

# SLIPPING THROUGH THE CRACKS

AN EVALUATION OF COOK COUNTY'S DOMESTIC VIOLENCE DIVISION IN CHICAGO

## EXECUTIVE SUMMARY.

**Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers undertook an evaluation of the Domestic Violence Consolidated Courthouse and Domestic Violence Division of the Circuit Court of Cook County in early 2020 and are now releasing our report.**

### BACKGROUND

Chicago Appleseed Center for Fair Courts is a research and advocacy organization that fights for a legal system that is equitable, accessible, and fair to all people; efficient so justice is not delayed; and effective in seeking solutions to social injustices. Chicago Appleseed's work aims to interrupt cycles of poverty, mass incarceration, and racial injustice perpetrated by all aspects of the legal system. The Chicago Council of Lawyers is not a traditional bar association. The Council is a member-based organization whose focus, since its founding in 1970, is the benefit of non-members, particularly poor and disadvantaged populations who often have unequal access to the justice system. Together, we form a 'Collaboration for Justice' focused on creating a less harmful legal system.

Cook County's consolidated Domestic Violence courthouse opened at 555 West Harrison in 2005 in response to growing concerns about crowding, case processing times, and safety concerns with the conditions in the existing court buildings at 1340 South Michigan Avenue (criminal proceedings) and at 28 North Clark Street (civil proceedings). The consolidated courthouse ("DV Court") hears all orders of protection cases, both criminal and civil, and was structured to create secure waiting areas with the intent of keeping petitioners and respondents away from each other in the courthouse. In addition to safety goals, the courthouse was intended to improve case efficiency. In 2010, the Circuit Court of Cook County established the Domestic Violence Division to further these goals. In 2008, Chief Judge Evans convened a task force to study the court, which conveyed their recommendations to the Office of the Chief Judge in 2010 and released a public report in 2012. There has otherwise been no comprehensive study of the successes or failures of the courthouse.

### PURPOSE

Although it has been a decade since the last evaluation of the court and the Division, other factors also motivated

Chicago Appleseed and the Council's research. In February 2020, Chicago Appleseed was invited by a group of advocates and attorneys working in the Domestic Violence Division to join them in designing and implementing a court-watch program for the Division, given rising concerns over management and culture in the Division. When the Courthouse opened in 2005, there were around 50 dedicated domestic violence courts in the U.S. By 2010, there were over 200. This growth in domestic violence courts across the country offers an opportunity to examine the successes and failures of Cook County's courthouse while discovering alternatives to the processes which may improve its functionality. Chicago Appleseed and the Council wanted to survey best practices and innovations that could improve the conditions highlighted in advocates' concerns.

Finally, courts are increasingly called upon to fill in gaps for diminishing social safety resources. This is especially evident in family courts, like those hearing domestic violence issues, and has profound implications for understanding systemic bias.

Just as society's conception of domestic violence has shifted over 50 years, so has our understanding of how poverty and marginalized identities are criminalized and otherwise punished by

systems of power. It is incumbent on courts to examine if and how their practices support bias in systems and seek correction to those practices.

**Our goal is to improve not simply access to courts, but the quality and function of justice within those courts.**

## **METHODS**

Chicago Appleseed and the Council conducted more than 35 interviews with attorneys, non-attorney advocates, community service providers, court staff, and judges between July 2020 and March 2022. Interviewees were asked about their direct experiences in the Domestic Violence Division—in both the branch courts and the consolidated courthouse—as well as about their general experiences serving the needs of both survivors and the people who harm. Interviews were conducted via Zoom and, with participant permission, recorded and transcribed for accuracy. Staff followed a general interview template, with one staff member or intern conducting the interview and another taking notes. Notes and transcripts were reviewed for common themes and coded for use in analysis.

Trained staff, interns, and volunteers completed observations of 188 domestic violence cases in the Circuit Court of Cook County in February and March 2022. Court observations were also conducted over Zoom. Court-watchers were training in court observation and terminology used in hearings for Orders of Protection. Court-watchers reported on judicial behavior through weighted responses to generic statements about courtroom conduct and were encouraged to explain their reasoning for each rating they give via an “explanation” section after each question. Chicago Appleseed and the Council staff analyzed responses. Staff, interns, and pro bono counsel conducted background research into jurisdictional differences and best practices. This research included review of court websites, conversations with court staff and documents from national court administration organizations. We also reviewed news archives, academic publications, and publications from federal agencies overseeing domestic violence policy, grant-making and courts administration.

The first primary limitation in our analysis is that we were unable to access quantitative data on the courts, and therefore could not fully understand several things including socio-demographic information of litigants or length/outcome of cases in the aggregate. This substantially

hindered our ability to really understand who the domestic violence courthouse is serving and how effective they are at doing so. Second, we were unable to access litigants to interview about their experience in the courthouse.

### **Findings and recommendations in the report are based in the analysis of interviews and observations with reference to background research.**

## **FINDINGS**

Our findings stress that the courthouse is critical infrastructure and the Division is structured in an appropriate manner, but identify four major deficiencies at this time.

- First, there is evidence that procedures and structures in the Division reflect and perpetuate systemic sexism and racism.
- Second, There is a general disconnect between judges and court staff on one hand, and the concerns of advocates and needs of litigants on the other, that is exacerbated by technology and training issues and limited operational capacity.
- Third, there is a significant need for trauma-informed practice, improved judicial training, and shift in court culture to improve the quality of justice in the Division.

- Finally, the Division suffers from consistent and pervasive issues at the Office of the Clerk of the Court that create ongoing barriers to justice.

Broadly, the courthouse and Division are under-resourced to address these needs, and under the immediate past Presiding Judge in the Division, Judge Raül Vega who served from September 2018 to January 2022, there was a cycle of neglect regarding community concerns about the court which exacerbated barriers to justice. However, following recent changes to the Division administration, the DV Court appears committed to positive change, and our research has identified clear avenues for reform.

## RECOMMENDATIONS

Our nine recommendations are broadly grouped under four areas: *Accessibility*; *Communications & Service Provision*; *Community Support*; and *Judicial Training & Practice*.

### ACCESSIBILITY

Facing pressure from community voices and the city commissioners, the Office of the Chief Judge moved to create 24-hour-7-day-per-week access to the court for Emergency Orders of Protection. We recommend a measured approach to flexible hours—including evenings and weekends—which will not overly tax existing judicial and legal aid resources.

Critical to ensuring accessible and safe courts will be improving and maintaining procedures for remote hearings.

### COMMUNICATIONS & SERVICE PROVISION

The primary recommendations here focus on expanding, improving, and better integrating litigant services into the Division and the courthouse. Litigant screening processes are missing an excellent opportunity to better assess both legal and social service needs and could create vital connections with external agencies for concerns, which arise or continue after an Order of Protection is issued. Existing resources, such as the Division Attorney and Domestic Relations Hearing Officers, can be more strategically deployed in the Division, while new resources, such as a Litigant Services Coordinator, would improve case processing efficiency, relieve stress on both court staff and self-represented litigants, while addressing concerns that legal aid agencies are often asked to step in to coordinate between self-represented litigants and the court. Another recommendation arises from persistent dysfunction in the Office of the Clerk of the Court. While reform and rehabilitation of that Court Clerk's Office is beyond the control of the DV Division, pressure to hold that office accountable is necessary.

## COMMUNITY SUPPORT

Cook County has an expansive community of service providers for persons experiencing intimate partner and gender-based violence, and the City and state governments have demonstrated an interest in supporting these services. We recommend the court invest in community engagement and connection with non-court-related service providers. Regular, meaningful engagement with practitioners about their experiences—and the experiences of litigants—accessing court services, connecting with non-court services, and interacting with judges and staff will improve court operations and identify problems before they become intractable or politically volatile. Although essential court services cannot depend on pro bono and volunteer resources and be successful, pro bono services play an important role in the health of the legal community and improve outcomes for self-represented litigants.

We recommend strengthening these partnerships, while acknowledging their limitations in sustained service provisions.

## JUDICIAL TRAINING & PRACTICE

Judges in the Division face heavy caseloads and difficult subject matter in their hearings. Litigants face hostility, blame, shame, and disbelief in their lives

and often in court as well. Improved judicial training, meaningful implementation of trauma-informed practices, and expanded case management structures will support judges and litigants through the process. We recommend ongoing judicial training from vetted providers to support trauma-informed and culturally-competent practice. We further recommended holistic case management practices employing one of the proven models from other jurisdictions.

## CLOSING

Cook County's Domestic Violence Division and consolidated courthouse exhibits many features associated with best practices in domestic violence courts, and yet is not operating at the fullness of its potential. The courthouse is critical infrastructure, incorporating good principles and some best practices, but is sorely lacking in resources and support for its services. Going forward, it will be important for the Division to regularly assess its function and work to better respond to the community and its needs.

***"Slipping Through The Cracks" - An Evaluation of Cook County's Domestic Violence Division in Chicago is available at [ChicagoAppleseed.org/DV-Report](https://ChicagoAppleseed.org/DV-Report).***