

MICHIGAN TV

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DOMESTIC VIOLENCE DOCKETS

A Means to Eliminating Community
Tolerance of Domestic Violence

Overview

- A look at “battering” vs. Domestic Violence
- An Interview with a Judge- Getting Started
 - Obstacles & Objectives
 - Collaboration with the “Team”
 - Docket Management & support
 - Lessons Learned
- Other Options- You Must Start Somewhere

Domestic violence? Battering? Is there a difference?

The Michigan Penal Code defines “domestic violence” as assault or assault/battery committed against:

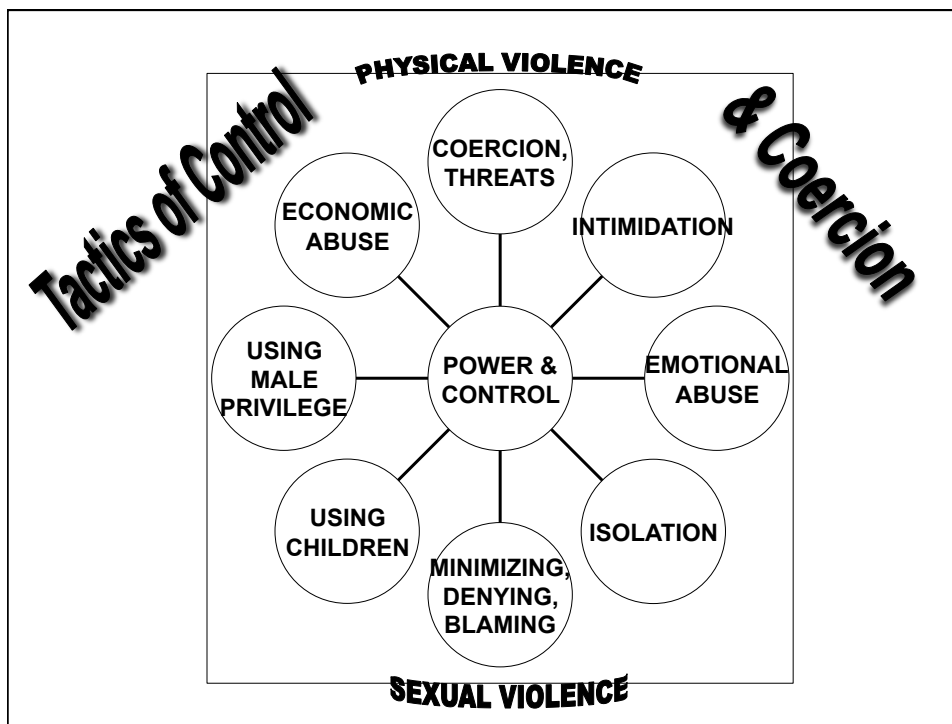
- A spouse or former spouse, or
 - Someone with whom the perpetrator has or had a dating relationship, or
 - Someone with whom the perpetrator has a child in common, or
 - A resident or former resident of the perpetrator’s household
- (MCL 750.81(2))

What is “Battering?”

- A pattern of coercive, control
- Exercised using tactics such as physical, sexual, emotional, and/or financial abuse
- Chosen with intent to establish and maintain control over an intimate partner
- Directed at partner, possessions, pets, family members, associates, etc.
- Some tactics are criminal, many are not.

Summary: Context for intimate partner violence

- One-time, uncharacteristic assault
- Generally violent fighter
- Battering
- Self-defense, resistance vs. retaliation not meeting the legal definition of self-defense
- Mental illness, brain injury
- Substance Abuse



Batterers entrap their partners by...

- ❑ **Continuing and/or escalating violence after separation!**
- ❑ Threatening or harming children
- ❑ Controlling the family's money
- ❑ Convincing others (including their partners) that their partner is responsible for the violence
- ❑ Promising to change
- ❑ Isolating their partners from sources of support
- ❑ Undermining their partners efforts to break free

Other factors to be exploited

1. Immigration status
2. Pressure to support the batterer from family, social networks
3. Love for the batterer
4. Inclination of systems workers to disbelieve accounts of violence



An Interview With a Judge

Michigan Court of Appeals Judge Amy Ronayne Krause

Judge Krause began her legal career as a litigation attorney for a private law firm and for the following eight years as an Assistant Prosecuting Attorney. In 1997, she was appointed an Assistant Attorney General by then Attorney General Frank J. Kelley and was the first recipient of the Frank J. Kelley Award for Excellence in Trial Advocacy. Judge Krause worked for the Attorney General's Office for six years.

Judge Amy Ronayne Krause was appointed to the Court of Appeals in November of 2010. Previously, she was appointed to the 54-A District Court in 2003 and was subsequently elected. She served on the District Bench until her appointment to the Court of Appeals. Judge Krause played an integral part in the development and implementation of the dedicated domestic violence docket. She served as the dedicated domestic violence district judge until her appointment to the Court of Appeals.

Interview with Judge Krause

How did you come to preside over a specialized docket dedicated to Domestic Violence?

- Issues and problems with traditional handling of domestic violence cases
- Specialized Training
- Time delay
- Follow up with Batterers Intervention Programs

Interview with Judge Krause

Objectives of the dedicated Domestic Violence docket?

- Maximize safety for victims
- Holding offenders accountable
- Ensuring fair and equitable treatment in criminal justice system for those affected by domestic violence
- Eliminating community tolerance of domestic violence
- Homicide prevention

Interview with Judge Krause

Collaboration

- Advocates
- B.I.P
- Court & administrative staff
- Defense bar
- Law enforcement
- Probation
- Prosecutors
- Shelter

Interview with Judge Krause

Describe the process your jurisdiction took in creating a dedicated domestic violence docket:

- Funding
- Guidance from other jurisdictions
- State-wide trainings
- Best practices
- Forms

Interview with Judge Krause

The docket:

- Working with collaborators
- Meeting regularly
- Logistics
- Types of cases limited
- Court staff
- Ongoing training

Interview with Judge Krause

Effective pre-sentence investigation reports

- What are the elements of a good report?

- What probation conditions promote safety and accountability for batterers?

- What should I tell the crime victim about the probation conditions and the probation process?

Working with batterer intervention services

- Why BIS?
- Why is the recommended period for BIS so long?
- How can I find a program that meets state standards?
- What if there's no program that meets state standards in my jurisdiction?
- What should I tell the crime victim about BIS?
- What if the probationer can't pay for BIS?

Interview with Judge Krause

Lessons learned:

- Recidivism
- Victim's needs addressed
- Defendant's right guaranteed
- No Contact order review
- Batterer's Intervention Programs & Judicial oversight

	OTHER OPTIONS
<ul style="list-style-type: none">• Fast tracking DV cases• Specially assigned prosecutors and/or probation officer who handle DV cases vertically• Shelter advocates assigned to courts	

	YOUR QUESTIONS?

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