



TRANSFORMING JUSTICE: Navigating Data Challenges in Domestic Violence Courts

The National Center for State Courts addresses challenges in court data by promoting the use of National Open Court Data Standards (NODS). NCSC has expanded NODS to include specific case types like domestic violence (DV), which has led to improvements in court data and case management.

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Courts grapple with challenges in effectively capturing and using data in domestic violence (DV) cases. Such cases are often characterized by missing or incomplete data, or the data may be of poor quality, meaning that essential details and pertinent information about incidents, survivors, or perpetrators are unavailable. Incomplete data lead to a lack of information on case timeliness and can result in less efficient and effective case processing. Without active case management, bottlenecks and delays occur, weakening accountability and posing risks to those affected by DV. This article addresses the challenges in capturing court data for DV cases, the impact of poor-quality court data, case studies of data improvement efforts in DV cases, and NCSC's continuing work in this field.

The Challenges

Courts play a crucial role in addressing crimes related to the Violence Against Women Act (VAWA), such as domestic violence, dating violence, sexual assault, and stalking.¹ To effectively do so requires collecting high-quality data across different case types, linking DV cases to existing matters involving the same parties, and addressing the related complex needs impacting survivor safety and offender accountability. However, courts, including those addressing DV, encounter challenges in capturing and reporting essential data. Inconsistent data collection and data use are common.

¹ See American Bar Association, Violence Against Women Act (VAWA) Toolkit, at https://www.americanbar.org/advocacy/governmental_legislative_work/grassroots-action-center/ABA_Day_Digital/vawa-toolkit/.

Data Collection Problems

Variability in Reporting

Courts across the country vary in case and data management systems, with differing capabilities to capture information. Further, some courts lack a data dictionary or other mechanism to provide consistency in data elements. Jurisdictions and agencies may use different criteria and definitions when recording DV incidents. As a result, qualifying elements for a case in one jurisdiction might be recorded differently in another, creating barriers to comparing and analyzing data consistently.

Incomplete or Missing Information

Some jurisdictions may collect comprehensive details about incidents, survivors, and perpetrators, while others may have more limited or selective data. Further, a lingering effect of the transition from paper to electronic court records is that essential information needed to oversee individual cases and the court's overall caseload is often buried within PDF documents, making it inaccessible for many data management systems. Challenges to collecting demographic information have impacted courts' ability to analyze trends and uncover and address potential disparities across racial and ethnic groups.

Data-Sharing Challenges

Court data often come from attorneys or law enforcement, yet defects in information sharing result in duplicative data collection. Sometimes data-sharing objectives are at odds with one another. Data quality depends on good data governance among justice partners. Improved information sharing with law enforcement would facilitate service of process of civil protection orders, including notifications to courts and survivors of whether an order was served effectively. This is another area where uniformity in data elements goes a long way in improving information sharing and collaboration.

Data Use Problems

Impaired Comparative Analysis

The absence of standardized methods of calculation makes it challenging to conduct meaningful comparative analyses. Researchers, policymakers, and practitioners rely on consistent data to identify trends, patterns, and best practices. Without uniformity, drawing accurate comparisons is impractical.

Barriers to Policy Development

Identifying best practices for managing DV cases in courts requires consistent data. Policymakers require reliable and consistent data to formulate effective strategies and policies. However, the lack of standardized data collection methods makes it challenging to identify priorities, allocate resources efficiently, and tailor interventions to specific needs.

Addressing the issues of inconsistent data collection and usage involves establishing standardized protocols and definitions that are uniformly applied across jurisdictions.

The Impact

While court data will never achieve perfection, the necessity and urgency to enhance its quality become clear when considering the risks for the parties involved. Quality data support timely hearings, orders that better meet the needs of the survivors, and survivor referrals to needed services. This creates a more positive court experience by reducing confusion for survivors, who are then able to focus on the DV case without having to keep track of other legal matters/hurdles that may arise from poor-quality data, such as duplicative or conflicting court orders that may occur with cases being handled in different courts. The expedited nature of DV cases often results in independent proceedings for DV cases involving the same parties. For example, a family may be simultaneously moving through a family court (for a dissolution), a civil court (for a civil protective order), or a criminal court (for a criminal case regarding the abuse). This combination of court processes, coupled with a lack of awareness among judicial officers, impedes effective institutional responses by potentially fostering duplicative and conflicting processes and outcomes (e.g., distance requirements, possession of the house or car, or child visitation arrangements).

In DV cases, tracking progress and assessing the effectiveness of interventions or policies are crucial. A more thorough data-informed understanding of a court's DV caseload also provides opportunities to identify trends, as well as any disparities that may exist. For example, if courts collect quality demographic data, they can identify if DV court practices and service referrals are impacting certain groups of court users differently and possibly refer to culturally specific victim service providers.

Quality court data are essential to equip judges with the information necessary for effectively resolving cases and supporting courts in adapting their approaches, particularly in addressing case backlogs. Courts must proactively gather and utilize data to effectively manage cases, especially DV cases. Collaboration between judicial officers, court-process experts, and data-process experts is crucial to ensure that data and technological solutions meet the needs of all court personnel. Addressing the issues of inconsistent data collection and usage involves establishing standardized protocols and definitions that are uniformly applied across jurisdictions. For this, the implementation of National Open Data Standards (NODS) (www.ncsc.org/nods) emerges as a solution.

The Solution

The adoption of NODS, designed to improve court data and enable cross-jurisdictional research analysis, has been recognized by some courts for its benefits. NODS is fundamentally a process of mapping court data to standards so that the data can be used accurately and effectively. NODS can be part of a data governance plan, supporting the overall data life cycle, by helping courts:

1. Identify needed data, which fosters consistency and quality in data collection;
2. Provide sample values for data elements to increase data consistency;
3. Improve the quality of data so that meaningful analysis can be done, illustrating what courts are doing and how they are impacting the community; and
4. Establish policies related to data deletion and archival.

Courts that have implemented NODS have illuminated opportunities to improve data quality, a critical element for effective case management, across three key areas:

Navigating Caseloads/Optimizing Case Progression: Tracking time frames and case status is essential for accurately assessing how courts manage caseloads. The absence of accurate data poses a challenge in identifying bottlenecks or backlogs in the court process. This can lead to delays in DV cases. Analyzing events impacting timeliness, such as the granting of continuances, is essential to uncovering root causes behind delays and inconsistencies in case progression, which delay relief for survivors.

Enhancing Demographic Data Collection: Improved data collection and proactive monitoring across demographic groups are essential for analyzing and addressing racial and ethnic disparities. An equity analysis approach can optimize resource allocation by identifying disparities at multiple decision points in a case's life cycle.

Utilizing Data/Unlocking Insights: While individuals seek relief from courts in DV cases, external life factors impact cases. Courts are striving to determine the prevalence of complex issues in protection order cases, such as mental illness, substance use, advocacy, legal support, transportation, childcare, housing assistance, and coercive control. Courts can serve as a gateway to a comprehensive support network by utilizing data to understand service needs, available resources, and gaps. However, only a few courts possess the necessary data, primarily within the framework of a mental health task force, to broaden the scope of inquiry to diagnose service gaps and prompt changes in funding or community partnerships. Data utilization helps courts identify and communicate needs, build public trust, and understand survivor needs beyond the immediate case.

As NODS continues to gain popularity, courts can amplify data-collection processes by using this tool to consider key factors for DV and adopt a complete set of data standards that can be applied across jurisdictions. This has provided opportunities for NCSC to develop use cases for NODS that focus on specific case types, such as the DV extension.

Case Studies

NCSC piloted the DV extension to NODS (<https://perma.cc/NUL7-EYN7>) in summer 2023 via a Domestic Violence Backlog Lab to help courts better understand and address factors contributing to backlogs and case delays. As part of the lab, participants, including courts in Delaware, Illinois, and Puerto Rico, assembled teams of judges, court-process experts, and data experts to learn about the multifaceted data life cycle, including data-quality and data-improvement practices. Participants also compared their court data with the DV extension to NODS, analyzing where their data met the standards and where it did not align. This analysis, coupled with discussions during the lab itself, revealed that certain important data elements were not being collected, including information on parties present, postponements (requesting party and reason), and identifiers to track individuals across cases and courts within the state. Momentum built by participation in this lab has spurred data-improvement efforts in their jurisdictions.

Case Study: Delaware

Delaware's family court has launched efforts to increase the capacity for court services by implementing a dedicated DV compliance calendar for added accountability for litigants ordered to DV intervention and community services. They are also pursuing recidivism data analyses to determine if case management through the DV compliance calendar has helped reduce recidivism and increase completion rates for their DV intervention program. Administrative staff have indicated that rates of petitioner dismissals for civil protection order cases have been a significant concern. Thus, the court is considering opportunities for partnerships with universities and advocates to identify the reasons for dismissals to assess potential gaps in court services. A multijurisdictional study will be able to evaluate this trend and the impact of various frameworks as they are developed. As this work continues, Delaware aims to bring a procedural justice focus to these cases to explore the possibility of the court providing assistance, identifying needed resources, and maximizing self-efficacy for survivors. However, many of these efforts are challenged by the lack of an electronic filing system. Paper-filing systems make it difficult to track data and case history; thus, Delaware will continue burgeoning efforts to identify and establish an electronic case management system.

Case Study: Illinois

Illinois's participation in the lab was particularly timely as the Illinois Supreme Court has established the Supreme Court Committee on Domestic Violence and Human Trafficking to identify strengths and opportunities for improving court processes for these cases. The committee has since created workgroups on data collection, firearms restrictions, human trafficking, and remote access. It is also addressing issues related to T and U Visas to support survivors of trafficking and other crimes.² The data collection workgroup is focusing on data improvement efforts, including identifying data elements the various stakeholders collect, determining which elements to keep or discard, and

² See Victims of Human Trafficking: T Nonimmigrant Status at <https://perma.cc/Q5PN-RNS5> and Victims of Criminal Activity: U Nonimmigrant Status at <https://perma.cc/36NG-B2S9>.

assigning stakeholders to collect the consensus list of elements. Though Illinois does not use a singular case management system, the Administrative Office of the Illinois Courts is updating their statewide data collection and storage system and plans to include DV-related data in this new system.

Case Study: Puerto Rico

The Judicial Branch of Puerto Rico leveraged what they learned from the DV extension of NODS and the lab to implement immediate strategies and develop a work plan for longer-term efforts. According to Dr. Mario Marazzi, director of the Office of Statistics, Data Sciences, and Judicial Planning, “In the case of Puerto Rico, the National Open Court Data Standards (NODS) helped us perform a metadata benchmarking exercise that let us identify a feature of our clerk’s data entry that needs improvement.” This exercise revealed incorrect coding of case identification affected the judge’s disposition of the order. As a result, approximately 50 percent of the civil protection order requests in some regions were found to be incorrectly recorded as denied. Puerto Rico has been working to quickly fix the errors to all incorrectly registered civil-protection-order cases that have occurred since 2015 and are sharing the results of this audit with their judges. Puerto Rico has transformed their court statistics team with the establishment of an Office of Statistics, Data Sciences, and Judicial Planning and is adding continuous quality improvement functions to their work. In addition, the courts are working to build an organizational structure to support quality data by pursuing training for clerks on data-entry practices and establishing a cohort of staff to pilot new data-entry processes. Puerto Rico is encouraged by the work that has been undertaken thus far to improve identification of gaps and strengthen relationships with stakeholders. Dr. Marazzi added, “These changes are critical to strengthening the judicial processes in Puerto Rico to better protect victims of domestic violence.”

Future Work by NCSC

The combined achievements of the DV extension of NODS and DV Backlog Lab continue to lead to data-improvement efforts beyond the original scope of the project. With support from the U.S. Department of Justice, Office on Violence Against Women, NCSC is conducting a research and evaluation project in Illinois to further the data-improvement efforts begun by the state’s supreme court committee and the DV Backlog Lab. With a goal to create a more efficient and human-centered court system, NCSC will conduct data and process analyses to streamline processes and improve offender monitoring. NCSC will also leverage the application of NODS to the model Domestic Violence Coordinated Court in Winnebago County to evaluate the program’s impact. This evaluation will identify potential practices that can be infused into other courts to equip judges with critical information and provide appropriate attention to survivors through case management and services, potentially serving as a blueprint for jurisdictions nationwide. Findings and lessons learned from this project will be made available on www.vawaandcourts.org.³

³ Also available at <https://perma.cc/9TPN-JCSR>. For more information on data standards, see Pandemic Response Team, [Business Data Dictionary for Courts](#) (Williamsburg, Va.: National Center for State Courts, 2024).