

# Integrated Domestic Abuse Court: Evidence and practice briefing

## Summary

### Background

In June 2020, the Government published the Harm Review, an expert-led review into how the family courts handle domestic abuse and other serious offences. The review found that the adversarial process in the family courts often worsened conflict between parents, which could re-traumatise victims and their children. In its response to the report, the Government committed to create an Integrated Domestic Abuse Courts (IDAC) pilot, to consider family and criminal matters in parallel in order to provide more consistent support for victims.

### Key features of Integrated Domestic Abuse Courts

Our conversations with practitioners and our review of the existing literature identified the following key features of IDACs:

- IDACs sit within a wider family of specialised domestic abuse court models. IDACs uniquely bring together domestic abuse cases which would traditionally be heard separately in the criminal, civil or family courts into one court process.
- IDACs use integrated case listing and information to simplify the legal process for litigants, often seeking to ensure all eligible court hearings for a family are heard in front of the same judge, in part to reduce the likelihood of conflicting orders.
- Some IDACs deal with almost all domestic abuse cases across criminal, civil and family courts in a particular local area regardless of whether there are concurrent cases; others hear a subset of domestic abuse cases where there is likely to be overlap between an existing case and previous orders made or where there are outstanding issues which might reasonably be litigated; and a small group only hear cases where there are concurrent proceedings.
- IDACs integrate these court processes with services to promote safety, advocacy and support.
- IDACs often employ judicial monitoring, following the imposition of a criminal sentence, or civil orders of protection, to monitor compliance of perpetrators.

We also note the existence of in the USA “coordinated” domestic abuse court models that address many of the same goals as IDACs, but due to local legal culture and court operations, use a small team of judges rather than a sole judge to hear the civil and criminal cases.

## Key points

- **IDACs integrate these court processes with services to promote safety, advocacy and support.**
- **At present, the evidence base on IDACs is small and unclear and the Government pilot promises to add significantly to our understanding of their impact.**
- **International practice shows that IDACs bring together domestic abuse cases which would be heard separately in the criminal, civil or family courts into one court process.**

## **Evidence base on Integrated Domestic Abuse Courts**

Our review of the literature suggests that the number of empirical evaluations of IDACs is both too small and not of sufficient quality to draw firm conclusions regarding the effectiveness of these courts.

However, evaluation on broader specialist domestic abuse courts suggests they can improve victim satisfaction, compared to traditional court processing. Moreover, where specialist domestic abuse courts take a problem-solving approach and deploy judicial monitoring post-sentence, there is promising evidence they can change sentencing patterns and can make a difference to the frequency of re-offending. However, the evidence base is predominantly drawn from North America and therefore translating those findings into England and Wales is complex.

## **Implementation lessons**

Our conversations with practitioners and our review of the existing literature identified the following implementation lessons for IDACs:

- Eligibility for IDAC cases should be clearly defined, identifying which types of cases ought to be routed into the IDAC.
- The use of a court coordinator role is especially useful to ensure eligible cases are identified, routed into the IDAC and managed effectively when there.
- The IDAC needs strong partnerships with external services, to give the court the ability to fast track court users into suitable services for culturally appropriate, person-centred support.
- While IDACs may have benefits in terms of information-sharing and victim safety, there is the potential for significant additional costs involved in increased staff time and output.
- A key emphasis should be placed on training and continuous professional development for staff. This should include culturally sensitive and anti-discriminatory training.
- Provisions for staff well-being should also be made to manage stress and potential burnout.

## **Conclusions**

The proposed funding for the Ministry of Justice offers an exciting opportunity to properly trial an investigative and problem-solving approach to domestic abuse. Despite the acknowledged issues about the transferability of models of practice from one jurisdiction to another, we hope that the lessons we have drawn together from the international practice and evidence around existing IDACs offers useful ideas and insights into how these courts can be effectively piloted in England and Wales.

Moreover, it is clear that the piloting of an IDAC in England and Wales provides a significant opportunity to conduct a thorough, wide ranging and long-term evaluation of IDACs on a range of outputs and outcomes. It would be highly valuable if that evaluation focused on measuring the experience of litigants going through the IDAC and on civil and family outcomes as much as the more traditional quantitative and criminal justice measures hitherto used.

## Purpose of the briefing

This briefing aims to provide practitioners and policymakers with a summary of the evidence and models of practice present in IDACs internationally. We outline:

- The policy background;
- An overview of specialist domestic abuse courts, including IDACs;
- A summary of their key features;
- A summary of the evidence base;
- Identify key lessons for implementation in England and Wales.

In regards to terminology, we note that although the term domestic abuse is now commonly used in England and Wales, this briefing also uses the term 'domestic violence' where that is the term used in other jurisdictions.

## Policy background

In June 2020, the Government published a report by an expert panel on the harm to parents and children in private family law proceedings, with a particular focus on domestic abuse.<sup>1</sup> Known as the 'Harm Report', this paper identified four overarching barriers to the private family court's ability to respond fairly and effectively to domestic abuse:

- Resource constraints: resources available have been inadequate to keep up with increasing demand in private law children proceedings, and more parties are coming to court unrepresented.
- The pro-contact culture: respondents felt that courts placed undue priority on ensuring contact with the non-resident parent, which resulted in systemic minimisation of allegations of domestic abuse.
- Working in silos: submissions highlighted differences in approaches and culture between criminal justice, child protection (public law) and private law children proceedings, and lack of communication and coordination between family courts and other courts and agencies working with families, which led to contradictory decisions and confusion.
- An adversarial system: with parents placed in opposition on what is often not a level playing field in cases involving domestic abuse, child sexual abuse and self-representation, with little or no involvement of the child.

The Government's response, published on the same day, identified that the last two of these barriers could be addressed by trialing an Integrated Domestic Abuse Court (IDAC) -- "a 'One Family, One Judge' court which uses a non-adversarial, investigative approach to deal with families who have cases in both the family and criminal jurisdictions."<sup>2</sup> The Harm Report recommended that Family Drug and Alcohol Courts (FDACs) in England, along with international models of specialist domestic violence courts and other problem-solving courts internationally, should be drawn upon to design a model that will work in England and Wales. This announcement is supported by the Chancellor of the Exchequer Rishi Sunak MP's announcement that the Ministry of Justice would receive £5 million to conduct this pilot.<sup>3</sup>

## Models of domestic abuse court

### *Types of domestic abuse courts*

In previous work, we have identified that, internationally, there are three main specific types of court model dedicated to hearing domestic abuse cases:<sup>4</sup>

- Specialist domestic violence courts (SDVCs): SDVCs operate in criminal court only. Domestic violence cases are fast-tracked into specially convened hearings with specialist court professionals.

Victims are provided support with service, court orientation and advice services. In England and Wales, SDVCs operate in magistrates' courts and victims are supported by Independent Domestic Violence Advocates.

- Problem-solving domestic abuse courts: These operate in criminal courts only and involve a single presiding judge; dedicated on-site staff (including a court resource coordinator, a victim advocate, and representatives from defence and prosecution). They differ from SDVCs principally because they also operate intensive judicial supervision of cases, post sentence, which enables the court to hold offenders accountable by promoting compliance with protection orders and other court mandates, such as programme attendance, and to swiftly respond to non-compliance.
- Integrated Domestic Abuse Courts (IDACs): These courts handle a range of matters – which can include criminal, family and civil – relating to a family to promote consistent handling of all matters involving the same family, all in the same court. Some of these courts operate on a one family, one judge approach, which can mean all cases are heard together in front of the same judge, on the same day. They often include judicial monitoring of offenders and assist families in accessing community services and resources, including domestic violence and child victim advocacy agencies.
- Coordinated domestic abuse court models: These courts use a 'coordinated model' to manage domestic abuse. This approach uses a small team of judges rather than a sole judge to hear the civil and criminal cases. Judges are well supported by a court coordinator and administrative staff which ensures effective and timely information sharing.

### ***Aims of domestic abuse courts***

Domestic abuse courts, whether specialist, problem-solving, integrated or coordinated, are complex interventions, often with multiple and overlapping aims.

All four type of domestic abuse courts generally share the following aims:

- Faster listing of domestic abuse cases;
- Improving victim satisfaction with the court process;
- Improving victim safety;
- Improving victim well-being;
- Increasing the meaningful resolution of cases (which may include dropping charges if reasonable alternative resolutions have been found).

Problem-solving domestic violence courts, IDACs and coordinated courts often also aim additionally to change sentencing patterns, in a variety of different ways:

- Changes to criminal sentencing/use of protection orders compared to similar cases going through the traditional courts;
- A more coordinated and comprehensive response to the issues presented by perpetrator and complainant, including the greater use of programmes and court-accountability mechanisms, such as judicial monitoring, compared to similar cases going through the traditional courts;
- Changes to the sanctions for non-compliance compared to similar cases going through the traditional courts

Problem-solving domestic violence courts, IDACs and coordinated courts often also aim to change rates of re-offending by perpetrators, reducing both the frequency and harm of re-offending.

### ***The history of the IDAC model***

The idea that court integration could improve justice responses to domestic abuse first arose out of

problem-solving domestic abuse courts in New York State. As in England and Wales today, in New York State different legal matters relating to domestic abuse could be heard in criminal, civil and family courts. This meant that it was possible for a parent experiencing or perpetrating domestic abuse to be simultaneously involved in criminal, civil, private and/or public family proceedings with three or four different judges. The model for an integrated court was promoted as a means of reducing fragmentation in the legal system and preventing contradictory orders from different courts. The first integrated court, which combined criminal matters with family and civil proceedings, was developed by Judge Judy Harris Kluger and the Center for Court Innovation in 2000 in New York.<sup>5</sup>

An IDAC was trialed in England in 2006 in Croydon for one year. The integrated court aimed to build upon the relatively recent creation of specialist domestic violence courts, by improving identified issues such as information sharing. It was not continued past its initial pilot, largely due to low referral rates making a robust evaluation difficult.

Today, there are IDAC models which deal with domestic abuse in many different parts of the USA, and in Canada and Australia. In Victoria, Australia, IDACs are called Specialist Family Violence Courts (SFVCs), which operate as part of the Specialist Family Court Division within the Magistrates' Court of Victoria.

### Key features of IDACs

The key features of IDACs are:

**Specialisation:** Like other types of domestic abuse courts, IDACs focus solely on cases concerning domestic abuse. They often are a specialised type of court hearing, occurring in a regular court building. Specialisation requires that judges and all court personnel receive specialist training in domestic abuse. IDACs aim to have specifically trained staff to effectively manage both the criminal and civil aspects of domestic abuse cases within the same family.<sup>6</sup>

- **Eligibility:** The remit of IDACs varies from place to place, but they typically cover civil injunctions, some degree of criminal proceedings, some types of private family law and, more rarely, public family law or youth justice.
- **Integrated case listing:** Integration of case listing is intended to simplify the legal process for parents involved with the courts, allow judicial continuity, and reduce the likelihood of conflicting orders. This can mean cases are listed so all of a family's cases are held on a single day, to reduce the amount of times parties have to attend court. IDACs can often have a coordinator whose focus is on ensuring that eligible cases are listed in IDAC and that subsequent court hearings for families are managed efficiently.
- **Integrated information sharing:** Timely information sharing should take place across all aspects of the family's cases from organisations to support court staff in safe and effective decision making.
- **Case integrity:** In some IDACs, all cases are heard in front of the same judge. Despite being heard by the same judge, individual cases retain their legal integrity and are adjudicated according to the legal frameworks and standards of proof specific to their jurisdiction.
- **Safety, advocacy and support:** The physical courtroom is set up to ensure matters are heard safely, including measures like safe waiting areas. The court operations are combined with services to support and advocate for the litigants, including, for example, a dedicated victim advocate to provide safety planning and counselling.
- **Judicial monitoring:** Following the imposition of a criminal sentence, or civil orders of protection etc, the court regularly conducts review hearings in front of the judge to monitor compliance and progress. IDACs often have a proactive approach to non-compliance, including the use of graduated sanctions.

For more detail, please see Table 1 which provides detail on these key features from four IDACs in different jurisdictions.

### Coordinated models

Coordinated models operate with many of the same key features of IDACs. The most notable difference is the use of a team of judges, rather than a sole judge. An example of this type of court is the Miami-Dade Domestic Violence Court in the US.<sup>7</sup> The court has a team of seven judges and a supporting case management unit of five attorneys. The court manages hearings such as civil orders for protection and misdemeanours involving domestic violence.

**TABLE 1: KEY FEATURES OF INTEGRATED DOMESTIC ABUSE COURTS**

The specific characteristics of integrated domestic abuse courts vary across jurisdictions. Table 1 highlights a comparison of features of current integrated domestic abuse courts.

	<b>Kings County Integrated Domestic Violence Court<sup>8</sup></b>	<b>Erie County Integrated Domestic Violence Court<sup>9</sup></b>	<b>Integrated Domestic Violence Court, Ontario, Canada<sup>10</sup></b>	<b>Specialist Family Violence Courts, Victoria, Australia<sup>11</sup></b>
<b>Specialisation</b>	<ul style="list-style-type: none"> <li>● The IDVC only hears domestic violence cases.</li> <li>● Judges and all court personnel receive specialist training.</li> </ul>	<ul style="list-style-type: none"> <li>● The IDVC only hears domestic violence cases.</li> <li>● Judges and all court personnel receive specialist training.</li> </ul>	<ul style="list-style-type: none"> <li>● The IDVC only hears domestic violence cases.</li> <li>● Judges and all court personnel receive specialist training.</li> </ul>	<ul style="list-style-type: none"> <li>● The SFVCs only hears family violence cases. The definition for family violence is set out in legislation and refers to “harmful behaviour that is used to control, threaten, force or dominate a family member through fear.”</li> <li>● Judges and all court personnel receive specialist training</li> </ul>
<b>Eligibility</b>	<ul style="list-style-type: none"> <li>● The IDVC only hears domestic violence cases, which include:                             <ul style="list-style-type: none"> <li>■ Criminal misdemeanour and felony cases</li> <li>■ Family court custody, visitation, and family offense petitions</li> <li>■ Matrimonial/ divorce cases.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● The IDVC only hears domestic violence cases, which include:                             <ul style="list-style-type: none"> <li>■ Criminal misdemeanour and felony cases.</li> <li>■ Family Court family offense petitions, custody/access petitions, child support petitions</li> <li>■ Matrimonial/ divorce cases.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● The IDVC only hears domestic violence cases, which include:                             <ul style="list-style-type: none"> <li>■ Family cases (except divorce, family property or child protection) from either the court at 47 Sheppard Avenue or the court at 311 Jarvis Street, Toronto; AND</li> <li>■ Summary conviction criminal cases where the charges involve domestic violence, the accused is out of custody and the case was originally scheduled to be heard at Old City Hall and College Park, Toronto.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● The SFVCs hears FV matters relating to intervention orders, family law proceedings, criminal proceedings and Victims of Crime Assistance Tribunal proceedings. There is a specific list of matters that are included in operational guidelines.</li> <li>● All FV matters should be heard and determined in the IFVC by default.</li> </ul>

<p><b>Integrated case listing</b></p>	<ul style="list-style-type: none"> <li>The criminal and family cases are heard on the same day in the same courtroom.</li> </ul>	<ul style="list-style-type: none"> <li>The criminal and family cases are heard on the same day in the same courtroom.</li> </ul>	<ul style="list-style-type: none"> <li>The criminal and family cases are heard on the same day in the same courtroom.</li> </ul>	<ul style="list-style-type: none"> <li>Related FV matters should be heard together where possible. The same magistrate should preside over all FV matters relating to a family, to the extent practicable and appropriate (one family, one magistrate principle).</li> <li>This means implementing blended lists which incorporate cases from a number of jurisdictions and hearing types.</li> </ul>
<p><b>Safety, Advocacy and Support</b></p>	<ul style="list-style-type: none"> <li>There are a range of security measures including security screening, metal detectors at the building entrance and continuous training for court officers on security protocols and domestic violence dynamics.</li> <li>There is access to a range of support services including the Brooklyn Family Justice Centre. The IDV resource coordinator plays a key role in referring victims to services.</li> </ul>	<ul style="list-style-type: none"> <li>There are a range of security measures including metal detectors at the building entrance and a secured victim waiting room.</li> <li>Full time on site victim advocacy is provided through a community victim service agency.</li> <li>Risk assessments are conducted at every court appearance.</li> </ul>	<ul style="list-style-type: none"> <li>The family has access to family supports and services including Family Law Information Centre (FLIC) matters and court counter services.</li> <li>There is access to support in the criminal cases including the Victim/Witness Assistance Program (V/WAP), Partner Assault Response (PAR), security, and court counter services.</li> </ul>	<ul style="list-style-type: none"> <li>Extra measures to ensure separate waiting rooms, entrance and exits and registry. Trained security personnel, remote witness.</li> <li>Co-located team of Family Violence practitioners on site including Koori Practitioners (specialists in working with members of the aboriginal community affected by domestic abuse).</li> </ul>
<p><b>Judicial Monitoring</b></p>	<ul style="list-style-type: none"> <li>Offenders return to court for regular monitoring and compliance reviews.</li> <li>Counselling and other interventions are ordered for offenders.</li> <li>The court can carry out mental health assessments and drug and alcohol screenings where necessary.</li> </ul>	<ul style="list-style-type: none"> <li>Offenders return to court for regular monitoring and compliance reviews.</li> <li>Domestic violence programmes and other interventions are ordered for offenders.</li> <li>The court can carry out mental health assessments and drug and alcohol screenings where necessary.</li> </ul>	<ul style="list-style-type: none"> <li>The Integrated Domestic Violence Court Judge monitors the family, increasing the accountability of the accused and enhance the complainant's safety.</li> </ul>	<ul style="list-style-type: none"> <li>Daily Coordination and Triage Meetings are held when family violence matters are listed. These are attended by court staff and support services to monitor risk and service allocation.</li> </ul>

# The evidence on domestic abuse courts

## *Reviewing the literature*

We previously reviewed the literature on the main types of domestic abuse courts in 2016 as part of a broader review of the evidence base on problem-solving courts.<sup>12</sup> This review attempted to assess the quality of the evidence base and provide summaries of the literature. For this briefing, we have updated those reviews in light of new evidence and evaluations.

However, we think it is important to underline, as our previous report also made clear, the weight of the evidence base is international. Due to our own resource constraints, that review, and the updates we have done for this briefing, are restricted to English-speaking common-law countries (where the majority of studies exist). We also want to stress that interpreting results from other jurisdictions is complex. Different jurisdictions have different constitutions, agency arrangements, and practices. The context in which studies have been commissioned and conducted is an important influence on their outcomes. In addition, comparing outcomes across international boundaries is complex: different jurisdictions use different outcome measures, which themselves use data drawn from different collection systems.

## *Victim satisfaction*

When compared to perceptions of the fairness of case processing in general criminal courts, a range of studies have found that victims were more satisfied with the process in domestic abuse courts than in a non-specialised court.<sup>13</sup>

## *Increasing convictions*

There is evidence domestic abuse courts generally reduce the number of cases that are dismissed and increase the number of convictions.<sup>14</sup> However, it is worth highlighting that there is evidence of variation, between both different models and between different courts using the same model.

## *Changing sentencing patterns*

There is mixed evidence on whether domestic abuse courts change sentencing patterns. There is evidence that problem-solving domestic abuse courts change sentencing patterns, though the impact of those changes can vary. There is evidence that problem-solving domestic abuse courts generally lead to an increased use of batterer programmes, substance abuse treatment, and other programmes, as well as increased special bail conditions, drug testing, intensive probation, and judicial status hearings.<sup>15</sup> However, different studies show that different courts adopting similar models have been associated with both a greater and a lesser use of custodial sentences than traditional court processing.<sup>16</sup>

There is promising evidence that judicial monitoring in problem-solving domestic abuse courts significantly increases the likelihood and severity of penalties for noncompliance with sentencing conditions.<sup>17</sup>

## *Reducing re-offending*

Studies from the early 2000s suggested that all types of domestic abuse courts showed no overall impact on reoffending.<sup>18</sup> However, more recent evaluations have given cause for renewed interest in the ability of problem-solving domestic abuse courts to reduce reoffending. A multisite evaluation of problem-solving domestic abuse courts in the USA used quasi-experimental evaluation techniques to look at reoffending rates. While sites reported mixed results in the overall re-arrest rates, victim reports of re-abuse reported significantly less repeat violence by the offender than comparison victims (using multiple measures of re-victimisation).<sup>19</sup>

These results were similar to an earlier quasi-experimental study in Canada that showed similar positive impacts on the seriousness and frequency of reoffending.<sup>20</sup> This is consistent with evidence that suggests that where offenders are convicted in a domestic abuse court and subject to a range of supervision and monitoring, domestic abuse courts can impact the seriousness and frequency of reoffending.<sup>21</sup>

## **IDAC specific evaluation**

As identified in a recent review on the evidence on the effectiveness of IDACs by Justice Analytical Services in Scottish Government, the number of empirical evaluations of IDACs is small, and of those that exist, making generalised observations across them is difficult given the variation in their design, variation in the jurisdictions in which they operate, and in the quality of the studies.<sup>22</sup> Moreover, the low numbers that passed through the Croydon IDAC pilot rendered an effective evaluation difficult, so there remains limited evidence for the effectiveness of these courts in England and Wales.

It is also worth noting the gaps in the literature on IDACs— as the Scottish Government review notes “Very few studies include qualitative analyses of victim experience. Evaluation studies which use reliable research designs have tended to focus exclusively on quantitative criminal outcomes... There is a further gap in literature that evaluates the outcomes of the civil component of IDACs. Of the existing evaluation studies, all but one evaluate criminal outcomes only. Conclusions on the civil court outcomes of IDACs are therefore not possible.”

What the available evidence suggests is:

- There is mixed evidence of the impact of IDACs on conviction rates, compared to traditional courts. Court conviction rates in New York State IDACs show that three studies evidenced higher conviction rates in the IDAC compared to the traditional court process, and two studies evidenced that conviction rates were equal between IDAC and the traditional court.<sup>23</sup> There is some evidence that cases going through IDACs result in settlement (dismissals and guilty pleas) more than criminal court comparisons.<sup>24</sup>
- There is mixed evidence whether IDACs improve case processing times<sup>25</sup> and whether cases going through IDACs involved significantly more court appearances than comparison cases.<sup>26</sup> There is some evidence that the same-day scheduling of family, criminal, and matrimonial matters consistently led IDAC litigants to fewer trips to the courthouse.<sup>27</sup>
- There is mixed evidence as to whether IDACs reduce re-offending.<sup>28</sup> There is some evidence that IDAC defendants were significantly more likely than comparison defendants to be re-arrested in cases that included criminal contempt charges, implying a violation of a previous protection order.<sup>29</sup>

## Key lessons for implementation

In looking at the evidence, and speaking to practitioners in different jurisdictions working in and with IDACs, we have also identified a number of practical implementation lessons, that may aid future implementation of the IDAC pilot in England and Wales.

### Case eligibility and listing

- **Define eligibility:** Some IDACs require that for a case to be eligible, there must be concurrent cases in criminal, family or civil courts. The previous Croydon IDAC pilot found its emphasis on concurrence a particular issue, resulting in a low number of cases passing through the court. Others operate so that all domestic violence criminal cases within a court catchment area are automatically diverted into the IDAC,<sup>30</sup> allowing the court to offer those families additional access to justice for other types of law when they arrive. Moreover, IDACs also vary in what types of court hearings they can hear: for example, some exclude criminal trials.
- **Integrated case listing requires dedicated resources and effort:** Evidence suggests that the role of an IDAC Coordinator is particularly important for effective case identification and management. This can involve the coordinator in making sure all cases that ought to be listed in the IDAC are, and working with fellow court staff, the police and others to ensure that processes and policies are in place to guarantee that all eligible cases are routed into the IDAC.

### Services, advocacy and support

- **The IDAC needs strong partnerships with external services:** The availability of support services has been suggested to be one of the IDAC model's main advantages for victims and perpetrators. Strong partnership working will enable the court to fast-track court users into external services, as is seen in Family Drug and Alcohol Courts. In New York State, linking court users with optional or court-mandated services such as perpetrator programmes, drug treatment and parenting classes is the responsibility of the Resource Coordinator. A focus on such a role in a pilot in England and Wales may be useful, enabling service users access to person-centred support.
- **Ensure advocates are available to the court:** A study of Manhattan's Integrated Domestic Violence Court (IDVC) suggested that it is advantageous to have victims' lay advocates and children's legal advocates based in the court full-time. The study noted that having children's legal advocates in the court was a particular improvement on standard court, in terms of representing children's interests and helping the court to consider and monitor visitation rights.<sup>31</sup> In Manhattan, victim's advocates are provided through a partnership with an external charity. An equivalent to enable smooth implementation in England and Wales could be to have a permanent Independent Domestic Violence Advocate and a Children's Guardian on site, seconded from a domestic violence charity and Cafcass respectively.
- **Ensure that there is culturally appropriate support:** The Manhattan evaluation noted mixed feedback on the ability of the court to respond to marginalized and excluded groups, noting, for instance, that interpretation services were frequently subpar. The Victoria Family Violence Courts have sought to establish culturally appropriate expertise into the team of Family Violence practitioners based in the court. This includes two Koori Practitioners, one who is a specialist in working with aboriginal men and one with aboriginal women. Building expertise and specialist services which can provide culturally appropriate services to victims, offenders and children in diverse areas of the UK could prevent similar problems arising here.
- **There are likely to be upfront costs to increased services and collaboration:** While IDACs may have benefits in terms of information-sharing and victim safety, there is "the potential for significant additional costs involved in increased staff time and output. In New York and Toronto, criminal solicitors observed the civil court and civil solicitors attended the criminal process. Similarly, in the Toronto IDVC the crown prosecutors sat in on family cases."<sup>32</sup>

## *Training and well-being*

- **Emphasis on training and continuous professional development:** A 2014 All-Party Parliamentary Group Inquiry highlighted the lack of understanding that some court professionals had of domestic violence, which negatively impacted women's experiences of the criminal justice system and had serious implications, such as case attrition.<sup>33</sup> Evidence suggests that in courts which focus on domestic abuse, staff training is a key factor for achieving good outcomes and justice for victims. All training should be updated regularly in line with changing methods of managing domestic abuse. This has been well established in New York IDVCs where all court professionals receive regular training on evolving practice and legislation.
- **Culturally sensitive and anti-discriminatory training:** Research by Women's Aid highlighted women's experiences of damaging treatment by court professionals including victim blaming attitudes, demeaning language and a lack of awareness of gender inequalities.<sup>34</sup> The Victoria SFVC in Australia provides an example of comprehensive training to manage these difficulties; focusing on a range of components including best practice communication and how to engage with diverse communities.
- **Prioritising staff well-being:** Professionals working with domestic abuse cases may experience a negative impact on their own emotional well-being, as frontline work in this field has been associated with stress, burnout and vicarious trauma.<sup>35</sup> The Victoria SFVC has implemented a range of supportive measures to manage these effects including mental health awareness training and events.

## Conclusions

The proposed funding for the Ministry of Justice offers an exciting opportunity to properly trial an investigative and problem solving approach to domestic abuse. Despite the acknowledged issues about the transferability of models of practice from one jurisdiction to another, we hope that the lessons we have drawn together from the international practice and evidence around existing IDACs offer useful ideas and insights into how these courts can be effectively piloted in England and Wales.

In light of what we know about IDACs, the question of eligibility is clearly crucial. Given the lessons from Croydon, and the fact that court volumes in the USA, where most practice is based, tended to be larger, we suggest the Government steer away from concurrence and seek instead to apply some broad and wide eligibility criteria which promotes both greater access to justice and which seeks to build a sufficient caseload to evaluate. Careful consideration should be given to ensuring that the pilot is based on strong partnerships between the court with support services to enable the uptake of evidence based drug and alcohol treatment, mental health services and domestic abuse perpetrator programmes. Lastly, resources and effort should be dedicated to ensuring that the pilot has a culture of continuous commitment to training staff is key, in order to promote a culturally sensitive and anti-discriminatory environment and reduce case attrition in these courts.

Finally, it is clear that the piloting of an IDAC in England and Wales provides a significant opportunity to conduct a thorough, wide ranging and long term evaluation of IDACs on a range of outputs and outcomes. It would be highly valuable if that evaluation focused on measuring the experience of litigants going through the IDAC and on civil and family outcomes as much as the more traditional quantitative and criminal justice measures hitherto used.

## Endnotes

1. Ministry of Justice. (2020) Assessing Risk of Harm to Children and Parents in Private Law Children Cases Final Report, Ministry of Justice. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf)
2. Ministry of Justice. (2020) Assessing Risk of Harm to Children and Parents in Private Law Children Cases Implementation Plan, Ministry of Justice. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf)
3. Her Majesty's Treasury. (2020), Budget 2020 Policy Paper. HM Treasury. <https://www.gov.uk/government/publications/budget-2020-documents/budget-2020>
4. Bowen, P and Whitehead, S. (2016). Problem-solving courts: an evidence review. Centre for Justice Innovation.
5. Koshan, J. (2014) Investigating Integrated Domestic Violence Courts: Lessons from New York, Osgoode Hall Law Journal, 51 (3)3, 989-1036.
6. Hester, M., Pearce, J., Westmarland, N. (2008). Early evaluation of the Integrated Domestic Violence Court, Croydon, Ministry of Justice Research Series 18/08.
7. Centre for Court Innovation, Domestic Violence Mentor Court Fact Sheet - Miami Dade County Domestic Violence Court. <https://www.courtinnovation.org/sites/default/files/media/documents/2018-07/miami-dade.pdf>
8. Centre for Court Innovation, Domestic Violence Mentor Court Fact Sheet - Kings County Integrated Domestic Violence Court. <https://www.courtinnovation.org/sites/default/files/media/documents/2018-07/kings.pdf>
9. Centre for Court Innovation, Domestic Violence Mentor Court Fact Sheet – Erie County Integrated Domestic Violence Court. <https://www.courtinnovation.org/sites/default/files/media/documents/2018-07/erie.pdf>
10. Ontario Court of Justice. (2013). Practice Direction regarding the Integrated Domestic Violence Court at 311 Jarvis Street, Toronto <https://www.ontariocourts.ca/ocj/legal-professionals/practice-directions/toronto-region/integrated-domestic-violence-court/>
11. Magistrates Court of Victoria (2019) Specialist Family Violence Court Division, Operational Guidelines, Version 1.0
12. Bowen, P and Whitehead, S. (2016). Problem-solving courts: an evidence review. Centre for Justice Innovation
13. See: Davis, R.C., Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. The Justice System Journal, 22, 62-72. Eckberg, D. & Podkopacz, M. (2002). Domestic Violence Court in Minneapolis: Three levels of analysis. Chicago, IL: Presentation, American Society of Criminology Annual Conference. Chicago, IL. 15 November. Gondolf, E.W. (2005). Culturally focused batterer counseling for African American Men. Final Report for the National Institute of Justice. Washington, DC: National Institute of Justice. Gover, A.A., MacDonald, J.M. & Alpert, G.P. (2003). Combating domestic violence: Findings from an evaluation of a local domestic violence court. Criminology and Public Policy, 3, 109-132.
14. See: Davis, R.C., Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. The Justice System Journal, 22, 62-72. Eckberg, D. & Podkopacz, M. (2002). Domestic Violence Court in Minneapolis: Three levels of analysis. Chicago, IL: Presentation, American Society of Criminology Annual Conference. Chicago, IL. 15 November. Harrell, A., Newmark, L. & Visher, C. (2007). Final Report on the Evaluation of the Judicial Oversight Demonstration, Volume 2: Findings and Lessons on Implementation. Washington, DC: National Institute of Justice. Newmark, L., Rempel, M., Diffily, K. & Kane, K.M. (2001). Specialized Felony Domestic Violence Courts: Lessons on implementation and impact from the Kings County Experience. Washington, DC: Urban Institute.
15. Angene, L. (2000). Evaluation report for the San Diego County Domestic Violence Courts. San Diego, CA: San Diego Superior Court. Gondolf, E.W. (1998). The impact of mandatory supervision on batterer program compliance. Court Review. Retrieved from <http://pacrimstats.info/PCCDReports/EvaluationResearch/Completed%20Research/Corrections%20and%20Alternative%20Sanctions/Batterer%20Intervention/PMC-DACC%20Eval%20Report%20May97.pdf>
16. See: Davis, R.C., Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. The Justice System Journal, 22, 62-72. Quann, N. (2007). Offender profile and recidivism among domestic violence offenders in Ontario, Canada. Ottawa, Canada: Department of Justice, Research and Statistics Division. Peterson, R.R. (2004). The impact of Manhattan's specialized domestic violence court. New York, NY: New York City Criminal Justice Agency, Inc.
17. See: Newmark, L., Rempel, M., Diffily, K. & Kane, K.M. (2001). Specialized Felony Domestic Violence Courts: Lessons on implementation and impact from the Kings County Experience. Washington, DC: Urban Institute. Harrell, A., Newmark, L. & Visher, C. (2007). Final Report on the Evaluation of the Judicial Oversight Demonstration, Volume 2: Findings and Lessons on Implementation. Washington, DC: National Institute of Justice.
18. See: Davis, R.C., & Smith, B.E. & Rabbitt, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. The Justice System Journal, 22, 62-72. Eckberg, D. & Podkopacz, M. (2002). Domestic Violence Court in Minneapolis: Three levels of analysis. Chicago, IL: Presentation, American Society of Criminology Annual Conference. Chicago, IL. 15 November. Harrell, A., Schaffer, M., DeStefano, C. & Castro, J. (2006). Evaluation of Milwaukee's judicial oversight demonstration. Washington, DC: Urban

Institute. Newmark, L., Rempel, M., Diffily, K. & Kane, K.M. (2001). Specialized Felony Domestic Violence Courts: Lessons on implementation and impact from the Kings County Experience. Washington, DC: Urban Institute. Peterson, R.R. (2004). The impact of Manhattan's specialized domestic violence court. New York, NY: New York City Criminal Justice Agency, Inc.

19. Cissner, A., Labriola, M. & Rempel, M. (2013). Testing the Effects of New York's Domestic Violence Courts. New York: Centre for Court Innovation.
20. Quann, N. (2007). Offender profile and recidivism among domestic violence offenders in Ontario, Canada. Ottawa, Canada: Department of Justice, Research and Statistics Division.
21. See: Gondolf, E.W. (1998). The impact of mandatory supervision on batterer program compliance. *Court Review*; Mazur, R. & Aldrich, L. (2003). What makes a domestic violence court work? Lessons From New York. New York: Center for Court Innovation. Ventura, L.A. & Davis, G. (2005). Domestic violence: Court case conviction and recidivism. *Violence Against Women*, 11, 255-277. Cissner, A., Labriola, M. & Rempel, M. (2013). Testing the Effects of New York's Domestic Violence Courts. New York: Centre for Court Innovation.
22. Scottish Government. (2019) Evidence on the effectiveness of Integrated Domestic Abuse Courts. p23
23. Scottish Government. (2019) Evidence on the effectiveness of Integrated Domestic Abuse Courts, Edinburgh: Scottish Government, p33.
24. Scottish Government (2019) 'Evidence on the effectiveness of Integrated Domestic Abuse Courts', p23.
25. Ibid.
26. Ibid.
27. Cissner, A., Picard-Fritsche, S. & Puffett, N. (2011). The Suffolk County Integrated Domestic Violence Court: Policies, Practices, and Impacts, October 2002-December 2005. New York, NY: Center for Court Innovation.
28. Ibid.
29. See: Koshan, J. (2014). Investigating Integrated Domestic Violence Courts: Lessons from New York. *Osgoode Hall Law Journal*, 51. Osgoode Legal Studies Research, Katz, S. & Rempel, M. (2011). The impact of integrated domestic violence courts on case outcomes. New York: Center for Court Innovation. Picard-Fritsche, S., Cissner, A.B. & Puffett, N.K. (2011). The Erie County Integrated Domestic Violence Court: Policies, practices, and impacts. New York: Center for Court Innovation.
30. Scottish Government. (2019) Evidence on the effectiveness of Integrated Domestic Abuse Courts, Edinburgh: Scottish Government, p10.
31. Koshan, J. (2014) Investigating Integrated Domestic Violence Courts: Lessons from New York, *Osgoode Hall Law Journal*, 51 (3)3, 989 -1036.
32. Scottish Government. (2019) Evidence on the effectiveness of Integrated Domestic Abuse Courts, Edinburgh: Scottish Government, p10.
33. Hawkins, S., Laxton, C. (2014) Women's Access to Justice: from reporting to sentencing, All-Party Parliamentary Group on Domestic and Sexual Violence, Women's Aid.
34. Birchall, J. and Choudhry, S. (2018) "What about my right not to be abused?" Domestic abuse, human rights and the family courts, Bristol: Women's Aid
35. Kulkarni, S., Bell, H., Hartman, J. (2013). Exploring Individual and Organizational Factors Contributing to Compassion Satisfaction, Secondary Traumatic Stress, and Burnout in Domestic Violence Service Pro-viders *Journal of the Society for Social Work and Research*, 4(2) 114-130.

## About the Centre for Justice Innovation

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

Written by: Aisha Oifori

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### Centre for Justice Innovation

Unit 102, Edinburgh House  
170 Kennington Lane, London SE11 5DP  
Telephone +44 (0) 203 735 9436

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