

THE SUPREME COURT *of* OHIO



Reducing Jail and Protecting Victims

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A quick primer

First: Intimate Partner Violence

What do we know?

- History of seeking public recognition and accountability
- Struggle to involve criminal justice system
- Lack of victim/survivor involvement in criminal justice outcomes
- Victim safety as primary concern



Next: Reducing Jail Overuse

Goals?

- Reduce *unnecessary* incarceration
 - 731,000 in jails / 10.6 million admissions
- Reduce disparities
 - People of color are vastly overrepresented
- Reduce harm & collateral consequences
 - Poverty is both a predictor of and outcome of jail
- Prevent recidivism
- Protect public safety



Finally: Pretrial Supervised Release

Goals/Tenets?

- Prevent recidivism
- Protect public safety
- Support court appearance
- Provide resources/support where appropriate

Consider *individual victim safety* within this broader goal.



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Pretrial Justice ²⁰¹⁹
SUMMIT

How to tie these fields together?

A Case Study

In teams of 2-3, discuss what information you need to decide whether the following case is appropriate for supervised release.



A Case Study (Small Group Discussion)

Facts:

- Defendant arrested for misdemeanor domestic violence
- No previous DV arrests or convictions
- Police report indicates that victim, who lives with defendant, had bruising around her neck
- Police report also indicated presence of firearm in the home
- Law enforcement connected victim with community advocate for further assessment/resources



What's Missing?

- Information from a risk or lethality instrument
- Any existing order of protection (could be civil)
- Criminal/DV/OP history from other states
- Collaboration with the community advocacy org for victim safety concerns
- Information about the firearm and a plan for removal
- What else?



Now, Working Backwards...

What is needed to determine *whether* a defendant is appropriate for supervised release, and if so, *how* to best supervise that person while ensuring victim safety?



What's Our Ideal?

- Interdisciplinary group to help establish best practices in these cases
- A decision-making framework to refer back to, so as not to reinvent the wheel
- Aids to decision-making: risk assessment, lethality assessment
- Multiple levels of supervision, with options specific to domestic violence



Ideal Framework, cont'd.

- Inclusion of victims' voices
- Coordination with victim services agency(ies)
- Inclusion of victim safety concerns in plan for supervised release
- Coordination with any existing order(s) of protection
- What else?



Constraints on the Ideal

Knowing that resources are limited, what common **constraints** should we look out for?

*Keep in mind, many communities have begun to change practices **without** new positions, grants, or resources.*



How to Protect Against the “Bad Case”?

“We had a homicide in our county that was **low-risk** on our pretrial risk assessment and **low-risk** on our domestic violence screening instrument. But we went back and looked at the **lethality** risk factors, which would have been off the chart, which could have caught that.”

- Joel Bishop, Mesa County Criminal Justice Services Department



Where do we go from here?

1. Include Victims in the Solution(s)

“As a participatory action researcher, I think it’s really important that we bring [victims’] voices not just as a consideration—an afterthought—but [instead that] they’re an integral part of co-constructing specific eligibility criteria in the course of the conversation.”

- Monique Morris, National Black Women’s Justice Institute



2. Contextualize Risk and Lethality

“It’s the **context and the severity** of the domestic violence history that matters... Our High Risk Team Model looks to identify offenders who are at high risk of their violence escalating to a near-lethal or lethal level...and we have been focused on the **pretrial phase** because it’s our experience that the decisions made at pretrial really affect what happens...with the victims.”

- Kelly Dunne, Jeanne Geiger Crisis Center



3. Create a Specialized Decision-Making Framework

“Because these cases defy labels like felony and misdemeanor, the system shouldn’t be so caught up about, ‘Well, it was just a slap in the face, not a broken arm.’ If it’s a domestic violence case, it deserves the resources of pretrial services.”

- Judge Roberto Cañas, Dallas County Criminal Court



4. Review Data & Revise Continuously

“When we talk about conditions of release, it’s meaningless unless you can point to numbers or something that shows the effect of what you’re doing. So we have really tracked our outcomes closely and we’re watching these very closely... **I want to know if what we’re doing is working.** And so I’m staring at the data all the time, and we’ll throw things out that don’t work and re-adjust when it does.”

- Joel Bishop, Mesa County Pretrial Services Program



5. Build on Existing Efforts & Solutions

For any promising reforms that are happening *in a silo* (either solely focused on pretrial reform, or solely focused on improving outcomes for victims), there are often opportunities for constructive collaboration.



Questions?

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