

STOP Grant Sector Series 2014



The Court's Guide to Safety and Economic Security for Victims of Violence Against Women



Wider Opportunities for Women
1001 Connecticut Ave NW
Suite 930
Washington, DC 20036
Tel (202) 464-1596
Fax (202) 464-1660
www.wowonline.org

Table of Contents

About the Economic Security for Survivors Project and WOW 2

About the STOP Sector Series and the Court’s Guide..... 2

Executive Summary..... 3

Chapter 1: Introduction to Victim Economic Security and the Courts 5

 Why Victim Economic Security Matters for the Courts 5

 Why Economic Security Matters for Victim Safety 6

Chapter 2: Addressing Economic Security within Core Responsibilities..... 10

 Pre-Trial..... 10

 Trial and Sentencing..... 15

 Post-Trial: Enforcement and Follow-Up..... 19

Chapter 3: Court Structure and Organization 22

Chapter 4: Working with Other Justice System Sectors 26

Chapter 5: Policies and Protocols for the Courts 28

Acknowledgements..... 30

Works Cited..... 30

Appendix A. The Judicial Bench Card on Victim Economic Security 35

Appendix B. Education Guidelines 37

Appendix C. WOW’s Economic Security Research and Application 38

Appendix D. Recommendations for STOP Administrators by Program Purpose Area 41

This project was supported by Grant No. 2012-TA-AX-K031 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

About the Economic Security for Survivors Project and WOW

Recognizing that survivors' safety and their economic security are inextricably linked, the Economic Security for Survivors (ESS) Project promotes strategies that foster economic security within the justice system and in partnership with the non-profits that serve survivors. Established in 2010, the ESS project provides resources, education, training and technical assistance to transitional housing programs, direct service providers, state and local governments, and the Violence Against Women Act (VAWA) Services Training Officers Prosecutors (STOP) Grant Program. For more information, visit <http://www.wowonline.org/economic-security-for-survivors/>.

Wider Opportunities for Women (WOW) works nationally to build pathways to economic independence and equality of opportunity for America's women and girls. Since 1964, WOW has helped women learn to earn with programs emphasizing quality jobs, gender equity and economic security across the lifespan. Recognized nationally for its training models, technical assistance and advocacy, WOW redefines what women and families need to be economically secure throughout their lifetimes. WOW remains integrally involved in national policy debates, and works closely with state partners to advocate on the state level. For more information, visit www.wowonline.org.

About the STOP Sector Series and the Court's Guide

In 2012, the ESS Project released the [Economic Security and Safety Guide for the STOP Grant Program](#). This document outlines strategies for the four STOP sectors (law enforcement, prosecutors, courts and victim advocates) to improve victim economic security through the 14 STOP program purpose areas (PPAs). Building on this tool, the ESS project is producing the *STOP Grant Program Sector Series* of guides for Law Enforcement, Prosecutors, Courts and Advocates. The goal of these Guides is to provide support and information to these key groups so that they may better protect a victim's economic security. Based on research, model policies from leading organizations and focus group meetings with key stakeholders, these user-friendly Guides provide specific suggestions and tools to use to increase economic security within the existing job responsibilities of sector professionals at all levels.

The third installment in the series, the ***Court's Guide to Safety and Economic Security for Victims of Violence Against Women (Court's Guide)***, explores the role of criminal court professionals and judges to fairly administer justice so that victims of domestic and dating violence, sexual assault, and stalking can recover from violence and find future safety through economic security. The Court's Guide highlights how judges and court staff can help victims rebuild their economic security both individually and in collaboration with other STOP sectors and their communities. Checklists offer specific actions that court staff can take and questions they can ask victims about their economic security. WOW also provides education guidelines, policy recommendations and a user-friendly bench card for judges. Because each jurisdiction is different, recommendations may need to be tailored to accommodate the laws and unique needs of the community. The **primary audience** for this guide is judges, court staff and judicial trainers. The **secondary audience** is STOP administrators, advocates and other justice system professionals.

This is a process. While economic security work has important impacts for individuals, it may take time to see larger systemic changes.

Executive Summary

The safety of victims of domestic violence, dating violence, sexual assault and stalking is inextricably linked to their economic security. The criminal court system can better promote justice by understanding this link and its connection to the work of the judiciary. The **Court's Guide** outlines the economic barriers facing victims and details the steps that each professional in the court system can take to address those issues. As the administrators of justice, judges and their staff play a critical role in protecting the economic security of the parties whether through intake, hearing economic crimes in trial, or ordering and enforcing economic relief. In light of the frequency with which economic abuse and negative economic impacts appear alongside violence, such actions should not be viewed as exhibiting a bias for or conferring a benefit on the victim. They simply serve as tools to allow all parties to take part in the justice system and to fulfill the duties of holding offenders accountable and keeping communities safer. Rather than proposing extra work, the recommendations in this Guide mainly add an economic lens to activities that the courts already undertake.

Beyond improving the safety of the victim and community, a focus on the economic impacts of crimes can improve the effectiveness of the justice system and help courts carry out their full responsibilities.

- Addressing economic security will **help victims stay independent**, ultimately reducing the amount of delayed reporting, recanted statements and repeat appearances from the same parties.
- Ordering economic relief for every cost incurred and enforcing compliance will help **hold offenders accountable** for their actions.
- Focusing on safety and economic security can increase the likelihood that litigants will not take up the court's time with litigation abuse or with issues that could have been resolved earlier.

Economic security means having the ability to meet basic needs and to save for emergencies and retirement.

The Guide begins by explaining why **the courts should consider and address victim economic security** and exploring the costs associated with violence against women. For example, victims may experience:

- Debt from healthcare, damaged property, moving and security costs
- Dependency on the abuser for basic needs
- Job loss or lost wages
- Unfinished education or training
- Eviction and damaged tenant history
- Loss of personal property

In addition, abusers in all of these crime areas – sexual assault, domestic and dating violence and stalking – often use **economic abuse** as a tool of power and control. Examples include the unauthorized use of finances, falsification of records, work interference and coercion into crime. These financial aspects of abuse can thwart victims' ability to reestablish their life and move forward.

Chapter Two details the specific steps court professionals can take from intake to post-trial enforcement. For example, judges can:

- **Connect victims with an advocate** who can inform them of their legal rights and options as well as address their economic needs so they can participate in the justice process.

- Allow economic-based evidence, crime charges and expert testimony on economic impacts in trial.
- **Order economic relief** that is enforceable and specific to the victim’s needs. This should include lawful support as well as holding regular compliance review hearings.

Examples of Economic-Related Crimes:
Destruction of Property
Electronic Surveillance
Forgery or Fraud
Theft or Identity Theft
Witness Intimidation

How courts are organized in terms of accessibility, scheduling, communication and specialized dockets may also unintentionally impact a victim’s economic security and ability to participate. Chapter Three discusses the importance of **court structure and organization**. Key recommendations include:

- Scheduling hearings and providing safety measures to prevent economic witness intimidation.
- Ensuring accurate data sharing between courts, such as the offender’s criminal history, existing court orders or proceedings, and the impact of a crime on the victim, prior to setting release conditions, approving plea negotiations and sentencing.
- Coordinating all cases involving the same parties, ideally heard by the same judge, to maximize use of court resources and to more seamlessly address economic impacts and victims’ needs.

Economic security is best supported through **collaboration among justice system professionals**. Chapter Four outlines several ways that the work of the courts overlaps with law enforcement, prosecutors, parole and probation officers, civil attorneys, defense attorneys and advocates, and how they can support one another in addressing victim economic security. Key recommendations include:

- Basing court findings on the economic impacts and evidence in law enforcement reports.
- Educating probation/parole officers about how to enforce economic-based court orders and involving them in regular compliance review hearings.
- Criminally enforcing the violated economic provisions that civil attorneys crafted in civil protection orders.

Chapter Five offers suggestions for court systems and programs as well as policymakers to create strong and **comprehensive policies and protocols** around economic security. Key recommendations include:

- Ensuring that the same judge presides over the case from arraignment through enforcement.
- Creating an online directory of services that is accessible to clerks, advocates and judges.
- Keeping an updated list of all restitution and economic relief ordered/ collected from offenders.

The appendices of the Court’s Guide contain several resources to help inform the response to victims’ economic security. The first two appendices present the **Judicial Bench Card** and guidelines for judicial education. WOW’s tool, *Addressing Economic Security in Domestic Violence, Sexual Assault and Stalking Cases: A Judicial Bench Card*, is a brief, user-friendly instrument that can accompany any case file. It consists of checklists for economic crimes, evidence, intake, enforcement and sentencing. Appendix C explores WOW’s research indices more in-depth and how judges and advocates might apply them to their work with these cases. Designed for **Services*Training*Officers*Prosecutors Grant Administrators**, the final appendix recommends ways to support victims’ economic security within the courts by Program Purpose Area (PPA).

Chapter 1: Introduction to Victim Economic Security and the Courts

Why Victim Economic Security Matters for the Courts

Economic insecurity makes victims of domestic and dating violence, sexual assault, and stalking more vulnerable by limiting their ability to escape or recover from abuse and violence.¹ Lacking resources or access to resources, many victims rightfully fear that leaving an abuser, reporting a crime or complying with a court order will diminish their ability to care for themselves or their children. And besides physical and emotional abuse, offenders also often severely undercut the security of their victims by **perpetrating economic crimes**, such as theft or fraud. The justice system, then, should view victims' economic insecurity as a direct threat to their safety. Judges, specifically, should view these financial issues as significant obstacles to a victim's ability to **participate in the criminal justice system**. For example, judges and juries may not understand why a victim delayed reporting, missed a hearing, or recanted previous statements. However, a judge or court advocate may discover that the victim was recently evicted, faces job loss for taking more time off, or the offender sabotaged the car or threatened to leave the victim's children destitute. Victims are better able to seek justice if the economic barriers to justice system participation are dealt with and they are protected from the offender's financial coercion.

The following positive outcomes may also result from the courts' consideration of economic security:

- **Greater levels of justice.** Judges can more effectively administer justice by considering the full scope of the abuse perpetrated, including financial impacts, and incorporating it into sentencing.
- **Offender accountability.** Judges can hold offenders fully accountable by responding to all economic crimes, ordering restitution for all costs incurred by victims and enforcing compliance with all court orders.
- **Safer victims and families.** They will be safer from harm if judges include the workplace or school in protection orders, and will be less at risk of homelessness if given restitution or possession of the home.
- **Increased reporting.** Addressing economic needs can improve victims' trust in the justice system and their likelihood to report crimes.
- **Long-term deterrence.** Ordering and enforcing economic sanctions can show offenders and the public that courts take these crimes seriously. It can help victims stay independent and free of violence.
- **Stable communities.** Economic security contributes to [fewer homicides](#), less violence and greater employment, which produce a safer and more stable community.

*ABA's [goals of judicial intervention](#) include: **validate and restore the victim; stop financial or other forms of abuse; provide restitution and financial support to the abused party; and give referrals to community-based services, such as employment, housing or immigration help.***

Although addressing the economic needs of victims has historically been seen as the role of social service organizations, the justice system has unique abilities to identify these issues and protect victims. From immediately connecting victims to advocates to holding regular review hearings that include economic sanctions, each member of a court system has clear steps they can take to hold offenders accountable and advance a systems-wide approach to keeping victims safe and economically secure.

¹ Judges and staff may benefit from general information on [domestic/dating violence](#), [sexual assault](#) and [stalking](#).

Why Economic Security Matters for Victim Safety

Domestic violence, sexual assault, dating violence and stalking occur across all income and education levels, races, ages and locations. Yet there is a significant connection between [victim safety and economic security](#). [Low-income women](#) are more vulnerable to violence than middle-class women due to a lack of resources and opportunities. For example, [homeless women](#) are at a higher risk of sexual violence, physical abuse and commercial sexual exploitation. Moreover, economic downturns make independence and safety even more difficult for victims. One survey of domestic violence shelters revealed that [74% of victims](#) reportedly stayed with an abuser longer because of financial reasons.

In addition to the increased vulnerability caused by economic insecurity, violence itself causes financial challenges. Many victims of intimate partner violence (IPV), sexual assault and stalking experience severe financial consequences as a direct or indirect result of abuse, which has a lasting impact on their ability to recover from violence, leave an abusive relationship, care for their children or be independent.

Victims may experience:

- Job loss and lost wages
- Unfinished education or training
- Eviction and damaged tenant history
- Foreclosure or inability to pay off debt
- Damaged credit
- Loss of personal property or assets
- Inability to safely collect child support
- Dependency on abusers for basic needs.

How is Economic Abuse Used Against Victims?

Offenders also frequently perpetrate economic abuses – some of which are crimes – in order to gain power and control over their victims and create dependency. Domestic and dating violence offenders use [economic abuse](#) to intentionally make victims more economically insecure and prevent them from leaving. Because an abuser may have easy access to a victim’s Social Security number, bank accounts and other personal financial information, victims are at great risk of **identity theft and fraud**. Moreover, abusers may **coerce victims into financial crimes** like theft, shoplifting or lying about finances out of a fear of violence and retribution by the abuser. Stalking and sexual assault offenders may also employ economic abuse. For example, victims of sexual assault by a coworker may experience missed days of work or face threats of being fired if they report the crime. Stalking victims may have to change their bank accounts after an offender breaks in to monitor their activity.

The Impact of Violence Against Women

Domestic violence victims [lose 7.2 days of paid work each year](#), rape victims lose 8.1 days and stalking victims lose 10.1 days on average.

Rape can cost victims over [\\$145,000](#) in health care, lost wages and justice system costs in a lifetime.

*[25% of victims](#) were **asked to resign** or **were fired** from their jobs due to stalking.*

[28% of housing denial cases](#) involved domestic violence victims who were denied housing because of violence committed against them.

Victims of sexual violence or stalking at school are more likely to [drop out](#) of high school or college.

Intimate partner physical assault, rape and stalking cost society more than [\\$5.8 billion per year](#).

Additional examples of economic abuse include:

- Compromising credit
- Destruction of property
- Misrepresentation of finances, thefts or documents
- Conversion by claiming the victim's possessions as one's own or misusing the victim's property
- Disrupting employment and/or school
- Commercial sexual exploitation
- Appropriation of personal possessions by the abuser, either stolen, pawned, hidden or misused
- Undisclosed or forced bankruptcy
- Non-payment of debt when the abuser fails to pay or hides bills
- Prohibiting from working

Economic abuse produces financial consequences with lasting impacts on a victim's ability to heal and be safe. An abuser may destroy items a victim needs to find or keep a job (identification, phones, cars, uniforms) or an abuser may ruin a victim's credit to fund their own lifestyle, which can make renting a home, applying for college, receiving loans and getting a job very difficult. Ultimately, economic abuse may create a situation in which the victim is unemployed, homeless or unable to collect benefits or child support. Abusers use these tactics to cause victims to depend on them for basic needs. Still worse, coerced economic crimes like fraud or forced prostitution can lead to a victim being prosecuted, with short and long-term impacts,² while the true offender is not held accountable.

What is Violence Costing the Victim?

The examples below illustrate potential economic impacts of these crimes. They are neither exhaustive nor exclusive to each type of abuse. There is **extensive overlap between the occurrences** of IPV, sexual assault and stalking, as well as similarities among the economic impacts that can take place in each. These intersections further complicate victims' economic security.

For victims of **domestic and dating violence**, also referred to as IPV, economic security can be the single greatest factor in deciding or being able to exit an abusive relationship. Especially true for parents, victims may feel they must endure additional abuse in order to have stable shelter and food for themselves and their children. Without the financial resources to leave an abuser and survive independently, a victim is at [greater risk of injury](#) and even [death](#). Abusive partners frequently control resources such as vehicles, computers or phones that are necessary to escape and/or find work. They also often **control finances** like credit cards, access to bank accounts and the victim's paycheck. Lastly, domestic abusers may either prohibit or **interrupt the victim's work or school**.

“Many women are making a decision between the lesser of two very significant evils. It's often not about love, but [about survival](#), maintaining the family.”

Dr. Eve Buzawa

For **sexual assault** victims, the economic impact of assault or rape is often devastating. Health care for an assault victim can be extremely costly and the full scope of **physical and mental health care** needs may not be fully known until long after the attack. Sexual assault victims may [wait months or years](#) to report the crime due to [trauma](#) or fear, reducing their chances of earning economic relief through the

² Economic impacts of an arrest or conviction include: attorney/court fees, eviction, loss of custody/child support, loss of a job/scholarship, loss of eligibility for welfare, deportation or a lost visa, and loss of credibility for CVC.

Over 2/3 of rapes were committed by someone the victim knew.

Over 50% of rapes and sexual assaults took place at or within one mile of the victim's home.

court. Beyond the costs of health care and property damage, sexual assault produces long-term effects on a victim's employment and education. If the assault took place at work or school, the trauma may cause victims to **resign or drop out**. If the perpetrator was an authority figure or a colleague, the potential for **continued harassment** may increase emotional harm and decrease productivity. Even if the crime took place outside of work or school, the physical and mental health needs of victims may still affect their performance and result in the loss of a job or scholarship.

Stalking also has severe and lasting economic impacts on victims. Most stalkers terrorize their victims in most aspects of their lives – at home, at work and in the community. Stalkers may gather information from victims' workplace, call or **threaten them at work**, wait at parking lots or bus stops, damage or destroy property, break into their car or home, or flood them with disruptive and costly calls, texts and emails. As a result, victims may be **forced to move**, change or leave jobs, purchase expensive security systems like surveillance cameras, change locks, cancel credit cards, break a phone contract, and fix a stolen identity or bad credit scores. They may even have to completely **change identities**. All of these yield a high financial cost for victims both in terms of out-of-pocket expenses and missed work or promotion opportunities.

25% of victims stalked through email or instant messaging, 10% with GPS, 8% with cameras or listening devices.

What does Economic Security Look Like for Victims?

Victims who are economically secure have a greater chance of achieving immediate and long-term safety. As defined by WOW, economic security means having the income, assets and access to services to meet basic needs (housing, food, transportation, childcare, healthcare, household supplies and taxes), participate in the workforce and build savings over the lifespan.³



WOW's Basic Economic Security Tables (BEST)TM Index finds that on a national average the greatest expenses for single adults are **housing** (\$642 per month) and **transportation** (\$516 per month). The greatest expenses for single parents are **childcare** (\$1,112 per month) and housing (\$803 per month). These expenses – housing, transportation and childcare – are also often cited as the most significant barriers that victims confront when attempting to escape violence or rebuild their lives.

Comparing families' true living costs to their household incomes, WOW's analysis finds:

- **45% of Americans** lack basic economic security.
- **60% of single women** lack economic security in the US, compared to 45% of single men.

³ See Appendix C for a more detailed discussion of WOW's economic security findings and how to use it.

- **81% of single mother families** live in economic insecurity, due largely to the cost of child care.
- **73% of Black women and 77% of Latino women**, who are more vulnerable to violence against women, are economically insecure.
- **31% of women** who work full-time still do not earn enough to reach the BEST standard of economic security.

Moreover, many victims are either [unemployed](#) or earning too little – women make up [two-thirds of minimum wage workers](#) and the average income is \$23,638 for female heads of household⁵– and social supports are often unavailable or fail to make up the difference. This common struggle to meet even basic needs is a significant issue for victims and their ability to maintain safety. Victims of any of these crimes may have to forgo basic needs to cover health care or relocation costs. Intimate partner victims may reconsider leaving an abusive partner if they cannot survive on only their wage. Especially for victims facing medical needs, lost wages, work interruptions and/or criminal records, economic insecurity may be an overwhelming obstacle to fully recover from violence.

It is not the role of judges and court advocates to help victims find better careers, job training or housing. But in light of how much offenders use economic coercion, exploitation and threats to achieve control and how much it affects the court’s ability to hold them accountable, it is in the best interest of the courts to address victims’ economic security. By making this a routine part of their work, judges can better serve the goals of the judicial system, effectively carry out their responsibilities and protect the parties and their families. The following chapters will detail exactly how those working in the courts can identify a victim’s economic needs and promote economic security in an unbiased manner throughout the course of their work.

Basic Economic Security Tables, 2013⁴ (Workers with Employment-Based Benefits)			
US, Selected Family Types			
Monthly Expenses	1 Worker, 1 Preschooler, 1 Schoolchild		
	1 Worker	1 Schoolchild	2 Workers
Housing	\$642	\$803	\$642
Utilities	\$115	\$144	\$115
Food	\$264	\$572	\$484
Transportation	\$516	\$566	\$1,017
Child Care	\$0	\$1,112	\$0
Personal & Household Items	\$259	\$386	\$315
Health Care	\$161	\$480	\$374
Emergency Savings	\$76	\$154	\$112
Retirement Savings	\$87	\$87	\$102
Taxes	\$374	\$953	\$501
Tax Credits	-\$0	-\$267	-\$0
Monthly Total	\$2,494	\$4,990	\$1,831
Annual Total	\$29,928	\$59,880	\$43,944
Hourly Wage	\$14.17	\$28.35	\$10.40

⁴ See Appendix C or www.basiceconomicsecurity.org for more complete BEST data.

⁵ Calculated by WOW based on the American Community Survey.

Chapter 2: Addressing Economic Security within Core Responsibilities⁶

From the court advocate to the clerk and the judge, each member of the judicial team has an important role in addressing economic security to the benefit of both the victim and the community as a whole. Considering the full scope and impact of the violence committed will support the **efficient, effective administration of justice**. For instance, economic sanctions for offenders, alongside electronic monitoring, community service or even jail time, can result in more appropriate sentences. IPV, sexual assault and stalking cases are complex and the recommendations here are neither comprehensive nor appropriate for every case.⁷ Rather, this Guide focuses chiefly on the court actions that directly or indirectly relate to economic security. It offers suggestions for criminal court professionals to address and support economic security at every step of a case from pre-trial and pleas to post-adjudication.

Economic security is not the work of direct services alone. Judges have a legal authority to address these issues within their work.

Pre-Trial

It is important to inquire about and act to mitigate the economic impact of violence beginning with the victim's first interaction with the court system. **Court clerks and intake staff** can directly connect victims with the proper information, forms and resources. Brochures and other materials should be offered to both parties to avoid bias and should explain the economic impacts of crimes, existing economic relief and its availability through the justice system process. Clerks and intake staff should be trained on the signs of economic abuse as well as the damaging and lifelong effects of violence on the economic security and safety of victims. They should be aware of the economic-related community support programs and public benefits available to victims. They should also communicate key information to victims about the expectations and requirements of their involvement in the justice system.

Court staff can be instrumental in providing victims with **immediate access to advocates**, either stationed within the court or through a community organization. Victim or court advocates can:

- Inform victims about the ways that a court case can further their protection, such as by allowing them to request restitution and seek relief for housing or childcare.
- Notify victims about their legal right to take leave from work to participate in the justice system process, if available, and help them secure that leave from their employer without risking their job.
- Educate victims about their legal rights and options to protect or access safe housing, employment or education.
- Provide economic resources that victims may require to participate in the justice process, such as bus passes or childcare subsidies.
- Connect victims to assistance with credit repair and consumer law issues that may have arisen from an abuser's economic abuse.

*Judges' time is valuable and limited. A **services coordinator/ liaison** on staff that is trained on economic issues can inform judges about existing resources or services and be available to assist.*

⁶ The titles and tasks of each job in a court will differ by jurisdiction. Exact judicial responses should be tailored to the court's unique capacities. For consistency, this Guide will use the terms judge, clerk, bailiff and court advocate.

⁷ Actions must be on a case to case basis. Ex. some victims may not want restitution as it ties them to their abuser.

In addition, intake forms can be created or adapted to ask questions about economic impact, economic crimes and the possibility for restitution. Courts can include the following sample questions in forms. And depending on jurisdiction, court staff may also discuss them in person with the victim witness or the court can ask the prosecution from the bench as it considers release conditions and safety precautions.

Recommended Economic-Related Pre-Trial Questions for Victims

- What out-of-pocket costs have you incurred due to the violence or abuse? (I.e. bills, security equipment, emergency contraception, replacing property, health costs, moving, etc.)
- Has the defendant taken any of your money? Your paychecks? Other personal items?
- Do you have access to your bank account and other finances? Does the defendant?
- Does the defendant know the passwords to your bank accounts, home or work computer, or cell phone? Did the defendant threaten or force you to reveal them?
- Has the defendant ever used finances or access to finances to intimidate or threaten you?
- Did the defendant lie to you about your credit, bankruptcy, taxes or bank accounts?
- Did the defendant use your identity to create new accounts or commit fraud?
- Did the defendant destroy anything that will keep you from going to work/school or paying bills?
- Has the defendant forced or caused you to miss work, leave your job or withdraw from school?
- Is the defendant in a position of power over your job, school, scholarship or housing?
- Has the defendant prevented you from gaining citizenship or a work visa?
- Have there been any costs associated with co-occurring sexual assault, IPV or stalking?
- Has the defendant appeared repeatedly at the homes of friends, family, or neighbors? At your work, school or childcare provider? Across jurisdictions? What extra costs has this caused?
- Are there police reports in other jurisdictions, regardless of resulting in a criminal or civil case?
- Are there any issues that will keep you from participating in a trial?
- Do you need help notifying your work/school that you may have to miss a few days for the case?

Bail and Arraignment Hearings

When setting **pre-trial release conditions** for defendants, judges can set a high bail, hold them without bail and/or impose relief conditions to prevent defendants from endangering the victims' safety, including by interfering with their economic security or intimidating them. To determine appropriate conditions, judges can look at past cases involving the defendant as well as evidence of stalking, economic abuse and coercion in the current case. They may also utilize the economic information from intake forms and court advocates. However, defendants who are employed may earn income that victims rely on for child support, rent, mortgage or utilities payments, access to employer-based health insurance or other basic needs. In such cases, it may be beneficial to both parties to release the defendants on their own recognizance so long as the court also acts to protect the victim from further violence. Release conditions should be reviewed at all future court dates and checked for compliance.

In addition to crimes of personal violence, such as battery, assault or stalking, there are many other crimes for which a defendant can be charged and that result in specific economic harms to the victim. Judges should allow prosecutors to include such crimes and discuss this economic impact when presenting charges to the defendant. While the specific statute may vary by jurisdiction, crimes with economic impacts and/or links to economic abuse include, but are not limited to, the following:

Crime	Impact on Economic Security
Breaking and Entering	Offenders can damage property or disable safety measures, leaving the victim vulnerable to theft or harm. Offenders may also increase the victim's and other dependent's anxiety/mental health care needs and require relocation.
Cyber-Stalking or Stalking with Technology	Offenders' actions may force victims to replace technology, pay for security measures, change passwords or banks, or repair credit. Offenders may stalk at work or school. They can be separate crimes from stalking (see page 8).
Destruction of Evidence	Offenders can destroy evidence of economic crimes or documentation of the cost of the abuse (bills, photos, messages, etc.). They can also destroy evidence of economic threats that may constitute witness intimidation.
Destruction of Property/ Property Damage	Offenders may damage or destroy property at a cost to the victim. The offender's damage may also keep the victim from work or school if the property was a mode of transportation, a computer or identification.
Electronic Surveillance	Offenders can track victims' location, identification or financial accounts. This can involve cell phone hacking, GPS or other technology at home or work, which can be costly to find and remove. If offenders verify when victims call for help, they may destroy evidence or economically intimidate victims.
Forgery	Offenders can forge paychecks or tax forms and open bank accounts or credit cards in the victim's name.
Fraud	Offenders can commit benefit, tax, credit card, medical or employment fraud. Each can have lifelong impacts on a victim's credit that is costly and burdensome to repair and can hinder getting a job, loan or home.
Harassment	Offenders can cause victims to pay for mental health services, changes to their regular routine and expenses related to safety planning. It can take place at work or school and can result in their interruption.
Identity Theft	Offenders can cause long-term damage to victims' credit history. Also making victims change financial accounts and recover stolen resources can be costly.
Reckless or Negligent Injury	Injuries by offenders can cause victims costly physical and mental health care needs or keep them from working, resulting in lost wages or termination.
Strangulation	It often goes unrecognized and untreated by both the victim and first responders, resulting in costly health care needs or death. It is also a measure of increased risk and often leads to much more serious and costly harm.
Theft/ Robbery/ Larceny	Offenders may steal to get information or access to the victim when stalking them. Theft may occur alongside a sexual assault or be used as economic abuse. Offenders may also steal the victim's wages.
Trespassing	Offenders can trespass at the victim's home, work, extended property or the property of family or friends. Victims may need to buy security equipment (the cost of which can be high), relocate or miss work, resulting in lost wages.
Threats	Offenders can threaten to kill or severely harm themselves, the victim, family members or pets in order to get the victim to turn over financial documents, property or money. Minors may be especially vulnerable to threats.
Witness Intimidation or Threats	Offenders can threaten to get victims expelled/fired, to stalk them or to inflict costly harm to keep them from testifying or cooperating with police. Abusers can intimidate victim witnesses with threats to leave them destitute, destroy their property, not pay child support, disrupt school/work and interfere with immigration.

Judges can also issue a **criminal no-contact order** that includes economic security considerations at first appearance.⁸ Not only can [no-contact orders](#) help to keep victims safe from physical violence, they can address the costs of violence and allow victims to continue to go to work or school uninterrupted by including specific economic provisions. For example, an order can remove an abuser from the home and turn it over to the victim or force the defendant to turn over property like car keys. Judges should ensure that the no-contact order specifies the victim’s workplace or school, the victim’s children’s school, childcare providers and anywhere else that may be necessary for maintaining economic security and safety. It should last for the duration of the court case (see page 17-18 for considerations when issuing permanent protection orders during sentencing).

Unemployed and economically disadvantaged abusers are at [greater risk for re-abuse](#), especially between arrest and trial.

Safety Considerations

[The most dangerous time](#) for a victim of domestic or dating violence is during separation. Victims who are trying to leave may fear that a trial could aggravate their abuser to inflict severe injuries or kill them. In addition, a sexual assault victim may fear retaliation or job loss if the defendant is in a position of power. Basic planning to promote victims’ safety will not only protect their economic security but also ensure the proper functioning of the justice system. There are steps that court staff and advocates can take to protect the safety of the parties as well as of the court personnel.

Due to the complex issues of economic vulnerability and economic dependency in cases of domestic violence, sexual assault and stalking, it is necessary to consider whether **economic intimidation of the victim/witness** is occurring. Clerks, advocates and even bailiffs, in addition to judges, should watch for such [witness intimidation](#) at all times in these cases and have [steps in place to address it](#) if it occurs. Economic threats that constitute victim witness intimidation can take place in court waiting rooms, parking lots and even in the courtroom itself if the parties are allowed to interact. In addition to the examples of overt economic-based threats described on page 12, defendants may also engage in intimidation that indirectly affects the victim’s economic security. For example, defendants may vandalize victims’ cars to keep them from court, which also impedes their ability to get to work.

Similarly, defendants may engage in **vexatious or retaliatory litigation** to harass, intimate and disrupt the economic security of their victims. They may use the court system as another tool of abuse by opening frivolous lawsuits, filing repeated motions, or claiming that the victim is violating an order or in contempt. Beyond the economic impacts of an arrest or conviction (see page 7), repeatedly summoning the victims to court can cause them to miss work or even lose their job, create undo expenses for transportation or childcare, and require them to cover court fees, attorney costs or other payments associated with their participation. Judges and

*“You don’t want to deny access to court relief for the person who really needs it but I think we all recognize when litigation is truly being used as another tool of abuse.”
Darren Mitchell*

⁸ The defense may allege that ordering economic relief in pre-trial release conditions and ex parte protection orders violates the due process of the defendant. However, most state statutes specifically allow for these kinds of relief and provide opportunities for the defendant to challenge them in a hearing either at issuance or soon after.

court staff should look out for and recognize when a defendant is taking advantage of the court and the judge to perpetrate additional violence and fear. They have the authority to address this abuse, though the specific, allowable court responses will [vary by state](#).

Another way that defendants may intimidate or prevent a victim from participating in the justice system is by exploiting fears about immigration. Immigrant victims often stay in abusive relationships, avoid reporting crimes and go without care following an assault because they fear deportation. Immigrant victims may also not be able to work legally and thus may be economically dependent on an abusive partner or offending employer. **U and T visas** are valuable tools that can help keep immigrant victims safer and more economically secure. Judges are specifically listed in VAWA as officials authorized to sign [U visa certification forms](#). They may certify victims' cooperation any time after detecting a qualifying offense, though may prefer to do so after the case closes. Certifying U visas may encourage victims to participate in criminal justice processes that could lead to protection from further harm, restitution and the ability to support their own economic security through employment. As a result, judges may improve the integrity of the case by keeping victims economically secure so that they are better able to participate. Utilizing U and T visas may also encourage other victims to come forward, improving their access to justice and community safety.



Plea Bargains

While judges are not involved in crafting pleas, they should be aware of the economic implications that orders may have on the parties when deciding whether to accept or refuse the deal. There are many ways that plea negotiations can either enhance or harm the economic security of victims. In fact, some victims may be better off economically or otherwise, and may prefer it, if the case is pled instead of going to trial. In sexual assault cases, for instance, a plea can spare victims from the trauma of a trial, which can create additional mental health problems, and limit the public exposure of testifying, which can lead to retaliation, harassment and discrimination. Victims of intimate partner violence who are dependent on the defendant's income or child support may benefit economically if their abusers are out on bail and under supervision to protect their physical safety. When examining and approving such deals, judges should ensure that any plea deal protects the victim's economic security and safety.

Given the economic impact of IPV, sexual assault and stalking, judges can ask the prosecution about **economic relief** if it is not requested. It may be possible that the negotiations will result in an offense reduction for the violent crimes, but maintains certain economic crimes that permit the award of restitution or other economic relief. This may still achieve justice while upholding the victim's long-term security and safety. Pleas that include criminal protection orders can accomplish this goal as well. Such orders can help victims to be safer if they include possession of a house or car, security equipment, child support (where authorized and if there is a shared child), or an abuser's removal from the workplace or campus if a colleague or fellow student of the victim. It is also important that plea deals not limit victims' ability to file civil charges that may be necessary for their economic security by prohibiting it in the deal. With the offender's economic situation a risk factor for abuse, plea deal **diversion requirements** may also include job training or financial planning for the offender in addition to violence counseling and/or substance abuse courses. This may also help keep offenders from abusing victims' financial resources.

Trial and Sentencing

Trial Considerations

Judges can better **understand the factual circumstances** of a case, the impact of the abuse, and the victim's actions and behavior in court if they hear evidence regarding the economic aspects of domestic and dating violence, sexual assault, and stalking cases. For example, sexual assault victims may refuse to testify against the employer or professor who attacked them because of a well-founded fear of losing a scholarship or job and of damaging their academic or employment reputation. Or domestic violence victims may contradict or recant previous statements due to threats, intimidation or fear of losing their abusers' economic support. In such situations, recognizing the economic motivations behind such behavior may help judges understand the evidence more comprehensively and so be able to reach more just decisions. Allowing the trial to incorporate economic costs, evidence and crimes will also educate the jury and wider community about the realities and extent of economic abuse as well as the importance of victim economic security to prevent future crimes.

*"If courts focus exclusively on the legal definitions of domestic violence the underlying pattern of abusive behavior may not be apparent."
(NCJFCJ, 2011)*

Rather than a single criminal incident, intimate partner violence, sexual assault and stalking typically involve a pattern of behavior designed to inflict fear and control. In addition, defendants often use threats of court proceedings or violations of court orders as well as the hearings themselves to maintain control over victims. Therefore, it is necessary for courts to allow the context of the comprehensive and long-lasting impact of the crime on the victim to be presented. This means going beyond common charges of assault and protection order violations to include the presentation of economic-based evidence, charges of economic crimes and testimony on economic impact.

Recommended Economic-Related Evidence to Allow

- Photographs of injuries and damaged property.
- Security camera footage from neighboring businesses or residences that may have captured the offender's commission of injuries or property damage if they occurred outside.
- Property in the offender's possession at the time of arrest that belonged to the victim.
- Damaged or destroyed property's value or repair cost, with corroboration from the victim.
- Calls, emails, text messages and social media at home, work or school.
- Financial documents showing related costs of the violence (bills, bank statements, credit reports, invoices, receipts, canceled checks, stolen pay checks, etc.).
- Documentation of health care costs due to injuries from violence.
- Records of missed work or school (HR leave request forms, school attendance reports, security sign-in logs, etc.) as a result of the violence.
- Forensic accounting that uncovered cyberstalking/electronic surveillance, online economic crimes and identity theft; monitoring from the offender's work and home technology; phone/email spoofs, unauthorized GPS tracking and phone breaking on the victim's end.
- Measures taken by the victim to protect against violence or threats (security systems, moving to another residence, changing phone numbers, etc.) and the costs of such measures (receipts, bills, bank statements, credit card reports, etc.).

Judges can also incorporate economic considerations in the trial when exercising their power to allow or disallow **expert witness testimony**. [Expert testimony](#) may help to explain to the judge or jury in unbiased terms the economic reasons why a victim was reluctant to appear or recanted initial reports. Such witnesses may also be able to present honest and realistic assessments of the short and long-term costs or economic impact of the defendant's crimes.

Possible expert witnesses may include the following:

- Experts on victim behavior and experiences in general, such as victim advocates
- Domestic violence and sexual assault advocates with economic abuse expertise
- Experienced domestic violence or sexual assault law enforcement investigators
- Economic crimes specialists or investigators
- Forensic nurse examiners
- Economic security experts, such as economists, researchers, financial planners or economic justice advocates

Another way judges can better see the full picture of abuse is to **allow relevant prior bad acts** that are economic in nature. Such acts can show motive, intent and opportunity. For example, the individual actions of a stalker on a college campus may not all be criminal, but they add up to a pattern of escalating purposeful behavior with devastating implications, economic and otherwise. Prior actions can also include when abusers fail to pay bills in the victim's name, resulting in damaged credit, or control the victim's employment, which can be a warning sign of escalation.

Witness intimidation is pervasive in many criminal cases, but it is particularly prevalent in intimate partner and sexual violence cases. And considering the economic dependency and abuses committed by abusers, it is common for them to utilize economic-based threats to keep victims from participating in a trial (see page 13). When [witness intimidation](#) is identified, judges may [allow statements or prior testimony](#) otherwise barred by the Constitution as an exception to [Crawford v. Washington](#). Admission of such evidence may require a forfeiture by wrongdoing hearing to show [intent to keep from court](#).

Sentencing

Sentencing is perhaps the best opportunity for judges to actively support victim economic security. Sentences should be structured to reduce risk, promote victim safety and independence, and minimize economic deprivation. Judges can do so by including economic considerations in their rulings and not assume that victims will receive [Crime Victim Compensation](#) (CVC). While CVC is a valuable resource for victims, not all damages are covered and not all victims are eligible (see table below). Judges should proactively order [restitution](#) and other economic relief for victims throughout probation when possible. If prosecutors do not present [restitution](#) requests, judges can directly ask for and order it.⁹ Judges and court advocates should be aware of their [state's statutes on restitution](#), specifically if it is included in their crime victims' rights constitutional amendments (18 states), if there is a specific directive for victims of domestic violence or sexual assault (25 states) and if they are required to order it barring extraordinary circumstances (over one-third).

"The fact that a victim does not request restitution does not change the court's obligation to order it"
State v. Steffy, 173 Ariz. Ct. App. 1992

⁹ The questions asked during intake or trial (see p.11) can help determine restitution.

Other possible types of economic relief include:

- Rent/mortgage and utilities payments
- Use or transfer of personal property
- Payment of insurance premiums
- Payment of outstanding debts
- Emergency, child or other support payments
- Stay away provisions for the workplace, school, childcare provider and others
- Transportation and gas
- Provision of security equipment
- Compensation/punitive damages for pain and suffering

Many of these forms of relief can be included in court-ordered protection orders. Like restitution, states can statutorily authorize judges to grant [certain economic relief](#) in protection orders. For example, 35 states allow child and spousal support, 27 allow possession/use of a car or other property, and 20 allow the continuation of rent and mortgage payments or providing alternative housing. If not specified in the statute, judges can and should include economic relief under common “catch-all”/“other” clauses or the general safety provisions in order to protect victims in the short and long-term by addressing their unique economic needs. For example, housing security and a stay away provision for an office or school may be essential for a victim’s physical safety, which is the ultimate intent of such orders.

Court advocates can give victims advance notice of their rights under their state’s [Crime Victim’s Rights Act](#) to submit evidence of the physical, emotional and economic impact of the crime. Advocates should help victims complete **Victim Impact Statements** and present them to the judge at the sentencing hearing. Some states such as Pennsylvania also allow victims to submit statements attesting their future risk and what they need from the court to mitigate it, instead of only listing past economic costs and impacts. While courts should not base the restitution amount on the offender’s ability to pay (see page 19 for collection strategies), they may still take it into account when setting the payment schedule.

	Restitution	Crime Victim Compensation
Process and Eligibility	<ul style="list-style-type: none"> • Court-ordered payment from the offender after a guilty finding. • Can be issued even if there is a civil suit in progress or if CVC has paid for other costs. • Can remain in effect even after the victim or offender dies. • Can be calculated and requested by the victim or victim’s advocate, the prosecutor or the probation department. 	<ul style="list-style-type: none"> • Government assistance program that is applied for independently. • There may not be an arrest or prosecution of the offender. • Victim may be required to report the crime by a certain time and cooperate with the investigation. • Must file an application to the state within a certain timeframe.
Coverage	<ul style="list-style-type: none"> • Can be ordered for a wider range of losses. • Common uses: physical/mental health care, lost wages, lost/damaged property, justice system expenses and other direct expenses. • Additional uses: future health care, funeral costs, crime scene clean-up, correcting credit history, insurance deductibles, credit card fees or prescriptions. • Does not cover pain or emotional distress. 	<ul style="list-style-type: none"> • All programs cover medical expenses and most cover counseling. • Very few cover property loss, funeral expenses or other costs. • States set a maximum benefit that can be paid for each claim, which varies by jurisdiction.

WOWs [research standards](#) can be used to help assign value to damages and relief (see [Appendix C](#)).

Judges can effectively **maximize compliance** by creating post-disposition controls. In order to make orders as effective as possible, they should be crafted with concise and plain language that avoid ambiguity which might be misunderstood by law enforcement or the parties. Police and probation/parole officers may be [unable to enforce](#) rulings with language such as “reasonable” or “mutually agreeable.” Judges should ensure that their sanctions do not conflict with other orders from other jurisdictions or court systems (civil, family, child/adult protective, etc.). They can collect this information through databases, solicit it from the parties or compilation by clerks. If necessary, the court should add language clarifying which order takes precedence. Lastly, they should delineate the exact consequences for an offender’s failure to comply with the provisions and provide clear contact information for the court.

Decisions about incarceration, probation and parole will also impact the victim’s economic security. When considering incarceration, judges should be aware of some economic reasons why a victim may or may not want the offender to be sentenced to jail or prison. If the victim fears additional or retaliatory physical harm or continued interference with work, school or housing, incarceration might help protect the victim’s economic security. However, a victim of dating or domestic violence may be financially dependent on the offender or may fear losing child support and restitution if the offender goes to jail and can no longer work. In addition, if the sentence does not include incarceration, the court can require offenders to participate in [local programs](#) to learn about the impacts of their abuse, economic and otherwise. This can also be a condition of parole or probation.

• • •
Most convicted stalkers are [sentenced to probation](#). Only 10% are imprisoned.
• • •

Economic-Security Related Sentencing Considerations

- Request restitution forms for victims if not provided and order in full if the evidence supports it.
- Specify the day, time and location of the exchange when directing the offender to turn over property or pay restitution to the victim. Use third party transfers when appropriate.
- Include economic relief in permanent protection orders as a requisite for victim safety.
- Verify that protection orders do not conflict with or contradict the economic relief or safety provisions that can impact economic security in existing civil protection orders. Order relief, such as security equipment, to prospectively keep the victim safe and economically secure, particularly for the period of probation, in addition to relief for past costs.
- Craft plans that dictate exact [programs and timelines](#) when assigning offenders to local services.
- Make payment of economic relief a condition of release so that a noncompliant offender can be found in contempt and if necessary incarcerated.
- Direct the clerk to flag the conviction as IPV or sexual assault in the computer system.
- Consider how [cultural differences](#) affect the economic-related remedies to support the victim as well as the imposition of economic-related interventions for offenders and their compliance.
- Translate orders into the parties’ primary language.
- Consider ordering offenders to job training or other programs to improve their economic security to mitigate the [risk factors for reabuse](#) of unemployment and economic disadvantage.
- Issue an Order to Appear for the offender at final judgment to put the responsibility on the offender to file evidence of compliance rather than on the court to discover and enforce it.

Post-Trial: Enforcement and Follow-Up

Enforcement of court orders is an essential part of keeping victims and children safe and holding offenders accountable. Doing so also upholds the integrity of the justice system by showing offenders that the court takes these crimes and their lifelong impacts on victims and the community seriously. Judges and court staff have the tools and authority to help overcome the challenge of **ensuring that those found guilty of IPV, sexual assault and stalking comply with their sentences**. And depending on the needs of the victim, upholding economic relief provisions in protection orders can be almost as important as the stay-away provision for the victim's safety. To best oversee quality enforcement, courts should work closely with law enforcement, prosecutors and defense attorneys.

“Abusers interpret the court’s failure to intervene, or its ineffective intervention attempts, as affirmation of their right to impose and enforce rules on their victims.”

Barbara Hart

Many in the judicial system overlook restitution if the offender is low-income, unemployed or heading to jail. However, courts can and should ensure that a victim still receives economic justice regardless of the abuser or victim's economic situation. Some states have acquired restitution funds using the following unique strategies:

- Prison work program wages
- Inmate accounts or state payments to offenders
- Bond payments for the offender
- Federal tax returns
- Lottery winnings
- Gambling earnings
- Inheritances
- Income deduction orders
- Direct payments to the victim from a restitution fund, then the state pursues the offender for repayment

Compliance and Review Hearings

One of the best ways to monitor offenders and ensure compliance in IPV, sexual assault and stalking cases is to hold regular review hearings. Doing so might require a short-term investment of resources, but it may **reduce the court's docket and prevent violence** in the long-term. Research shows that close supervision, in addition to programs for abusers, deters recidivism in domestic violence cases. And by holding such hearings in front of a broader audience that includes victims, other offenders, and their friends and family members, judges can maximize the court's capability to deter future crime.

“Taking time now will save time and lives later.”

Hon. Lynn Tepper

While review hearings are helpful in making sure victims are physically safe from additional violence, which impacts their long-term health and economic security, they are especially critical when the court orders economic relief. Victims may be less likely to report non-physical violations and law enforcement less likely to respond to such violations. Ideally, judges would have the opportunity to publicly **evaluate an offender's compliance** based on comprehensive reports from probation officers, which contain both information derived from offender monitoring and the victim's input. Either directly or through the probation officer, victims can educate the court about their particular needs, many of which may be

economic in nature. Victims should not be responsible for monitoring compliance nor required to attend these hearings, though they should be notified of their occurrence and results. Holding regular reviews with the offenders places the onus of ensuring compliance with post-conviction and protection orders on the court instead of on the victims.

“We are not going to get him to change his behavior until the cost benefit in his mind changes...and money is something everyone cares about.”

Hon. Timothy P. Lawliss

Graduated sanctions and rewards in response to the offender’s level of compliance are effective tools that can also impact the economic security of the parties. They allow the judiciary to address the actions and economic situation of the parties in a much more nuanced manner without limiting them to either incarceration or full revocation of probation. For example, graduated sanctions can include community service, fines, restitution, extra sessions at a [batterer intervention program](#), work-release programs, intensive probation and full or partial jail time. Economic-related rewards can include fewer or less frequent reviews, reduction or waiving of court fines and fees, changes to no-contact orders and less intrusive probation reporting. Furthermore, judges can use economic relief as a sanction for violating an order and create additional sanctions for violating economic relief orders themselves.

How courts schedule and run review hearings can also have impacts on economic security. For example, [scheduling hearings](#) on weekday mornings when domestic violence dockets may be heavier allows more people to witness judges enforcing economic orders, which can create a **broader deterrent effect**.

Another option is to schedule compliance review for a set day or half-day every month when the court calendar is lighter and probation officers, attorneys and extra bailiffs are more available. Some judges prefer to hold reviews on Friday afternoons, for instance, so they can respond to violations by assigning weekend custody, which can **protect the offender’s employment**. Alternatively, other jurisdictions opt to stagger specialized domestic violence days across the courthouses to allow specialized prosecution and probation units to participate as well as advocates that can provide economic-based services.

Regardless, courts should hold review hearings at such intervals as appropriate considering the lethality and safety risk the defendant poses, the consequences of economic manipulation to the victim, how long after sentencing it is, and other factors that may suggest either a shorter or longer gap.

The Role of Probation and Parole Officers

In many jurisdictions, the monitoring and enforcement of court orders, including economic relief, falls to probation and parole officers. Officers can **assess compliance** through direct interactions with both parties, records from court-ordered programming such as job training, employment, [batterer intervention](#) and substance abuse programs, and accessing state or local databases for evidence of new arrests or protection orders against the offender. Probation and parole departments will be best able to address the unique nuances and economic impacts of these crimes if they have [specialized units](#). Specialized domestic violence or sexual assault units will allow for better training and coordination between sectors.

“The integrity of judicial review hearings depends on the quality of information that probation agents provide to judges.”

JOD Initiative

Probation and parole officers who proactively reach out to victims upfront can make a big difference in case follow-up. In fact, a [Rhode Island study](#) found that victims were three times more likely to notify

law enforcement about violated no contact orders if they had been contacted by probation. However, officers must also balance the importance of monitoring the offender with their **responsibility to keep the victim safe**. Officers should not urge victims to share information that could endanger them or their economic security. As such, victims should be informed that any information they turn over, including anything related to their housing, employment or education, may be shared in court or in public records that the offender could access. However, probation officers can also update victims on the progress of the case and when scheduled reviews are taking place. This will help victims plan accordingly to protect their economic security and physical safety during the justice system process.

Economic-Security Related Enforcement Considerations

- Establish regular, close communication protocols between the sentencing/review judge and the assigned probation officer that includes economic-based compliance.
- Conduct regular compliance review hearings that focus on economic relief.
 - ⇒ Use a pre-set compliance review form.
 - ⇒ Work with probation, attorneys and advocates to ensure that the parties are aware of the scheduling, expectations and their role in the review hearings.
 - ⇒ Modify protection orders during review hearings to meet the changing economic needs of the parties while maintaining safety and following due process standards.
- Have child support enforcement staff present at the courthouse so that orders can begin to be enforced immediately following a hearing.
- Reduce economic relief to judgment so it can be more heavily enforced by placing liens on assets, garnishing wages or other strategies.
- Revoke the offender's probation or parole if restitution is not paid by the end of the sentence.
- Consider [civil and/or criminal contempt](#) sanctions if appropriate.
- Include space for economic abuses or changes in economic needs in judicial checklists and forms for order modifications and motions.
- Amend and issue [forms and orders](#) with economic considerations to ease the response to violations.
 - ⇒ A form that the victim can fill out with evidence of economic violations (ex. Affidavit and Motion for Order to Show Cause).
 - ⇒ Order to Show Cause for indirect criminal contempt that includes the economic terms of the injunction that the court found to be in noncompliance.
 - ⇒ A form letter that judges can easily send to the state agency in charge of child support enforcement to inform them of changes to court-ordered child support.
 - ⇒ A form with a checklist that the court can fill out and forward to the state attorney or prosecutor for enforcement and prosecution for an injunction violation (ex. Order on Affidavit in Support of Violation of Injunction).
- Do not remove or alter protections unless the victims have a chance to express their economic concerns about the changes, and unless the victims have been notified in advance so they may act to protect their physical safety and economic security.

Chapter 3: Court Structure and Organization

Organization

Accessibility and Security

The criminal justice system is the only avenue by which victims can obtain restitution, seek protection and ensure that their abusers are brought to justice. Unfortunately, despite the various potential benefits, economic and otherwise, of engaging in the criminal justice system, it can be an [extremely complicated and taxing process](#), especially for victims who have experienced trauma. In addition to efficient scheduling (see below), the court can take concrete steps on its own and with advocates to improve court access for all victims.

“If one set out intentionally to design a system for [provoking symptoms of posttraumatic stress disorder](#), it might look very much like a court of law.”

Dr. Judith Herman

- Coordinate between the criminal, civil, family and child protective systems so that victims do not have to [prioritize their needs and justice system responsibilities](#) and so that there is one centralized place or person, such as an advocate, where they can get all related information.
- Provide [vouchers for public transit](#) or parking passes to reduce transportation cost barriers.
- Provide childcare either [on-site](#) at the courthouse or through a community partner.

In addition, certain underserved groups may face unique barriers to accessing the courts and economic justice, such as individuals with disabilities, immigrants or lesbian, gay, bisexual, transgender and queer (LGBTQ) survivors.

- Evaluate forms, outreach and procedures to ensure they do not discourage [minors](#) or [elders](#) from seeking safety and economic security through the court.
- Offer forms, signs and [qualified and professional interpreters](#) in the most common languages by location so limited English proficient victims can request economic relief and seek protection.
- Update websites, outreach materials and forms with gender-neutral language to not discourage [LGBTQ survivors](#) from participating in the court process.
- Offer auxiliary aids or services when needed for effective communication. Do not charge persons with disabilities for any [cost of accommodations](#), such as holding hearings at different, more accessible locations. If possible, order the offender to cover these costs.

Strong court security will not only improve the court’s accessibility to victims, who may need that structure and reliability following trauma, but will also protect their safety from further violence. Victims’ economic security will be enhanced if the court is set up to limit contact between the parties. To do so, bailiffs should be trained on the nuances of these crimes as well as economic abuse and witness intimidation. They should be stationed between the parties in the courtroom and escort the victim to the parking lot or out of the building to prevent threats and damage to a car or person. Courts can also **prevent economic threats and physical damage** by providing separate waiting rooms for the parties, a time delay for them to leave the courtroom with the victim’s side leaving first, and clear announcements about what behavior is acceptable. [Courtroom announcements](#) can also reiterate that in a criminal case, the victims do not have the authority to drop charges to prevent economic threats.

Scheduling

How and when courts schedule all hearings related to IPV, sexual assault and stalking cases can have huge impacts on the economic security of the parties. Delaying domestic violence, sexual assault and stalking cases gives offenders additional opportunities to hide assets, tamper with evidence and harm or intimidate the victim, all with economic implications. Requiring [mandatory and frequent appearances](#) can force victims to choose between either pursuing justice that might restore them financially and keep them safer, or staying employed, keeping scholarships or caring for their children. Furthermore, multiple court appearances can be costly in terms of transportation, childcare, lost wages and even lost jobs. Court staff should be aware of these financial impacts and work with the victim and advocate to minimize or remedy the related expenses. For example, court advocates should know if their jurisdiction grants leave for victims to handle court matters and share the information with victims to help them keep their jobs.

● ● ●
[37 states and territories](#) require employers to give crime victims leave to take part in the justice system. **19 specify domestic and sexual violence victims.**
● ● ●

Alternatively, holding trials with minimum delays can help **prevent additional and escalating offenses**. It allows victims to access restitution more quickly, limit the long-term impacts of debt and move on with their work or education. As a result, courts should attempt to hold hearings as quickly and conveniently as reasonably possible. [Limiting unnecessary continuances](#) will reduce the economic impact on the parties and avoid litigation abuse by offenders. Court staff should also publish their calendars or provide other advance notice of when IPV or sexual assault hearings are scheduled so that community partners may be present or available to the court. This will help provide immediate and seamless access to advocates and resources that may protect or improve victims' economic security.

In addition to expeditiously holding hearings, the [designation of specific dockets](#) can also benefit victims' economic security and the court's efficiency.¹⁰ Organizing a specialized court day should be based on the jurisdiction's volume and the input and availability of the prosecution, defense bar, law enforcement, clerks, jail staff, probation and parole agencies, and community partners. It will ensure that the proper legal and community resources are regularly involved to efficiently meet the needs of the parties.

- Service providers will be more likely to attend court on assigned days to help with the economic needs of victims, which will in turn alleviate strain on court resources and staff.
- Assigning cases to specialized dockets based on a broad definition of the relationship between the offender and victim, such as including dating partnerships if allowable, can help the court to better and consistently address the economic issues that are more common with these crimes.
- A designated day will encourage the assignment of a specialized judge and other court staff that have training on the nuances and economic issues within these cases in order to increase consistency with safety procedures, court orders and compliance review.
- The order of cases can change the impact of addressing economic matters. For example, hearing probation violations or compliance reviews first lets the judge set an example for the audience by issuing economic sanctions and compliance orders. Alternatively, hearing guilty pleas first, especially for economic-related crimes, sets the tone and scope of the court.

¹⁰ Assigning cases to a specialized docket is generally reserved for jurisdictions in which there is not a unified court or Domestic Violence Court in existence. See below for recommendations related to specialized courts.

Data Sharing and Forms

In order to accurately consider the full scope of the crime and effectively administer justice, all actors involved with the criminal proceedings need to have [accurate information](#) about the defendant's criminal history, the offender's history of violence and the impact of any crime on the victim. Sources include the National Crime Information Center (NCIC), court records of warrants, arrests, convictions and orders, records of past or existing protection orders and violations. The court should have this information before it sets release conditions and the defendant's bail or bond. Such information should also be available during pre-sentence investigation, plea negotiations, sentencing and post-sentencing.

Data sharing is also essential to enforce court orders that may impact the victims' economic security. For example, routine [delays in filing protection orders](#) to the state registry can prevent law enforcement from enforcing them, which leaves victims less likely to receive needed safety and financial assistance while allowing offenders to escape accountability. Victims are similarly burdened if partner agencies and service providers do not receive timely notice of trial outcomes and terms of court orders. Regardless of which agency is in charge of monitoring, collecting and allocating economic relief, there should be a clear and efficient way to **share information among agencies** on restitution or other economic-based court order compliance.

State and federal crime databases are critical tools for courts to access information relevant to a specific case as well as to evaluate their response to these crimes. State registries/databases that submit protection order data in real time to NCIC can reduce conflicting orders and expedite enforcement of economic relief, even across jurisdictions. Uniform data collection to the FBI's National Incident-Based Reporting System (NIBRS) or similar systems can [improve the courts' understanding of and response to economic issues](#) in these crimes by including economic crimes, the types of economic service referrals received, economic provisions ordered in sentencing and the rates of compliance with orders.

One simple way for courts to acquire necessary information and encourage the consideration of economic issues is by including the relevant fields in their forms. Courts can review their forms and make sure that all the available types of relief are reflected in the questions asked and information requested. Questions can be added to intake forms and protection order information packets on the economic impacts of IPV, sexual assault and stalking both independently and [when coinciding](#). Those who cannot afford an attorney are often at a disadvantage in any legal process, so court Self-Help or Self-Service Centers should make sure that forms used to collect information have specific instructions on how to complete the required documentation.

In addition, the forms that victims fill out when seeking Crime Victim Compensation, restitution and protection orders should include questions on economic impacts. Each tool will help victims retain or regain economic security, but may come with barriers that court staff can help overcome. Barriers may include differing eligibility rules, time limits and filing fees that may be waived for victims. Clerks, intake staff and judges should immediately refer victims to an advocate for assistance with these matters.

● ● ●
[Law enforcement in 35 states and DC report crimes to the NIBRS.](#)
[11 states have specialized incident-based reporting for domestic violence.](#)
● ● ●

Specialized Courts

By organizing courts to respond to specialized situations, they will be better able to uphold offender accountability and victim economic security. [Unified and domestic violence courts](#) are key examples.

Unified Courts

Unified courts consist of one judge presiding over all the cases involving the same parties, such as criminal, civil protection orders, divorce and custody. While the criminal and civil cases are kept separate to [uphold the differing evidentiary rules](#) and burdens of proof, unified courts allow the judge to be fully informed and better serve all parties by streamlining the process. For example, judges in unified systems will be less likely to issue protection or other court orders with conflicting economic provisions and more likely to see the impact of the violence on the economic security of the victim in the different cases. Victims will be less likely to fall through the cracks due to gaps in policy and legal statutes, and **more likely to receive economic justice** and protection. Their economic security will also be supported by immediate and uniform access to advocates and other necessary services. Besides safety planning, these may include housing, financial assistance, child support enforcement or immigration assistance. Consolidating and coordinating all related cases not only benefits the economic security and safety of victims, it also **maximizes the use of court resources** in a cost-effective manner and creates more efficient communication and information sharing. This may require court systems to make an initial investment in a technology program that automatically flags and transfers cases with the same party.

Domestic Violence Courts

In domestic violence courts, judges may still hear both civil and criminal cases as long as they are solely related to domestic violence. Though a relatively new trend, [preliminary research](#) has found a connection between domestic violence courts and decreased recidivism. Domestic violence courts better protect and restore victims' economic security as a result of:

- More effective management by coordinating all cases involving the parties, collecting all relevant information and expediting hearings
- Enhanced domestic violence training for judges and other court staff
- Specialized intake and staff to reduce barriers to victim access and needs
- Immediate access to advocates and expanded victim services that may address economic and long-term needs
- Specialized vertical prosecution units and specialized probation units
- Improved offender monitoring and enforcement of court orders

• • •
[Over 300 courts](#) in the US have specialized mechanisms for domestic violence and as of 2009 [over 200](#) confirmed domestic violence courts exist.
• • •

Those working in and with domestic violence courts have a better understanding of the economic barriers facing victims, the economic tools used by offenders, and the resources available in the community. While there may be a concern that the nature of the cases might lead to higher rates of “burnout,” court personnel have reported [gaining significant satisfaction](#) from their focused domestic violence work. If states already have domestic violence courts in place, adding an economic security lens to their practices and remedies can increase safety and justice. If not in place, jurisdictions should consider implementing them, with economic considerations, for their benefits to the parties and the community as a whole.

Chapter 4: Working with Other Justice System Sectors

There is extensive overlap between the roles of court staff and other core justice system sectors in addressing victim economic security, and many ways that they can support each other in this work. If there are specially assigned judges or courts (see Chapter 3) for domestic violence or sexual assault, they can intentionally incorporate victim economic security. Additionally, while some [multi-disciplinary teams](#) can help address economic security within specific cases pending in the criminal justice system, judges can also take leadership roles within community task forces to raise economic issues to a wider range of people and agencies. Judges will greatly benefit from active involvement in Coordinated Community Response (CCR) teams or other similar groups (i.e. sexual assault or domestic violence response teams or fatality review teams) in order to create a consistent and effective systems-wide response to IPV, sexual assault and stalking.¹¹ However, a court's lack of specified domestic violence or sexual assault benches or engagement in local CCRs does not preclude individual judges from addressing economic security within a particular case. Judges experienced with domestic violence, sexual assault and stalking cases may also have the opportunity and responsibility to educate their fellow judges and other justice system professionals about the economic factors and implications of these crimes.

Law Enforcement

- Judges can make more informed decision if [law enforcement](#) includes economic impacts and evidence in their [reports and forms](#), and makes them available to the court before the arraignment.
- Judges can see the full picture of the impact of the violence to better administer justice when officers testify in trial to the economic damages and abuses inflicted by the offender.
- Judges can order clear and specific economic relief in sanctioning and they can educate officers regarding their enforcement.

Prosecutors

- Judges can make more informed decisions if [prosecutors](#) include economic impacts and evidence in their presentation of the crime.
- Judges can achieve a more just result if prosecutors include economic relief in their negotiated plea bargains.
- The presence of prosecutors at judicial review hearings through the completion of the sentence reinforces the value of the hearings, and allows the prosecution to monitor offenders at high risk of re-offending and take swift action if a new crime with economic impacts is revealed.

Other Court Staff Roles*

Bailiffs/Security Officers may be the first point of contact for victims. They keep order and prevent costly violence or property damage. They also limit contact of the parties that may involve economic-based witness intimidation.

Court Clerks can compile records and prepare dockets with attention to economic issues; help judges file and modify enforcement of economic based orders; provide a list of ordered, paid and due restitution with a respective timeline; and answer the parties' questions and direct them to resources.

Judicial Assistants may have duties similar to a clerk. They organize the judge's calendar and assemble documents to aid economic considerations.

*Titles and duties may vary by state.

¹¹ Participating in community response teams does not imply bias toward the victim or prosecution side. Discussing and addressing barriers, such as economic, to participate in the judicial process fits under a judge's duty to ensure equal access to and effective administration of justice. Ethics rules allow conversations to improve the system.

Defense Attorneys

- Defense attorneys can educate their clients on what constitutes economic-based witness intimidation and economic abuse and explain that the court will hold them accountable if it occurs during the trial.
- Judges may call in the defense attorney to a review hearing if the offenders begin to incriminate themselves or if evidence that they violated their probation emerges.¹²

Probation and Parole Officers (see page 20-21 for more)

- Probation and parole officers can better uphold justice and the court's orders if they are educated about how offenders might be threatening the economic security of victims anew and what economic indicators to look for.
- Judges and judicial review hearings help probation and parole officers be [taken more seriously](#) by offenders, which makes them more likely to comply with economic-related court orders.
- Specialized departments or designated staff in probation/parole can better connect with the victim and address the economic court orders.

Civil Attorneys

- Judges may need to criminally enforce violated civil protection orders and should give equal importance to the economic relief that civil attorneys determined to be necessary for the victim's safety.
- Civil attorneys can help the victim with economic-related legal needs that a strictly criminal court cannot address, such as Social Security, food stamps, immigration and housing matters.
- Involving the civil bar in CCRs and taskforces can help educate the judiciary about the economic needs of the parties and community that judges might not otherwise be aware of, which provides key context.

“The difference between criminal court and civil court is something [victims] struggle with and the less they understand, the less likely they are to participate”
Toni Jensen

Advocates

- System-based advocates with law enforcement or the prosecution as well as community-based advocates can serve as court escorts and explain the procedures, rulings and rights to victims, which will help them be more engaged in the case while mitigating the economic impact.
- Because they have [direct contact with victims](#), court staff may be able to provide victims with initial connections to advocates and referrals to community organizations, which may be critical for them to access economic-related assistance.
- The victim will be more likely to participate in the trial if their basic safety and security needs such as food, shelter, transportation and health care are bolstered by community advocates.
- If judges believe that the economic security needs of victims are being supported by advocates, judges can be more confident in making rulings or sentences that impact the victims.

¹² Right-to-counsel laws for post-conviction hearings vary from state to state.

Chapter 5: Policies and Protocols for the Courts

Policies and protocols are the foundation for ensuring equal and consistent consideration of economic security within domestic violence, dating violence, sexual assault and stalking cases. Considering the benefits to both victims and the criminal justice system, **every court should incorporate practices** that promote economic security into existing policies. Internally, courts should set procedures and policies to improve the communication, documentation and awareness of judges. In addition, some state or local policies may allow judges to better address victim economic security as a means of maximizing justice.

Policy and Protocol Recommendations for Courts, Advocates and Policymakers

- Educate all court staff regularly on the basic elements of cases as well as the economic issues.
- Support the development of a model policy on how courts and stakeholders can best recognize and respond to economic crimes and violations and include economic issues in existing policies.
- Acknowledge in policy the expectations of the [court's role in coordinating local services](#).
- Ensure that the same judge presides over the whole case, from arraignment to sentencing and review hearings, to clarify expectations and consider economic factors consistently.
- Set rules for clerks to make sure that judges see everything related to the parties that is filed.
- Establish and fund the position of Resource Coordinator or Services Liaison within the court.
- Make court advocates available to victims in criminal court so they do not have to request it.
- Assign a centralized agency to coordinate monitoring compliance of probation conditions and protection order provisions, including all orders that include economic relief.
- Develop a continuance policy that promotes swift and coordinated hearings and that is included as part of the district's rules and promoted by the chief judges in the jurisdiction.
- Designate a single point of contact within the state court administration to coordinate issues with these cases and make economic security a priority.
- Encourage judges to routinely order pre-sentence investigations for coinciding violence against women crimes, economic crimes and other behavior with economic consequences.
- Create a state-level online directory of services that is available to clerks, advocates and judges.
- Develop a technology system to connect with existing criminal and civil court systems to flag all cases involving a defendant if he/she was arrested for a domestic violence or sexual assault.
- Adopt court rules to eliminate barriers to sharing information between courts, such as CPOs.
- Employ uniform data collection strategies among courts that include economic-based data to improve case management and better compare data across jurisdictions.
- Collect data on how often and in what amounts economic relief is ordered by the court.
- Collect data on how often economic relief provisions are enforced.
- Examine the [impact on relief access](#) of more frequently charging IPV cases as misdemeanors and sexual assault as felonies.
- Evaluate formally whether any court policies or practices affect the [accessibility of services](#), including economic-based services, whether the court orders valid and available services, and if the parties comply with orders with service provisions.
- Conduct research on the effectiveness of and best practices for compliance review hearings.
- Research whether providing comprehensive services, including economic-based services, to victims improves criminal case participation.
- Create an active [policy committee of stakeholders](#), including judges, to discuss economic issues and solutions relevant to providing services to litigants.

Beyond providing education to judges on the economic aspects of abuse, courts can take additional steps to make it easier for judges to learn about and adopt the best practices detailed in this Guide. For example, policymakers can have court clerks keep a list of all restitution orders issued by each judge and their collection rates. Jurisdictions can also publish their rates of enforcement and restitution collected.

Funding may be a major constraint for courts and judges trying to implement these recommendations and address economic security. However, it is worth allocating sufficient funds to properly address economic security in order to keep communities safer and reduce future case loads. Certain investments that may result in significant returns include hiring resource coordinators or other positions, creating specialized courts and updating technology systems. Creative strategies include using volunteers, having [service agencies “loan” advocates](#) to the court, setting up a fund or account to incentivize innovation through demonstration grants, and pooling resources from multiple sources.

Because most states and courts have separate model policies for domestic violence, sexual assault and stalking, it is appropriate to offer economic security-related policy recommendations for each crime.

Policy Recommendations Specific to Each Crime¹³

	Sexual Assault	Domestic/Dating Violence	Stalking
Standards	<ul style="list-style-type: none"> <input type="checkbox"/> Create a specialized sexual assault court or docket and provide education on the economic impacts of an assault. <input type="checkbox"/> Allow for protection orders with economic relief in sexual assault. <input type="checkbox"/> Detail immediate economic costs in victim impact statements, but also leave it open for future costs. <input type="checkbox"/> Educate court staff on the economic impact of sexual assault when there is not an existing relationship. 	<ul style="list-style-type: none"> <input type="checkbox"/> Create a specialized domestic violence docket or court and educate on the unique costs and economic dependency issues of abuse. <input type="checkbox"/> Order economic relief and restitution for the impacts of abuse on victims’ children. <input type="checkbox"/> Set the standard to renew a protection order at good cause to continue economic protection without requiring new acts of violence. <input type="checkbox"/> Provide protection orders with economic relief to minors and dating partners. 	<ul style="list-style-type: none"> <input type="checkbox"/> Incorporate stalking and its unique costs into SA and DV units due to overlap. <input type="checkbox"/> Educate staff on new cyber electronic or technology and how they are used to stalk. <input type="checkbox"/> Ensure that all crimes that constitute stalking are heard, including economic crimes and those impacting victims’ economic security. <input type="checkbox"/> Allow prosecutors to charge three violations of a CPO as an automatic stalking offense.
Data Collection	<ul style="list-style-type: none"> <input type="checkbox"/> Collect data on the costs of sexual assault for victims and their communities over time. <input type="checkbox"/> Collect data on the cost and prevalence of sexual assault within intimate partner relationships. 	<ul style="list-style-type: none"> <input type="checkbox"/> Include economic indicators in regular Fatality Review/ Safety Audits. <input type="checkbox"/> Record the number of coerced economic crimes. <input type="checkbox"/> Collect data on the cost of DV coinciding with a sexual assault or stalking case. 	<ul style="list-style-type: none"> <input type="checkbox"/> Collect data on frequency and cost of stalking as pre-trial witness intimidation. <input type="checkbox"/> Collect data on the frequency and cost of stalking alongside sexual assault, dating violence and domestic violence.

¹³ Not an exhaustive list or representative of full domestic violence, sexual assault or stalking policies.

Acknowledgements

Wider Opportunities for Women (WOW) thanks the many researchers, institutions and Economic Security for Survivors (ESS) project partners throughout the country that have helped to produce this Guide by participating in a series of discussions about how to enhance survivors' safety and economic security through the work of the courts.

WOW hosted several focus groups to inform the content and tone of this report. Participants included Hon. Lynn Tepper, Sixth Judicial Circuit Judge, Pasco County; Darren Mitchell, consultant, National Council of Juvenile and Family Court Judges; Toni Jensen, Domestic Violence Service Specialist, Nebraska Office of the Courts and Probation; Hon. Steven Aycok, Judge-in-Residence, National Council of Juvenile and Family Court Judges; Hon. Carol Hackett Garagiola, Livingston County, MI Probate and Family Court Judge (retired); and Barbara Hart, Director of Strategic Justice Initiatives, Muskie School of Public Service. Drafts were also reviewed by Sarah Gonzalez Bocinski, WOW ESS Project Manager; Matt Unrath, WOW National Program Director; Robin Hassler Thompson, WOW Faculty; and Naomi Pomerantz, WOW ESS Project Intern.

The author of the Court's Guide is Malore Dusenbery, WOW ESS Project Associate.

Works Cited

- American Bar Commission on Domestic Violence. (2008). *Judiciary Checklist*. Retrieved from: www.americanbar.org/content/dam/aba/migrated/domviol/publications/187815_ABA_Checklist_FINAL.authcheckdam.pdf.
- AEquitas. (2014). *Improving the Justice System Response to Witness Intimidation*. Retrieved from: <http://www.aequitasresource.org/Improving-the-Justice-System-Response-to-Witness-Intimidation.cfm>.
- Bachman, R., & Saltzman, L. (1995). Violence Against Women: Estimates from the Redesigned Survey. *Bureau of Justice Statistics Special Report*. Washington DC: US Department of Justice. Retrieved from: <http://www.bjs.gov/content/pub/pdf/FEMVIED.PDF>.
- Battered Women's Justice Project. *Economic Relief Available in Protection Orders*. Minneapolis, MN: Author. Retrieved from: <http://www.jwi.org/document.doc?id=130>.
- Battered Women's Justice Project. (2001). *Requisites for Any Court Handling Domestic Violence Cases and Requisites Specific to Dedicated Domestic Violence Courts and Dockets*. Minneapolis, MN: Author. Retrieved from: http://www.bwjp.org/files/bwjp/articles/Requisites_for_Courts_Handling_DV_Cases.pdf.
- Battered Women's Justice Project & Praxis International. (2005). *Maze Map*. Minneapolis, MN: Author. Retrieved from: http://www.vawnet.org/summary.php?doc_id=2625&find_type=web_sum_TT.
- Baum, K., Catalano, S., & Rand, M. (2009). Stalking Victimization in the United States. *Bureau of Justice Statistics Special Report*. Washington, DC: U.S. Department of Justice. Retrieved from: www.ovw.usdoj.gov/docs/stalking-victimization.pdf.
- Benson, M. L. & Fox, G. L. (2004) *When Violence Hits Home: How Economics and Neighborhood Play a Role*. Washington, DC: National Institute of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/205004.pdf>
- Berman, J. (2004). Domestic Sexual Assault: A New Opportunity for a Court Response. *Juvenile and Family Court Journal*, 23-34. Retrieved from: <http://www.markwynn.com/wp-content/uploads/2.-Berman.Domestic-Sexual-Assault-A-New-Opportunity-for-Court-Response.20041.pdf>.
- Bonsignore, A. (2012). Domestic Violence Survivors Battle in Courts: Confronting Retaliatory Litigation. In *Truthout*. Retrieved from: <http://truth-out.org/news/item/9915-domestic-violence-survivors-battle-within-the-courts-confronting-retaliatory-litigation>.

- Bureau of Justice Assistance. (2002). Strategies for Court Collaboration With Service Communities. *Program Brief*, 1-7. Washington, DC: Author. Retrieved from: <https://www.ncjrs.gov/pdffiles1/bja/196945.pdf>.
- Carlson, B. (2003). *Violence Against Women: Synthesis of Research for Service Providers*. Washington, DC: National Institute of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/199578.pdf>.
- Cambell, J., Webster, D., & Glass, N. (2009). The Danger Assessment: Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide. *Journal of Interpersonal Violence* 24(4), 653-674. Retrieved from: http://www.dangerassessment.org/uploads/DA_Validation_of_a_Lethality_Risk_Assessment_Instrument-Campbell.pdf.
- Center for Court Innovation. (2006). *Bridging Theory and Practice: A Roundtable about Court Responses to Domestic Violence*. New York: Author. Retrieved from: www.courtinnovation.org/sites/default/files/BIP_Roundtable.pdf.
- Center for Public Integrity. (2010). *Sexual Assault on Campus*. Washington, DC: Author. Retrieved from: <http://www.publicintegrity.org/accountability/education/sexual-assault-campus>.
- Davies, J. (2002). Policy Blueprint on Domestic Violence and Poverty. *Building Comprehensive Solutions to Domestic Violence*, 15. Retrieved from: http://www.vawnet.org/Assoc_Files_VAWnet/BCS15_BP.pdf.
- DeLisi, M., Kosloski, A., Sween M., Hachmeister, E., Moore, M., & Drury, A. (2010). Murder by numbers: monetary costs imposed by a sample of homicide offenders. *The Journal of Forensic Psychiatry & Psychology*, 21(4), 501-513. Retrieved from: <http://www.soc.iastate.edu/staff/delisi/murder%20by%20numbers.pdf>.
- Domestic Violence, Sexual Assault and Stalking Data Resource Center. *Domestic Violence in the States*. Washington, DC: National Institute of Justice. Retrieved from: <http://www.jrsa.org/dvsa-drc/dv-data.shtml>.
- Fawcett, J. (2010). Up to Us: Lessons Learned and Goals for Change After Thirteen Years of the Washington State Domestic Violence Fatality Review. Seattle, WA: Washington State Coalition Against Domestic Violence. Retrieved from: http://www.ndvfri.org/reports/washington/Washington_Statewide_AnnualReport_2010.pdf.
- Garvey, T. (2013) Witness Intimidation: Meeting the Challenge. Washington, DC: AEquitas. Retrieved from: <http://www.aequitasresource.org/Witness-Intimidation-Meeting-the-Challenge.pdf>.
- Giarrusso Jr., J., & Hines, E. (2012). *Domestic Violence & The Courtroom: Knowing the Issues...Understanding the Victim*. Williamsburg, VA: AJA. Retrieved from: <http://aja.ncsc.dni.us/pdfs/domestic-violence-the-courtroom.pdf>.
- Hart, B. (1998). *Safety and accountability: The underpinnings of a just justice system*. Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence. Retrieved from: <http://www.mincava.umn.edu/documents/safety/safety.pdf>.
- Herman, JL. (2003). The mental health of crime victims: impact on legal intervention. *Journal of Traumatic Stress*, 16(2), 159-166. Retrieved from: <http://www.ncbi.nlm.nih.gov/pubmed/12699203>.
- Hines, E. (2006). Judicial Review Hearings: Keeping the Courts on the Case. *Enhancing Responses to Domestic Violence: Promising Practices from the Judicial Oversight Demonstration Initiative*. Washington, DC: Vera Institute of Justice. Retrieved from: http://biscmi.org/jod/Judicial_Review_Hearings_Keeping_Courts_on_the_Case.pdf.
- Klein, A. (2008). *Practical Implications of Current Domestic Violence Research Part II: Prosecution*. Washington DC: US Department of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/222320.pdf>.
- Klein, A. (2009). Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. *National Institute of Justice Special Report*. Washington DC: US Department of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/225722.pdf>.
- Klein, A., Salomon, A., Huntington, N., Dubois, J., & Lang, D. (2009). *A Statewide Survey of Stalking and Its Criminal Justice Response*. Washington, DC: US DOJ. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/228354.pdf>.
- Labriola, M., Bradley, S., O'Sullivan, C. S., Rempel, M. & Moore, S. (2009). *A National Portrait of Domestic Violence Courts*. New York, NY: Center for Court Innovation. Retrieved from: www.courtinnovation.org/sites/default/files/national_portrait.pdf.

- Legal Momentum. (2013). *State Law Guide: Employment Rights for Victims of Domestic or Sexual Violence*. New York, NY: Author. Retrieved from: www.legalmomentum.org/sites/default/files/reports/Employment%20Final%20June%2017%202013%20%282%29.pdf
- Leventhal, J., & Aldrich, L. (2006). The Admission of Evidence in Domestic Violence Cases after Crawford v. Washington: A National Survey. *Berkeley Journal of Criminal Law* 11(1), 77-100.
- Lindhorst, T., Oxford, M., & Gillmore, M.R. (2007). Longitudinal Effects of Domestic Violence on Employment and Welfare Outcomes. *Journal of Interpersonal Violence*, 22(7), 812-828. Retrieved from: www.ncbi.nlm.nih.gov/pmc/articles/PMC1952653/.
- Long, J. (2006). Explaining Counterintuitive Victim Behavior in Domestic Violence and Sexual Assault Cases. *The Voice*, 1(4). Retrieved from: http://www.ndaa.org/pdf/the_voice_vol_1_no_4_2006.pdf.
- Long, J., Mallios, C., & Murphy, S. (2010). *Model Policy For Prosecutors and Judges on Imposing, Modifying and Lifting Criminal No Contact Orders*. Minneapolis, MN: Battered Women's Justice Project. Retrieved from: http://www.bwjp.org/files/bwjp/articles/Prosecutors_Model_Policy_No_Contact_Orders.pdf.
- Long, J., & Wilkinson, J. (2012). Stalking: Effective Strategies for Prosecutors. *Strategies in Brief*, 11. Washington DC: AEquitas. Retrieved from: www.aequitasresource.org/Stalking_Effective_Strategies_for_Prosecutors_Issue_11.pdf.
- Mary Kay. (2012). *2012 Mary Kay Truth About Abuse Survey Report*. Dallas, TX: Author. Retrieved from: <http://content2.marykayintouch.com/Public/MKACF/documents/2012survey.pdf>.
- Mazur, R., & Aldrich, L. (2003). What Makes a Domestic Violence Court Work? Lessons from New York. *American Bar Association*, 42(2), 5-9 & 41-42. Retrieved from: www.courtinnovation.org/pdf/what_makes_dvcourt_work.pdf.
- National Center for Injury Prevention and Control. (2003). *Costs of Intimate Partner Violence Against Women in the United States*. Washington, DC: Author. Retrieved from: <http://www.cdc.gov/violenceprevention/pdf/IPVBook-a.pdf>.
- National Coalition for the Homeless (2009). *Domestic Violence and Homelessness*. Washington, DC: Author. Retrieved from: <http://www.nationalhomeless.org/factsheets/domestic.html>.
- National Council of Juvenile and Family Court Judges. (2011). *Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence*. Reno, NV: Author. Retrieved from: http://www.ncjfcj.org/sites/default/files/checklist-to-promote-accountability_0.pdf.
- National Center for State Courts. (2003). *Court Interpretation in Protection Order Hearings*. Williamsburg, VA: Author. Retrieved from: https://www.yourhonor.com/img/cms/assets/data/Court.Interpreters_benchmark_HO1.pdf.
- National Center for Victims of Crime. (2012). *Making Restitution Real Toolkit*. Washington, DC: Author. Retrieved from <http://www.victimsofcrime.org/library/publications/restitution-and-compensation/restitution-toolkit>.
- National District Attorneys Association. (2004). *Policy Positions on Domestic Violence*. Alexandria, VA: Author. Retrieved from: http://www.ndaa.org/pdf/domestic_violence_policy_oct_23_2004.pdf
- National Immigrant Women's Advocacy Project. (2012). *U-Visa Certification Tool Kit for Federal, State, and Local Judges and Magistrates*. Washington, DC: Author. Retrieved from: http://www.lafasa.org/uploads/4/7/6/5/4765097/judges_and_magistrates_u-visa_toolkit_updated_july_2012.pdf.
- NNEDV & National Law Center on Homelessness and Poverty. (2007). *Lost Housing, Lost Safety: Survivors of Domestic Violence Experience Housing Denials and Evictions Across the Country*. Washington, DC. Retrieved from: <http://www.nsvrc.org/publications/reports/lost-housing-lost-safety-survivors-domestic-violence-experience-housing-denials>.
- National Women's Law Center. (2014). *Women and Minimum Wage, State By State*. Washington, DC: Author. Retrieved from: http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_stateminwageclickabledata.pdf.
- Office of Juvenile Justice and Delinquency Prevention. (2010). *Easy Access to NIBRS: Victims of Domestic Violence*. Ann Arbor, MI: ICPSR. Retrieved from: http://www.ojjdp.gov/ojstatbb/ezanibrsv/asp/methods.asp#data_source.
- Offices of the United States Attorneys (2011). *Crime Victims Rights Act (18 U.S.C. § 3771)*. Washington, DC: US Department of Justice. Retrieved from: http://www.justice.gov/usao/eousa/vr/crime_victims.html.

Office for Victim of Crimes. (2002). Ordering Restitution to the Crime Victim. *Legal Series Bulletin*, 6, 1-8. Washington, DC: Author. Retrieved from: www.ncjrs.gov/ovc_archives/bulletins/legalseries/bulletin6/ncj189189.pdf.

The Oyez Project at IIT Chicago-Kent College of Law. (2014). *Giles v. California*. Chicago, IL: Author. http://www.oyez.org/cases/2000-2009/2007/2007_07_6053

Parker, S., & Smith, J. W. (2012). *North Carolina Domestic Violence Best Practices Guide for District Court Judges*. Raleigh, NC: North Carolina Administrative Office of the Courts. Retrieved from: <http://www.nccourts.org/Citizens/CPrograms/Victims/Documents/DVBestPracticesGuide.pdf>.

Pennsylvania Commission on Crime and Delinquency. (2011). *Free to Tell the Truth- Preventing and Combating Intimidation in Court: a Bench Book for Pennsylvania Judges*. Harrisburg, PA: Author. Retrieved from: <http://www.pacourts.us/assets/files/setting-3008/file-725.pdf?cb=c917ae>.

Rape, Abuse & Incest National Network. (2009). *Effects of Sexual Assault*. Washington, DC: Author. Retrieved from: <http://www.rainn.org/get-information/effects-of-sexual-assault>.

Rape, Abuse & Incest National Network. (2009). *The Offenders*. Washington, DC: Author. Retrieved from: <http://www.rainn.org/get-information/statistics/sexual-assault-offenders>.

Rex, J., & Boyce, E. *The Vermont Model: A Victim-centered Approach to Restitution*. Waterbury, VT: VCCVS. Retrieved from: www.ccvv.state.vt.us/sites/default/files/resources/2011_RestitutionReport_2-VermontVictimCentered.pdf.

Rule 404. Character Evidence; Crimes or Other Acts, Pub. L. 93–595, §1, Jan. 2, 1975, 88 Stat. 1932.

Sack, E. (2002). *Creating A Domestic Violence Court: Guidelines and Best Practices*. San Francisco, CA: Futures Without Violence. Retrieved from: www.futureswithoutviolence.org/userfiles/file/Judicial/FinalCourt_Guidelines.pdf.

Salcido Carter, L. (2010). *Batterer Intervention: Doing the Work and Measuring the Progress*. San Francisco, CA: Family Violence Prevention Fund. Retrieved from: www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Batterer%20Intervention%20Meeting%20Report.pdf

Seighman, M. M. & Thompson, R. (2012). Court-Based Approaches to Domestic Violence- Examples from Four Jurisdictions. *Administrators' Corner*. September/October issue. Retrieved from: http://also-chicago.org/sites/default/files/ACSeptOctIssue2012FINAL_0.pdf.

Smith, J. (2011). Understanding the New Confrontation Clause Analysis: *Crawford, Davis and Melendez-Diaz*. *Administration of Justice Bulletin*. Chapel Hill, NC: UNC School of Government. Retrieved from: <http://sogpubs.unc.edu/electronicversions/pdfs/aojb1002.pdf>.

Tepper, L. *How to Proactively Monitor & Enforce Compliance with DVI Orders*. The Florida Court System. Retrieved from: <http://www.also-chicago.org/sites/default/files/HOW%20TO%20PROACTIVELY%20MONITOR.pdf>.

US Citizenship and Immigration Services. (2013) *I-918, Petition for U Nonimmigrant Status*. Washington, DC: Author. Retrieved from: <http://www.uscis.gov/i-918>

Weber, J. (2000). Domestic Violence Courts: Components and Considerations. *Journal of the Center for Families, Children & the Courts*, 23-36. Retrieved from: <http://www.courts.ca.gov/documents/023weber.pdf>.

Wider Opportunities for Women. (2011). *Living Below the Line: Economic Insecurity and America's Families*. Washington, DC: Author. Retrieved from: <http://www.wowonline.org/wp-content/uploads/2013/05/Basic-Economic-Security-Tables-United-States-Living-Below-the-Line-Report-2011.pdf>.

Wider Opportunities for Women. (2012). *Getting Started: A Handbook to Address Economic Security for Survivors*. Washington, DC: Author. Retrieved from: <http://www.wowonline.org/documents/GettingStartedHandbook.pdf>.

Wider Opportunities for Women. (2012). Restitution Policy and Survivors. *Justice System Policy Brief Series*. Washington, DC: Author. Retrieved from: www.wowonline.org/wp-content/uploads/2013/05/Economic-Security-for-Survivors-Restitution-and-Survivors-Policy-Brief-2012.pdf.

Wider Opportunities for Women. (2013). Adolescent Survivors & Economic Security. *Population Policy Series*. Retrieved from: www.wowonline.org/wp-content/uploads/2013/05/ESS-Population-Policy-Series-Adolescent-Survivors.pdf.

Wider Opportunities for Women. (2013). *Fact Sheet: Economic Abuse*. Washington, DC: Author. Retrieved from: <http://www.wowonline.org/wp-content/uploads/2013/05/ESS-Economic-Abuses-Fact-Sheet-2013.pdf>.

Wider Opportunities for Women. (2013). Law Enforcement Guide to Safety and Economic Security for Victims of Violence Against Women. *STOP Grand Sector Series*. Washington, DC: Author. Retrieved from: www.wowonline.org/wp-content/uploads/2013/05/WOW-ESS-Law-Enforcement-Sector-Guide.pdf.

Wider Opportunities for Women. (2013). LGBTQ Survivors & Economic Security. *Population Policy Series*. Retrieved from: <http://www.wowonline.org/wp-content/uploads/2013/05/ESS-Population-Policy-Series-LGBTQ-Survivors-20131.pdf>.

Wider Opportunities for Women. (2013). Survivors of Color & Economic Security. *Population Policy Series*. Washington, DC: Author. Retrieved from: www.wowonline.org/wp-content/uploads/2013/05/ESS-Population-Policy-Series-Survivors-of-Color-2013.pdf.

Wider Opportunities for Women. (2013). Older Survivors & Economic Security. *Population Policy Series*. Washington, DC: Author. Retrieved from: www.wowonline.org/wp-content/uploads/2013/10/Older-Survivors-and-Economic-Security-Brief.pdf.


Wider Opportunities for Women. (2013). Prosecutor's Guide to Safety and Economic Security for Victims of Violence Against Women. *STOP Grand Sector Series*. Washington, DC: Author. Retrieved from: www.wowonline.org/wp-content/uploads/2013/10/WOW-ESS-Prosecutors-Sector-Guide.pdf.

Worden, A. (2000). *Violence Against Women: Synthesis of Research for Judges*. Washington, DC: National Institute of Justice. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/199911.pdf>.

Young, P. (2001). *An Informed Response: An Overview of the Domestic Violence Court Technology Application and Resource Link*. New York, NY: Center for Court Innovation. Retrieved from: www.courtinnovation.org/sites/default/files/Informed%20Response1.pdf.

Appendix A. The Judicial Bench Card on Victim Economic Security

The Addressing Economic Security Judicial Benchcard is the perfect companion tool for judges presiding over domestic violence, sexual assault and stalking cases. In addition to highlighting the importance of considering victim economic security within the court, this concise, user-friendly form contains checklists for economic-related crimes and evidence, determining economic relief during intake or post-trial, and economic considerations for sentencing and enforcement. To access the full-sized and printable benchcard, see <http://www.wowonline.org/wp-content/uploads/2014/05/Addressing-Economic-Security-Judicial-Benchcard.pdf>.



Economic Security for Survivors Project
2014

Addressing Economic Security in Domestic Violence, Sexual Assault and Stalking Cases: A Judicial Bench Card

Why Consider Economic Security?

- Judges can more effectively administer justice by considering the full scope of the abuse perpetrated, including financial impacts, and incorporating it into sentencing.
- Judges can hold offenders fully accountable by responding to all economic crimes, ordering restitution for every cost incurred and enforcing compliance with all court orders.
- Victims and children will be safer from harm if judges include the workplace or school in protection orders, and will be less at risk of homelessness if given restitution or possession of the home.
- Addressing economic needs can improve victims' trust in the justice system and their likelihood to report additional or future crimes.

<h4>Economic-Related Crimes*</h4> <ul style="list-style-type: none"><input type="checkbox"/> Assault and/or Battery<input type="checkbox"/> Breaking and Entering<input type="checkbox"/> Cyber-Stalking, Stalking with Technology or Electronic Surveillance<input type="checkbox"/> Destruction of Property or Property Damage<input type="checkbox"/> Destruction of Evidence<input type="checkbox"/> Forgery<input type="checkbox"/> Fraud<input type="checkbox"/> Harassment<input type="checkbox"/> Identity Theft<input type="checkbox"/> Reckless or Negligent Injury<input type="checkbox"/> Strangulation<input type="checkbox"/> Theft, Robbery or Larceny<input type="checkbox"/> Threats<input type="checkbox"/> Trespassing<input type="checkbox"/> Wiretapping<input type="checkbox"/> Witness intimidation or Threats <p>* Beyond crimes of domestic violence, sexual assault and stalking. Statutes will vary by jurisdiction.</p>	<h4>Economic-Related Evidence</h4> <ul style="list-style-type: none"><input type="checkbox"/> Photographs of injuries and damaged property.<input type="checkbox"/> Property in the offender's possession at the time of arrest that belonged to the victim.<input type="checkbox"/> Damaged or destroyed property's value or repair cost, with corroboration from the victim.<input type="checkbox"/> Calls, emails, text messages and social media both at home and at work or school.<input type="checkbox"/> Financial documents showing related costs of the violence (bills, bank statements, credit reports, invoices, receipts, canceled/stolen checks, etc.).<input type="checkbox"/> Documentation of health care costs from abuse.<input type="checkbox"/> Records of missed work or school (HR leave request forms, school attendance reports, security sign-in logs, etc.) as a result of the violence.<input type="checkbox"/> Forensic accounting of cyber-stalking/electronic surveillance, online economic crimes and identity theft; monitoring from the offender's work and home; wrongful GPS tracking or phone breaking.<input type="checkbox"/> Protection measures taken by the victim (security systems, moving to another residence, changing phone numbers, etc.) and their costs.
--	--

This project was supported by Grant No. 2012-TA-AX-K031 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Questions to Help Determine Economic Relief in Pre-Trial or Sentencing

- What out-of-pocket costs has the abuse incurred? (i.e. bills, security equipment, emergency contraception, replacing property, health care, moving)
- Has the offender ever used finances or access to finances to intimidate or threaten you?
- Did the offender lie to you about your credit, bankruptcy, taxes or bank accounts?
- Did the offender take any of your money, paychecks or personal items?
- Does the offender have access to your bank account or finances? Do you?
- Does the offender know the passwords to your bank accounts, cell phone or computer? Did the offender threaten/force you to reveal them?
- Did the offender use your identity to create accounts or commit fraud?
- Did the offender destroy anything that will keep you from going to work/school or paying bills?
- Has the offender caused or forced you to miss work, leave your job or withdraw from school?
- Have there been any costs from coinciding sexual assault, IPV or stalking?
- Has the offender appeared repeatedly at the homes of friends, family or neighbors? At your work, school or childcare provider? Across jurisdictions? What extra costs has this caused?

Types of Economic Relief

- Restitution
- Rent or mortgage payments
- Use/transfer of personal property
- Payment of insurance premiums
- Payment of outstanding debts
- Emergency, child or other support payments
- Stay away provisions for the workplace, school, childcare and others
- Transportation
- Provision of security equipment

Sentencing and Enforcement Recommendations

- Request restitution forms for victims if not provided and order in full if the evidence supports it.
- Specify the day, time and location of the exchange if directing the offender to pay restitution or turn over property.
- Include economic relief in permanent protection orders as a requisite for victim safety.
- Make payments of economic relief a condition of release so that a noncompliant offender can be found in contempt.
- Conduct regular compliance review hearings that focus on economic relief.
 - ⇒ Create and use a pre-set compliance review form.
 - ⇒ Work with probation, attorneys and advocates to ensure that the parties are aware of the scheduling, expectations and their role in the hearings.
 - ⇒ Modify protection orders to meet the changing economic needs of the parties while maintaining safety.
- Have child support staff at the courthouse so that orders can begin to be enforced immediately following a hearing.
- Reduce economic relief to judgment so it can be more heavily enforced.
- Revoke the offender's probation or parole if restitution is not paid by the end of the sentence.
- Consider civil and/or criminal contempt sanctions if appropriate.

Restitution Collection Tactics

- Prison work program wages
- Inmate accounts or state payments to offenders
- Bond payments for the offender
- Federal tax returns
- Lottery winnings
- Gambling earnings
- Inheritances
- Income deduction orders
- State restitution fund

To access family-type and county-specific data, see WOW's Economic Security Database:
www.basiceconomicsecurity.org



Wider Opportunities for Women
EMPOWERMENT | EQUITY | ECONOMIC SECURITY

To access the full Court's Guide, see:
<http://www.wowonline.org/wp-content/uploads/2014/05/WOW-ESS-Courts-Sector-Guide.pdf>

Appendix B. Education Guidelines

Timing and Structure

- Education should be for both new and experienced judges as well as judicial assistants, victim/court advocates, court clerks, probation and parole officers, and others within the court system.
- Judges and advocate teams should facilitate the education, but it can also be conducted by coalitions, in-house training divisions in larger court systems, taskforces and CCRs.
- Education should be visual and interactive, such as a PowerPoint presentation with embedded video, audio, case scenarios and mini-quizzes (depending on the length of the training).
- Education should include scenarios, both roll-play and written case studies to discuss.
- Education should include the general elements of the Court's Guide as well state-specific laws and information.
- Education should be designed to either be stand-alone units or smaller units that can be inserted into larger, existing national and state-wide judicial trainings.

Suggested Content

Judges and those working in their offices should be educated on the economic dynamics of abuse, particularly the economic implications of abuse, and on what they can do to support victims beyond standard operating procedure. Education should feature the following topics:

- Numbers and figures on economic security needs (i.e. WOW's [Basic Economic Security Tables Index](#)) to demonstrate the economic reality facing victims in each jurisdiction/state
- Fundamentals of economic abuse
- Victim accounts of the economic impact of violence and how the court helped support their economic security
- Checklists for judges to address the economic security of victims (allowable evidence, sentencing decisions, restitution possibilities, etc.)
- Discussion of different economic-related crimes that can be charged
- Options for Crime Victim Compensation, Protection Orders and Restitution
- Unique needs for victims and offenders from special populations:
 - ⇒ [Immigrants](#)
 - ⇒ [Lesbian, gay, bisexual, transgender and queer](#) (LGBTQ) individuals
 - ⇒ [Adolescents](#)
 - ⇒ [Elders](#)
 - ⇒ Those with mental health needs
 - ⇒ Those with substance abuse issues
 - ⇒ Those with existing criminal records
- Key special topics
 - ⇒ Marital or co-owned property
 - ⇒ Overcoming the perception of bias
 - ⇒ Overcoming barriers and challenges

Appendix C. WOW's Economic Security Research and Application

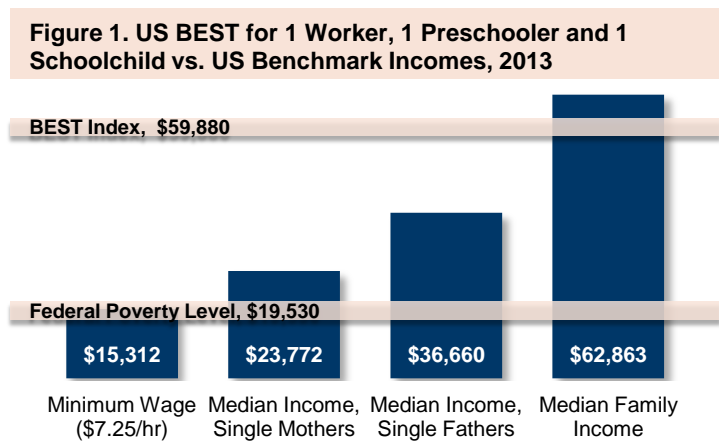
WOW's Research

As defined by WOW, economic security means having the income, assets and access to services that allow individuals to meet basic needs, participate in the workforce and build savings over the lifespan.

Basic needs consist of:

- Housing
- Food
- Transportation
- Childcare
- Healthcare
- Household supplies
- Taxes
- Savings

This model differs from the federal poverty level in that it is based on a variety of expenses instead of just food costs and takes into account variation in family size and geography. It also differs from self-sufficiency in that it recognizes that living paycheck to paycheck can still make families vulnerable to economic shocks. As a result, it includes savings for emergencies and for retirement, which are financial resources survivors often desperately need.



WOW's [Basic Economic Security Tables \(BEST\)TM Index](#) measures the costs of basic needs and appropriate savings for over 420 family types and suggests what it takes for families to be economically secure in their local communities. Similarly, the [Elder Economic Security StandardTM Index](#) (Elder Index) measures how much retired adults over the age of 65 require for basic needs and to age in place with dignity. It takes into account household composition, home ownership status, location and health. These indices provide families, advocates, policymakers, service providers, researchers and other professionals a benchmark of economic security throughout a lifetime and across the generations. Moreover, the BEST provides a framework to understand the financial barriers survivors face in becoming independent or recovering financially from violence. They can also help courts and advocates **identify areas where financial support can have the greatest impact** on their economic security.

For single adults, housing (26%) and transportation (21%) account for the largest portions of their expenses (see table below for US BEST numbers for select family types). For single parents, the greatest expenses are **childcare** (22%), **housing** (16%) and **transportation** (11%), all three of which are often cited by victims as the most significant barriers they face when attempting to escape violence or rebuild their lives. Abusers also frequently interfere with or cause costly damages within these categories. Unfortunately, **45% of Americans** are unable to meet the BEST benchmark (see figures) largely due to a lack of jobs that provide incomes that cover one's basic living expenses. Women are more likely to be economically insecure with single mothers being the most vulnerable.

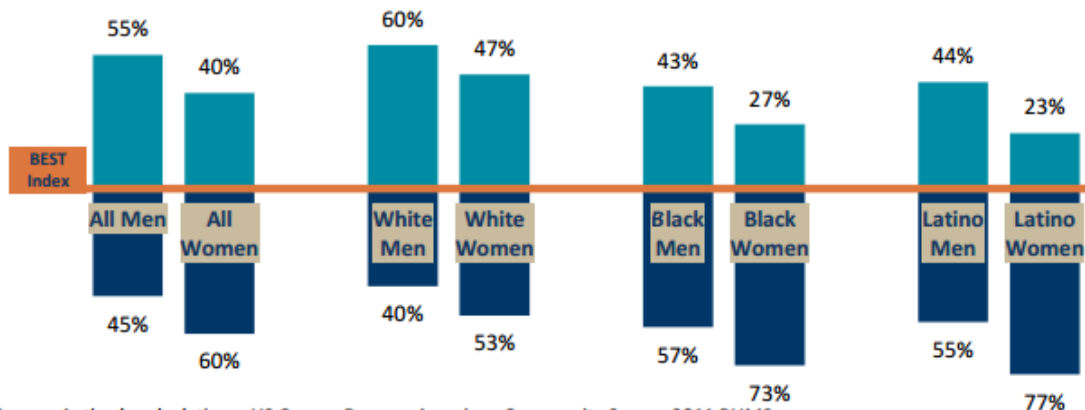
Basic Economic Security Tables, 2013

(Workers with Employment-based Benefits)

US, Selected Family Types

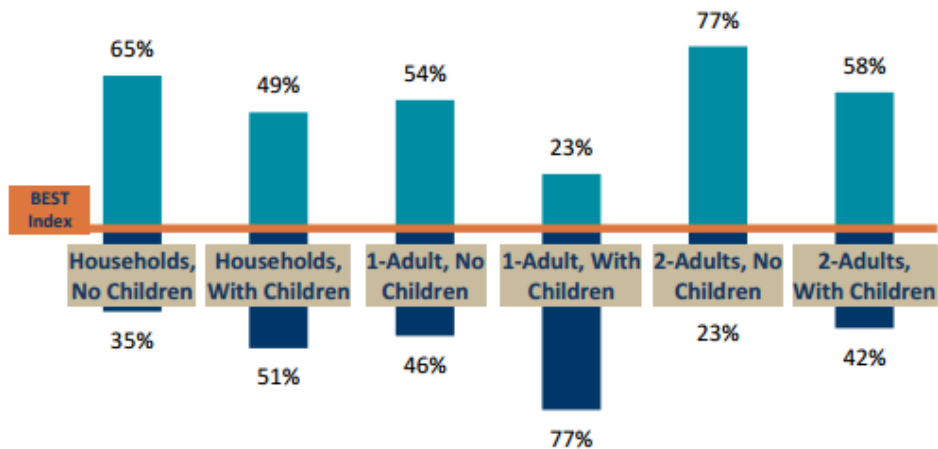
Monthly Expenses	1 Worker, 1 Worker, 1 Preschooler,		1 Worker, 1 Preschooler,		2 Workers, 2 Workers, 1 Preschooler,	
	1 Worker	1 Infant	1 Schoolchild	2 Workers	1 Schoolchild	
Housing	\$642	\$803	\$803	\$642	\$803	
Utilities	\$115	\$144	\$144	\$115	\$144	
Food	\$264	\$379	\$572	\$484	\$765	
Transportation	\$516	\$566	\$566	\$1,017	\$1,068	
Child Care	\$0	\$621	\$1,112	\$0	\$1,112	
Personal & Household	\$259	\$337	\$386	\$315	\$435	
Health Care	\$161	\$329	\$480	\$374	\$540	
Emergency Savings	\$76	\$122	\$154	\$112	\$183	
Retirement Savings	\$87	\$87	\$87	\$102	\$102	
Taxes	\$374	\$714	\$953	\$501	\$1,087	
Tax Credits	\$0	-\$139	-\$267	\$0	-\$267	
Monthly Total (per Worker)	\$2,494	\$3,963	\$4,990	\$1,831	\$2,986	
Annual Total	\$29,928	\$47,556	\$59,880	\$43,944	\$71,664	
Hourly Wage (per Worker)	\$14.17	\$22.52	\$28.35	\$10.40	\$16.97	

Figure 2 Economic Security and Insecurity Rates, by Race/Ethnicity, 2011



Source: Author's calculations; US Census Bureau, American Community Survey 2011 PUMS.

Figure 3 Economic Security and Insecurity Rates, by Presence of Children, 2011



Applying WOW's Research

WOW's free, online [Economic Security Database](#) currently contains the Elder Index for each state and county and the BEST for the US as a whole, 27 states and the DC Metro Area.¹⁴ WOW is continually developing new analyses and uploading new figures to the database. Judges and other court professionals can use these figures to guide their calculations in determining how much victims should be expected to pay for certain budget items, what economic relief can reasonably cover and **how much offenders should be expected to reimburse** in restitution. However, this measure should not be used to replace documentation provided by the victim that demonstrates actual costs incurred. Referring to this standard of minimum basic needs may also protect against claims that victims are just trying to get rich or to get everything they can out of an offender. By **implementing WOW's BEST data**, judges can ensure fair adjudication of requests for relief without bias while accounting for county-specific cost differences.

Consider the following examples using the BEST and Elder Index:

- A victim in Los Angeles County, California was evicted from her one-bedroom apartment after several police calls for domestic violence committed by her former partner. She currently lives in a shelter and requests \$1,003 in economic relief to **secure new adequate housing** plus \$97 for utilities with the help of an advocate and BEST data. The court can order it prospectively for her future safety before she has moved, to be adjusted once the actual costs are determined.
- A retired 68-year-old woman living in rural Branch County, Michigan needs her car to get to the hospital for ongoing medical care. Unfortunately, her economically abusive partner fraudulently sold it without her knowledge and kept the money. While the court may routinely order her abuser to cover the upfront cost of replacing the car, they should also consider ordering him to cover the **cost of owning the vehicle**, including insurance, gas and other expenses, which averages \$276 in that county according to the BEST Index.
- A single mother with an infant is being stalked by her rapist in their suburban community outside of Boston, Massachusetts. Due to the offender's stalking, she has had to find a new **child care provider** for her child, which the court is ordering that he pay for in the protection order. However, fearing that giving the exact cost could give away which center it is and thus endanger their safety, the judge orders the abuser to pay what the BEST defines as decent care in Norfolk County: \$1,385 per month.

¹⁴ Please visit www.basiceconomicsecurity.org to access data by family-type for your jurisdiction.

Appendix D. Recommendations for STOP Administrators by Program Purpose Area

Program Purpose Area 1: Training

- Train the courts on how to facilitate victims' ability to obtain full restitution. This can include the development of forms and questionnaires that advocates can use to ask victims for details and receipts on how the defenders impacted their financial well-being. Examples include destroyed private property, missed work, and physical and mental health injuries.
- Train judges, bailiffs and probation and parole staff on how economic threats by an abuser often constitute witness intimidation and/or another domestic violence crime with which the abuser could be charged and which constitute grounds for a protection order; understand how these threats may endanger the victim and undermine justice.
- Incorporate economic abuse and financial ramifications into the training programs, seminars, and conferences already in place or planned for judges and other court personnel so that they are able to see the intersection between domestic and sexual violence and economic harms.
- Inform all stakeholders of the existence of national, state and local resources that may support a victim's economic security, such as job-sharing, scholarships, child support enforcement tools, transportation assistance, women's entrepreneurship opportunities and other *non*-criminal justice system-based resources.
- Provide regular and ongoing updates on economic security and safety issues to subgrantees. In many states this is done in coordination with state coalitions.
- Add economic security and safety to current judicial training materials, bench cards, and other tools used by courts to help judges obtain information regarding economic security and safety. Include information about how victims are harmed when economic relief is denied or ignored by the court. For instance, a judge refusing to award child support or possession of the residence forces the victim and children to live elsewhere. Educational materials should also show how victims are more likely to return to the perpetrators without compensation or protection, and how victims will suffer economic harm without protection at the workplace or classroom.
- Ensure judicial training and materials highlight the importance of including the workplace and protections on finances and accounts when the court issues a protection order. Education materials should also highlight the importance of allowing evidence that demonstrates economic abuse and financial harm. Just as is the case with physical abuse, limiting victims' access to finances and income makes them dependent on the abuser and at risk of violence.
- Develop systems to monitor compliance with restitution orders for court and probation (if under court services) personnel. Courts should develop protocols to ensure that all eligible restitution for a crime victim is ordered and that the restitution orders are enforced, even if the offender is sentenced to prison. If an offender is sentenced to a term of probation and restitution is part of that probation sentence, the court should hold the offender criminally liable for not paying restitution before the term of restitution expires or should convert the restitution to a civil judgment. In either case, the offender is not simply given a pass on the obligation to pay.

Program Purpose Area 2: Specialized Units

- Make sure all victim advocates within the judicial system understand what they should do to [help survivors collect](#) all victim compensation, child support and restitution for which victims are eligible.

- Require or make it a special condition in the subgrantee funding contract that all units funded by STOP show how they collaborate on economic safety and security matters. Too often, these issues are the focus of only the non-profit victim advocates and, even then, limited to financial literacy training for the victims. The STOP administrator should support and encourage *all* funded STOP sectors to deal with this issue and should consider incentives to those grant applicants who demonstrate effective strategies for focusing on the economic stability and security of survivors. Administrators should ensure that such strategies are shared with other programs across the jurisdiction.
- Conduct training on economic security and safety for specialized or unified courts. Sample topics include:
 - Assessing the level of danger to the victim and children by taking into account what, if any, types of economic abuse and control the batterer carried out against the victim and incorporating that into court orders for bail and conditions of release. This should include stay away orders for the victim and the victim’s workplace.
 - Using evidence of economic abuse and intimidation (the threat of poverty) of the victim and the children to understand why a victim may have remained in or returned to an abusive situation. Without access to income, no credit history, loss of job and other economic problems, leaving an abusive partner is extremely difficult.
 - Exploring how providing for survivors’ economic security can make it easier for them to participate fully in the trial of their perpetrator.
 - Examining how witness (victim) intimidation can include economic threats and hence endanger a victim as well as undermine a just trial.

Administrator Tip:
Require or make it a special condition in the subgrantee funding contract that all units funded by STOP show how they collaborate on economic safety and security

Program Purpose Area 3: Policies, Protocols, Orders and Services

- Encourage the review and, if needed, the revision of existing domestic violence, sexual violence, dating violence and stalking policies and procedures within courts. Make sure policies and procedures emphasize the economic security and safety of the victim and her children and the accountability of the perpetrator for these crimes as joint goals.
- Fund and support the development of a model policy for how judges can best recognize and respond to economic crimes and intimidation.
- Ensure that interview protocols for court-based victim advocates incorporate questions that might reveal the occurrence of economic abuse, such as:
 - Do you have access to your bank account? Have you been denied access to a shared bank account?
 - Has your partner taken out any credit cards in your name?
 - Has your partner forced you to sign financial documents like credit card applications, loan applications or tax returns that you did not understand or did not want to sign?
 - Does your partner deny you access to something that is yours, such as your car, ATM card, paycheck or benefits?

Administrator Tip:
Consider hosting meetings of key stakeholders to review state and local policies and procedures.

- ❑ Disseminate and encourage the use of tools created by Wider Opportunities for Women to demonstrate during trial and sentencing the wage earnings that a victim would need to make in order to be economically secure. These tools can also be used to help assign a monetary value to some of the damages or to determine restitution.

Program Purpose Area 4: Data Collection and Communication Systems

- ❑ Promote the expansion of data collection to include economic crimes committed by offenders of domestic and sexual violence, stalking and dating violence.
- ❑ Track and connect previous convictions or arrests involving economic crimes such as destruction of property. Linking prior arrests will demonstrate a pattern of control that the abuser had over the present victim and possibly previous victims.
- ❑ Develop a tracking and data collection system to show when restitution is ordered, how often and for which offenses it is ordered, outstanding uncollected totals and how much is collected and given to victims and others who may be statutorily designated recipients such as clerk's offices.
- ❑ Develop a protection order tracking and data collection system to show how often, and in what amounts courts order spousal and child support or if other economic relief like possession of the residence is granted. Courts should also track how often these provisions are enforced.

Administrator Tip:
Fund one-time data system enhancements to implement needed upgrades, especially if there are leftover or returned grant funds.

Program Purpose Area 6: Stalking

- ❑ Educate judges to understand the large, lasting and devastating impact that stalking can have on a victim's life, including health, finances and safety.
- ❑ Monitor judges to ensure they tailor responses to stalking and violence to the survivor's context, including specific intersections of culture, ethnicity, economic status and lives of those who are being assisted.
- ❑ Develop stalking training programs that reflect today's realities of increasingly intrusive and efficient electronic and cyber technologies and how they are used to stalk and terrorize victims. Make sure that judges and advocates understand and know how to identify and assist victims to be safer from these intrusions.
- ❑ Ensure that the immediate economic impacts are included in victim impact statements and computed into requests for restitution. For instance, note the costs to a victim who was cyber-stalked and had to buy a new computer, smartphone, spyware, or hire an expert for repairs.

Program Purpose Area 7: Native Victims

- ❑ Create training programs and information regarding economic security and safety for survivors in Indian country and tailor it to courts both on and off reservations.
- ❑ Encourage judges to consider both the unique and common economic crimes that are suffered by Native and non-Native populations and the solutions needed to create or enhance safety and economic security for them.
- ❑ Convene a forum, meeting or other kind of gathering in partnership with tribal representatives or host a webinar to

Administrator Tip:
Include American Indian and Alaska Native representatives in Implementation Plan development and execution.

explore the issues facing Native women in your jurisdiction and what the STOP Grant Program can do to support this work.

- ❑ Incorporate the issues facing Native women who are victims of violence against women crimes in all training modules and protocols developed and funded under STOP. Include relevant information regarding prevalence of these crimes within your jurisdiction.

Program Purpose Area 8: Multidisciplinary Efforts

- ❑ Encourage judges to attend CCRs and take leadership roles in other multidisciplinary teams.
- ❑ Add economic security and safety to the agenda of each CCR meeting to create a forum to discuss how to better support survivors and how to investigate and prosecute perpetrators for economic abuse and crimes. Highlight the connections between economic security and physical safety.
- ❑ Invite people or agencies who work on economic security issues, such as local workforce boards, chambers of commerce, unions, child support collections, insurance, transportation, tax and other accounting services and housing, to attend CCR meetings.
- ❑ Focus on [workplace safety](#) from violence in all areas of domestic, sexual, dating violence and stalking. Develop policies for employers to address these issues.
- ❑ Cross-train CCR team members on economic security and safety or develop modules for sector training on economic security and safety that helps each team member understand the roles that others play. For example, develop a protocol and training around restitution for survivors or focus on how perpetrators carry out economic crimes against victims such as stealing or forging credit cards/applications, destroying property, stalking and stealing public benefits.

Program Purpose Area 10: Older and Disabled Victims

- ❑ Integrate training materials to educate judges on how to recognize abuse and methods of control of older and disabled individuals, including economic abuse and the unique impacts that crimes may have on their financial well-being. Materials should illustrate how different economic abuse might look when it is perpetrated against an elder or disabled person. Include costs of crimes such as additional health care costs and access to benefits that are incurred because of this population's vulnerabilities and needs. (This training could be part of efforts described above in Program Purpose Area 1).
- ❑ Share resources like WOW's [Getting Started Handbook](#) to help determine what types of jobs an elder or disabled woman may be interested in as well as capable of performing. These tools may be particularly helpful to community based advocates and those who work in a court.

Administrator Tip:
Invite experts on disability and elder issues to participate in STOP planning efforts as well as to become members of local and state CCR teams.

Program Purpose Area 11: Immigrant Victims

- ❑ Develop training for all persons who work or come in contact with immigrants in a court. Elements of this training should include:
 - The rights and remedies that immigrant victims of violence have under the law and ways to connect them to an immigration specialist;
 - The impact that economic safety and security has on the immigrants and their needs in that area;
 - How to articulate economic abuse within the VAWA self-petitioning process; and

- Information on specific vulnerabilities and issues that immigrants face, including unique or different cultural contexts and needs, so that they can effectively and safely assist them.
- Include issues surrounding which services are available to undocumented persons in judicial training. For instance, victims are entitled to services at domestic violence or rape crisis programs even if they are not documented. Court professionals should understand their obligations regarding reporting of undocumented persons to federal immigration authorities.
- Develop training to heighten judge’s level of understanding about the burdens and challenges victims face by seeking help from or working with the criminal justice system. This includes knowledge of the constellation of very fragmented services that victims need to survive, such as telephones, transportation, access to services for obtaining a protection order or other services (attending hearings, child care), obtaining time off from work, or possessing a driver’s license (which one cannot get without a valid immigration document).

Administrator Tip:
Invite representatives from immigrant advocacy organizations to participate in the STOP Implementation Planning effort, local and state CCR teams and throughout STOP programming.

Program Purpose Area 13: Special Victim Assistants

- Provide training to judges and whoever has the responsibility of protection order enforcement on all aspects of economic safety and security issues so they may be effectively enforced through contempt actions if violated.
- Make sure that the economic and financial issues are enforced and not minimized by courts.
- Review both the law and practice surrounding filing fees for protection orders and include a section on the VAWA certification requirements regarding victims not paying for protection orders.
- Ensure that both the ordered relief and the related enforcement is carried out consistent with regards to that survivor’s needs and culture by working closely with the survivor and others who are familiar with her context and needs.