

COUNTY OF SANTA CLARA

Domestic Violence Council Committee: COURT SYSTEMS

FY2011-2012 Committee Chair: Hon. Kurt Kumli (Criminal Court)

Committee Members: Julie Saffren (DVC member, Family Law attorney); Nancy Marshall (DVC member, DVIC); Judge Mary Ann Grilli (Family Court); Maureen Lowell (DVC member, SJSU, MFT); C.J. Neustadter (Family Court Services); Judge Mary Arand (Family Court); Stacy Goss (Pretrial Services); Martha DeJesus (Probation); Michele Diederichs (Public Defender); Rolanda Pierre-Dixon (District Attorney); John Nieman (Office of Dependency Counsel); Patricia Bennett (DVC member, Next Door); Virginia Ballantyne (Next Door); Barbara Krzyczkowska (Community Psychotherapy Institute); Bart Sloan (Adult Probation); Zakia Afrin (Maitri); Brenda Farrell-Thomas (Family Court Services, Probate and Dependency); Sharon Bashañ (Pro Bono Project); Carisa Davis (DV Criminal Court); Erin Smith (Family Law attorney); Cindy Luu (AACI); Anita Wilson (Community Solutions); Judge Beth McGowen (Juvenile DV Court); Rebecca Pedroza (Bay Area Legal Aid); Sgt. Jason Herr (SJPD); Alicia Garcia Escobedo (DFCS)

Committee Interested Parties: Crisanne Hazen (LACY); Jessica Trevino (DV Advocate, Probation); Lt. John Rose (SJPD Family Violence Unit); Judge Eugene Hyman (ret.); Fariba Soroosh (DVC member, Family Court Facilitator) Melissa Garner (A Caring Place); Nicki Ford (Bay Area Legal Aid); David Duran (DFCS)

Mission Statement: Court Systems is a multi-functional committee of representatives from Domestic Violence courts, law enforcement, county agencies, service providers, community agencies and advocates, all with a stake in domestic violence matters in Santa Clara County. The mission of the Court Systems Committee is to enhance victim-survivor safety and improve accountability for perpetrators through coordination among these stakeholders and reporting to the Domestic Violence Council on ways in which the court system can better coordinate its response to domestic violence issues, including services, training, education and the administration of justice.

Committee Meeting Time/Place: 3rd Mondays from 12:15 – 1:15pm in Department 95, 99 Notre Dame Avenue

FY2010-2011 ACCOMPLISHMENTS OF COURT SYSTEMS COMMITTEE

GOAL/OBJECTIVE	ACTIVITIES SUPPORTING GOAL	STATUS
<p>Improve Court Responses to Domestic Violence Issues Related to Children</p>	<ol style="list-style-type: none"> 1. Unify reviews for child abuse crimes with Domestic Violence calendar 2. Coordinate information and response between Criminal Court and Dependency Court Systems 	<ol style="list-style-type: none"> 1. COMPLETED JULY 2010 2. SIGNIFICANT IMPROVEMENTS IN 2010 - DONE
<p>Update and Clarify Standards and Practices for Court Systems</p>	<ol style="list-style-type: none"> 1. Review and revise our mission statement 2. Improve civil standby orders and practices in Civil and Criminal Court 3. Increase victim safety by improved redaction practices for reports, including rec's for training and use of that information 4. Participate in California Courts Protective Order Registry (CCPOR) pilot project to ensure online access to a statewide repository of restraining orders for Courts and law enforcement 5. Continue monitoring of Penal Code 415 probation-denied dispositions 6. Gather and review information from Committee Members about their reviews of their respective department and court protocols for purposes of interagency collaboration 	<ol style="list-style-type: none"> 1. COMPLETED JUNE 2010 2. REVIEWED MAY/JUNE 2010 - DONE 3. REVIEWED JUNE 2010 - DONE 4. CCPOR GO-LIVE July 2010 - DONE 5. ALL 415 REVIEWS & SENTENCING NOW HEARD BEFORE A SINGLE JUDGE FOR CONSISTENCY AND IMPOSITION OF SENTENCE 6. THREE PROTOCOLS REVIEWED

FY2011-2012 COURT SYSTEMS COMMITTEE WORK PLAN

GOAL/OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY	TIMELINE FOR COMPLETION
Objective 1: 415 matters in Criminal and Family Courts	<ul style="list-style-type: none"> • Create ad hoc committee to review Penal Code 415 probation-denied dispositions relative to defendant history and criminal conduct to insure consistent standards and evidence-based outcomes • Improve information to provided to Family Court and Probate Court for defendants convicted of Penal Code 415 offenses • Create a written advisement for defendants who are convicted of 415 offenses to clarify the nature of the offense and the expectations and consequences that result from the plea 	2	<ul style="list-style-type: none"> • ONGOING throughout fiscal year • 1Q-2Q • 1Q-2Q
Objective 2: Protective Orders	<ul style="list-style-type: none"> • Create ad hoc committee to clarify the different purposes and procedures for protective orders in different court systems (e.g. Criminal, Family, Dependency) • Increase understanding of protective order issuance, provisions, methods for modification, limitations of forms • Improve coordination of custody, visitation and reunification orders and plans between the courts 	1	<ul style="list-style-type: none"> • ONGOING throughout fiscal year
Objective 3: Internal Knowledge of our Court Systems	<ul style="list-style-type: none"> • Create opportunities for committee members to increase their understanding of other court systems (e.g. internal court watch, shadowing such as shadowing at Next Door Solutions, etc) • Formalize up to four cross-training opportunities for Court Systems members (e.g. BIP providers and Family Court: Family Court Services staff and Criminal Court processes; etc.) • Educate stakeholders re: appropriate safety and risk assessment in DV cases 	2	<ul style="list-style-type: none"> • 1Q-2Q • 3Q-4Q • ONGOING throughout fiscal year
Objective 4: County-wide Standards and Practices	<ul style="list-style-type: none"> • Implement methods to increase consistency and quality control in the administration of DV matters across all courts (e.g. training, documentation of best practices, including 415 dispositions, issuance and modification of protective orders) • Hold two Court Systems meetings at North County and South County courts to increase collaboration and discuss issues • Facilitate/improve access to services for children who are victims of or exposed to domestic violence 	1	<ul style="list-style-type: none"> • ONGOING throughout fiscal year • 1Q-2Q • 3Q

COURT SYSTEMS MEETING

October 17, 2011

DEPARTMENT 95

PRESENT: Judges Emede, Arand and Ryan; Brenda Farrell-Thomas; Jennifer Kelleher; John Nieman; Julie Saffren; Sharon Bashan; Steven Dick; Maureen Lowell; Carl McGrew; Erin Smith; Michele Diederichs; Annie Martinez; Dara Garcia

1. **Minutes:** Minutes for September 2011 were approved
2. **Public comment:** None.
3. **Departmental/Agency/Project Reports:**

Criminal Court

- Judge Emede reports on the way the court is handling realignment now that instead of prison, many defendants will be serving time locally. She commented that for most DV cases that serve time in jail, realignment will not result in local service of prison time.

Probation

- No report

Family Court

- Two new Spanish speaking mediators on board
- Judge Arand expressed concern re: number of DV homicides; she believes for investigation purposes, law enforcement may not be aware of information that exists in Family Court files. She will work with DA and law enforcement on protocol to facilitate access to information. Even CP (confidential) cases may be access for good cause.

Pretrial Services

- Carl McGrew reports on realignment, PTS is dealing with the pressures. Reported that technical violations are up, Failure to appear rates are the same and new arrests are only up by .01 percent.

DA

- No report

Public Defender

- No report

4. Community Reports

- **Pro Bono Project:** has availability for more DVLSR cases. Annie Martinez noted that YWCA got different information when they contact PBP. Sharon Bashan will look into that.

5. Discussion topics

(a) New Judicial Council forms coming out in January. To be agendaized for review at future Court Systems meeting. Will also be reviewed at Judge Arand's next DV Resources meeting on December 9, 2011.

(b) 415 advisement issue (immigration consequences): Committee continued discussion on the 415 advisement give the PD's concern that they cannot advise defendants to sign an advisement due to potentially adverse immigration consequences. Discussed need to balance consequences with Family Court's need for information and providing accountability information to providers. Whatever the policy is, must be same for all defendants regardless of immigration status. Options discussed include: verbal advisement only; providing minute order to Family Court and providers; require signature if a defendant wants the 415 deal. Judge Emede will have further discussion with judges and will provide a script similar to Judge Kumli's proposal.

Meeting was adjourned at approximately 1:15 pm.

Respectfully submitted, Julie Saffren