

DOMESTIC VIOLENCE CRIMINAL COURT COMPLIANCE CALENDAR BEST PRACTICE

FACT SHEET

Judicial monitoring is one of the cornerstones of the New York State domestic violence court model and can help ensure the safety of victims, accountability of offenders, and compliance with court orders. Research indicates that on-going judicial supervision can affect the behavior of batterers and keep them from re-offending, at least during the period of judicial supervision.¹

The New York State domestic violence court model's primary mechanism for judicial supervision is the compliance calendar.

The Compliance Calendar

Typically, the compliance calendar involves bringing defendants back to court post-plea/post-disposition to ensure observance of a court-ordered condition, such as an order of protection or attendance at a batterer program. Consequences for failure to comply with these conditions are explained to the defendant at the time of plea/disposition and before the first compliance calendar appearance date. Some felony Domestic Violence Courts may require defendants to appear for compliance during the pendency of their cases as a condition of bail. It should be noted that courts may monitor defendants that are not sentenced to a program. For example, Judges can bring defendants back to court to check their arrest records or the Domestic Violence Registry.

Consistency and Accountability

Holding a regular compliance calendar sends the message to the defendant or offender that the court is informed and that non-compliance with court mandated orders and programs will be responded to with swift sanctions by the court. Communicating to each defendant, through words and actions, that the court will not tolerate battering and that the court is watching is important to promoting the principle of accountability. Judges can further this goal by maintaining a formal judicial demeanor and by acknowledging compliance without offering congratulations.

Frequency

In New York State, the compliance calendar model can take several forms. In certain high volume courts, a separate compliance court part is held a few days a week and is presided over by a Judicial Hearing Officer. Courts with medium volume may dedicate a half day, once a week, to the compliance calendar, which is overseen by the Domestic Violence Court judge. Courts with lower caseloads might hold the compliance calendar twice a month at the beginning of the general domestic violence court calendar. Typically, defendants who are in not in compliance are scheduled to appear at the beginning of the compliance calendar.

¹ Taylor, B.G., Davis, R.C., & Maxwell, C.D. "The effects of a group batterer treatment program in Brooklyn." *Justice Quarterly*, 18, (2001): 170-201.

Planning the Compliance Calendar

Domestic violence court planning groups are encouraged to discuss the compliance calendar with stakeholders at initial meetings, create protocols, and incorporate these procedures into their domestic violence court planning documents and operations. At minimum, procedures should:

- Establish regular, frequent monitoring dates for defendants in programs;
- Identify appropriate intervention programs such as batterer intervention and substance abuse programs. Anger management and couples counseling programs are inappropriate and should not be ordered by the court;
- Establish relationships with service providers, and designate a liaison from each program to the court. If possible, establish an on-site representative from each program;
- Establish protocols to ensure that programs and probation report accurate information to DV Court on a timely basis, including when offenders fail to attend programs or are terminated from programs;
- Develop a sanctioning plan, including the use of graduated sanctions (such as increased frequency of appearances, remand, probation, sitting in jury box); and
- Ensure that batterer programs have a “two strikes, you’re out” attendance policy, appropriate consequences are in place for non-compliance with this rule, and alternate sanctions are used (such as jail) in response to attendance policy non-compliance to ensure that the defendant is not being sent back to a program from which they were ejected.

For more information, please contact 212.716.1360.