

# 2017-2018 COURT WATCH REPORT

## EXECUTIVE SUMMARY

**60%** OF CASES OBSERVED = INTIMATE PARTNER VIOLENCE (IPV)

### PROGRAM OVERVIEW

The 2017-2018 Court Watch program was developed after consultation with an Advisory Group of community partners and other victim advocacy organizations. The goals of the project include a) improving victim/survivor safety in Dane Co. by promoting consistent, trauma-informed, and victim-centric approaches to injunction hearings and orders, b) informing legal system stakeholders of injunction hearing trends, and c) identifying recommendations for trauma-informed courtroom practices.

DAIS Legal Advocacy Program staff and volunteers observed injunction hearings from October 2017 to October 2018, in the courtrooms of 20 Dane County Circuit Court Judges. Objective data and anecdotal observations regarding courtroom protocols, procedures, and responses to victims were recorded using a collection tool.

For the full report, please contact DAIS Legal Advocacy Program Coordinator Virginia Escudero.

### OBJECTIVE FINDINGS

- 850 total cases observed, 60% of which involved IPV
- 44% of injunctions granted
- Average of 43 hearings per judge (R= 5 to 73)
- 13% of requested 10 Year injunctions granted
- In 56% of injunctions granted, judge explicitly asked petitioner what they wanted included in the order
- **Lack of representation:** 79% of petitioners were *pro se*
- 10% petitioners accompanied by Service Representative
- **Gender disparities:** 78% of petitioners were female; 70% of respondents were male

# DAIS

### MISSION:

To empower those affected by intimate partner violence, and to advocate for social change through support, education, and outreach

### DV/IPV STATISTICS\*

In 2017 Wisconsin: ~ 1 death every six days because of DV/IPV

**Leaving is the most dangerous time:** 42% of 2017 Wisconsin IPV homicides occurred after victim left

### LETHALITY RISK FACTORS

ACCESS to FIREARMS  
SEXUAL ASSAULT  
STALKING  
STRANGULATION  
THREATS of HOMICIDE  
or SUICIDE

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BECAUSE **79%** OF PETITIONERS WERE *PRO SE*....

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### BEST PRACTICES

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- Trauma-informed judicial demeanor
- Clear explanation of courtroom procedure for *pro se* parties
- Acknowledgment of dynamics re: power and control
- *Pro se* friendly discussion of order, Firearm Surrender
- Communication exceptions which incorporate victim safety

### OBSERVER CONCERNS

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- Perpetuating misconceptions re: the dynamics of intimate partner violence, e.g. "cooling-off period" fallacy
- Dismissive treatment of victims, non-English speakers
- "Retaining jurisdiction" and other unclear orders
- **Inconsistent discussions of:** orders, courtroom procedures, Firearm Surrender protocols, Service by Publication, 10-year injunctions

### RECOMMENDATIONS

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1. Implement training for all court personnel re: dynamics of intimate partner violence and trauma-informed care
2. Create a dedicated Domestic Violence bench in the Dane County Circuit Court system
3. Develop further resources re: safety planning and victim advocacy organizations; disseminate at filing AND after hearing
4. Implement consistent, transparent protocols for *pro se* litigants, especially re: explanations of expectations and orders



### ADVISORY GROUP

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**Marlys Howe**, District Attorney  
Domestic Violence Unit Mgr.

**Jaime Sathasivam**, Rape Crisis  
Center

**Christine White**, Dane Co.  
Human Services, Adult Protec-  
tive Services

### DAIS LEGAL ADVOCACY PROGRAM STAFF

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**Virginia Escudero**, DAIS Legal  
Advocacy Program Coordinator

**Aries Almanza-Lentini**, DAIS  
Bilingual Legal Advocate

**Tegan Swanson**, DAIS Legal  
Advocate

### COURT WATCH PROGRAM VOLUNTEERS

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Kayla Sue  
Madeline Weston  
Madeline Zimmerman  
Morgan Spark  
Rachel Zierdan  
Tesa Roidt

### CONTACT

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