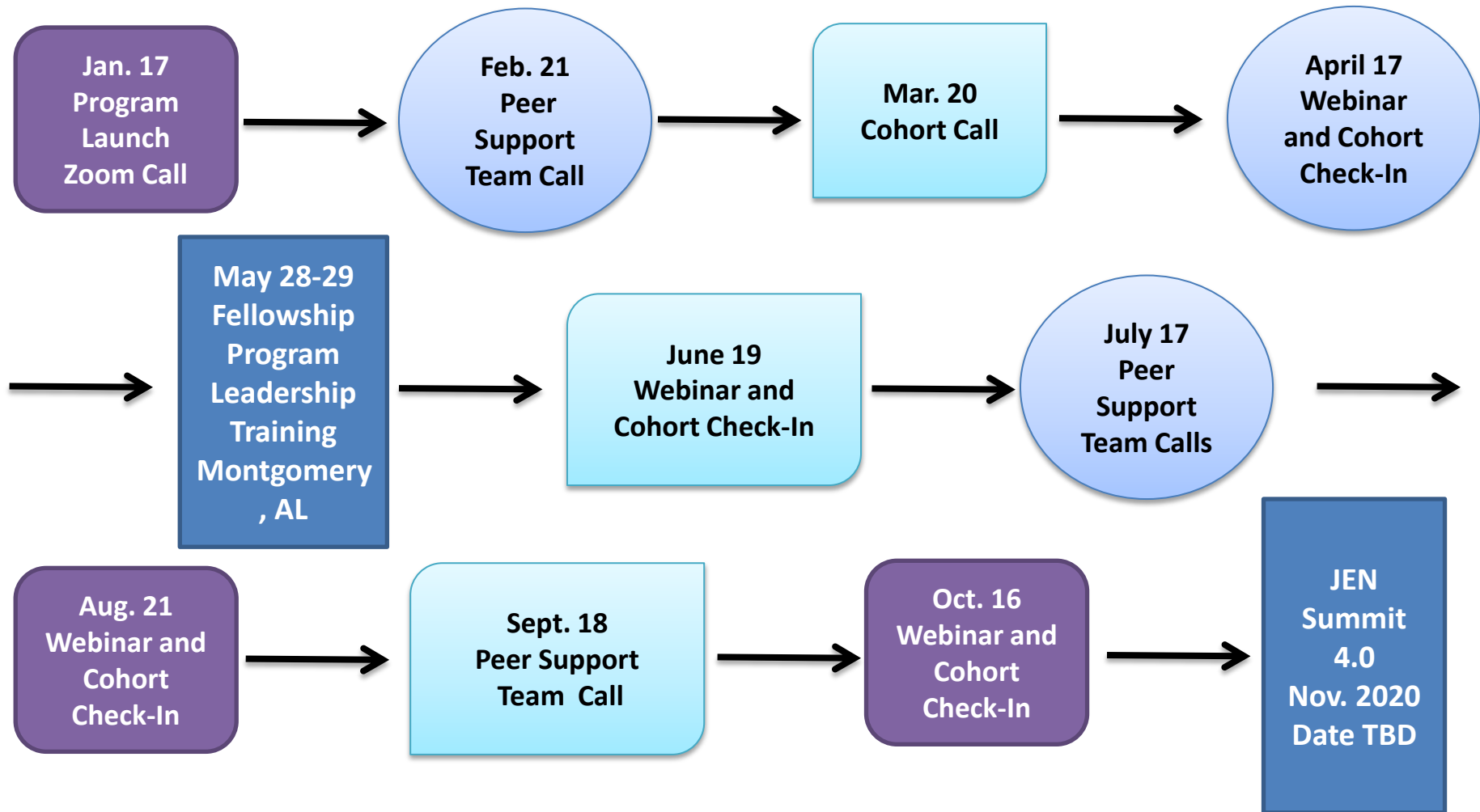


**JUDICIAL
ENGAGEMENT
NETWORK**

Strong Families | Safer Communities

JEN Fellowship Program Outline

January – November, 2020



5 Ways Juvenile Court Judges Can Use Data

Judges use information every day to inform decisions about individuals or cases, but not all judges apply that same information to making decisions about the practices in their courtroom or jurisdiction. For example, judges use information about an individual youth's educational status to determine appropriate services for that youth, but may not compile education data for all court-involved youth and look for patterns. This information helps to direct resources and system improvement efforts and to set baselines for evaluating policy or practice changes. Data collected in courtrooms every day can be aggregated and viewed differently to paint a picture of what is happening in that court and community. Here are five important ways that judges can use data:

01

Align decisions with evidence-based practices

Judges want to support the best interests of youth who come before the court, but how can they be sure that their court's procedures align with what research says works? Data can describe a court's overall functioning, replacing anecdotes with objective answers. For example, research has shown that courts achieve better outcomes when they divert low-risk, first-time offenders. Looking at the number of youth eligible for diversion by age, offense, and diversion decision helps judges see how many and which type of youth are eligible for and receive diversion as well as which type of youth are eligible but are not being diverted. This information allows judges to objectively assess whether their routine decision making aligns with evidence-based practices.

02

Support positive outcomes for kids

The juvenile court exists not only to hold youth accountable, but also to support them to grow into productive, law-abiding adults. It's impossible to know whether policies and practices are resulting in positive outcomes for justice-involved youth without collecting and analyzing data. Data collected from assessments and interviews with the youth and family can inform court decisions and data shared by partnering agencies, like schools and community providers, can help judges understand how youth change as a result of interventions and see if the court is achieving its goals. Understanding which youth succeed in which programs can help judges match youth with the response that is likely to produce the best outcomes.

03

Identify opportunities for improvement

Looking at the same measures over time can point to processes that could be improved, identify potential solutions, and set baselines. Data empowers court staff and stakeholders to suggest opportunities for new policies or practices that may be more efficient, lead to better outcomes, or ensure fairness. Anecdotal evidence might start the conversation, but objective data helps to direct efforts in the most impactful and efficient way. By using data to identify opportunities for improvement, judges can be sure that their often limited resources are leveraged wisely.

“

“In many cases, I use data to educate the community to better understand what issues and challenges we see every day in my courtroom. I can describe my court's processes with data. I can explain in depth the children who come through my courtroom, what their demographics are, what offenses they committed, the challenges they are facing, the variety of services they require, and the complexities of decisions I make. This information is critical to have as I describe the intricacies of juvenile justice needs not only in my court but throughout Ohio. Finally, data collection is critical as our court applies for national, state and local funding to meet the needs of the children and families that we all serve.”



**THE HONORABLE
ANTHONY CAPIZZI**

NCJFCJ PRESIDENT
MONTGOMERY COUNTY JUVENILE COURT, OHIO

04

Measure improvement efforts

The last two decades have seen numerous juvenile justice system improvements in jurisdictions across the country. Judges should know whether changes in courtroom practice are being implemented as designed and if they are having the intended impacts. For example, a jurisdiction that recently started using a validated risk assessment tool can regularly monitor the proportion of staff trained in administering the assessment, the proportion of youth assessed in a timely manner, and the degree to which the results were incorporated into case management decisions. After ensuring proper implementation, youth outcomes can be differentiated across risk levels or types of needs. Objectively monitoring practice changes not only assures they are implemented as intended, but clearly demonstrates related court activity to stakeholders, including funders, policymakers, and the public.

05

Tell the story of juvenile justice

Not only can the data collected and used by courts tell the story of juvenile justice locally, but it can also contribute to the broader story of juvenile justice at the state and national levels. State and federal agencies make important funding decisions that support practice, policy, and research. The more resources courts invest in research and planning locally, the better able they will be to contribute high quality data to state and national data collections and the broader picture of juvenile justice. Sometimes judges hesitate to trust their court's data because they are not satisfied with its quality and afraid that inaccurate data will paint a false picture of their jurisdiction. One way to improve the quality of data is to analyze, use, and discuss it. The more data are used, the better their quality will become.



“

Most judges don't want to hear that they aren't doing something very well. Our position is that if we know there is an issue, we can address it and create better outcomes. After examining our initial data, it was clear that our jurisdiction had historically had a high detention rate. Once we knew this was an issue, we actively learned how to balance the youth's need to remain in the community against public safety. By using a structured detention assessment instrument, we became consistent in our detention decisions. This led to a significant decrease in detention and commitment rates. Our jurisdiction is now seen as a model within our state for maintaining some of the lowest detention and commitment rates without negatively impacting public safety.”



THE HONORABLE SHERI C. ROBERTS

CHIEF JUDGE, ALCOVY JUDICIAL CIRCUIT COURT
NEWTON & WALTON COUNTIES, GEORGIA

PROJECT DESCRIPTION

The OJJDP Juvenile Justice Model Data Project aims to enhance the quality and consistency of juvenile justice information and to increase its appropriate use in policy and practice decisions by providing guidance to states and jurisdictions on data improvements. The Model Data Project is a collaboration between the Office of Juvenile Justice and Delinquency Prevention, the National Council of Juvenile and Family Court Judges, the National Center for Juvenile Justice, the International Association of Chiefs of Police (IACP), the American Probation and Parole Association (APPA), the Council of Juvenile Correctional Administrators (CJCA), the Performance-based Standards Learning Institute (PbS), and researchers from the Florida Department of Juvenile Justice (FLDJJ).

CONTACT

Teri Deal, Senior Research Associate
Email: tdeal@ncjfcj.org
Phone: 412-246-0846

SUGGESTED CITATION

Deal, T. and Wachter, A (2017). *5 Ways Juvenile Court Judges Can Use Data*. Pittsburgh, PA: National Center for Juvenile Justice.

This project was supported by Grant No. 2015-JF-FX-K003 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view expressed in this document are those of the author(s) and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.

CULTURAL RESPONSIVENESS & THE COURTS

CENTER
FOR
COURT
INNOVATION

*Viewers' Guide to Building a Culture of Justice:
How Courts are Improving Access and
Understanding in Domestic Violence Cases*

Building a Culture of Justice is a multimedia training tool aimed at assisting justice-system staff and stakeholders on implementing culturally-responsive best practices in courts handling domestic violence cases. This guide is designed to help viewers explore ideas surrounding culture, specifically a survivor's culture as it relates to enhancing safety and access to justice.



Developed under OVW Award No. 2013-TA-AX-K042
by the [Center for Court Innovation](#) in partnership
with [Casa de Esperanza](#) and the [Asian Pacific
Institute on Gender-Based Violence](#).

WHAT IS CULTURE?

As you watch *Building a Culture of Justice*, consult the guide below to explore ways that courts can implement culturally-responsive practices. For a comprehensive checklist of best practices for courts, please see page 8.

Standard definitions of culture are often limited to notions of race, ethnicity, and nationality. However, the critical meaning of culture extends beyond those labels and refers to shared experiences or commonalities that have developed and continue to evolve relative to changing social and political contexts.

Culture includes:

- Race
- Ethnicity
- National origin
- Sexuality Gender
- Religion
- Age
- Class
- Language
- Disability status
- Immigration status
- Education
- Family structures
- Geographic location
- Generation or era
- Other axes of identification within the historical context of oppression¹

1. Sujata Warriar, Training and Technical Assistance Director, Battered Women's Justice Project, *Recognizing the Impact of Cultural Misinformation*.

“Cultural responsiveness is the ability to learn from and relate respectfully with people of your own culture as well as those from other cultures.”

National Center for Culturally Responsive Educational Systems

What other types of culture can you think of?

Consider how a more nuanced and layered understanding of culture allows for the diversity of individual experiences. An individual can live at the intersection of many types of culture and depending on context, may identify more strongly with some cultural aspects over others.

Like the individuals that they serve, courts have distinct cultures. Reflect on the first time you ever walked into a courthouse and the way you felt. *What was your gut reaction? What messages did the court convey? Did the court seem welcoming, friendly, or intelligible? In what ways could it improve those qualities? What personal experiences have you had that influenced those feelings? How might you feel differently if you identified with another cultural group?*

While court procedures, protocols, and structure may seem clear to court staff, litigants may have dozens of questions. In order to respond to the needs of the diverse communities they serve, courts should promote welcoming and inclusive environments. In fact, for survivors of domestic violence, court culture can have a direct impact on access to justice. Access includes issues such as procedural justice, court safety, and language services. Survivors of domestic violence may come to court for a variety of reasons: to seek specific legal relief, speak with an attorney or advocate, or simply because that's what they were advised to do. In order to keep survivors safe while ensuring offender accountability, courts should implement culturally-responsive services that are accessible to all litigants.

All individuals should be able to access the civil and criminal justice systems and obtain fair and just outcomes, regardless of social status, immigration status, or past involvement with the criminal justice system. Courts can work to improve access to justice by eliminating barriers that prevent individuals from understanding and exercising their legal rights and obtaining the outcomes they seek.²

While viewing *Building a Culture of Justice*, notice that Alex's ability to access justice directly hinges on a number of factors, including the presence of procedural justice, an efficient and safe court structure, the availability of language access services, and a welcoming court culture. Courts should consider implementing culturally-responsive best practices in these areas in order to serve all litigants effectively.

2. U.S. Department of Justice's Office for Access to Justice, *Mission*.

Procedural Justice refers to the fairness of justice procedures and interpersonal treatment of litigants, victims, and defendants. Research indicates that litigants are more likely to comply with court orders and follow the law if they felt that they were treated fairly, even if the final outcome was not in their favor.³

Increased compliance is important in domestic violence cases because it results in fewer violations of court orders, fewer returns to court, reduced dockets, and less strain on court funding and resources.

Elements of Procedural Justice

- *Voice*: litigants can express their views and have others advocate on their behalf
- *Respect*: litigants feel recognized as individuals whose voices matter
- *Neutrality*: all parties have a fair opportunity to present facts and make arguments in court
- *Understanding*: litigants understand court proceedings and their rights

Equal Representation

- Attorneys are available to represent victim-litigants and offenders

3. Tom R. Tyler, Macklin Fleming Professor of Law and Psychology, Yale Law School, *Procedural Justice, Legitimacy, and the Effective Rule of Law*.



Upon entering a courthouse, litigants may not know where to go or who to speak with. The physical layout and availability of signs and resources in the court enables greater access for all litigants and preserves their safety by directing them on how to navigate the courthouse. Courts should engage diverse community members in planning the building, renovation, and enhancement of the physical space.

Clerk's Office

- Availability of culturally-specific resources and referrals to domestic violence advocacy and social service organizations for survivors, offenders, and children

Accessibility

- Reachable distance and location for low-income and rural communities
- Physical accommodations for people with disabilities and elderly

Security

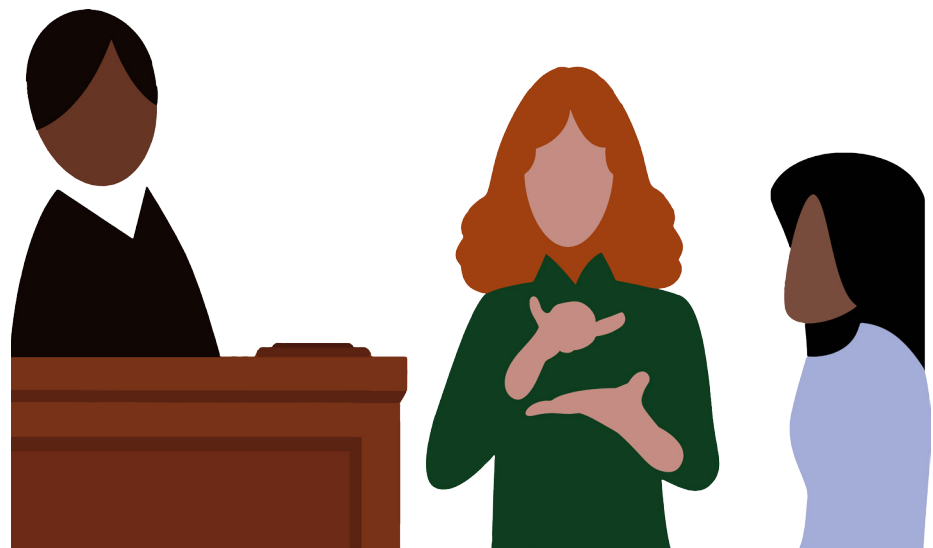
- Facilitation of a safe and neutral environment for all parties through the separation of petitioners and respondents, the presence of security staff, and flexible scheduling for survivors



A commitment to ensuring comprehensive language access goes beyond providing interpretation. Litigants may have varying reading comprehension levels or need translated materials. Courts should assess their community's population to discover the language needs and think about ways to include language access issues into their coordinated community response to domestic violence.

Limited English Proficiency (LEP)

- Ensure all forms, petitions, and orders are written in Plain English, i.e. clear, concise, and straightforward writing that avoids overly technical language
- Perform a needs assessment to determine which languages other than English are spoken by a significant number or percentage of the population in order to communicate effectively
- Ensure that interpreters are trained and comfortable using language describing domestic violence
- Family, children, and community members should never serve as interpreters
- Help raise community awareness on the availability of language services
- Train judges and court staff on the appropriate use of interpreters



Perhaps most significant in creating courts that are culturally responsive is the welcoming attitude towards litigants and the continuous commitment to expanding accessibility. Courts can achieve a more responsive culture by training court staff on identifying their own biases and engaging with individuals from all backgrounds and skill sets.

Gender Identity & Sexuality

- Ensure that court forms and orders are gender-neutral and/or allow litigants to define their own preferred gender pronoun
- Judges and court staff should not assume litigants are in a heterosexual relationship or that the survivor is female and the abusive partner is male*
- Judges and court staff should receive training on LGBTQ-specific issues in domestic violence cases
- Many languages have female and male words so courts should request that translations include both words or make language as gender neutral as possible

Culture & Domestic Violence

- Train judges and court staff on the dynamics and realities of domestic violence in culturally- specific communities
- Promote awareness towards varying cultural norms for addressing judges, testifying, court demeanor, past behavior, etc.
- Collaborate with culturally-specific organizations in the community
- Understand the fear of deportation or mistrust of the justice system due to immigration status of some litigants
- Avoid enforcing the idea of a “perfect victim” by recognizing that victims behave and react in a variety of ways

*Gender and Victim Identity

As is depicted in the video, survivors of domestic violence are often assumed to be female. While rates of domestic violence are higher against women, other demographics also experience this devastating issue.

One in four adult males are victims of domestic violence. In addition, the transgender community faces a greater risk of violence due to discrimination and transphobia. Courts should be aware of issues surrounding gender identity in order to protect all survivors from violence.

DISCUSSION QUESTIONS

Now that you've viewed *Building a Culture of Justice*, use the questions listed below to consider how courts currently engage survivors of violence.

- Why is cultural responsiveness particularly important within the context of engaging survivors of domestic violence like Alex?
- In the video, Alex initially feels ignored and lost in court. What do you think contributes to court staff feeling disconnected from survivors? What are ways to link courts to the communities that they serve?
- What types of court staff and stakeholders are depicted in the video? How do their individual interactions with Alex contribute positively or negatively to her experience?
- What are some examples of how cultural norms may be misinterpreted between litigants and court staff?
- In the video, Alex isn't depicted with her friends or family. Who is in a survivor's support network? What about the offender? How does the court include or exclude these support networks?
- Consider how Alex's experience would differ if she had children with her abusive partner. Are there reasons the survivor and offender may need to maintain communication?



Your Court and Community

- What does the concept of culture mean to you? What does it include and why? How do you describe your own culture?
- What types of culture were referenced or depicted in the video? How might the court system be structured to meet the needs of diverse cultures?
- What types of culturally-responsive practices did you see in the video? Are there other best practices that the video did not depict? Consult the list on page 9.
- What are some ways in which your court implements culturally-responsive practices? What are some ways in which your court comes up short?
- Think about what Alex would encounter in your court. What types of changes can your court make to be more friendly towards litigants from different cultures?
- How can you begin the process for implementing some of these best practices to make your court more culturally responsive to litigants?
- Which stakeholder support do you need the most to facilitate widespread buy-in and changing the culture of your court?



CULTURALLY-RESPONSIVE BEST PRACTICES

NEXT STEPS FOR YOUR COURT

- Create or enhance an existing committee or focus group on issues of language access, procedural justice, and court structure
- Identify and appoint a key stakeholder or judicial leader to act as a convener
- Create a litigant feedback form or conduct a needs assessment to identify existing gaps
- Hold regular stakeholder meetings and invite culturally-specific organizations to participate
- Rotate the location of meetings among different participating agencies
- Collaborate with national technical assistance providers for support on expanding knowledge of promising practices around domestic violence cases, providing effective interpretation, improving procedural justice, and implementing other culturally-responsive resources and trainings

PROCEDURAL JUSTICE

- Train judges and court staff on the elements of procedural justice: voice, respect, neutrality, and understanding
- Judges should ensure that litigants understand court procedure. Consider designing a script for the bench
- Train court staff on domestic violence dynamics
- Provide brochures and information stations that are clearly designated for litigants
- Design signage that is respectful and clear
- Provide both victims and offenders with civil legal attorneys, if available

COURT STRUCTURE

- Link both victims and offenders to services and resources, such as domestic violence agencies, self-help centers, and social services
- Ensure that the court is accessible through public transportation. The court may consider partnering with transportation services for litigants who cannot access public transportation

- Prevent delays by scheduling cases efficiently and considering the work schedules of parties
- Install ramps and elevators and design wide hallways for parties using wheelchairs
- Train security staff on domestic violence dynamics
- Separate victims and offenders in and outside of the courtroom and waiting rooms. Station? security in the hallways, and other relevant areas

LANGUAGE ACCESS

- Use plain English in court forms, orders, and during court appearances
- Explain court procedure, forms, and orders clearly from the bench and in writing
- Use language line and certified court interpreters, including sign language interpreters if necessary. Train judges and court staff on using these services
- Translate court forms and orders into major languages of the jurisdiction
- Create clear signage in major languages of the jurisdiction
- Hire bilingual police officers, court staff, attorneys, and advocates to perform their professional roles in multiple languages (but not to be used as surrogate interpreters)
- Offer culturally-responsive probation and offender programming and treatment

COURT CULTURE

- Design gender-neutral court forms and orders
- Encourage litigants to indicate preferred gender pronouns
- Link litigants to culturally-specific services, including domestic violence programming
- Train judges and court staff on implicit bias, LGBTQ-specific issues, and immigration issues related to domestic violence
- Train judges on accommodating victims who must maintain contact with abusive partners

For More Information

Please consult the following toolkits on language access: *Increasing Language Access in the Courts* by Casa de Esperanza, *Language Access in State Courts* by the U.S. Department of Justice, and *Effective Court Communication: Assessing the Need for Language Access Services for Limited English Proficient Litigants in Domestic Violence, Sexual Assault, Dating, and Stalking Cases* by the National Center for State Courts and Center for Court Innovation.



www.courtinnovation.org



www.nationallatinonetwork.org



www.api-gbv.org

This project was supported by Award No. 2013-TA-AX-K042 awarded by the Office on Violence Against Women. The opinions, findings, conclusions, and recommendations expressed in this document are those of the authors and do not necessarily reflect the views of the U.S. Department of Justice.