



DOMESTIC ABUSE INTERVENTION SERVICES

2021-2022 COURT WATCH REPORT EXECUTIVE SUMMARY

DAIS Mission

Empower those affected by intimate partner violence and advocate for social change through support, education, and outreach.

Overview

The Domestic Abuse Intervention Services (DAIS) Court Watch Program observes Dane County injunction hearings to establish a data-driven analysis of the Circuit Court system's advancement of victim safety and perpetrator accountability in intimate partner violence cases.

The Court Watch Program aims to 1) improve the experience of survivors of intimate partner violence (IPV) who seek restraining orders, 2) provide information to legal stakeholders regarding trends in the court systems handling of Domestic Abuse and Harassment injunction cases, 3) identify recommendations for improved trauma-informed and victim-centric responses to Domestic Abuse and Harassment injunction cases and 4) further inform legal stakeholders about the role of service representatives in the court process.

Please contact Kianna Hanson, DAIS Legal Advocacy Program Manager at kiannah@abuseintervention.org for the full report.

Objective Findings

- 438 total cases observed, 59% of which involved IPV
- 38% of injunctions granted
- Average of 21 hearings per judge (R= 3-44)
- 13 ten-year injunctions granted
- **Lack of representation:** 83% of petitioners appeared *pro se*
- 13% of petitioners were accompanied by a service representative.
- **Gender disparities:** 77% of petitioners were female; 72% of respondents were male

A special thanks to **Virginia Gittens-Escudero, UNIDOS**
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Wisconsin Statute §895.45

Allows an adult who alleges they have been the victim of abusive conduct or a victim of a crime to select a service representative from an organization or victim assistance program to attend hearings, depositions and court proceedings (both civil and criminal) with them.

Best Practices

- Clear and consistent expectations and explanations of court processes and procedures
 - Including service by publication, firearm surrender and 10-year injunctions
- Compassionate and patient demeanors by court officials
- Courtroom safety best practices
 - Keeping petitioners and respondents separate
 - Two bailiffs in the courtroom
 - Allowing the petitioner to leave first

Observer Concerns

- Lack of consistency with court procedures, particularly for *pro se* litigants
- Lack of conversations about service by publication options for petitioners
- Inconsistent discussions about 10-year injunctions and firearm surrender protocols
- Statutory requirements for domestic abuse injunctions not being consistently followed

Recommendations

1. Implement ongoing training of all judges and court personnel regarding the dynamics of intimate partner violence and trauma-informed care.
2. Create a dedicated branch of a limited number of Domestic Violence judges to hear cases; enable judges to develop expertise in intimate partner violence.
3. Implement and follow consistent procedures for handling of injunction hearings, such as the order cases are called, the formality in which the hearing is conducted, discussions of 10-year injunctions, firearm surrender and service by publication.
4. Add additional gender options, or "other" to accommodate gender identities other than "male" and "female".

*According to Centers for Disease Control and Prevention, 2022 **Campbell JC, Webster D, Koziol-McLain J. et al ***Taken from the 2021 Wisconsin Domestic Violence Homicide Report, End Domestic Abuse Wisconsin

STATISTICS

1 in 3 cis-gendered women will experience IPV in their lifetime *

Abusers with access to firearms are five times more likely to kill their victims **

Firearms were used in sixty-seven percent of domestic violence homicides in 2021***

LETHALITY RISK FACTORS**

Stalking
Contact with law enforcement
Threats to take their own life
Threats to kill victim
Access to a firearm
Strangulation