

**Fourth Judicial District  
Family Violence Coordinating Council  
Serving Hennepin County**

**Present:** Adamson, Karen; Avalon, Stephanie; Blace, Joan; Boswell, Verona; Braun-Lewis, Jackie; Brey, Katie; Conroy, Judge Lois; Eckberg, Deborah; Furnstahl, Referee Mike; Garcia, Judge Tamara; Golden, Naomi; Hayze, Michelle; Jacobson, Michelle; Keefe, Amirthini; Lewis-Dmello, Angela; Madden, Referee Mary; McDaniel, Ellen; Milgrom, Aaron; Miller, Adam; Morales, Lidia; Morgan, Stephanie; Nelson, Melynda; Podkopacz, Marcy; Ratner, Rachel; Reed, Jena; Taylor, Jennifer; Thunder-Solorzano, Margaret; Weinstein, Michael; Wilson, Kate

1. **Welcome:** Referee Mike Furnstahl, co-chair
2. **Approve March 8, 2018 minutes:** Minutes approved as submitted.
3. **Special presentation:** Outgoing FVCC member Michelle Jacobson was presented a certificate of appreciation for her work with the FVCC.
4. **District Court Leadership:** Chief Judge Ivy S. Bernhardson and District Administrator Sarah Lindahl-Pfieffer  
Chief Judge Bernhardson and District Administrator Sarah Lindahl-Pfieffer attended the meeting to express their appreciation for the committee and the work that the committee does and mentioned that it is great to see collaborative efforts and for everyone to work together to find solutions to the issues that members of the committee face.
5. **Domestic Violence Study:** Jackie Braun-Lewis  
Jackie Braun-Lewis presented on the Domestic Violence Study, which followed cases from case filing until two years post-disposition. It included all cases in Hennepin County with a disposition date from 2013-2016 with a highest charge of a domestic offense. The four key points the study looked at were case processing time, disposition type, probation violations, and recidivism. It provided a thorough comparison between court locations at each stage, determined what factors are predictive of outcomes, and tested for racial disparity at each stage. It was a follow-up to a 2002 study of the DV Calendar.

6. **Family Court Enhancement Project:** Referee Madden and Adam Miller  
Referee Madden and Adam Miller gave an update on the Family Court Enhancement Project, which is a multi-year demonstrative initiative funded by the Department of Justice's Office on Violence Against Women. The 4<sup>th</sup> Judicial District is one of four sites in the country selected to receive this grant. The grant has been extended through August 2018. The Family Court Enhancement Project had ten identified outcomes some of which were: child-related relief domestic abuse calendar, a "one family, one judge" approach, improved relationships with DV advocacy agencies, modification of OFP form orders, better tribal/state court outreach efforts, and improved training. Items which are critical to continued success include ongoing collaboration with multi-disciplinary group of business and community partners and professionals, a willingness to engage in critical thinking about DV to address ongoing and future challenges, and weaving changes into fabric of court operations long-term by continued reinforcement of procedures, policies, and processes.
  
7. Committee Reports
  - a. Advocacy Committee: Stephanie Avalon reported the committee did not meet last month.
  - b. Child/Juvenile Committee: did not meet last month but members reported they continue to work on the resource fair.
  - c. Civil Committee: Jennifer Taylor reported the committee is sponsoring an advocate judicial officer listening session on April 20. Advocates will meet first and then be joined by the bench at noon.
  - d. Criminal Committee: Jennifer Saunders reported there was no meeting but the committee continues to work on the resource fair CLE and other training events.

#### **Future presentations/Agenda items**

June 14, 2018 – No Wrong Door

Sept 13, 2018 – MSBW Legislative Update

#### **Upcoming events**


FVCC Resource Fair – October 2018

Use this link to find us on the web.

[http://www.mncourts.gov/Find-Courts/Hennepin/Family-Violence-Coordinating-Council-\(FVCC\).aspx](http://www.mncourts.gov/Find-Courts/Hennepin/Family-Violence-Coordinating-Council-(FVCC).aspx)

[Use this link to access our Google Calendar of events.](https://www.google.com/calendar/embed?src=fvccalendar%40gmail.com&ctz=America/Chicago)

<https://www.google.com/calendar/embed?src=fvccalendar%40gmail.com&ctz=America/Chicago>



**MINNESOTA JUDICIAL BRANCH**  
FOURTH JUDICIAL DISTRICT • HENNEPIN COUNTY

## Domestic Violence Study

Presented by Jackie Braun-Lewis, MPP

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## The Study

- Follows cases from case filing until two years post-disposition
- Includes all cases in Hennepin County with a disposition date from 2013 to 2016 with a highest charge of a domestic offense
- Looks at four key points: case processing time, disposition type, probation violations, and recidivism
- Provides a thorough comparison between court locations at each stage
- Determines what factors are predictive of outcomes
- Tests for racial disparity at each stage



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## Background

- Follow-up to 2002 study of the DV Calendar
- DV Calendar began to address low conviction rate in Downtown
  - 27% in 1998 improved to 45% in 2001
- Since 2002, the criminal justice system as a whole has changed treatment of DV cases significantly at all points of contact
- The study explores contact points with the courts and, as much as possible, considers contact outside the courts



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### The Samples

- Domestic Assault**
  - 609.2242 Domestic Assault
  - 609.2247 Domestic Assault by Strangulation
  - 609.78.2 (2) Interfere with Emergency 911 Call
- Violation of No Contact Orders**
  - 518B.01.14 Violation of an Order for Protection (OFP)
  - 609.748 Violation of Harassment Restraining Order (HRO)
  - 609.749 Stalking
  - 609.79 Obscene or Harassing Telephone Calls
  - 629.75 Violation of Domestic Abuse No Contact Order (DANCO)

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### The Samples

- Divisional (Misdemeanors and Gross Misdemeanors)**
  - Downtown
  - Brookdale
  - Ridgedale
  - Southdale
- Minneapolis (Misdemeanors and Gross Misdemeanors)**
  - Domestic Violence Calendar
  - Minneapolis Misdemeanor Calendar
- Felony (all of Hennepin County)**
  - Minneapolis
  - Non-Minneapolis

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### The Samples

The figure consists of three pie charts illustrating the composition of different samples:

- Divisional Sample (N=7,997):**
  - Ridgedale: 23%
  - Southdale: 20%
  - Brookdale: 28%
  - Downtown: 29%
- Minneapolis Sample (N=2,519):**
  - Domestic Violence Calendar: 66%
  - Minneapolis Misdemeanor Calendar: 34%
- Felony Sample (N=1,178):**
  - Minneapolis: 38%
  - Non-Minneapolis: 62%

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## Sample sizes

	Divisional	Minneapolis	Felony
Case Processing 2013-2016	7,997	2,519	1,178
Disposition Type 2013-2016	7,997	2,519	1,178
Probation Violation 2013-2014	1,591	512	410
Recidivism 2013-2014	4,234	1,324	689

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## Dependent Variables

- Case Processing Analysis
  - Days to Disposition
  - Number of Hearings
- Disposition Type
  - Conviction
  - Interim Disposition
  - Dismissal
- Probation Violation
  - Probation Violation Found by the Court
  - No Probation Violation Found by the Court
- Recidivism
  - New Conviction of a Misdemeanor Level or Higher
  - No New Conviction of a Misdemeanor Level or Higher

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## Independent Variables

**Location Variables**

- Divisional Sample
  - Downtown
  - Brookdale
  - Ridgedale
  - Southdale
- Minneapolis Sample
  - DV Calendar
  - Minneapolis Misdemeanor Calendar
- Felony Sample
  - Minneapolis
  - Non-Minneapolis

**Offense Variables**

- Initial Offense Type
  - Assault
  - Non-assault
- Current Offense Type
  - Assault
  - Non-assault
  - Non-domestic offense
- Level of Offense
- Reduction of Offense Level or Type
- Additional Charges and Cases

**Criminal History Variables**

- No Prior Offense
- Prior Domestic Offense
- Prior Non-Domestic Offense

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## Independent Variables

**Disposition Variables**

- Disposition Type
  - Conviction
  - Interim Disposition
  - Dismissal
- Treatment Ordered
- Private Attorney

**Demographic Variables**

- Race/Ethnicity
  - White, non-Hispanic
  - Minority
- Gender
- Age
  - Under 25
  - 25-29
  - 30-35
  - 36-45
  - Over 45



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## Variables Not Included

- Strength of case
- Wishes of the victim
- Completion of treatment



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## Case Processing Analysis


Method: Linear Regression  
 Dependent variables: Number of Hearings and Days to Disposition  
 Sample Years: 2013-2016

Sample sizes

- Divisional – 7,997
- Minneapolis – 2,519
- Felony – 1,178

	Average Days to Disposition	Average Number of Hearings
Divisional Sample	102.70	4.08
Minneapolis Sample	60.15	3.53
Felony Sample	157.49	5.44

Case Processing → Disposition → Probation → Recidivism



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### Case Processing Analysis

- More complex cases take longer
  - More cases/charges
- **The Domestic Violence Calendar had the fastest case processing**
- **All suburban locations take longer/more hearings**
  - Controlling for other variables, compared to Downtown
    - Brookdale: 37 additional days, 7 more hearings
    - Ridgedale: 72 additional days, 8 more hearings
    - Southdale: 70 additional days, 1 more hearing
- **There is no difference between genders**
- Generally, older defendants require less hearings
- Cases with private attorneys had more hearings and required more days to reach a disposition

Case Processing
Disposition
Probation
Recidivism

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### Case Processing Analysis

	Divisional Sample		Downtown Sample		Felony Sample	
	Days	Hearings	Days	Hearings	Days	Hearings
Suburb	↑	↑				
DV Calendar			↓	↓		
Violation of DANCO/OPP	↑			↑		
Additional Cases	↑	↑	↑	↑		
Additional Charges	↑	↑	↑	↑	↑	↑
DV Prior		↑			↓	
Non-DV Prior	↑	↑		↑		
Minority		↑				
Age		↓		↓		
Private attorney	↑	↑	↑	↑	↑	↑

↑ Variable increases case processing time  
↓ Variable decreases case processing time

Case Processing
Disposition
Probation
Recidivism

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### Case Processing Analysis

Average Days to Disposition

Average Number of Hearings

Case Processing
Disposition
Probation
Recidivism

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## Disposition Type Analysis

**Divisional sample**  
 Method: Multinomial Logistic Regression  
 Dependent variable: Dismissal relative to Conviction; Interim Disposition relative to Conviction

**Minneapolis and Felony Samples**  
 Method: Binary Logistic Regression  
 Dependent variable: Dismissal relative to Conviction and Interim Disposition

	Conviction	Interim Disposition	Dismissal
Divisional Sample	51%	21%	28%
Minneapolis Sample	58%	9%	33%
Felony Sample	84%	0%	16%

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## Disposition Type Analysis

### Divisional Sample

- **The strongest predictor of an interim disposition is location**
- Additional charges and cases make convictions more likely
- Prior offenses decrease the odds of an interim disposition or dismissal
- **Minority defendants are more likely to receive a dismissal and less likely to receive an interim disposition**
- Female defendants are more likely to receive both a dismissal and an interim disposition
- **Defendants with private attorneys are more likely to receive an interim disposition**
- Older defendants are more likely to receive a dismissal

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## Disposition Type Analysis

### Divisional Sample

	Interim Disposition	Dismissal
Suburban (compared to downtown)	↑	Mixed
Violation of OFP/DANCO as Initial Offense	↓	↓
Reduced Offense Level or Type	↓	↓
Additional Cases	↓	↓
Additional Charges	↓	↓
DV Prior	↓	↓
Non-DV Prior	↓	↓
Minority	↓	↑
Female	↑	↑
Age		↑
Private Attorney	↑	

↑ Variable increases in odds of an interim disposition or dismissal relative to a conviction  
 ↓ Variable decreases odds of an interim disposition or dismissal relative to a conviction

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Probation
Recidivism

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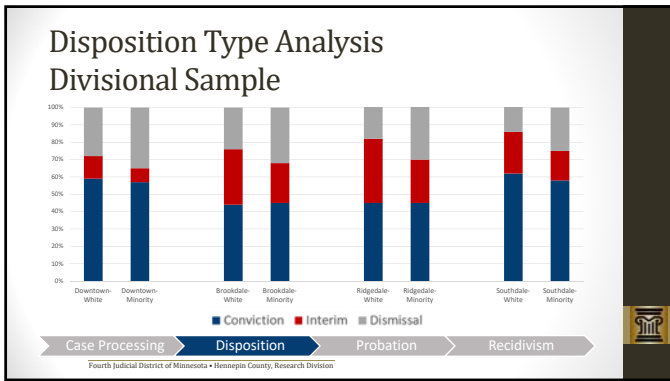
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### Disposition Type Analysis Minneapolis Sample

- Cases on the DV Calendar were less likely to have a dismissal
- Cases charged as a violation of an OFP/DANCO and cases that are reduced in level or type of offense are less likely to receive a dismissal
- Additional charges and cases make dismissals less likely
- Prior offenses are not statistically significant
- **Minority defendants are more likely to receive a dismissal**
- Defendants with a private attorney are less likely to receive a dismissal

Case Processing → **Disposition** → Probation → Recidivism

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### Disposition Type Analysis Felony Sample

- Location (Minneapolis versus non-Minneapolis) is not statistically significant
- Additional charges and cases make convictions more likely
- Prior non-domestic offenses made a dismissal more likely
- **Race/ethnicity is not statistically significant**

Case Processing → **Disposition** → Probation → Recidivism

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## Disposition Type Analysis Minneapolis and Felony Samples

	Minneapolis Sample	Felony Sample
DV Calendar	↓	
Violation of OFF/DANCO as Initial Offense	↓	
Reduced Offense Level or Type	↓	
Additional Cases	↓	↓
Additional Charges	↓	↓
DV Prior		
Non-DV Prior		↑
Minority	↑	
Private Attorney	↓	

↑ Variable increases in odds of a dismissal  
↓ Variable decreases odds of a dismissal

Case Processing → Disposition → Probation → Recidivism

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## Probation Violation Analysis

Method: Binary Logistic Regression  
Dependent Variable: Probation Violation Found

Sample sizes

- Divisional – 1,591
- Downtown – 512
- Felony – 410

	Ordered to Treatment	Probation Violation
Divisional Sample	83%	28%
Minneapolis Sample	92%	39%
Felony Sample	94%	51%

Case Processing → Disposition → Probation → Recidivism

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## Probation Violation Analysis Divisional Sample

- **Suburban defendants were less likely to incur a probation violation**
- Non-domestic related instant offense convictions were less likely to have a probation violation
- Defendants with cases disposed as a gross misdemeanor were more likely to have a probation violation
- **Defendants who receiving an interim disposition were less likely to have a probation violation**
- Prior non-domestic violence offenses increased the odds of a probation violation
- **There was no statistically significant difference by race/ethnicity or gender**
- As defendants age, the odds of a probation violation decreased
- Defendants ordered to complete treatment were more likely to have a probation violation

Case Processing → Disposition → Probation → Recidivism

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### Probation Violation Analysis Minneapolis Sample

- Location (DV Calendar versus Minneapolis Misdemeanor Calendar) was not significant
- Defendants with cases reduced to a lower level were less likely to have a probation violation
- Prior offenses increased the odds of a probation violation
- **There was no statistically significant difference by race/ethnicity, gender, or age**
- Defendants ordered to complete treatment were more likely to have a probation violation

Case Processing > Disposition > **Probation** > Recidivism

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### Probation Violation Analysis Felony Sample

- Location (Minneapolis versus non-Minneapolis) was not significant
- Type of offense was not significant
- Prior offenses increased the odds of a probation violation
- **There was no statistically significant difference by race/ethnicity**
- Defendants age 30 to 35 were less likely to have a probation violation than under 25s
- Defendants ordered to complete treatment were more likely to incur a probation violation

Case Processing > Disposition > **Probation** > Recidivism

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### Probation Violation Analysis

	Divisional Sample	Downtown Sample	Felony Sample
Suburban (compared to downtown)	↓		
Reduced Level of Offense		↓	
Gross Misdemeanor	↑		
Current type is non-DV	↓		
Interim Disposition	↓		
Prior DV		↑	↑
Prior Non-DV	↑	↑	↑
Age	↓		
Treatment Ordered	↑	↑	↑

↑ Variable increases in odds of a probation violation  
↓ Variable decreases odds of a probation violation

Case Processing > Disposition > **Probation** > Recidivism

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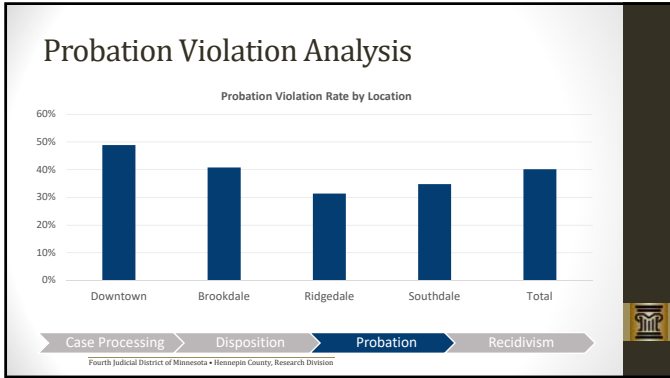
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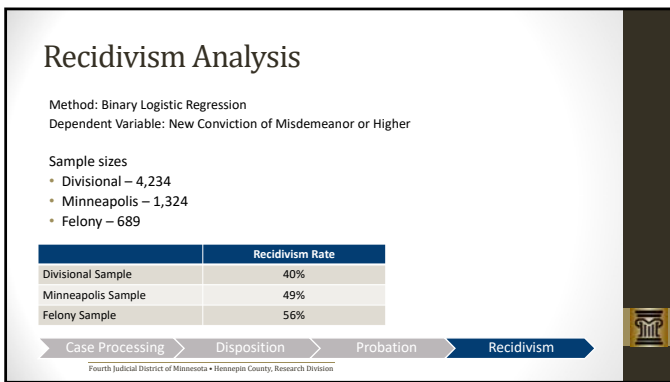
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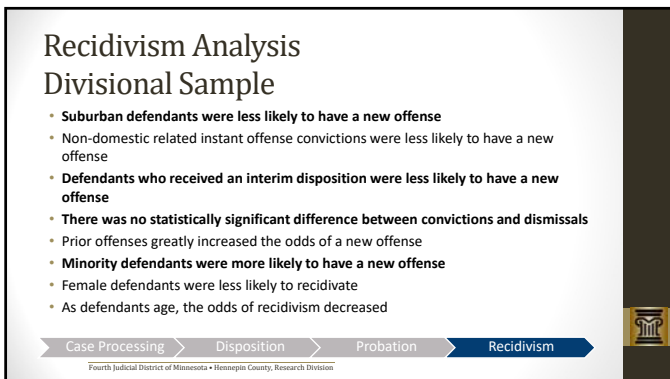
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### Recidivism Analysis Minneapolis Sample

- Location (DV Calendar versus Minneapolis Misdemeanor) was not statistically significant
- Defendants with cases resolved as non-domestic violence offenses were less likely to recidivate
- **There was no statistically significant difference between convictions and dismissals**
- Prior offenses greatly increased the odds of a new offense
- **Minority defendants were more likely to have a new offense**
- As defendants age, the odds of recidivism decreased

Case Processing → Disposition → Probation → Recidivism

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### Recidivism Analysis Felony Sample

- Location (Minneapolis versus non-Minneapolis) was not statistically significant
- **There was no statistically significant difference between convictions and dismissals**
- Prior offenses greatly increased the odds of a new offense
- **Race/ethnicity was not statistically significant**
- Defendants age 36 to 45 were less likely to recidivate than defendants under 25

Case Processing → Disposition → Probation → Recidivism

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### Recidivism Analysis

	Divisional Sample	Downtown Sample	Felony Sample
Suburban (compared to downtown)	↓		
Current type is non-DV	↓	↓	
Interim Disposition	↓		
Prior DV	↑	↑	↑
Prior Non-DV	↑	↑	↑
Minority	↑	↑	
Female	↓		
Age	↓	↓	

↑ Variable increases in odds of new conviction  
↓ Variable decreases odds of a new conviction

Case Processing → Disposition → Probation → Recidivism

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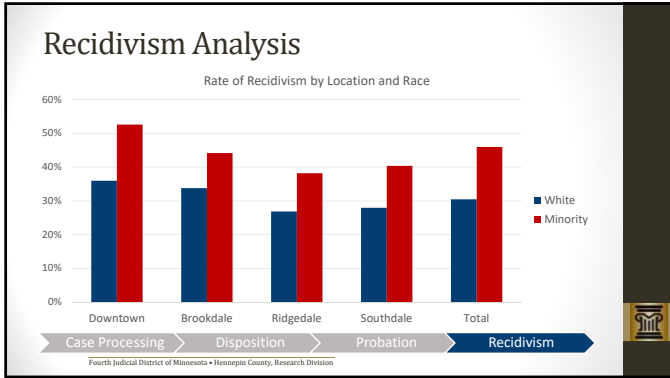
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### Recidivism Analysis

Of the 4,923 defendants in the Divisional, Minneapolis, and Felony samples:

- 14.7% had a new domestic violence conviction
- 5.6% had a new conviction for a person offense other than a domestic offense
- 9 defendants were convicted of homicide
- 1 defendant had a pending homicide case
- All defendants with a homicide case in the recidivism sample were not in the felony sample originally

Case Processing > Disposition > Probation > Recidivism

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### Summary—Divisional Sample

- Suburban locations had longer case processing times
- Suburban locations granted more interim dispositions
- The downtown location had a higher dismissal rate
- Minority defendants were more likely to receive a dismissal and less likely to receive an interim disposition
- Race/ethnicity was not statistically significant for probation violations
- Minority defendants were more likely to recidivate
- Defendants from the downtown location were more likely to have a probation violation and recidivism
- Those who receive an interim disposition are less likely to have a probation violation and less likely to recidivate

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### Summary—Minneapolis Sample

- DV Calendar had lower cases processing time and higher conviction rate
- There was not a statistically significant difference in probation violations or recidivism by calendar (DV Calendar versus Minneapolis Misdemeanor Calendar)
- Additional cases/charges increase case processing time and increase the odds of a conviction
- Prior offenses increase odds of conviction, probation violation, and recidivism
- Minority defendants are more likely to receive a dismissal and more likely to recidivate
- Older defendants are more likely to receive a dismissal and less likely to recidivate



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### Summary—Felony Sample

- Felony sample models were weaker
- The community of offense (Minneapolis versus non-Minneapolis) was not statistically significant in any model
- No statistically significant difference by race/ethnicity in any model
- Additional charges/cases increase case processing time and odds of conviction
- Prior offenses decrease days to disposition, increase odds of conviction, probation violation, and recidivism



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### Summary

- Significant difference are apparent between the divisional court locations in all analyses
- The Downtown court location, the DV Calendar in particular, has the fastest case processing
- The conviction rates between locations varies dramatically
- Downtown defendants and minority defendants are less likely to receive an interim disposition
- Differences based on gender are generally not concerning
- Downtown defendants and minority defendants are more likely to receive both a dismissal and a new offense
- Defendants who receive an interim disposition are less likely to have a probation violation and are less likely to recidivate
- There is no difference in probation violation and recidivism rates between dismissals and convictions
- There is no difference in probation violation and recidivism rates assault and violation of OFF/DANOs



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**Family Court Enhancement Project:**  
*Improving Outcomes in Custody Cases  
 Involving Domestic Violence*

Thursday, March 8, 2018

THE HONORABLE MARY MADDEN, DISTRICT COURT REFEREE, HENNEPIN COUNTY FAMILY COURT  
 ADAM MILLER, ESQ., FAMILY COURT ENHANCEMENT PROJECT COORDINATOR

THIS PROJECT WAS SUPPORTED BY GRANT NO. 2016-7A-03-001 AND 2016-6A-03-001 AWARDED BY THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN. THE OPINIONS, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS EXPRESSED BY PROGRAM FACILITY AND IN PROGRAM MATERIALS, INCLUDING CURRICULUM OUTLINES, POWERPOINT SLIDES, HANDOUTS, CONTENTS OF TRAINING AND TRAINING MATERIALS, AND OTHER PROGRAM DOCUMENTS, ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN.

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Family Court Enhancement Project

- ▶ Multi-year demonstration initiative
- ▶ Department of Justice, Office on Violence Against Women
- ▶ MN's 4<sup>th</sup> Judicial District - 1 of 4 sites in the Country selected to receive FCEP grant
- ▶ Other sites:
  - ▶ State of Delaware Family Court
  - ▶ Circuit Court of Cook County, Chicago, IL
  - ▶ Multnomah County Family Court, Portland, OR

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Grant Duration

- ▶ Began October 1, 2013
- ▶ 2-year TA only grant
- ▶ Subsequently funded - \$400,000 & 3 years
- ▶ 2016 - \$167,000 additional funding
- ▶ Budget adjustments & extensions through August 2018

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### Challenge Areas

#### Challenge 1

- Inconsistencies in identification of domestic violence, assessment of nature, context & implications for parenting time & accounting for abuse in custody & parenting time decisions.

#### Challenge 2

- Parties often encouraged to participate in ADR in Family Court proceedings - may feel pressured to participate in ADR processes &/or settle custody & parenting time disputes.

#### Challenge 3

- Survivors of DV often don't have representation, advocacy or information necessary to access needed relief from Family Court.

#### Challenge 4

- Native American survivors of DV do not access Family Court to protect their own or their children's safety or to address custody & parenting time issues.

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### Top 10 Outcomes

#### 1. CHILD-RELATED RELIEF DOMESTIC ABUSE CALENDAR (DR CALENDAR)

- ▶ Children in common & child-related relief requested
- ▶ Approach:
  - ▶ Provide financial relief allowed by statute, but not consistently provided due to time constraints;
  - ▶ Provide for custody/PT arrangements that protect safety & well-being of petitioners & children;
  - ▶ Hold offending parent accountable for abusive behavior; and
  - ▶ Establish least restrictive PT arrangement considering above priorities.

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### Top 10 Outcomes

- 2. "ONE FAMILY, ONE JUDGE "
- 3. IMPROVED RELATIONSHIP WITH DV ADVOCACY AGENCIES
- 4. PARTNERSHIP WITH CMLS – NO COST, ON SITE, DAY-OF LEGAL CONSULTATION/REPRESENTATION
- 5. MODIFICATION OF OFP FORM ORDERS
  - ▶ *Ex parte* OFP
  - ▶ OFP Following Hearing
  - ▶ GAL appointment order

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Top 10 Outcomes

6. MODIFICATION OF COURT FORMS

- ▶ to maximize opportunities for safe disclosure of DV from commencement to disposition
- ▶ ICMC data sheet
- ▶ ENE program description

7. "MNCIS MATRIX"

- ▶ Signing
- ▶ DR calendar prep

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Top 10 Outcomes

8. BWJP SAFeR APPROACH:

- S - Screening for DV
- A - Assessing nature & context DV
- F - Focusing on
- e - effects of DV
- R - Responding to effects of DV

- ▶ Each step accompanied by specific color-coded guides, charts & worksheets
- ▶ FCS & private ADR providers piloting
- ▶ JO's piloting for national use
- ▶ Trainings planned for use by attorneys

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Top 10 Outcomes

9. TRIBAL/STATE COURT OUTREACH EFFORTS

- ▶ Tribal/State Court Liaison - October 2015
- ▶ Self-reported "Indian" petitioners: 29% ↓ 2015-16, 38% ↑ 2016 -17

10. IMPROVED TRAINING

- ▶ NJIDV judicial training
- ▶ Annual "in house" training of judicial officer, law clerks & court administration staff
- ▶ Monthly family court DV "brown bag" meetings

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Bonus Outcome!

- ▶ 2017 Domestic Violence Mentor Court grant award
- ▶ Department of Justice, Office on Violence Against Women
- ▶ 2-year \$75,000 grant
- ▶ District now recognized as having well-established best practices to address DV in family court
- ▶ Now national model to share expertise with other courts & court-based programs
- ▶ Open house June 2018

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FINAL THOUGHTS

**CRITICAL TO CONTINUED SUCCESS:**

- ▶ Ongoing collaboration with multi-disciplinary group of business and community partners and professionals
- ▶ Willingness to engage in critical thinking about DV to address ongoing & future challenges
- ▶ Weaving changes into fabric of court operations long-term by continued reinforcement of procedures, policies & processes

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