

## Appendix 8D

### Court Administration in Domestic Violence–Related Cases

Court administration has a key role in managing a timely response to domestic violence–related cases that come before the criminal court. It schedules hearings and appearances as expeditiously as possible within statutory and policy-based time frames and notifies the involved parties and intervening agencies. It accurately enters and distributes court orders. It acts to ensure that confidential information is not disclosed to unauthorized parties.

The particulars of court administration’s performance of its duties in domestic violence cases are largely a matter of local practice and resources. For this reason, the following is offered as a guide to the types of issues that might be addressed in writing policy for court administration in domestic violence–related cases. It is not intended as a set of model policies.

This appendix includes material from the Second Judicial District Coordinating Council’s *Guidelines and Procedures for Domestic Abuse-Related Criminal Cases* (the Manual), which is referenced by page (e.g., Manual at 5).

#### ***Policy: Court Administration***

In addition to adhering to general policy, court administration personnel will take the following actions in domestic violence–related cases, using the protocol included as part of this policy.

1. Ensure that domestic violence–related cases are handled with the timeliness required by statute and local policy.
2. Ensure that all defendants appearing on domestic violence–related matters have been booked.
3. Correctly enter and distribute court orders to all required and specified parties, including:
  - a. Conditional release orders
  - b. Pretrial no-contact orders
  - c. Modifications and cancellations of pretrial no-contact orders
  - d. Probation no-contact orders

4. As necessary, notify Project Remand of all cases in which the defendant is conditionally released.
5. Notify necessary parties of any hearing regarding modification of a probation no-contact order.
6. Notify appropriate parties of any cancellation of a probation no-contact order.
7. On all warrants of commitment, correctly identify those cases in which a no-contact order remains in effect.
8. At all times ensure that confidential information is not disclosed to unauthorized parties.

***Protocol: Court Procedures in Domestic Violence Cases***

1. Correctly calendar all court appearances in domestic violence–related cases.

Appearance

- Release pending first appearance
- Conditional release violations hearings in *misdemeanor* or *gross misdemeanor* cases
- Conditional release violations hearings in *felonies*
- Omnibus, pretrial and trial calendaring: *misdemeanors*

Calendar

- The following Thursday
- Defendant awaiting sentencing: according to calendar of sentencing judge
- All other cases: next available arraignment judge
- Defendant awaiting sentencing or pretrial already held: calendar of assigned trial or sentencing judge
- All other cases: next available arraignment judge [Manual at 37]
- Defendant in custody: 10 day trial date

Appearance

Omnibus, pretrial and trial calendaring: *gross misdemeanors*

Omnibus, pretrial and trial calendaring: *felonies*

Sentencing

Calendar

- Out of custody: domestic abuse pretrial; trial date 1<sup>st</sup> or 3<sup>rd</sup> week of block
- Applies to defendants in custody and out of custody
- Domestic abuse omnibus hearing and Trial date 1<sup>st</sup> or 3<sup>rd</sup> week of block
- Applies to defendants in custody and out of custody
- Felony omnibus 2 weeks after first appearance
- Pretrial and trial date set at omnibus
- Full presentence investigation no less than 6 weeks after plea or verdict
- Other cases may be scheduled earlier [Manual at 23-24]

2. Adopt procedures to ensure that a judge is available to review requests for probation violation warrants when the sentencing judge is unavailable to handle them in a timely manner.
3. In circumstances where judicial resources allow, consider the use of domestic violence calendars or courts.
4. Take the necessary steps to ensure that all orders and modifications or cancellations of orders in domestic violence–related cases are entered into criminal history and other applicable databases, including MNCIS and BCA hotfiles.
5. Prior to first appearance, the clerk will check whether booking has been completed. If not, the clerk will process a booking summons. The Clerk will recheck prior to first appearance to ensure that booking occurred. If it did not,

the clerk will advise the court and the court will issue a booking order. [Manual at 12, updated to reflect current practice]

6. Immediately distribute either an electronic or paper copy of the conditional release order to the agency having custody of the arrested person and provide the agency with any available information on the location of the victim in a manner that protects the victim's safety (pursuant to Minn.Stat. §629.72, subd. 2(c)).
7. Keep a supply of blank domestic abuse no-contact order (DANCO) forms available. [Manual at 31]
8. Retain the original signed pretrial DANCO order in the court file. [Manual at 32] In the Second Judicial District the image of the order is also available through the WebExtender.
9. Distribute either an electronic or paper copies of the pretrial DANCO to the following:
  - a. Defendant/defendant's attorney
  - b. Prosecutor (City Attorney will distribute copies to the victim and the police)
  - c. Project Remand for those cases it is supervising
  - d. Agency having custody of the defendant (pursuant to Minn.Stat. §629.72, subd. 2(c)) [Manual at 33]
10. If a pretrial DANCO is modified it shall be served on the parties and forwarded to the appropriate law enforcement agency in the same manner as the original no-contact order. [Manual at 33]
11. Distribute either electronic or paper copies of the cancellation of a pretrial DANCO to:
  - a. Defendant/defendant's attorney
  - b. Prosecutor (City Attorney will distribute copies to the victim and the police)
  - c. Project Remand for those cases it is supervising

- d. Ramsey County Emergency Communications Center data channel
12. When Remand is not present at the hearing when the release is ordered, notify Project Remand of any case in which the defendant is conditionally released and Remand is to supervise the conditional release.
13. Retain the original of the signed probation no-contact order in the court file. [Manual at 34]
14. Distribute either electronic or paper copies of the probation no-contact order to the following:
- a. Defendant/defendant's attorney
  - b. Prosecutor (City Attorney will distribute copies to the victim)
  - c. Probation
  - d. Project Remand for those cases it is supervising [Manual at 34]
15. Upon notification from the judge's clerk that the hearing has been scheduled on a request to modify a probation no-contact order, court administration will send notices to all parties:
- a. Defendant/defendant's attorney
  - b. Probation officer
  - c. Victim
  - d. Prosecutor
16. If a probation no-contact order is canceled the judge's clerk will distribute either electronic or paper copies of the cancellation order to:
- a. Defendant/defendant's attorney
  - b. Probation officer
  - c. Prosecutor
17. If a probation no-contact order is canceled, the clerk of district court will fax all cancellations to the Ramsey County Sheriff and the Emergency Communications Center data channel.

18. On all warrants of commitment, check the appropriate box regarding whether the no-contact order was lifted or remains in effect.
19. When the court file contains confidential material, take one of the following actions as appropriate:
  - a. Remove all confidential material from the file before allowing *pro se* defendants to have access to the file.
  - b. Obtain prior authorization from the court to allow the *pro se* defendant access to the court file when confidential materials remain in the file.