

STATE OF VERMONT



DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION REPORT

2015

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DEDICATION

This year's Vermont Domestic Violence Fatality Review Commission is dedicated to all the family members who have shared their stories to help us learn from their tragedies. It is not an easy thing to do. We appreciate your courage and your candor. While we cannot erase the past, the future can and will improve for others because of you. We hope that you find some peace in knowing that you have played a critical role in improving the response of our system to those caught up in the tragic cycle of domestic abuse.

INTRODUCTION

On May 2, 2002, then-Governor Howard Dean signed into law H.728, which created Vermont's Domestic Violence Fatality Review Commission ("Commission"). (See Appendix A for a copy of the bill.) The purpose of the Commission is to collect data and conduct in-depth reviews of domestic violence-related fatalities in Vermont with the goal of making policy recommendations to prevent future tragedies. There are now over 40 states that have active multi-disciplinary domestic violence fatality review teams across the country. The theory behind these review groups is that by examining data and information we can better understand why and how the fatalities occurred and what can be done to prevent future deaths.

Pursuant to 15 V.S.A. § 1140, the Commission operates under the auspices of the Office of Attorney General in consultation with the Vermont Council on Domestic Violence ("Council").

Under 15 V.S.A. § 1140, the purposes of the Commission are to:

- examine the trends and patterns of domestic violence-related fatalities in Vermont;
- identify barriers to safety, the strengths and weaknesses in communities, and systemic responses to domestic violence;
- educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention; and
- recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

This is the thirteenth Commission Report. This Report includes data regarding fatalities for 2014 and updates the Commission's statistical information that dates back to 1994. In 2014, the Commission completed one in-depth case review and began another, and case recommendations from those reviews are discussed in this Report. Finally, the Report provides relevant updates on the Commission's previous recommendations.

The Commission asks all Vermonters to review this report and provide us with comments and suggestions as we continue to study the trends and patterns of domestic violence and related fatalities.

EXECUTIVE SUMMARY OF COMMISSION DATA

The Commission data indicates:

- Between 1994 – 2014, 50% of all Vermont homicides were domestic violence-related.
 - 57% of Vermont's adult domestic violence-related homicides were committed with firearms.
 - 77% of the suicides associated with the homicides (i.e. murder/suicides) were committed with firearms.
 - 82% of Vermont's domestic violence-related fatalities were committed by males.
 - 51% of victims of domestic violence-related fatalities were female.
- Of the 15 homicides in Vermont in 2014, ten (67%) were deemed domestic violence-related. Please see the Commission's definition of Domestic Violence Fatality which can be found in Appendix B.
 - Of the ten domestic violence-related homicides, four were committed with a firearm, three involved blunt trauma (all children), two involved use of a weapon other than a firearm (knife, hammer), and one involved forced alcohol ingestion.
 - In one case, the responsible party committed suicide immediately following the homicide. There was also at least one additional domestic-violence-related suicide not connected with a homicide.
 - Of the ten domestic violence-related homicides, five involved caregiver-child relationships. Three victims were current intimate partners of the responsible party. In one, the adult son of an intimate partner was also killed by the responsible party. In the last, a responsible party killed his daughter's intimate partner, allegedly in defense of his daughter and their family.
 - Of the ten domestic-violence-related homicides, nine occurred in residences and one in an outbuilding.
- Beginning last year in our 2014 report, the Commission elected to include children killed in a domestic-related-incident in our statistics. It is noteworthy that the number of persons killed in a caregiver/child relationship exceeded the number killed in intimate relationships in 2014. While we continue to refer all child-fatality cases to the Vermont Child Fatality Review, we also feel it is important to begin capturing these fatalities in our statistics to give Vermonters a more accurate picture of the impact of domestic violence in our state. As in last year's Report, the data in the homicide and fatality chart from 1994 to present

contains only adult data. The domestic violence-related child homicides that are captured in our current year data is not reflected in that chart for the sake of consistency. We hope to one day have the ability to look back at the older data and incorporate it all into the historical chart.

SUMMARY OF COMMISSION'S ACTIVITIES IN 2014

In 2014 the Commission issued its Annual Report. As required by 15 V.S.A. § 1140, the Commission distributed its report to the General Assembly, the Governor, the Chief Justice of the Vermont Supreme Court, and the Vermont Council on Domestic Violence.

Over the past year there have been several changes in the representatives to the Commission. We welcomed new members from the Department of Mental Health, the Vermont Network against Domestic and Sexual Violence, and the Department of State's Attorneys and Sheriffs. We would also like to gratefully acknowledge the hard work and dedication of our retiring members: Sarah Kenney, who served on the Commission for seven years; Megan Campbell, who served on the Commission for four years; and Susan Onderwyzer, for one year. Appendix C lists the current members of the Commission.

During 2014 the Commission met bi-monthly and the Chair of the Commission and the Coordinator of the Vermont Council on Domestic Violence met monthly to work on implementing recommendations. A copy of the protocol that outlines these roles is attached as Appendix E.

Pursuant to 15 V.S.A. § 1140, the purpose of the Commission includes identifying strengths and weaknesses in systemic responses to domestic violence and making recommendations that will encourage collaboration, intervention, and prevention. Below please find relevant data regarding the completed case reviews and the Commission's findings regarding strengths in the community and recommendations to improve the response to domestic violence.

SUMMARY OF 2014 CASE REVIEW PROCESS

While the Commission reviews and discusses all domestic violence-related homicides, each year we select one or two cases from previous years to review in depth. The case review process includes creating a timeline for the case, identifying any lethality factors, reviewing all available documents, inviting witnesses to testify, taking testimony from witnesses before the Commission, and discussing at length what can be learned from that case. The proceedings and records of the Commission are confidential to protect the privacy of surviving family members.

It is always our intent to learn as much as possible from direct sources in every case. We attempt to speak directly with police officers and others that were part of the systematic response, as well as family members of the victim and the responsible party. In this case we owe a great debt to members of the victim's family who shared their experience and perspective with us. We hope that we can use this report and our

recommendations as a starting point to improve the systemic response and make further strides in our efforts to prevent domestic violence fatalities.

2014 CASE REVIEW INFORMATION

In 2014 the Commission selected two fatalities to review in detail. We completed the review of one case and have begun reviewing a second which will be included in next year's report. In the case we are reporting on for this year, the victim was female and the responsible party was her husband of four years. Both were in their forties. The victim had attempted to separate from the responsible party, but they continued to have contact. The victim felt that no matter what she did or where she went, he would always be able to find her or her children. The responsible party had been arrested for domestic assault twice in the last year for domestic assault on the victim, and one of the charges was pending at the time he killed her. They each had teenage children and the responsible party had been a father figure to them. He was financially secure and used his status in the community and wealth to isolate and control her. The victim had twice obtained a relief from abuse order but was fearful of agitating the responsible party and agreed to drop the orders both times in an effort to appease him. At the time of her death, the responsible party had conditions of release to prevent contact with the victim, but he continued to come to her home uninvited and she was too afraid of the possible repercussions to her and her children to report the violations.

The responsible party came to the victim's home and shot her and then shot himself. A distraught family member present at the scene first learned of the death of both loved ones when one of the responding officers mentioned they were both dead. The officer assumed this was obvious, when in fact it was not.

The following lethality risk factors were identified by the Commission in this case:

1. serious physical/sexual violence currently and in the past;
2. serious violent threats currently and in the past;
3. escalating violence, including prior threats to kill;
4. violations of current criminal court orders;
5. the responsible party had access to weapons;
6. children in the home that are not biologically related to the responsible party; and
7. recent attempts by the victim to separate from the responsible party.

STRENGTHS IN THE COMMUNITY

As noted above, part of the Commission's statutory role is to identify strengths in addition to barriers in responses to domestic violence cases. During the review, the Commission identified the following positive strengths:

- The victim had very strong social supports from her family. They stood by her and made many efforts to help her escape the abuse.
- The victim recognized the danger she was in and used her strong social supports to construct a safety plan. The victim had a neighbor she called every day at a certain hour to let the neighbor know she was home safely. She arranged for that neighbor to contact the police if she ever failed to call at the appointed hour. She had one of her adult children accompany her home each day to search the house in case the responsible party was hiding inside. Family members helped her call the police when she was assaulted, and helped her apply for a relief from abuse order. Just before she was killed, she reached out to many family members and friends to let them know that she was in a dangerous situation.
- One of the responding officers realized that this was a volatile situation. He expressed frustration that he was unable to do more. He made an effort to pass by the victim's house to see what cars were parked there when he was on duty and tried in other ways to reach out to help. He tried to create a method for the family to safely and confidentially contact the police.

I. PART ONE: CASE REVIEW FINDINGS AND RECOMMENDATIONS

The Commission makes the following findings and recommendations related to our review. We identify relevant professions and agencies that may be able to incorporate our recommendations in their practices and protocols. We encourage these groups to give careful consideration to these recommendations and we welcome the opportunity to discuss our recommendations further.

In no way does the Commission intend to imply that any agency or policy is responsible directly or indirectly for any death. The goal of the Commission in making these recommendations is to increase the safety of all Vermonters. The findings and recommendations are not prioritized and are of equal importance.

A. Family Supports in Homicide/Suicide: Advocacy

Every state's attorney's office has at least one state-based victim advocate to assist crime victims in navigating the criminal justice system and obtaining emotional and financial support services. In a homicide/suicide case, no charges are filed and thus no victim advocate is assigned to assist family members at this very critical time. While there are confidential, community-based advocates available through the programs of the Vermont Network Against Domestic and Sexual Violence ("Network") to provide service to families in this situation, these confidential advocates do not become involved unless the family contacts them and requests their assistance. State-based advocates typically have more experience with the state Victim Compensation Fund, and more experience working with law enforcement on certain issues, such as returning property held as evidence. In some cases, the state-based victim advocate may already have an established relationship with the family. For all of these reasons, we believe the state-

based advocates connected to each state's attorney's office in every county are in the best position to provide advocacy services to the victim's family in a homicide/suicide case, and that their roles should be extended to cover this situation.

If the state-based advocate from the state's attorneys' office is not able to provide these services (due to a conflict or other reason), that advocate should contact the advocate in the Attorney's General's Office to provide services. If the victim's family is interested in longer term support, we encourage the state-based advocate to assist the family in connecting with a Network advocate. Network advocates can provide support on the anniversary of their loved one's death or other especially difficult times of year.

Another important component of advocacy is to provide help navigating the state Victim Compensation Fund. Vermont has a Victim Compensation Fund that is housed in the Center for Crime Victim Services. This fund assists crime victims with limited financial assistance for crime-related losses that are not covered by other insurance or any other source. This fund is a great resource and can help with medical expenses, crime-scene cleaning services, counseling, funeral expenses, transportation, housing, temporary living expenses, pet-care services and many of the financial issues that can arise with the sudden death of a loved one. To obtain the services of the Victim's Compensation Fund, a person must apply and be found eligible. This process, however, can be overwhelming and confusing for someone who has just lost a loved one in a traumatic and sudden way. Thus the assistance of a state-based victim advocate through this process would be invaluable.

The Victim Compensation Fund has an approval process that must be completed before any funds can be released. The program is required to consider life insurance as a collateral resource. There is a life insurance threshold of \$50,000 and any family member with life insurance that exceeds this amount is not entitled to compensation unless their crime-related losses exceed their life insurance proceeds. We believe that this threshold is low for a family with dependents who in many cases has lost both parents, and we encourage the board to consider waiving this requirement. The requirement that the Fund verify the existence of life insurance policies also slows the process considerably. We encourage the Board of the Victim Compensation Fund to expedite the approval process for certain immediate expenses, such as cleaning fees associated with homicide. Nearly all domestic violence homicides occur in the home and this assistance is important for families to have in place immediately once the police have completed their investigation.

We heard from family members about the difficulty of navigating the Office of the Medical Examiner alone. Navigating through routine and necessary questions and forms that the Medical Examiner's Office must complete before releasing information or items belonging to the deceased can be a disturbing and overwhelming experience for a family member. Victim advocates are in the best position to assist the family with these arrangements and have experience with navigating this process.

We also heard from family members of the victim that it can be difficult to get information from the police directly. Officers may be on "days off" and may not be able to return a phone call for several days. There may be pieces of information that they

are unable to release until the investigation is complete, even if no charges can be filed. A state-based advocate is in the best position to obtain this information on a timely basis and communicate it in a manner that is as sensitive and responsive as possible.

1. State-Based Victim Advocate Recommendation

The Commission recommends that:

- State-based advocates provide advocacy services to the family of a homicide victim in cases of homicide/suicide where no criminal charges will be filed. The local State's Attorneys advocate should immediately contact the advocate in the Attorney General's Office to provide services in the event that the local office is unable to do so.
- The state advocate should assist the family with the victim compensation process and communicate with the Medical Examiners Office and law enforcement on behalf of the family as needed. The state-based advocate should also assist the family with enlisting the support of a local Network advocate to assist with ongoing needs and support for sensitive dates (for example, anniversary of a death or birthday of deceased family member).

2. Victim Compensation Fund Recommendation

The Commission recommends that:

- The Victim Compensation Board create a stream-lined process to approve a claim for certain immediate expenses, such as crime scene clean-up of a residence. We encourage the board to eliminate the life insurance disqualification completely in homicide cases with extenuating circumstances, such as the loss of both parents.

B. Death Notification Procedures

Police officers currently receive training at the Vermont Police Academy on how to make a death notification. This training covers official notification. However, there are also instances when officers need to make an immediate notification on the scene to a family member. Perhaps the officer does not realize that the family member is uncertain whether the victim is still alive. Unlike police officers, who unfortunately encounter deaths periodically in their work, a family member may not have had this experience before and may be uncertain. A family member may also be holding out hope that their loved one will recover.

The Commission would like to see all officers in Vermont trained in best practices to convey a victim's death, or near-death, to family members on the scene or who may arrive at the scene while a situation is still unfolding. Officers need to be aware that a death that seems obvious to them may not be so to a hopeful family member who lacks experience with these matters. It is certainly upsetting to learn that a family member has died in any manner, and the intensity and trauma is multiplied in a domestic violence situation in which the responsible party may also be a loved one. Ideally, a victim advocate or support person should be present when this information is conveyed.

To be prepared, every officer needs the opportunity through training to reflect on how he or she might handle this situation.

In our 2007 report, we noted the need for death notification training. We encouraged “law enforcement to consider having a victim advocate or second officer present whose role is to provide resources and act as a support for the family.” Law enforcement was encouraged to “adopt a protocol that is sensitive to the trauma involved with tragic deaths.”

As we reported in 2008, Vermont State Police adopted a policy to address victims of crime. The citation reference has changed since it was first adopted and it is now known as VSP-DIR 305. This policy directs that officers need to be familiar with the Victim Assistance Act (13 V.S.A. § 167) and Victim Compensation, make referrals to state-based advocates, and make victims aware of the compensation fund. Regarding death notification, VSP- DIR-533 directs that notifications be made in person in a sensitive and compassionate manner, and with another person such as a clergy member, friend or second officer whenever possible. The policy is not specific to criminal cases and thus does not mention victim advocates specifically. It encourages officers to reach out to other support people to be with the family after the notification. In 2010 the Commission encouraged law enforcement to extend this policy to include families of critically injured people, which it now does. Applicable State Police directives are attached in the appendix for reference since they are not readily available online.

In addition to the State Police, we would like to see all law enforcement departments adopt a death notification policy if they do not have one. We would also encourage departments to view this policy in a broader context to include specifically officers on the scene who may be faced with making a death notification without time for advance preparation. While it may not be possible to have a second officer or advocate present in the moment, the officer should try to connect the family with a support person before leaving. Officers should be trained at the Police Academy about the importance of their words in this moment, the fact that this may in fact be the first time that their loved one realizes that a death has occurred (no matter how obvious it may seem to the officer), how to convey this information in a sensitive and trauma-informed way, and the immediate follow-up that is needed.

1. Law Enforcement Recommendation

The Commission recommends that:

- All law enforcement agencies and sheriff’s departments adopt their own written policy about death notification procedures. We recommend that departments use the State Police directives regarding victim assistance as a starting point (attached as appendix F). We recommend that all officers follow these procedures when doing a formal death/critical injury notification and to try to incorporate them whenever possible when doing an on-scene, immediate notification.

2. Vermont Council on Domestic Violence Local Task Force Recommendation

The Commission recommends that:

- Local domestic violence task forces engage local law enforcement in a discussion about how local, community-based advocates and mental health professionals can support first responders, family members and loved ones in communities following a homicide/suicide.

3. Vermont Network Against Domestic and Sexual Violence Recommendation

The Commission recommends that:

- The Network develop a handout that can be provided by law enforcement or state-based advocates to families and friends of homicide victims outlining the availability of services provided by Network programs.

4. State-Based Advocate Recommendation

The Commission recommends that:

- Whenever possible, state-based advocates should work with law enforcement officers to provide support during the death/critical injury notification process.

5. Vermont Criminal Justice Training Council Recommendation

The Commission recommends that:

- The Police Academy develop an online training tool for officers about how to make a death/critical injury notification on scene. This training should expand the definition of death notification to include how to speak with a family member in a trauma-sensitive manner while on scene and as a situation unfolds. We recommend that this protocol be included as part of the death notification training currently offered.

C. Emphasis on Providing Background Information

In the case we reviewed, we learned that officers may not always have a full picture of the offender's past conduct when making an arrest. For instance, in the reviewed case, one officer stayed on the scene and interviewed witnesses to the assault while the arresting officer transported the offender. Background information that is essential to making a bail determination, or in determining whether a felony has occurred (which might warrant a request to hold without bail) is sometimes not conveyed to the arresting officer until after making the call to set bail. It is not unusual for officers to share duties in this manner, and the need for information gathering and sharing is critical before a bail determination is made.

Officers may not always be able to obtain details about an offender's out-of-state record, but often can obtain this information with a phone call. The National Crime Information Center (NCIC) database query protection order (QPO) shows if an offender has any outstanding relief from abuse orders in any state. Officers should also query other available databases such as the Interstate Identification Index (III) to determine criminal history. Many departments are also able to view prior incident reports of domestic abuse from their agency and other agencies in their own databases. We hope

that Vermont law enforcement will one day have one database that will allow officers from anywhere in the state to share this information.

We cannot emphasize enough how important it is for law enforcement to look at domestic abuse through the lens of an overall “course of conduct” as opposed to a stand-alone incident. We understand that the Vermont Police Academy curriculum does stress the importance of gathering a complete history. The history of abuse is not a follow-up item for further investigation once the case is filed, but a critical part of making a determination about how to respond to the immediate incident.

In the reviewed fatality, there was a prior incident of domestic abuse that was reported to the police and the responsible party was arrested. The offense that occurred on that date was a misdemeanor assault and the offender had enough money in his pocket to post his bail. He was released on bail within hours of the assault, while the victim was in the process of obtaining an abuse protection order. The victim was reluctant to speak to police at the scene. After the offender was transported from the scene, a second officer learned through witnesses that he had assaulted the victim and another family member recently and made a verbal threat of shooting the victim (but did not have a real gun in his hand at the time). He had recently been arrested in another state for assault on the victim. One month prior, he pled guilty to that simple assault charge and was fined. The victim had a prior abuse prevention order in that state stemming from that incident, but she had asked the court to rescind it in the last month. At the police station, the officers noted how angry the responsible party became whenever the victim’s name was even mentioned in his presence.

While it is certainly not possible, nor advisable, to hold all persons charged with domestic abuse in jail until their arraignment, we do believe that law enforcement needs to have every bit of information about past incidents of domestic abuse, including abuse prevention orders, in front of them when making a call to request bail. They should have training in lethality assessment, and have lethality assessment tools available to ensure that all relevant information is conveyed. For instance, defendant’s prior threat to kill, his ownership and ready access to weapons are lethality factors. His anger and tension at the mention of the victim’s name is relevant to assessing mental condition. 13 V.S.A. § 7554(b) directs: “Recent history of actual violence or threats of violence may be considered by the judicial officer as bearing on the character and mental condition of the accused.” These factors are relevant in setting appropriate conditions of release even in a misdemeanor case.

There has been a statewide effort to create a domestic violence form for officers. Much thought has gone into this process and a draft form has been produced. The Commission believes that this form, or the first section of this form, could function as a bail form for officers to ensure that all necessary information has been gathered before making a bail request.

Court staff and judges need training in lethality assessment and to have lethality assessment tools available to them so they too recognize these factors when they are presented. We made this recommendation to the judiciary in our 2014 report and reiterate it again this year.

Out of legitimate fear for their safety, survivors of domestic violence may lack faith in the ability of the criminal justice system to protect them. Many times we have only one chance to demonstrate to a victim that the legal system takes domestic violence seriously. Sometimes we don't get that chance at all. We need to stand ready to bring all the tools at our disposal to the table. Victims often hear from offenders that they won't be taken seriously and they often are afraid to convey information to law enforcement for fear of retaliation. Law enforcement should be mindful that their initial interaction can either reinforce or counteract that impression. We realize that every law enforcement officer is always under time pressure to respond to the next call, but we must make the time to gather and convey the history in these cases when a victim chooses to place her faith in the system.

1. Vermont Criminal Justice Training Council Recommendation

The Commission recommends that:

- The Police Academy train all law enforcement officers, as part of their investigation in every case of domestic violence, to gather course-of-conduct information on scene before a bail call is made. Every officer should receive training in the connection between past abuse, threats to kill, access to firearms, and risk of homicide.

2. Law Enforcement Recommendation

The Commission recommends that:

- All law enforcement officers view every domestic violence case through the lens of course-of-conduct. When investigating a domestic assault, officers should determine if there is probable cause to charge other offenses as well, such as unlawful mischief or interference with emergency services. Officers should have this information on hand when calling to have bail set.
- Every officer utilize all available information databases for prior instances of domestic violence at the time of arrest. Whenever possible, officers should place a phone call to an out-of-state agency to inquire about the circumstances of a past arrest. Officers should include information about prior domestic abuse in the affidavit of probable cause even if the information does not provide enough for a felony enhancement.

3. Vermont Council on Domestic Violence Recommendation

The Commission recommends that:

- A multi-sector ad-hoc committee comprised of representatives from the Criminal Justice Training Council, Stop the Violence VT, the Vermont Network Against Domestic and Sexual Violence, and the Vermont Center for Crime Victim Services conduct an assessment of current training for law enforcement officers related to domestic violence homicide and course-of-conduct investigations to ensure current training matches national best practice standards and meets the needs of law enforcement officers.

- The Council, in partnership with the Network, offer training and technical assistance to local domestic violence task forces on lethality assessment tools and domestic violence homicide prevention.
- The Council work with law enforcement partners and prosecutors who have been working to create a statewide Domestic Violence Investigation Form to help identify any barriers to statewide implementation and whether a shortened form could be developed for the purposes of bail determinations.

D. Investigating Domestic and Sexual Violence Cases: Stalking and Conditions of Release

In the reviewed case, the offender continued to contact the victim regularly while he was on conditions of release for the assault charge. One of the arresting officers involved suspected that he was doing so and made extra effort to check on the presence of the offender's car whenever he was in the area, even in off-duty hours.

The victim believed that any cooperation with law enforcement put her and her family at greater risk. She had seen the offender's behavior escalate after his arrest. He had put a gun to his head and threatened suicide in front of her, only agreeing to put the gun down when she assured him that she would not call the police. At one point the offender managed to stay hidden in the home while law enforcement officers attempted to elicit the victim's cooperation. Through instilling extreme fear, the offender gained complete control over the entire family and made their interactions with law enforcement appear "uncooperative."

It is difficult and frustrating for law enforcement to conduct an investigation without the participation and cooperation of the victim of the crime. This is endemic to cases of domestic and sexual violence however, and must be factored into every investigation. In this situation, like in many others, the victim believed, based on her first-hand experience with this offender, that reporting would place her and her family in greater danger. She convinced the rest of her family of this as well, indicating that the best way to help her was to support her decision. It is important that we recognize that she was in the best place to make this assessment.

There are no easy answers to this dilemma, other than to recognize that it exists. It is imperative that law enforcement officers recognize that a victim or her family may be downplaying risk, or that the situation is even riskier than we can imagine. We can communicate our concern in a respectful way, such as letting the victim know that people in her situation have been killed. To go beyond that and pressure the family or the victim to cooperate with an investigation does not help and may further isolate them or cause secondary trauma. The system should not lay responsibility for a victim's safety at her feet alone.

Instead, these investigations need to move away from placing the victim and her family in the center. Police can and should investigate violations of conditions of release using other traditional investigative tools. When appropriate, police should notify prosecutors

if they believe that conditions are being violated and obtain their assistance with the investigation. These investigations deserve high priority. Law enforcement should explore the possibility that multiple violations of conditions of release may present potential stalking charges. Multiple violations may be a basis for revoking the right to bail. They may also provide a basis for the prosecutor to file a motion to admit out-of-court statements of the victim at trial on the basis of forfeiture by wrongdoing.

E. Investigating Domestic and Sexual Violence Cases: Compliance Monitoring

We are also mindful that the state currently has no statewide system of compliance monitoring. This is a pressing need. In the criminal context, a police investigation is triggered only if an officer has reason to believe that a violation has occurred. Some state's attorney's offices have had domestic violence investigators in the past that were able to review recorded calls from a correctional center and uncover violations/threats, but many of these positions have been eliminated through budget cuts. In some states, police officers make routine visits to follow up with domestic violence victims, especially in cases viewed as higher risk, not as part of a follow-up investigation but simply to see how they are doing. These visits help officers to increase their visible presence in the community and can also function as a method of compliance monitoring. Could corrections assist in this role since it is already engaged in the business of compliance monitoring for those who fall under its supervision? Regular compliance monitoring is also a best practice for courts in domestic violence cases. Judicial monitoring has been shown to reduce recidivism and promote positive change in behavior. It is also important to support those agencies, like police or corrections, who do the day-to-day work involved in ensuring that court conditions are being followed.¹ As a state we need to establish some system of routine monitoring for domestic violence offenders to truly meet the needs of our communities.

After encountering a victim's reluctance or refusal to assist, law enforcement officers may lose enthusiasm for these investigations because the rest of the criminal justice system has shown a tepid response at times to these charges. Prosecutors often receive multiple violation complaints, but file only one. Sometimes they are not filed at all but used as bargaining chips. When faced with a violation (especially one in which the victim appears to acquiesce in the violation such as violation of a no-contact order when the offender is found in the victim's home), courts sometimes react by releasing offenders on the same conditions. Prosecutors and courts need to be mindful of the dampening effect that this has on police investigation. These violations are not only important to address for the integrity of the judicial process, but also because of the unintended message that law enforcement sends to the victim and offender.

¹ See Domestic Violence Accountability in Vermont, Report and Recommendations Prepared for the Vermont Council on Domestic Violence, by Rebecca Thomforde Hauser and Zoe Gaston, December 3, 2014, pg. 14.

1. Law Enforcement Recommendation

The Commission recommends that:

- Officers treat investigations of violations of conditions of release as a high priority and consider whether these charges warrant a stalking charge. Officers should not make the investigation of violations dependent on victim cooperation and should attempt to minimize the victim's and her family's involvement in these investigations if they appear reluctant to discuss them.

2. Prosecutor Recommendation

The Commission recommends that:

- All prosecutors encourage law enforcement to convey any information concerning violations and consider whether such violations rise to the level of a stalking charge. Consider filing motions to revoke bail where conditions are violated. Consider filing pretrial motions for forfeiture by wrongdoing when there is evidence of intimidation. Give violations of conditions of release in domestic cases high priority and communicate with law enforcement if there is a reason that a charge is not filed in these cases.

3. Judiciary Recommendation

The Commission recommends that:

- Courts place high priority on ensuring that conditions of release are followed in domestic violence cases, even if there is an appearance that the victim has acquiesced in the violation. Consider whether additional conditions, including revocation, are warranted and avoid releasing defendant on the same conditions when there is probable cause to believe the conditions have not been followed.

4. Legislature Recommendation

The Commission recommends that:

- The legislature form a study committee to examine current practices around compliance monitoring. Are there ways that compliance monitoring is being done now in the state? How can we make compliance monitoring feasible statewide? How can we partner with police agencies and corrections to create a system to monitor compliance? We need a system or systems to address criminal cases in which an offender is on conditions of release, and civil cases in which the court has issued conditions as part of a relief from abuse order.

F. Strengthening Communication in a Relief from Abuse Hearing

The victim in the reviewed case obtained a temporary order in another state against the responsible party in the months before her death. As a result of that order and the federal prohibition against possessing weapons, the responsible party turned over his weapons to a relative for safekeeping. After the order was dismissed, the responsible party asked the family member for return of his weapons. No one ever informed the victim that his weapons were returned.

In the month before her death, the responsible party assaulted the victim in Vermont and she obtained a temporary relief from abuse order. On the day of her final hearing, she came to court and presumably watched the plaintiff video about family court before the abuse prevention order hearing. The defendant did not appear, but was waiting outside the courthouse for her in his truck to make sure that she did not go forward with the order. Plaintiff called a family member to report that she had not gone through with the final order because this would have made the responsible party very angry, but not to worry because “the state still had an order on him.” Defendant was on conditions of release from the criminal case that included no contact with her and no weapons. The victim was relying on the enforcement of those conditions.

The Commission has reviewed the videos used at relief from abuse order hearings and is still in the process of formulating recommendations about how to best convey important information to both parties. We plan to devote time to further recommendations in this area next year. However, we felt that there were several pressing issues that should not wait another year to be addressed. First, the judiciary should provide greater access to the litigant information that is currently conveyed before the hearing. Currently, the courts that use a video, which we understand to be a majority of the state, have no mechanism to provide litigants with the content of that video other than at the courthouse on the day of the hearing. This video and the information it contains should be and easily could be made available online. The day of the hearing is stressful and many litigants cannot absorb all the important information they need to know in one viewing in the courthouse setting.

It is essential that victims and offenders have an opportunity to ask questions and get answers. Many victims, especially those who are not planning to go forward with the order, may not seek out an advocate, even if one is available at the courthouse. National best practice standards recommend that litigants have a chance to ask questions.² In the event that a plaintiff elects not to pursue an order, but has appeared at the courthouse for the proceeding, we recommend that the judge convene a short hearing to ask him or her if they have any questions. We also recommend that the judge ask parties directly, even if they are represented and have an agreed-upon order, for their understanding of the order and if they have any questions about it. The intersection between a criminal court order and a family court order can be hard to understand, and this understanding may be critical in the victim’s assessment of her own safety.

We recommend that judges ask in every case about the presence of firearms in the home, even if a firearm was not involved in the incident underlying the order.³ If the defendant has firearms, the order should list each firearm and impose a place, date,

² Civil Protection Orders: A Guide for Improving Practice, National Council of Juvenile and Family Court Judges Family Violence Department, 2010, Practice Strategy #3, “Ask if either party has questions. It is important to ensure that both have a clear understanding of what the court has ordered so that petitioner will know what relief is provided and the respondent will have clear notice of prohibited and required conduct.”

³ Ibid. at Issues in Focus, Firearms, “Advocates, prosecutors and courts share in the duty to ask victims and respondents about the presence of and access to firearms.” See also Practice Strategy #9 “Inquire as to the presence and location of firearms, including those possessed by family members or friends who may give respondent direct or indirect access to firearms or ammunition.”

and time for surrender if defendant has not already done so. In the event that the firearms have been surrendered already, the court should require sworn evidence of the arrangement and incorporate that arrangement into an enforceable provision of the order.

Judiciary Recommendation

The Commission recommends that:

- The informational video shown to plaintiffs and defendants at the relief from abuse hearing be made available online through the judiciary website.
- Judges speak on the record with plaintiffs if they appear at the court and are opting not to go forward with a final order to ask if they have any questions about what the effect will be of not pursuing the order.
- Judges speak on the record with all litigants in a relief from abuse order proceeding, even if the order is agreed upon and both parties have counsel present, to ask for their understanding of the order and whether they have any questions.
- Judges ask all litigants in court at the final hearing about the presence of firearms, and inform parties of the availability of court-ordered removal and storage of weapons.

II. PART TWO: COMMISSION STATISTICAL DATA

In 2014 there were fifteen homicides. Of those, ten of the fifteen (67%) were related to domestic violence. Victims of domestic violence homicide ranged from 14 months to 60 years old. By Commission protocol, all child deaths are referred to Vermont's Child Fatality Review Team for analysis.

There were 15 homicides in 2014, 10 of which were domestic violence related (67%).

There was only one suicide in connection with a homicide and they occurred together. There was also at least one domestic-violence-related suicide **not** connected with a homicide, but we know that this connection is often unknown and thus the number is most likely underreported.

Seven of the domestic-violence-related homicides and all four suicides occurred in residences. One homicide occurred immediately outside the residence. There were no homicides where a relief from abuse order was in effect.

A. Data For 2014

- 15 total homicides
- Of the total homicides, 11 adult victims, 4 child victims
- Of the 15 homicides, 10 are domestic-violence-related

DATA REGARDING 2014 DOMESTIC VIOLENCE RELATED HOMICIDES

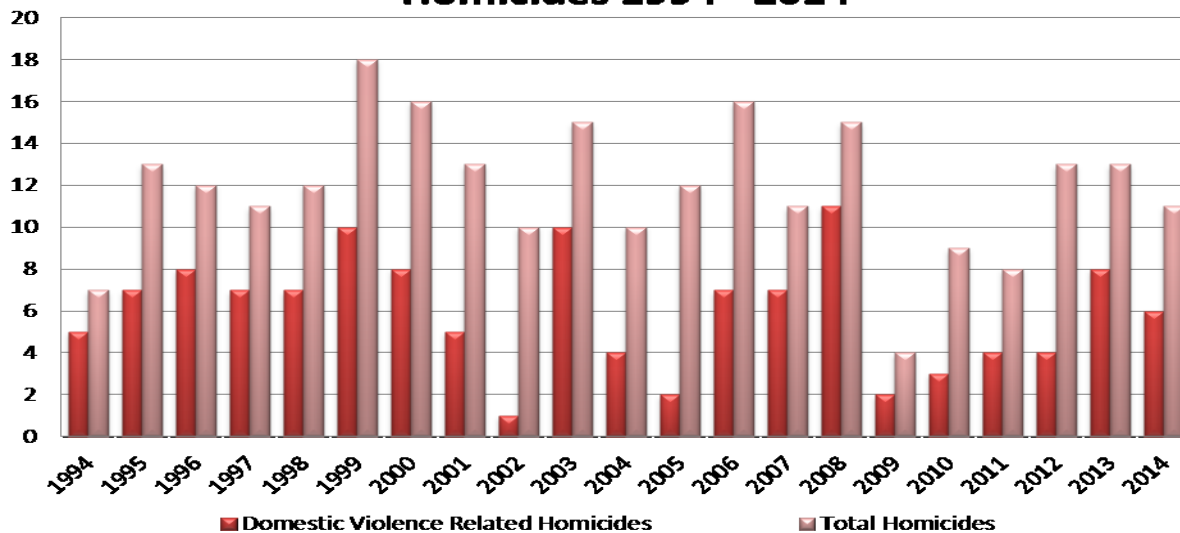
Gender			
Victims		Responsible Party	
Child	4		1
Female	1		4
Male	5		5
County Distribution			
Partner	2	Household Member	6
Ex-Partner	0	Other Domestic Violence Related	1
Family Member	2		
Addison	0	Lamoille	2
Bennington	0	Orange	
Caledonia	1	Orleans	
Chittenden	3	Rutland	2
Essex	0	Washington	0
Franklin	0	Windham	2
Grand Isle		Windsor	
Crime			
Firearm	4	Stabbing	1
Fire	0	Blunt Trauma	3
Strangulation	0	Motor Vehicle	0
Drowning	0	Alcohol Toxicity	1
Asphyxiation		Struck with a Object	1
Children Present			2
Locations of Homicides			
In Residence	9	Outbuilding on property of Residence	1
In Workplace	0	In Public Place	0
Total Domestic Violence Related Homicides for 2014			67%

B. Historical Data on Adult Domestic Violence Homicide 1994-2014

- As discussed previously, the historical data does not include domestic violence homicide of children. We hope to capture that data eventually. In order to be consistent with data from past reports, we have **not** included 2013 and 2014 child homicides in the historical charts.
- For 2014, there were a total of 11 **adult** homicides. Of those, six are domestic-violence-related or 55%.

- Of the six adult, domestic-violence-related homicides, four were committed with a firearm, one with a knife, and one with an object (hammer to the head). The suicide that occurred in connection with a homicide was committed with a firearm.
- In summary, according to Commission data covering 1994 – 2014, 50% of all Vermont adult homicides during the past sixteen years were domestic-violence-related. Fifty-seven (57%) of Vermont’s domestic-violence-related adult homicides were committed with firearms and seventy-seven (77%) of the adult suicides associated with domestic violence homicides (i.e. murder/suicides) were committed with firearms.

Homicides 1994 - 2014



HOMICIDE AND FATALITY CHART FROM 1994 - 2014									
Year	Total # Adult Homicides	Partner	Ex-Partner	Family Member - non partner	Household Member - non partner	Other DV Related	Total # DV	Total % DV	RP Suicide / Att Suicide
2014	11	3	0	1	1	1	6	55%	1 / 0
2013	12	3	1	1	0	2	7	58%	3 / 2
2012	13	0	1	3	0	0	4	31%	1 / 0
2011	8	3	1	0	0	0	4	50%	0 / 0
2010	9	0	0	2	0	1	3	33%	1 / 0
2009	4	0	1	0	0	1	2	50%	1 / 1
2008	15	5	0	3	0	3	11	73%	0 / 1
2007	11	1	2	2	2	0	7	64%	3 / 0
2006	16	2	1	2	1	1	7	44%	0 / 0
2005	12	0	0	0	0	2	2	17%	0 / 0
2004	10	3	1	0	0	0	4	40%	1 / 0
2003	15	1	2	4	1	2	10	66%	0 / 0
2002	10	1	0	0	0	0	1	10%	0 / 0
2001	13	0	0	3	1	1	5	38%	0 / 0

2000	16	3	1	2	0	2	8	50%	1 / 0
1999	18	2	1	3	2	2	10	56%	2 / 0
1998	12	3	2	1	0	1	7	58%	3 / 0
1997	11	2	1	2	0	2	7	64%	2 / 0
1996	12	1	2	2	1	2	8	67%	3 / 0
1995	13	6	0	0	0	1	7	54%	4 / 0
1994	7	1	1	1	0	2	5	71%	1 / 0
TOTAL	248	40	18	59	9	26	125	50 %	27/ 4

SUMMARY OF DATA FROM 1994 – 2014			
Homicides (Adult)	Total – 248		
Domestic Violence Homicides (Adult)	Total 125 or 50%	Responsible Party	
	• Female victims 64	• Female	22
	• Male Victims 61	• Male	103
Relationship	Partner 40	Household Member	9
	Ex Partner 18	Other Domestic	
	Family Member 32	Violence Related	26
County Distribution	Addison 9	Lamoille	5
	Bennington 8	Orange	6
	Caledonia 12	Orleans	7
	Chittenden 23	Rutland	23
	Essex 2	Washington	6
	Franklin 4	Windham	7
	Grand Isle 2	Windsor	11
Manner of Homicide	Firearm 71	Strangulation	5
	Stabbing 17	Motor Vehicle	1
	Fire 2	Blunt Trauma & Strangulation	1
	Blunt trauma 21	Other	7
Children Present	At crime scene 41	Aware of crime scene immediately before or after	6
Relief From Abuse Orders	18 (18 cases where order was in effect to protect victim vs. responsible party)		
Law Enforcement Related Cases	3 (3 cases where domestic violence suspects were killed by law enforcement)		
Suicides related to domestic violence	Total: 35	Female	4
		Male	31
	Firearm 27	Asphyxia by Fire	1
	Stabbing 1	Asphyxia by Carbon Monoxide	3
	Hanging 2	Jump/Fall	1

C. Definitions

Children Present – A child is at the crime scene or aware of the crime scene immediately before or after.

DV – Domestic Violence

Partner – Homicide where the responsible party and victim are intimate or dating partners (e.g., spouse kills spouse, boyfriend kills girlfriend).

Ex-Partner – Homicide where the responsible party and victim were intimate partners formerly but are not currently (e.g., divorced spouse kills spouse, ex-girlfriend kills ex-boyfriend).

Family Member – Homicide where the responsible party and the victim were not intimate partners or dating partners but are family members.

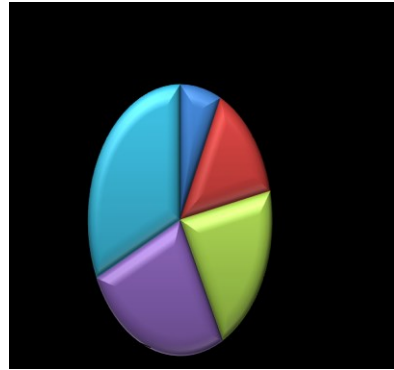
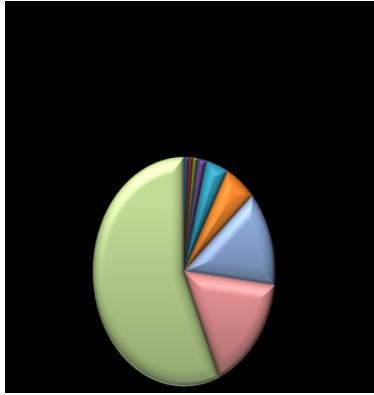
Household Member – Homicide where responsible party and victim currently or formerly lived in the same household but were not intimate or dating partners or family members (e.g., child living with non-related caregiver).

Other Domestic Violence (DV) Related – Homicide where the responsible party and the victim fit none of the above relationships but the fatality is related to domestic violence (e.g. estranged spouse kills ex-spouse's current intimate partner, law enforcement officer kills person while responding to a domestic violence incident).

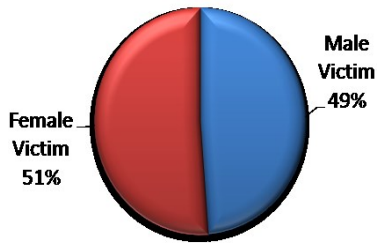
Responsible Party – The responsible party is the person to whom the fatality can be attributed. It is a broader term than defendant or perpetrator. For example, it may include a convicted defendant, a battered spouse who was not charged with the fatality due to self-defense, a person who perpetrated the murder who then committed suicide, or a police officer responding to a domestic violence incident that killed one of the parties in the course of his/her duty.

Suicides Related to Domestic Violence – This category includes suicides by a responsible party or victim where there is a documented history of domestic violence and an indication that the suicide was prompted by the effects of violence. Given that the reasons for a suicide are often unknown, this is a very conservative number. This category also includes murder-suicides, but does not include attempted suicides.

DOMESTIC VIOLENCE RELATED HOMICIDES 1994 – 2014

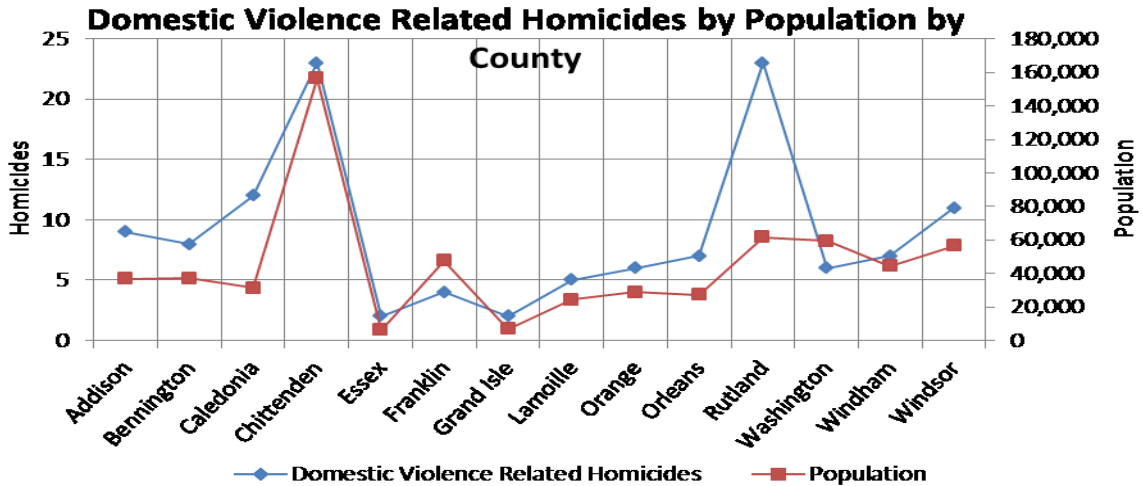
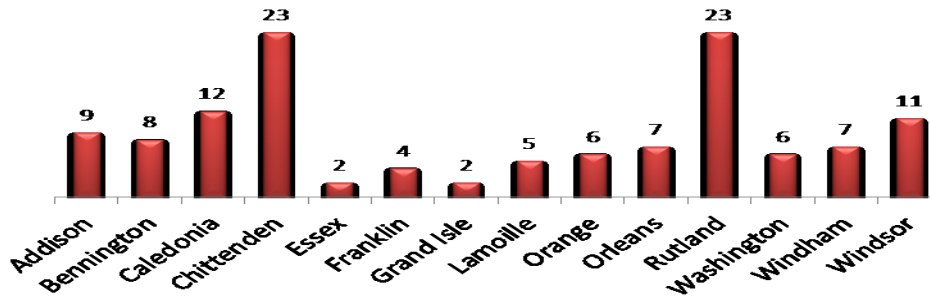


Gender of Victim



Gender of Responsible Party

**Domestic Violence Related Homicides By County
1994 - 2014**



III. PART THREE: OTHER VERMONT DATA FOR 2013/2014

A. Vermont Crime Online Report

The following data is taken from Vermont Crime Online which is compiled by Vermont Crime Information Center (VCIC) from National Incidence Based Reporting System (NIBRS) data submitted by every law enforcement agency in the state. The most recent data currently available is for 2013; the 2014 data will become available around July 2015. Data for 2013, however, must be viewed with caution and is most likely underreported. Nearly 30 agencies are using a different software system (Valcour) than the departments in the rest of the state and the State Police (Spillman). There is a problem with Valcour data being transmitted to NIBRS and Vermont Crime Online and as such data from departments on that software system have not been fully captured in the 2013 data. VCIC is working with Valcour to remedy this problem.

Vermont Crime Online reports information about the number of violent offenses, which it calls “crimes against a person,” in three ways: (1) number of violent offenses; (2) number of incident calls; and (3) total number of victimizations. Researchers report that the most accurate measure to use is “number of offenses.” Domestic violence is not an offense in NIBRS however, and thus this information cannot be broken down by “number of offenses.” It can, however, be broken down into “number of incidents” and “number of victimizations.” Each incident represents just the primary reason for the call to police; even if the police arrive and find several offenses have been committed or that several victims are present, the incident number would still be counted as one.

Domestic violence numbers in Vermont Crime Online are available by measuring by “victim to offender relationship.” The numbers here were captured using intimate partner (which includes spouse, ex-spouse, common law spouse, boyfriend/girlfriend, homosexual relationship) and family (child, stepchild, grandchild, sibling, step sibling, parent, step-parent, grandparent, in-law, other family member) and one subcategory of acquaintance (child of boyfriend/girlfriend only). Using these specific measures, it is possible to look at total number of incident calls for domestic violence and total number of victims, keeping in mind that we know these numbers are underreported for this year for the reasons explained above.

Data gathered thus far for 2013 indicates that police responded to 3,222 incidents of violent crime and of those, 1,426 or 44% involved violence against intimate partners, their children, or family members. Those 1,426 incident calls to police resulted in 1,537 total victims of domestic violence. Of the 1,537 victims, 1,119 or 73% were female. Women in the age group of 21-29 were more frequently the victim of domestic violence than any other age group (319 or 29%), followed by women 30-39 (264 or 24%), women 40-49 (163 or 15%), and females under 18 (104 or 12%). Most victims of domestic violence were assaulted in the home (1,287 or 84%).

For additional information please see the link to Vermont Crime Online at:
www.vcic.vt.gov.

B. Vermont Department of Health (VDH)

In May 2015, more than 100 home visitors, domestic and sexual violence advocates, family support workers, and Agency of Human Services (AHS) staff from across the state participated in domestic violence training. The nationally recognized evidence-based training: Healthy Moms, Happy Babies <http://www.futureswithoutviolence.org/healthy-moms-happy-babies-train-the-trainers-curriculum/> was created by Futures Without Violence to support states and their home visitation programs in developing a core competency strategy, ensuring that all home visitation programs are equipped to help women and children living in homes with domestic violence. The event was launched with opening remarks by DCF Commissioner Ken Schatz, VDH Commissioner Harry Chen, and Auburn Watersong, Associate Director of Public Policy for the Vermont Network Against Domestic and Sexual Violence.

The planning team worked for more than a year to bring this critical programming to Vermont, and represented a strong, public-private collaboration between AHS and the Network. This training is the convergence of the local efforts of the Community Coordinated Response Team in Washington County and the VDH/Maternal and Child Health Strategic Plan, AHS Domestic and Sexual Violence initiative, including Departmental Advisory Groups, Integrating Family Service, Children's Integrated Services and DCF's Strengthening Families initiative and the Network.

Participants engaged as regions of cross discipline professionals to create collaborations to address domestic violence, reproductive coercion, and adverse childhood experiences. The curriculum provides training specific to screening, safety planning, and referral systems, and provides essential supports for Vermont's workforce, including effective supervision, self-care, and organizational trauma assessment.

A signature tool created by Futures Without Violence is the safety card. The training focused on three specific cards:

- Healthy Moms, Happy Babies, on domestic violence;
- Did You Know Your Relationship Affects Your Health, on reproductive coercion, and;
- Connected Parents, Connected Kids, on the connection between trauma and parenting.

The cards apply a strengths-based approach and are meant to be used as universal education tools. The safety cards outline questions women may ask themselves about their relationships, birth control use, and parenting, while offering supportive messages and referrals to national support services for help. The cards are free and can be ordered through the Futures Without Violence online store:

https://secure3.convio.net/fvvpf/site/Ecommerce/15587835?FOLDER=0&store_id=1241.

In addition, the core curriculum includes the Relationship Assessment Tool, a comprehensive self-administered tool that assesses for domestic violence, and includes questions that assess for emotional and psychological abuse, not only physical abuse.

The training and planning committee will be reviewing this tool and will make any necessary modifications so that it speaks to the local context. Once modified, the tool will be promoted for use in Vermont.

A cadre of 40 home visitors and advocates received additional training to become trainers to ensure sustainability. As a result, home visitors statewide are now and will continue to be equipped with critical skills to effectively assess and respond to domestic violence, which will have a significant and lasting impact on thousands of Vermont families.

In other news, the State of Maine has received funding from the federal Centers for Disease Control and Prevention to gather critical data on violent deaths in Maine using the National Violent Death Reporting System (NVDRS) over the next five years. Among other things, this grant will allow the state to gather detailed information about the relationship between domestic abuse, homicide and suicide. Under the new grant, Maine will receive \$194,347 each year for five years for data collection and analysis and will compare its data with similar information from the State of Vermont. This effort dates back to 2002 when the Centers for Disease Control and Prevention (CDC) began implementing the National Violent Death Reporting System (NVDRS). NVDRS is a state-based surveillance system that links data from law enforcement, coroners and medical examiners, vital statistics, and crime laboratories to assist each participating state in designing and implementing tailored prevention and intervention efforts. NVDRS provides data on violence trends at national and regional levels; each state can access all of these important data elements from one central database.

States that are funded for NVDRS operate under a cooperative agreement with CDC, to which all violent deaths are voluntarily reported. NVDRS funded six states initially. In 2014, CDC received funding to expand the system to a total of 32 states, and Vermont was one of the states added to the list. The goal is to include eventually all 50 states, all U.S. territories, and the District of Columbia in the system.

The Project Director, Marci Sorg, visited with the Vermont Child Fatality Review Board in May 2015 and shared that data will be available in approximately 18 months and that a regional report will be released. This project is especially interested in examining suicides that are connected to domestic violence. Like the Commission, they use a broad definition of domestic-related suicides, not just those in a “murder-suicide” incident. The Commission looks forward to learning more from their data.

The VDH also conducts a Youth Risk Behavior Survey every two years in Vermont. Reports for the 2015 survey will be available soon. More information about Vermont’s Youth Risk Behavior Survey is found at: <http://healthvermont.gov/research/yrbs.aspx>.

VDH also conducts an annual Behavior Risk Factor Surveillance System (BRFSS) and included questions regarding sexual violence on the 2015 survey. This data will be available in the summer of 2016. Sexual-violence-related questions have not been asked since 2005. Domestic-violence-related questions were asked in 2014. These questions have not been asked since 2009. This new data will be available in July

2015. For more information on BRFSS, please visit:
<http://healthvermont.gov/research/brfss/brfss.aspx>.

C. Vermont Department of Corrections

According to the Vermont Department of Corrections, 1,378 persons were in the custody or under the supervision of⁴ VT Corrections as of June 30, 2014, for domestic-abuse-related offenses.⁵ Of those offenders, 370 were incarcerated, 667 were on probation, 130 were on parole, 122 were on furlough status, 84 were on intermediate sanctions, and 5 were held under home confinement or detention. Those numbers represent an increase of 34 persons over the June 2013 numbers, an increase of 29 incarcerated and 5 under community supervision.

Of the overall population of 2,062 offenders incarcerated on June 30, 2014, 370 or 17.9% were incarcerated for a domestic-abuse-related offense (all violent offenders accounted for 1,262 or 61.2% of the incarcerated population).⁶

Of the overall population of 8,355 offenders under community supervision on June 30, 2014, 1,008 or 12.1% were under supervision for a domestic abuse related offense (all violent offenders accounted for 2,631 or 31.5% of the community population).

Importantly, the domestic abuse numbers above reflect only persons for whom the designated domestic abuse offense is the most serious offense. The Department cautions that there are domestic abuse offenders with other charges which are deemed more serious by Corrections for classification purposes (e.g., sexual assault, kidnapping, homicide). Thus, the domestic abuse numbers given here are somewhat lower than the actual numbers.

D. Vermont Network Against Domestic and Sexual Violence

During 2014 the fourteen member programs of the Network received and responded to 17,341 hotline and crisis calls.

The Network's member programs statewide saw 28,942 person nights in shelters and safe homes for 2014. This number continues to climb as survivors and their children need to stay in shelters for longer periods of time due to a lack of safe, affordable housing options. In all, 784 survivors were housed in shelters and safe homes statewide. Even more troubling, 346 people were unable to be housed in shelters in 2014 because of lack of available space. These individuals received other services

⁴ Under the supervision of the Department of Corrections includes: prison; reentry; pre-approved furlough; home detention; home confinement; supervised community sentence; parole; work crew; and probation. The custody was considered to be "for domestic violence" if the charges were the most serious offense. There might be uncounted offenders with more serious crimes (for example, misdemeanor domestic abuse and more serious felonies).

⁵ The offenses include misdemeanor domestic assault; misdemeanor and felony violations of abuse prevention orders; 1st and 2nd degree aggravated domestic assault; and misdemeanor and felony stalking.

⁶ The percentages given for incarcerated violent and DV offenders are somewhat low, because the total population count is a bit inflated in that it includes federal detainees and others not held in connection with Vermont Charges.

from programs, but many were forced to seek other places to stay including hotels, staying on couches with friends or family, sleeping in cars or campgrounds, or returning to an abusive partner.

Altogether, 6,957 victims of domestic violence and 1,229 victims of sexual violence reached out to the member programs of the Network over the course of the year.

These numbers include 1,348 children and 679 people who self-identified as living with disabilities who were served by Network member programs in 2014.

On a bright note, Network member programs' prevention and education work throughout the state reached 10,439 children and 4,287 adults at 239 events. These numbers continue to rise as programs reach out to communities to raise awareness of domestic and sexual violence and prevent violence before it occurs.

E. Vermont Center for Crime Victim Services Arrest Grant

The Vermont Center for Crime Victim Services is in year two of a three-year, Department of Justice-funded grant aimed at preventing domestic violence homicide statewide. The first year of the grant included bringing the Law Enforcement Leadership Institute to Vermont to conduct training focused solely on violence against women. This was both unusual and innovative because generally the International Association of Chiefs of Police (IACP) conduct nationwide training for law enforcement. In a small state like Vermont, travel to training is difficult for small departments who have trouble providing coverage for officers to train out-of-state. This training gave the leaders an opportunity to brainstorm face-to-face with other leaders from Vermont and to have a large contingent attend. Twenty-four (24) law enforcement leaders from across the state participated in the four-day training held June 23-26, 2014, in Burlington.

This training gave rise to a new group, Stop the Violence VT, formed by the law enforcement leaders who attended the training. In October, the group held a press conference to bring awareness to Domestic Violence Month and distributed specially made pins to all law enforcement officers in Vermont to wear on their uniforms. The group has also begun making a public service announcement for media outlets and has begun discussing law enforcement training needs. They have also created a website, www.stoptheviolencevt.com.

In year two, the Vermont Network is developing a parallel leadership institute for the leadership teams of its fourteen (14) member programs. In year three of the award, advocacy and law enforcement leaders will be working together on a statewide strategic planning process aimed at preventing domestic violence homicide.

F. Vermont Center for Crime Victim Services Rural Grant

In 2014, Vermont received a three-year grant from OVW to address rural domestic violence, dating violence, sexual assault, and stalking assistance. This is a collaboration between the Vermont Center for Crime Victims Services, the Network, and

the Vermont Department for Children and Families (DCF), Family Services Division. Vermont has been a recipient of OVW rural grants since 1997. This grant covers work in five Vermont counties: Lamoille, Orleans, Caledonia, Essex and Washington. The grant has several general goals: (1) increase safety of battered women and their children involved in the child protection system and hold batterers/perpetrators accountable; (2) create a unified response to the overlapping issues of domestic violence, sexual violence, and child abuse (including sexual abuse) in rural areas of Vermont through relationship building, co-training, policy analysis, and advocacy; (3) provide services to adult and child victims of domestic and sexual violence (including child sexual abuse, dating violence, stalking) that support their emotional and physical safety; (4) provide training, awareness, and prevention education on these overlapping issues to child-focused community partners and others.

The grant has a few new components to this three-year period. The grant includes a specific focus on LGBTQ (lesbian, gay, bi-sexual, transgender, queer) youth and their parents. It includes development of a sexual-violence-screening protocol for youth who receive DCF services and have been on runaway or missing status. It builds greater capacity for children/youth programs in Network programs. Lastly, the grant seeks to improve responses to children/youth who experience domestic violence homicide or parental hospitalization due to domestic violence.

G. Vermont Department for Children and Families

During 2014, the Vermont Department for Children and Families, Family Services Division received 3,163 intake calls that included domestic violence, an increase of 407 calls over last year. 1,074 of these reports were accepted for a child safety response (investigation or assessment), an increase of 188 acceptances over last year.

205 of these child safety interventions resulted in a substantiation of child maltreatment, an increase of 48 more substantiations than last year.

H. Criminal Charges for Vermont District Court

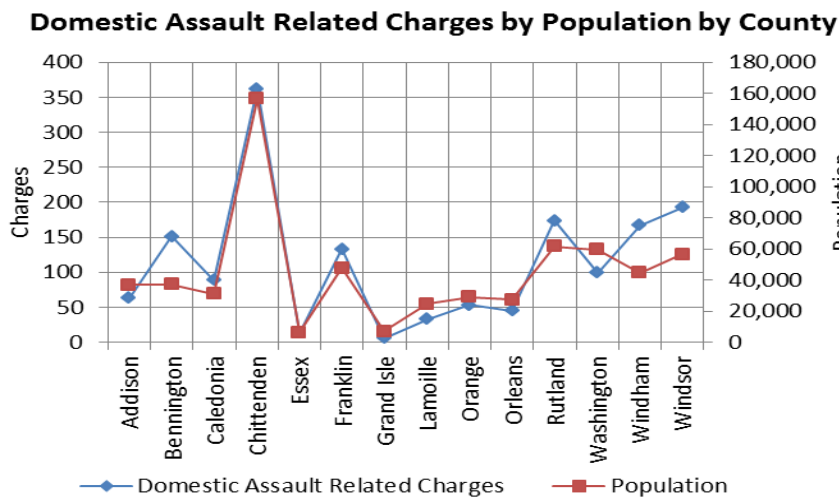
According to the Vermont Judiciary Annual Statistical Report (“Judiciary Report”) for FY 2014, there were 3,423 felony criminal cases filed in the District Court statewide and 464 or 14% were felony domestic violence charges. For misdemeanors, there were 12,912 cases total filed and of those 781, or less than 1%, were misdemeanor domestic violence charges. While the total number of misdemeanor offenses dropped over the last year from 14,210 in 2013 to 12,912, the number of domestic violence cases stayed fairly level (809 in 2013 to 781 in 2014). Most of the drop seems to have resulted from a decrease in misdemeanor drug cases (1,332 in 2013 to 384 in 2014).

The Judiciary Report notes that the total number of felony cases decreased slightly in 2014, but the number of domestic violence felonies has increased every year for the past five years.

The Crime Research Group (“CRG”), a newly formed criminal and juvenile justice research group composed of researchers who previously worked for the Vermont

Center for Justice Research, reports that there were 1,581 domestic assault charges resolved in FY 2014. Of these, 547 were felonies and 1,034 were misdemeanors.⁷ The vast majority of the cases were resolved by plea, with only 25 (less than 1%) going to trial.

CRG reports that the counties with the highest numbers of domestic assault charges for FY 2014 were: Chittenden, 362 charges or 22.9%; Windsor, 193 or 12.2%; Rutland, 174 charges or 11%; Windham, 167 charges or 10.6%; Bennington, 151 or 9.6%; Franklin, 133 charges or 8.4%. The remaining counties cases were in descending order: Washington, 99 or 6.3%; Caledonia, 89 charges or 5.6%; Addison, 63 or 4%; Orange, 53 or 3.4%; Orleans, 45 charges or 2.8%; Lamoille, 33 charges or 2.1%; Essex, 13 charges or .8%; Grand Isle, 6 charges or .4%.



The county domestic assault charge data when compared with 2010 Census County population data demonstrates some variations and some consistencies:

- Chittenden: 25% of VT population / 22.9% VT cases
- Windsor: 9% of VT population / 12.2% of VT cases
- Rutland: 9.8% of VT population / 11% of VT cases
- Windham: 7.1% VT population / 10.6% of VT cases
- Bennington: 6% of VT population / 9.6% VT cases
- Franklin: 8% of VT population / 8.4% of VT cases
- Washington: 9.5% of VT population / 6.3% of VT cases
- Caledonia: 4.9% of VT population / 5.6% of VT cases
- Addison: 5.7% of VT population / 4% of VT cases
- Orange: 4.5% of VT population / 3.4% of VT cases
- Orleans: 4.1% of VT population / 2.8% of VT cases
- Lamoille: 3.9% of VT population / 2.1% of VT cases
- Essex: 1% of VT population / .8% of VT cases

⁷ There is a discrepancy between the total number of domestic assault cases based on the judiciary report (1245) and the total number reported by CRG (1581). It is unclear why this discrepancy exists. It may be that they define the offenses contained in this category differently.

Grand Isle: 1.1% of VT population / .4% of VT cases.

Out of the 1,581 domestic cases filed in FY 2014, the conviction rate is 50.9% (805 cases), an increase from the 43.6% conviction rate in 2013. A large number of cases, 44.8% (708), were nolle prosequi (dismissed by the prosecutor), but it is important to note that in some cases defendants may have pled to one charge and had one or more charges dismissed as part of a plea. Out of the 805 convictions, only six were the result of a guilty verdict, meaning 799 were resolved by plea. Given the high number of cases resolved by plea, it would not be surprising if this accounts for a large percentage of the cases dismissed by the state, but the statistics do not track these numbers in this way. In 2014, 33 cases or 2.1% were dismissed by the court, an increase from 2013 numbers of 4 or .3%. Defendants were acquitted in 25 or 1.6% of the cases. A very small number of cases, 3 or 0.2%, were transferred to juvenile court, and 7 or 0.4% cases were deemed “other,” meaning it is unknown how they were resolved.

In terms of sentencing for FY 2014 for misdemeanor domestic assault charges, most defendants received probation (174 or 34.1%), 31.8% (or 162) received deferred sentences, 19.6% (or 100) received straight incarceration sentences, 7.1% (or 36) received a split sentence with incarceration followed by probation, and 6.7% (34) resolved with a fine.

Regarding felony domestic assault convictions from FY 2014, 40.7% (or 121) of the defendants received incarcerative sentences. 14.6% (or 43) of the defendants received a split sentence of incarceration and probation and 33.9% (or 100) received straight probation. Of the felonies, 8.8% (or 26) resulted in a deferred sentence and 2% (or 6) defendants received only a fine.

In FY 2014, 40.7% of the defendants convicted of felony domestic assault received prison sentences.

I. Civil Relief from Abuse Orders in Vermont Family Court

For FY 2014, according to the Office of Court Administrator, plaintiffs filed 3,363 petitions for relief from abuse orders. Of the 3,308 orders disposed in this time period, Vermont Family Courts granted 2,523 (or 77%) of temporary orders requested. Of those, courts granted 1,084 (or 43%) final orders. In 73% of the cases in which a final order was not granted, the court noted the reason as default. A default occurs when the plaintiff fails to appear for the final hearing or withdraws the complaint. Thus, default rather than lack of merit accounted for nearly three-quarters of the cases in which a final order was not granted.

Of the 3,308 petitions for relief from abuse disposed of in FY 2014, 43% resulted in a final order issued by Vermont Courts.

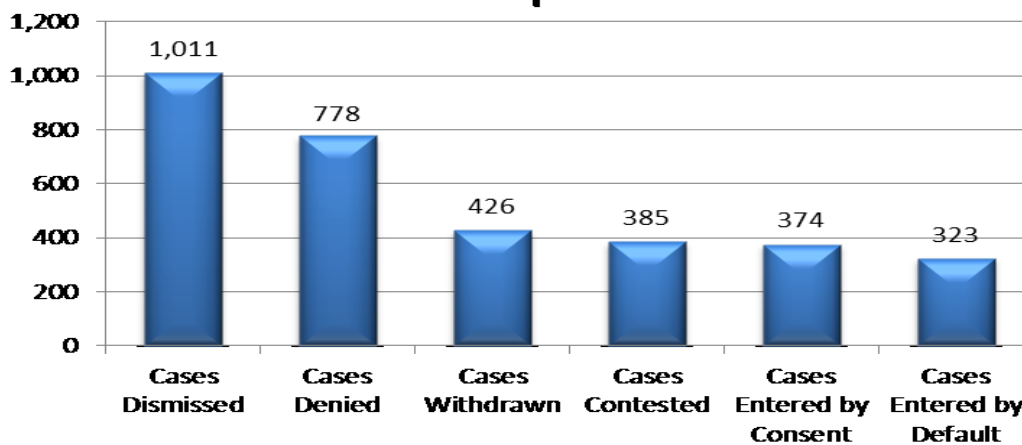
Unfortunately, statistics regarding the number of relief from abuse order petitions filed broken down by county were not available this year from the Court Administrator’s Office. We hope to be able to provide this data in future reports.

According to the Judiciary Report, relief from abuse protection orders comprise 15% of the total number of cases filed in the family division or 17% of the domestic docket

based on the case groupings used by the family division. The report notes that the number of protection orders filed has gradually declined over the past five years with about 10% less orders filed in 2014 than in 2010 (with the exception of 2012, which saw the total number of orders increase from 3,630 to 3,809).

The report also contains data about the methods of disposition for relief from abuse protection orders. The largest number of cases were dismissed by the court (1,011), followed by the number denied (778), and withdrawn (426). Of the number of cases that do go forward, the number that are contested (385) and the number that were entered by consent (374) are nearly equal, followed closely by the number entered by default (323) (i.e., in which the defendant failed to appear and the plaintiff was present and wished to go forward). FY 2014 was the first year in the last five that the number of contested cases actually outnumbered the number of orders entered by consent.

Methods of Disposition of RFAs



J. Civil Stalking and Sexual Assault Orders in Vermont Superior Court

Title 12 provides for protection orders for non-household and non-family members regarding stalking and sexual assault. According to the Judiciary Report, civil protection orders against stalking and sexual assault account for only 5% of the total filings in civil division.⁸ There were 707 cases involving civil protection orders disposed of in Superior Court statewide in FY14. Of those 707, 672 were protection orders against stalking and 35 were protection orders against sexual assault. Out of the 707, a total of 429 **temporary** orders were granted (61%) and 279 (39%) were denied. There were 164 (23%) **final** orders granted and 258 (36%) were denied.

For FY 2014, Vermont Superior Courts issued 672 civil protection orders for stalking and 35 sexual assault orders.

According to the Judiciary Report, the relatively high number of denials of orders is probably the result of confusion about the definition of stalking. The Judiciary believes that many of the applicants do not have an attorney to represent them and have trouble

⁸ Most of the filings in the civil division are major civil claims (49%) and small claims (46%).

understanding the facts necessary to establish stalking under the statutory definition.⁹ The Judiciary Report also notes that the number of civil orders requested initially increased every year for the first five years that these protections became available, but the number of total cases has remained steady at around 700 per year since 2011.

K. Batterer Intervention Programs

As part of the statewide standards and certification process adopted by Vermont's Domestic Violence Council, as of January 2014, every county had access to at least one certified batterer intervention program (Lamoille County sends mandated defendants to neighboring counties, in Orange County defendants are mandated to Clara Martin Center in Windsor County). In an effort to enhance the coordinated community response to victim safety and offender accountability, certified programs are reviewed every two years to maintain their certification and are required to actively participate in their community domestic violence task forces.

2014 was a year in which domestic violence accountability was a top priority for many agencies in Vermont. Budgetary challenges and changes in programming for offenders led the Network, together with the Center for Court Innovation, to conduct a deep inquiry into the state of domestic violence accountability and programming in Vermont. The study, funded with a grant from the Department of Corrections, included a series of statewide focus groups with stakeholders, a comprehensive literature and programming standards review, and discussions with national and international experts. The study found agreement among stakeholders and experts that accountability requires more than a traditional criminal justice system response, and that programming is only a small piece of the accountability puzzle. The study also found both debate and congruency in the discussion surrounding evidence-based practice and the value of measuring more nuanced outcomes. Themes from the discussions within Vermont included: centering of victim experiences; a need for criminal justice innovations and alternatives; the continued need for quality programming for offenders; early prevention; the importance of and problems with collaboration; and a need for meaningful risk assessment. Based on the findings, the Network and the Center for Court Innovation made two sets of recommendations; one to address the immediate accountability needs in Vermont and a second set of longer term recommendations to address broader cultural goals for long term, sustainable change. Recommendations included:

- Full Time Domestic Violence Accountability Coordinator;
- Differential Response based on Risk Assessment;
- Technology, Data and Outcome Measurement;
- Meaningful Collaboration and Treatment Teams;
- Parenting Programs for DV Offenders and Support for DV/SV Unit of DCF;
- Integrated Domestic Violence Courts replication throughout the state;
- Compliance Monitoring;
- Prevention and Healthy Relationship Education in schools/community;
- Restorative Justice and Domestic Violence: Research and recommendations on implementation; and

⁹ See Vermont Judiciary Annual Statistical Report for FY 2014 p. 30.

- Cultural Specificity: exploration of and possible implementation of additional accountability approaches/programming for culturally specific groups.

Additionally, the Council, together with the Coalition of Domestic Violence Accountability Programs, conducted a thorough review of the Statewide Standards. The most significant changes were to move away from the language of batterer intervention programs to domestic violence accountability programs, a shift that recognizes programming as one part of the criminal justice system's response to domestic violence offenders. The Standards can now apply to domestic violence accountability programs that are both gender and culturally specific.

Despite this intensive effort to strengthen this work, 2014 was a difficult year for the community-based domestic violence accountability programs. Despite consistent enrollment and more referrals from the Department of Children and Family Services, programs did not receive **any** funding to support the programming they provided to over 220 new participants and programming to over 320 total participants, or their efforts to comply with the Statewide Standards.

These programs formerly received a statewide allocation of \$50,000. This funding supported compliance efforts to ensure domestic violence accountability programs met statewide standards, such as co-facilitation, attendance at task force meetings, coalition meetings, statistical analysis, representation at Council and Fatality Review Committee meetings, and on-going training requirements. Without funding, the majority of Vermont counties stand to lose domestic violence accountability programming by the end of 2015.

As a result of this lack of funding, Spectrum Youth and Family Services recently made the decision to discontinue providing domestic violence accountability programming as of June 30, 2015, in the six sites around the state where the organization has been providing "DV Solutions" groups for domestic violence offenders.

Addison, Chittenden, Caledonia, Franklin/Grand Isle, Orleans/Northern Essex, and Rutland counties will be directly impacted by this decision.

The Domestic Violence Accountability Committee of the Council has begun conversations with the domestic violence task forces in the affected communities in order to support the process of determining next steps for domestic violence accountability programming in their counties. Partners on the statewide level are coming together to plan a statewide response to this crisis for our domestic violence accountability programs around the state. It will require a restoration of funding to ensure a sustainable future for these programs.

L. Vermont Criminal Justice Training Council

In January 2007 the Vermont Senate Judiciary Committee decided to spend the legislative biennium addressing the issue of domestic violence. During the 2007 session, this committee took testimony and discussed this issue every Thursday morning. One of the topics they took testimony on was what training law enforcement

officers received regarding domestic violence. The result of this thoughtful work was the introduction of S.357 during the 2008 session. S.357 was signed into law, as Act 174, by Governor James Douglas on May 27, 2008.

Act 174 included requirements for standardized and on-going training for Vermont law enforcement officers. Initially, to maintain their certification, all officers had to receive “at least eight hours of domestic violence training in a program approved by the Vermont Criminal Justice Training Council and the Vermont Network Against Domestic and Sexual Violence.” Title 20 VSA § 2365. This training was to be completed by December 31, 2011.

20 VSA § 2365 goes on to state: “Law enforcement officers shall receive domestic violence retraining every two years in a program approved by the Vermont Criminal Justice Training Council.” Thus, in Vermont, domestic violence training is required for all law enforcement during even-numbered years.

The Vermont Criminal Justice Training Council (Council) created a subcommittee on domestic violence in 2008 to create curriculums for these required trainings. The Council approves the curriculums. Since the enactment of these training requirements, three training years have occurred.

When creating a curriculum, the subcommittee receives input from many sources including the officers themselves, victim advocates, prosecutors, and the Commission. It also considers relevant changes in Vermont statutes and new national best practices.

The 2014 mandatory domestic violence training was divided into three modules. The first module was an update. This module included a number of the Commission’s law enforcement recommendations and education on changes to Vermont’s domestic violence response, which were in part spurred by other Commission recommendations. The training included:

- That officers should attempt to notify domestic violence victims when their abuser is given a citation in a domestic-violence-related incident involving the victim;
- That officers, when serving protection orders, not provide advance notification to the defendant or his family;
- That agencies adopt a protocol to notify surviving family members of critically-injured persons;
- The creation of firearm storage facilities in Vermont (20 VSA § 2307); and
- When officers attempt to lodge a domestic violence offender, they thoroughly inform the after-hours court clerk of any information that suggests the defendant will not appear in Court.

The second module focused on investigative methods of determining self-defense in a domestic violence incident.

The third module focused on some of the nuances that may be present in domestic violence incidents involving persons from traditionally-marginalized communities. The training included unique power and control tactics a batterer may use on his or her victim, and the reporting barriers that may exist for members of these communities. The

communities discussed were members of the LGBTQ community, elderly persons, persons who are deaf or hearing-impaired, and recent immigrants.

IV. PART FOUR: UPDATES ON PAST RECOMMENDATIONS

In preparing this year's report, the Commission reached out to the applicable agencies to see what progress has been made on past recommendations. The Commission has been conducting case reviews and making recommendations since 2003. These recommendations were published in the prior Commission Reports and presented to the respective agencies and organizations by Commission members. The following includes recommendations for which updates were available.

A. Children Exposed to Domestic Violence 2012 Recommendation:

- More financial resources be provided to the community response to children exposed to domestic violence. This could include additional resources for the Domestic Violence Unit at the Department for Children and Families, Family Services Division, additional funding for Child/Youth Advocates at member programs of the VT Domestic and Sexual Violence Network, specialized children's mental health providers, and specialized parenting programs for fathers who batter their partners.
- The Department for Children and Families, Family Services Division, consider implementing batterer intervention strategies, including referrals and consultation with certified batterer's intervention programs as part of ongoing safety assessment and case planning with families.

Update: Response from Department for Children and Families ("DCF")

In 2014 DCF Family Services added another full time Domestic Violence Specialist position, and in 2015 added an additional part-time Domestic Violence Specialist position through a federal collaboration grant with the Network, Center for Crime Victim's Services and DCF. This brings the DCF Domestic Violence Unit up to 3.5 full-time Domestic Violence Specialists and one full-time Director.

Family Services Division at DCF has been partnering with the University of Vermont, Child Welfare Training Partnership to develop and implement a perpetrator pattern focused model of intervention in child protection and domestic violence cases. This training and collaboration is ongoing with both statewide and district specific opportunities.

B. Courts

2010 Recommendation

The Commission notes that nationwide integrated domestic violence courts are being established to streamline the prosecution of civil and criminal domestic violence matters and to provide services to the litigants.

Update: Integrated Domestic Violence (“IDV”) Court in Brattleboro

In 2014, Windham County established an “Integrated Domestic Violence Docket” (IDVD), which has been commonly referred to as an IDV court, with funding from the Office of Violence Against Women (“OVW”) as a pilot project for the state. According to the court, the intention with this funding was to carefully plan and implement a “one family—one judge” judicial model for family and criminal cases involving domestic violence which emphasizes:

- collaboration among various community stakeholders, including the court, state’s attorney, public defender, probation and parole services, community mental health/substance abuse agency, domestic violence advocates, offender educator, and local bar;
- procedural fairness in all aspects of the court process;
- speedy resolution and early access to services; and
- heightened offender accountability and focus on victim safety, especially when children are involved.

Having an IDVD has allowed the court to schedule all family court abuse prevention order hearings (RFAs) and misdemeanor domestic violence offenses on the same day before the same judge to ensure all relevant information is available for review and to ensure consistent orders across all the dockets. IDVD is scheduled three days a month in Windham County.

An important component provided by the grant is the ability to provide legal representation for unrepresented RFA litigants. Plaintiffs are assisted by “Have Justice Will Travel,” a Vermont non-profit organization that brings legal and social services to people who are victims of domestic and sexual violence. Defendants are assisted by local family court attorneys. This legal representation was made possible by the grant.

In addition, the grant allowed the court to: (1) hire a full-time IDV coordinator; (2) hire extra security for the Court on IDV day; (3) upgrade a conference room to allow status conferences to take place in a more collaborative setting while still providing a full record of the proceedings; (4) have two dedicated mental health providers attend IDV day every week to assist all litigants and initiate mental health and substance abuse screening and assessment for criminal cases; (5) assist with funding for the local “Taking Responsibility” batterer accountability program; and (6) obtain the assistance of an OVW technical advisor.

There are many equally important resources dedicated to this project that were obtained outside the grant funding. The Public Defender’s Office agreed to provide legal services

to defendants at the family court relief from abuse (civil) hearing if there is a related criminal case for which the offender has qualified for their services. Advocates from the local, community-based domestic violence program, the Brattleboro Women's Freedom Center, and from the State's Attorney's Office are also present to support victims. Volunteers from the Community Justice Center offer support to defendants. There is also a lawyer from the Office of Child Support who attends IDV day. Probation and Parole has their dedicated IDV Probation Officer available at court all day so she can discuss the specific IDV probation orders and conditions in detail with any defendant who may be willing to accept responsibility for an offense of domestic violence.

All parties emphasized that prior to getting the court up and running, there were many months of meetings to gather input from all the stakeholders to hear concerns and build a collaborative model. Several important steps were taken to ensure adequate security. For example, the court divides petitioners and respondents by floor. Plaintiffs/petitioners are on the first floor by the courtroom and defendant/respondents are immediately ushered upstairs to the second floor until it is time for their case to be heard. There are staggered arrival times; RFA plaintiffs arrive at 8 a.m. for their orientation and defendants at 8:30 a.m. An extra security guard is posted outside the courthouse to ensure that everyone arrives safely in the building and that no-contact orders, whether in a criminal or RFA case, are followed inside the courthouse. Court staff report that a few defendants have been arrested for violating no-contact orders inside the courthouse.

At this juncture, the IDV court accepts only misdemeanor domestic violence offenses. The criminal cases are scheduled in the afternoon unless there is a related RFA, in which case the court schedules both cases at the same time in the morning. Defendants who agree to participate may be offered a deferred sentence. The court makes great effort to resolve these cases much more quickly than a traditional court would. Mental health service providers are available at the courthouse for screening and can get participants into treatment much more quickly than through the normal channels. A domestic violence accountability provider is often part of the IDV conferences and can offer immediate feedback to the court on programming. The IDV coordinator is very familiar with all the local service providers, and knows most of them by first name. She keeps a rolling cart in the courtroom full of brochures and handouts for litigants and is available to assist all litigants, whether victims or offenders.

The IDV coordinator also plays a critical role in coordinating the files before the hearing. She prepares a summary for the day for the judge that lists each case and contains criminal and family court history and other background information. She pulls all of the litigants' files and has them available for the judge to review. She also sends copies of all the relevant paperwork to the attorneys for both sides so they can come to IDV day prepared. A lawyer from Have Justice Will Travel noted that this level of assistance with her preparation was critical to her ability to adequately represent her clients at IDV day.

The executive committee of the Commission spent a day observing IDV court and observed the plaintiff orientation (there was no defendant orientation that day because no defendants appeared for an APO hearing). The orientation is live; the court does not

use the family court video for cases that are part of IDVD.¹⁰ The IDV coordinator does both presentations. She was informative and responsive and introduced the courtroom security person. They both emphasized safety and explained how to get their attention if a litigant felt unsafe at any point. During the court proceedings, we noticed that the judge explained the entire order and asked both parties if they had questions. At one point a litigant appeared to question why an order had been issued in the first place, and the judge reviewed the earlier order and made sure that the defendant acknowledged that he had agreed to it, in order to ensure accountability and understanding.

A representative from the Women's Freedom Center (WFC) indicated that WFC supports the efforts to redesign the court process but has yet to see an overall improvement in the experience for the women they work with. They note many positives, such as the increased security and legal representation. In their experience, IDVD has reduced the number of cases that are litigated in the courtroom and some victims are relieved not to have to face their abuser in court. They note that the lack of litigation also carries some negative results, such as the judge not meeting face-to-face with the victim. WFC believes this prevents the judge from evaluating important information such as the victim's affect and the offender's body language and demeanor which are critical in determining credibility. Some victims report feeling "left out" of the process because most of the discussion about their case takes place in a conference room rather than in the courtroom where the parties are both present. While the intention of the court is to resolve cases quickly, WFC reports that the reality has been the court process is still too long and drawn out. At the beginning of the pilot project, WFC noticed an uptick in the number of domestic violence victims being charged criminally which was devastating for those survivors.

Though it is too early in the pilot to evaluate its success, continued funding will be critical for the project to continue. Legal representation for all parties is crucial and having a coordinator would be ideal. Replicating this model in a larger county with a heavier caseload still remains to be seen, but the presiding judge is willing to assist with the effort to create other IDV courts statewide and emphasized that he believes it would not be difficult to do even in a busier courthouse so long as the process of building local collaboration is undertaken first. Extra security and cross training for court personnel to assume the duties of the IDV coordinator were also mentioned as critical factors.

¹⁰ Given the other demands for court time, IDV court currently can only be accommodated three times per month, on Wednesdays. There is still one Wednesday per month that the Court hears Relief from Abuse (RFA) petitions in a traditional manner (ie no IDVD) in order to comply with the requirement that a hearing be held within ten days of an ex-parte order being issued. The family court judge has been able to partially address this by offering litigants the option of extending the temporary order to allow the parties to return on an IDV day if they wish to be part of the program. On this one Wednesday, the court still relies on the family court video for educating litigants if they wish to go forward that day.

C. Firearms

2009 Recommendation

The Commission recommended that:

- The Vermont legislature consider adoption of a law that would govern the relinquishment, inventory, storage and return of guns for defendants subject to final relief from abuse orders.
- Family members not be given the responsibility of storing defendant's weapons.

Update: Firearm Storage Facilities Available

As we reported last year, the legislature responded to recommendations of the Fatality Review Commission by passing new legislation in 2014 that set up a statutory process for storage of firearms ordered to be relinquished under protection orders. The law authorizes storage by law enforcement agencies and Federally Licensed Firearms Dealers ("FFLs") and allows them to collect a fee to cover their costs, see Title 20, V.S.A. §2307.

As we reported last year, the Department of Public Safety ("DPS") was authorized to create guidelines to govern the storage process and the Supreme Court will draft court rules and forms. The new law took effect on July 1, 2014.

The court administrator's office has updated the APO forms to provide more detailed information about how, where and what firearms are to be stored. There is also a form for storage with a third party, and form requests and orders for release of a firearm. DPS has completed the storage guidelines and they are available online at www.dps.vermont.gov/firearms_storage. DPS has created a list of qualified storage locations and there are currently 13 storage facilities available in the state. All but one are willing to accept firearms from any location. Under the guidelines, storage facilities have the option of whether to accept firearms statewide or only locally.

The guidelines specify that firearms must be stored unloaded and proscribes the type of container that must be used, and that the container must have a lock. It also has specific regulations about vaults.

Under the process for relinquishment, the guidelines require that a person subject to the order "immediately relinquish the firearm, ammunition or weapon to the agency serving the order." According to statute, fees for storage may not accrue until a final order is issued. If the order is served in the place where the firearm or other items subject to the order are being held, the guidelines provide that the firearm shall be given to the law enforcement officer serving the order. Otherwise the guidelines provide the firearm or other items must be "immediately delivered to the nearest cooperating law enforcement agency" or FFL. The guidelines do not specify a time frame for "immediate delivery" and thus this window should be set by the court in every case.

Fees for storage were set by the legislature and are incorporated into the guidelines as a cap of \$200 for the first firearm and \$50 for each additional one for up to 15 weeks, and ammunition is capped at \$.50 per pound per week.

In Washington County, for example, R&L Archery has agreed to be the storage facility and has currently set rates at \$13 per month for the first firearm and \$4 per month for any additional ones for up to 15 months, and \$2/per month per box for ammunition. It is unknown if other facilities have similar guidelines in place.

While it is commendable that the guidelines have been completed and at least one community has a process in place for storage, apparently little to no storage is actually occurring at this point. Washington County reports that no firearms have yet been stored in accordance with the protocol that it has established. Burlington police in Chittenden County report that they will store firearms if a court orders it, but have had very few requests and have no plans to become a designated storage facility at this point.

It is not clear why the firearm storage program is not yet being used. The legislature established a provision for DPS to create a revolving loan fund in order to assist agencies who wish to purchase storage containers, but DPS reports that it has not set up the fund yet and has not received any requests for loans. It may be that litigants, their attorneys, advocates and judges are not yet aware of the program. It may be that parts of the storage law are unworkable. Unfortunately, at this point any explanation would be speculation. It would be helpful if some entity were to track requests for firearm storage and the result, but at this point we are not aware of any efforts to do so.

D. Vermont Employers 2008 Recommendation:

The Commission encourages all Vermont employers to review their existing workplace and domestic violence policies and to consider adopting policies if none exist and train all employees.

Update: A Response from Women Helping Battered Women (“WHBW”) about their Safe at Work Project

The Safe at Work Network was started by WHBW, a community based domestic violence program in Chittenden County in 2012 in order to address domestic violence of the workplace. This is a unique program that targets employers and employees and helps create a culture of support and awareness instead of isolation and loss due to domestic violence. Often abusers use their victim’s place of employment, schedule, and other needs (e.g., automobiles, childcare) as a way to control their lives. When an employer learns about domestic violence and its impact on the workplace, it can provide a way for a victim to get support and maintain economic stability.

Currently there are ten businesses and organizations in Chittenden County in the Safe at Work Network. Safe at Work asks employers to create a personnel policy acknowledging domestic and sexual violence and, if company chooses, and share how

they can and will support their employees and assist in keeping others and their workplace safe. Safe at Work provides information and resources to enable businesses and organizations to create a personnel policy specifically addressing domestic violence in the workplace. It also provides training assistance for all levels of staff - from entry level employees to managers and supervisors. It also can provide information on laws and guidelines addressing domestic violence in workplace, and can provide support on how to handle specific situations related to domestic violence and how to help prevent these situations from arising. Their goal is to get businesses to talk about domestic violence in workplace, to reduce the “taboo” related to the issue, and to help businesses create a culture within their staff of support, awareness, confidentiality, and safety for all. Domestic violence costs businesses over \$700 million in lost wages, sales, and health care costs. By being proactive, a business can save money and keep valued employees. For more information about the Safe at Work network, please visit <http://www.whbw.org/programs/safe-at-work-network/>.

CONCLUSION

Vermont’s Domestic Violence Fatality Review Commission wants to thank all of our witnesses, family members, state agencies, and community partners for their collaboration and conscientious efforts over the past years. We are inspired by the steps taken in response to our recommendations and hope to have more progress to report next year toward our goal of ending domestic violence in Vermont. We encourage community members to continue to provide us suggestions and to refer cases for the Commission to review. A case referral form is attached as Appendix D. The Commission looks forward to continuing our work together to keep Vermonters safe.

APPENDIX A

NO. 88. AN ACT RELATING TO THE DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION. (H.728)

It is hereby enacted by the General Assembly of the State of Vermont:

§ 1. 15 V.S.A. chapter 21, subchapter 2 is added to read:

Subchapter 2. Domestic Violence Fatality Reviews

§ 1140. DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

(a) The domestic violence fatality review commission is established within the office of the attorney general, in consultation with the council on domestic violence, for the following purposes:

(1) To examine the trends and patterns of domestic violence-related fatalities in Vermont.

(2) To identify barriers to safety, the strengths and weaknesses in communities and systemic responses to domestic violence.

(3) To educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention.

(4) To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

(b) The commission shall be comprised of 15 members, consisting of the following:

(1) the attorney general, or his or her designee;

(2) the commissioner of the department of health, or his or her designee;

(3) the commissioner of social and rehabilitation services, or his or her designee;

(4) the commissioner of the department of corrections, or his or her designee;

(5) the commissioner of the department of public safety, or his or her designee;

(6) the chief medical examiner, or his or her designee;

(7) a state's attorney with experience prosecuting domestic violence cases, appointed by the executive director of the Vermont state's attorneys' association;

(8) the defender general, or his or her designee;

(9) a member of the Vermont coalition of batterer intervention services;

(10) a member of the Vermont network against domestic violence and sexual assault;

(11) a representative of the Vermont council on domestic violence;

(12) a representative of local law enforcement, appointed by the governor;

(13) a victim or survivor of domestic violence, appointed by the Vermont network against domestic violence and sexual assault;

(14) a physician, appointed by the governor; and

(15) the executive director of the Vermont criminal justice training council, or his or her designee.

(16) the commissioner of the Department of Mental Health, or his or her designee; and

(17) one judge, appointed by the Chief Justice of the Vermont Supreme Court.

(c) In any case subject to review by the commission, upon written request of the commission, a person who possesses information or records that are necessary and relevant to a domestic violence fatality review shall, as soon as practicable, provide the commission with the information and records. A person who provides information or records upon request of the commission is not criminally or civilly liable for providing information or records in compliance with this section. The commission shall review

fatalities which are not under investigation and fatalities in cases that are post adjudication which have received a final judgment.

(d) The proceedings and records of the commission are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission shall disclose conclusions and recommendations upon request, but may not disclose information, records or data that are otherwise confidential, such as autopsy records. The commission shall not use the information, records or data for purposes other than those designated by subsections (a) and (g) of this section.

(e) The commission is authorized to require any person appearing before it to sign a confidentiality agreement created by the commission in order to maintain the confidentiality of the proceedings. In addition, the commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise confidential information.

(f) Commission meetings are confidential, and shall be exempt from chapter 5, subchapter 2 of Title 1 (open meetings law). Commission records are confidential, and shall be exempt from chapter 5, subchapter 3 of Title 1 (public access to records).

(g) The commission shall report its findings and recommendations to the governor, the general assembly, the chief justice of the Vermont supreme court, and the Vermont council on domestic violence no later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the office of the attorney general. The commission may issue data or other information periodically, in addition to the biennial report.

§ 2. EFFECTIVE DATE

This act shall take effect upon passage, and shall terminate upon termination of grant funding, administered by the Vermont center for crime victim services, from the Violence Against Women office of the United States Department of Justice for an assistant attorney general assigned to the criminal division and designated as a domestic violence coordinator.

Approved: May 2, 2002

APPENDIX B - COMMISSION DEFINITION OF DOMESTIC VIOLENCE RELATED FATALITY

When determining whether a fatality is domestic violence related for data collection and/or full case review, the Executive Committee and the full Commission may consider the following criteria.

Whether:

- a. the responsible party was related to the victim as a "family member" according to the "plain and commonly accepted meaning" of the term. Donley v. Donley 165 Vt. 619 (1996);
- b. the responsible party and victim qualify as having a reciprocal beneficiaries relationship as defined at 15 V.S.A. § 1303¹ and as noted as "family" in the Abuse Prevention statute at 15 V.S.A. § 1101(6)²;
- c. the responsible party and victim were related as "household members" under the Abuse Prevention Act at 15 V.S.A. § 1101(2)³;
- d. the responsible party killed an estranged partner's current "household member"⁴;
- e. the responsible party killed a current partner's estranged "household member"⁵;
- f. the responsible party killed a family member's current or estranged "household member"⁶;
- g. the responsible party killed bystander(s) while attempting to harm family or "household members";
- h. the responsible party is a law enforcement officer forced to kill in the line of duty when responding to a domestic violence incident;
- i. a law enforcement officer is killed in the line of duty when responding to a domestic violence incident;
- j. the fatality is domestic violence related but is ruled a justifiable homicide;
- k. the fatality is a murder-suicide matter involving family or household members;
- l. the fatality is a suicide where there is documented history of domestic violence to include victim suicide; alleged perpetrator suicide (as violent act in front of family or household members); alleged perpetrator suicide by law enforcement and teen suicide;

¹ For a reciprocal beneficiaries relationship to be established in Vermont, it shall be necessary that the parties satisfy all of the following criteria: (1) be at least 18 years of age and competent to enter into a contract; (2) Not be a party to another reciprocal beneficiaries relationship, a civil union or marriage; (3) Be related by blood or by adoption and prohibited from establishing a civil union or marriage with the other party to the proposed reciprocal beneficiaries relationship; (4) Consent to the reciprocal beneficiaries relationship without force, fraud or duress. 15 V.S.A. § 1303

² "Family" shall include a reciprocal beneficiary. 15 V.S.A. § 1101 (6)

³ "Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include: (a) the nature of the relationship; (b) the length of time the relationship existed; (c) the frequency of interaction between the parties; (d) the length of time since the relationship was terminated, if applicable. 15 V.S.A. § 1101 (2) If the nature of the relationship is not immediately apparent, the Commission gives considerable weight to these same factors in deciding whether a homicide should qualify as a domestic.

⁴ See Footnote 3 for definition of "household member"

⁵ See Footnote 3 for definition of "household member"

⁶ See Footnote 3 for definition of "household member"

m. the fatality is a substance abuse related death (chronic abuse, suicide, overdose) that is related to domestic violence.

APPENDIX C - DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION MEMBERS

Pursuant to 15 V.S.A. § 1140(b), the Commission is comprised of 17 members, consisting of the following:

- The Attorney General, or his or her designee;

Carolyn Hanson
Assistant Attorney General
Office of Attorney General
109 State Street
Montpelier, VT 05609
802-828-5512 phone
802-828-2154 fax
carolyn.hanson@state.vt.us

- The Commissioner of the Department of Health, or his or her designee;

Kimberly Swartz, MHSc
Director, Preventative Reproductive Health
Division of Maternal and Child Health
Vermont Department of Health
108 Cherry St., PO Box 70
Burlington, VT 05402
802-865-1338 phone
kimberly.swartz@state.vt.us

Alternate:
Sally Kerschner, RN, MSN
Vermont Department of Health
108 Cherry St., PO Box 70
Burlington, VT 05402
802-652-4179 phone
sally.kerschner@state.vt.us

- The Commissioner of Department for Children and Families, or his or her designee;

Ellie Breitmaier
Coordinator of the Domestic Violence Unit
Department for Children and Families
103 S. Main St.
Waterbury, VT 05671
802-769-6314 phone
ellie.breitmaier@state.vt.us

- The Commissioner of the Department of Corrections, or his or her designee;

Rick Bates
District Manager
VT Department of Corrections
Brattleboro, VT
rick.bates@state.vt.us

- The Commissioner of the Department of Public Safety, or his or her designee;

Lt J.P. Sinclair
Chief Criminal Investigator - BCI
Department of Public Safety
103 S. Main St.
Waterbury, VT 05671
802-241-5566 phone
jean-paul.sinclair@state.vt.us

- The Chief Medical Examiner, or his or her designee;

Dr. Steve Shapiro
Office of Medical Examiner
Department of Health
111 Colchester Ave. Baird 1
Burlington, VT 05401
802-863-7320 phone
steven.shapiro@state.vt.us

- A State's Attorney with experience prosecuting domestic violence cases, appointed by the Executive Director of the Vermont State's Attorneys' Association;

Deb Celis
Deputy State's Attorney
Franklin County State's Attorney's Office
5 Lemnah Drive
St. Albans, VT 05478
802-524-7920 phone
802-754-7964 fax
deb.celis@state.vt.us

- The Defender General, or his or her designee;

Matthew Valerio
Defender General's Office
6 Baldwin Street, 4th Floor
Montpelier, VT 05620-3301
802-828-3191 phone
802-786-3803 Alt. phone
matthew.valerio@state.vt.us

Alternate:
Robert Sheil
Defender General's Office
6 Baldwin Street, 4th Floor
Montpelier, VT 05620-3301
802-828-3168 phone
802-828-3163 fax
bob.sheil@state.vt.us

- A member of the Vermont Coalition of Batterer Intervention Services;

Colleen Nilsen
Vermont Coalition of Batterer Intervention Services
Spectrum Youth & Family Services
31 Elmwood Avenue
Burlington, Vermont 05401
802-864-7423 ext. 217 phone
802-540-0116 fax
cnilsen@spectrumvt.org

- A member of the Vermont Network Against Domestic and Sexual Violence;

Sarah Robinson
Special Initiatives Coordinator
The Vermont Network Against Domestic
and Sexual Violence
PO Box 405
Montpelier, VT 05601
802-223-1302 phone
802-223-6943 fax
sarahkr@vtnetwork.org

- A representative of the Vermont Council on Domestic Violence;

Heather Holter
Coordinator
Vermont Council on Domestic Violence
Montpelier, Vermont
heather_holter@tds.net

- A representative of local law enforcement, appointed by the Governor;

W. Samuel Hill, Sheriff
Washington County Sheriff's Department
10 Elm Street
Montpelier, VT 05602
802-223-3001 phone
samuel.hill@state.vt.us

- A victim or survivor of domestic violence, appointed by the Vermont Network Against Domestic and Sexual Violence;

Susan Hardin

- A physician, appointed by the Governor;


Dr. Gail Yanowitch
 Central Vermont Medical Center
 Associates on Gynecology and Obstetrics
 130 Fisher Rd., Suites 1-4
 Berlin, VT 05602
 802-371-5961 phone
Yanowitchg@gmail.com
- The Executive Director of the Vermont Criminal Justice Training Council, or his or her designee;

TJ Anderson
 Training and Curriculum Coordinator
 Vermont Criminal Justice Training Council
 Vermont Police Academy
 317 Academy Road
 Pittsford, VT 05763-9712
 802-483-6228 ext. 13 phone
 802-483-2343 fax
tj.anderson@state.vt.us
- The Commissioner of the Department of Mental Health, or his or her designee;

Mourning Fox
 Clinical and Operations Director
 Dept. of Mental Health
 26 Terrace Street
 Montpelier, VT 05609-1101
 (802) 828-5676
mourning.fox@state.vt.us
- One Judge, appointed by the Chief Justice of the Vermont Supreme Court.

The Honorable Cortland Corsones
 Rutland Superior Court
 Family Division
 9 Merchants Row
 Rutland, VT 05701
cortland.corsones@state.vt.us

APPENDIX D: COMMISSION CASE REFERRAL FORM

	DOMESTIC VIOLENCE FATALITY REFERRAL FORM Domestic Violence Fatality Review Commission Office of the Attorney General - Criminal Division 109 State Street - Montpelier, VT 05609	OFFICIAL USE ONLY	
		Received	By

INSTRUCTIONS

Please answer the questions below as completely as possible to assist the Commission in determining whether we are able to review this death. Please note that you can refer this case to the Commission but, by statute, we cannot review a case until the court proceedings are over and the investigation is closed. In the meantime, we can include the case for statistical purposes. But depending upon the legal status of your referred case there may be a significant delay before the Commission could consider it for review.

Additionally, if you need assistance completing this form or would like to communicate the information in a different manner please call the Office of Attorney General, Criminal Division, at (802) 828-5512. This form is also available on the Office of Attorney General's web page at <http://www.ago.vermont.gov>.

PLEASE PRINT ALL INFORMATION

Name of Victim (including aliases)		Name of Parent/Guardian (if under 18)	
Date of Birth (or approximate age)		Date of Death	Town/City where death occurred
Address of Victim (if known)	Street	City	State
Describe how death occurred including any history of domestic violence or abuse (please note that the abuse does not have to be documented through official sources such as the police or courts):			
Person you believe is responsible for this death (including aliases)			
Date of Birth or approximate age of person you believe is responsible		Relationship of the victim to the person you believe is responsible	
Other people having information about this death: (use another sheet if necessary)			
Name	Address	Phone	
Name	Address	Phone	
Was this death investigated and if so by whom:			
A short explanation why you want the death reviewed (use additional pages if necessary.)			
The Commission welcomes any other information you may wish to provide which would help us understand the history and circumstances of the fatality. Anonymous referrals can be made as long as there is sufficient information to be able to identify the fatality; however, if possible, contact information for the person making the referral would be appreciated.			
SUBMITTED BY			
Name			
Address	Town/City	State	
Contact Phone 1		Contact Phone 2	
Send completed forms to: Office of Attorney General, 109 State Street, Montpelier, VT 05609 ATT: Criminal Division/Domestic Violence Fatality Review Commission			



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

The Domestic Violence Fatality (Death) Review Commission is established in the Office of Attorney General in consultation with the Council on Domestic Violence under 15 V.S.A. § 1140.

The purposes of the Commission are (A) to examine the trends and patterns of domestic violence-related deaths in Vermont; (B) to identify barriers to safety, and strengths and weaknesses in communities and systemic responses to domestic violence; (C) to educate the public, service providers and policymakers about domestic violence deaths and strategies for intervention and prevention; and (D) to recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

All proceedings and records of the Commission are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. Records include oral and written communications.

The Commission shall report its findings and recommendations in a public report. The Report shall contain general statistical data regarding deaths as well as findings and recommendations related to case reviews but will not contain case specific information. The report shall examine general trends and patterns with the goal of reducing domestic violence related deaths.

Questions or comments concerning the Commission can be directed to:

Office of the Attorney General
Criminal Division
109 State Street
Montpelier, VT 05609-1001
Telephone 802-828-5512

On the Web - <http://www.ago.vermont.gov>

APPENDIX E

PROTOCOL between VERMONT COUNCIL ON DOMESTIC VIOLENCE and VERMONT DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

Background

Pursuant to H.278, the Domestic Violence Fatality Review Commission was established in May of 2002 within the Office of the Attorney General, in consultation with the Council on Domestic Violence, now the Vermont Council of Domestic Violence, for the following purposes:

1. To examine the trends and patterns of domestic violence-related fatalities in Vermont.
2. To identify barriers to safety, the strengths and weaknesses in communities and systemic responses to domestic violence.
3. To educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention.
4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

See, Sec. 1. 15 V.S.A. chapter 21, subchapter 2.

The Statute as enacted does not define the term “in consultation with the Council on Domestic Violence”.

The Council had been created in 1993 by Executive Order and was codified in 2008 and re-named the Vermont Council on Domestic Violence at 15 V.S.A. §§ 1171 – 1173. The Vermont Council provides leadership for Vermont’s statewide effort to eradicate domestic violence. In the Vermont Council’s statute one of its responsibilities is to “collaborate with the Vermont Fatality Review Commission to develop strategies for implementing the Commission’s recommendations.” 15 V.S.A. § 1172(b).

Agreement

In an effort to promote statewide coordination of advocacy and public awareness, the Council and the Commission will work in consultation with each other. In addition, the Council and Commission will collaborate on developing strategies for the implementation of the Commission’s recommendations. To meet these ends, the Council and the Commission adopt the following agreement.

1. The Council Coordinator will serve as the Council Representative to the Commission (the Council Representative).
2. The Council Representative will serve with the Chair of the Commission as the Executive Committee of the Commission.
3. The Council Representative will be authorized by the Council to represent the Council's position on any aspect of the Commission's work.
4. The Council Representative will report to and obtain guidance from the Council related to the ongoing work of the Commission. This discussion may, but will not be required to, include providing drafts of Commission reports to the Council, information regarding the collection of statistical data and general information regarding the review of individual cases.
5. The Council Representative is subject to the signed Commission Member confidentiality agreement and cannot report confidential information to the Council.
6. The Council Representative will draw on the collective expertise of the Council to help the Commission draft its recommendations and conclusions.
7. Prior to endorsing a Commission recommendation that refers specifically to an individual member of the Council or an agency represented by a Council member, the Council Representative will review it with the relevant Council member(s). That review may include: the likely impact of the recommendation, the feasibility of its implementation and any potential consequences that may not have been foreseen by the Commission.
8. The Council will work with the Commission to develop strategies to implement Commission recommendations from the annual reports. The Council Representative will oversee relevant implementation plans and will report to the Commission on progress towards and/or barriers to implementing Commission recommendations.
9. The Council and the Commission agree to resolve any differences respectfully and promptly by way of the Council Consultation Committee and the Office of the Attorney General.

APPENDIX F



VSP-DIR- 533

Emergency Notifications Death, Serious Injury or Illness

1.0 Policy

- 1.1 To provide guidelines for members of the Vermont State Police, when the notification of a death or serious injury/illness needs to be made, to the “next of kin”, of a deceased/injured/ill individual(s).

2.0 Purpose

- 2.1 It is the policy of the Vermont State Police to deliver notifications of emergency messages relating to a death, serious injury and/or illnesses, to individuals that are the “next of kin” to the victim(s), and who reside within the state of Vermont.
- 2.2 These notifications will be made in-person, in a timely manner, with compassion and concern for the individual(s) being notified.

3.0 Procedure

- 3.1 All requests for notification will be verified prior to any notification being made.
 - a. All requests must come from a law enforcement agency, and be in writing or by electronic means.
 - b. All requests must include the following:
 1. Name, address, telephone number of the person to be notified
 2. Name of the victim
 3. Brief description of the incident
 4. Name of the hospital/medical facility (if applicable)
 5. Name of the originating agency contact person and telephone number, where the notified person can obtain further details
- 3.2 All notifications of a death, serious injury/illness will be done in-person.
- 3.3 Members should make every effort to make a notification with another person present.
 - a. Use of a second department member, member of the clergy or friend of the individual being notified is highly recommended.
- 3.4 The unexpected loss or serious injury/illness of a loved one is a traumatic experience and notifications in these instances will be handled in a sensitive and compassionate manner.
- 3.5 Members will provide reasonable assistance to those individual(s) notified, in contacting any further assistance they may need.
- 3.6 Members will make an effort to ensure the notified individual(s) have a support person with them before clearing from the notification call.

- 3.7 Upon completion of the notification, an electronic message will be sent to the requesting agency indicating that the message has been delivered, along with the notifying member's name and contact information.

Effective September 5, 2014

The Vermont State Police Manual is not intended to apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.



VSP-DIR-305

Victims Assistance

1.0 PURPOSE

1.1 This agency recognizes that law enforcement is dependent upon the aid of crime victims and witnesses in order to hold criminals accountable for their actions. It is desirable to gain the cooperation of victims and witnesses, thereby enhancing the agency's ability to make arrests that will result in criminal prosecution.

2.0 POLICY

2.1 To provide sensitive, fair, and high quality services to crime victims and witnesses.

3.0 PROCEDURE

3.1 Victim and Witness Contact

(1) All victims and witnesses shall be treated with courtesy, sensitivity, and respect.

(2) Members shall make reasonable efforts to inform victims of crime of available services. Victims and witnesses will be offered a safe and friendly location for providing statements or other investigatory processes. Members shall ensure continued safety by reviewing safety planning with victim/witness when appropriate.

3.2 Analysis of Needs and Available Services

(1) All Vermont State Police members are charged with providing high quality assistance to victims and witnesses consistent with section 3.1 of this policy.

(2) The Vermont Victim Assistance Program provides each county with a Victim Advocate Service that is available to all crime victims and witnesses. The Victim Advocate is engaged in an ongoing evaluation of the needs of crime victims and available services.

(3) The Vermont State Police shall maintain a close working relationship with all victim service agencies and their respective advocates.

3.3 Procedures for Victim/Witness Assistance

(1) The Vermont State Police will ensure the confidentiality of victims and witnesses, and their role in case development, to the extent allowed by law.

(2) Victim/Witness assistance information shall be available to the public 24

hours a day through the department's Public Safety Answering Points (PSAP's). Dispatchers shall provide callers with appropriate referrals from the list below:

(A) Medical Attention - an ambulance or referral to one of the local hospitals

(B) Counseling – Women’s Rape Crisis Center, Women Helping Battered Women (WHBW), Crisis, or other agencies.

(C) Emergency Financial Assistance Referral to the Department of Social Welfare or the Victim/Witness Advocate of the State’s Attorney’s Office, or the Vermont Center for Crime Victim Services (Victim Compensation).

(D) Legal - Referrals will be made when appropriate to individuals needing assistance in civil restraining orders to appropriate community-based agencies. Immigration-related referrals shall be made to the Vermont Refugee Assistance Program.

(E) For all other requests, the dispatcher shall attempt to provide an appropriate referral from the telephone lists, maintained within each PSAP including a referral to the 211 service.

3.4 Assisting Immigrant Victims/Witnesses

(1) To effectively serve immigrant communities and to ensure trust and cooperation of all victims/witnesses, members will not ask about, or investigate immigration status of crime victims/witnesses. Federal law does not require law enforcement officers to ask about the immigration status of crime victims/ witnesses.

(2) Members will ensure that individual immigrants and immigrant communities understand that full victim services are available to documented and undocumented victims/witnesses.

(3) Members should communicate that they are there to provide assistance and to ensure safety, and not to deport victim/witnesses, and that members do not ask victims/witnesses about their immigration status, nor will they report immigrants or immigration status to the Bureau of Immigration and Customs Enforcement (BICE).

3.5 Assistance During Preliminary Investigation

(1) In addition to investigating alleged criminal incidents, members should seek to provide assistance to the victims of crime and the persons who witness criminal behavior: During the preliminary investigation of any incident, the investigating member shall seek to:

(A) Ensure victims/witnesses’ safety and to create a safety plan when appropriate.

(B) Provide the victim/witness information regarding available services. Depending on the nature of the incident, the following referrals may be appropriate; counseling, medical, attention, emergency, shelter, victim advocacy, or compensation programs. Provide the victim/witness with the case number and information regarding subsequent steps, if any, in the processing of the case.

(C) Provide the victim/witness with the appropriate number to call to report additional information or to receive information about the status of the case.

(D) Remind the victim/witness to immediately report any further threats or intimidation from the suspect or the suspect’s friends or family.

(E) Victims/Witnesses who express specific reasons for fearing future intimidation or victimization should be referred to either Family Court for a Relief from Abuse Order or the State’s Attorney’s Office for Conditions of Release.

(2) When appropriate, any reports received of further victimization or intimidation of victims/witnesses should be investigated as a separate incident.

3.6 Assistance During Follow-Up Investigation

(1) During the follow up investigation, most of the victim assistance will be the responsibility of the State's Attorney's Office Victim Advocate. The Victim Advocate maintains contact with victims until final case disposition to inform them of all court hearings and, if necessary, to provide transportation for the victim to attend. Other services available include, but are not limited to, arranging for daycare so the victim can attend court hearings, arranging for counseling, and assistance with shelter.

(2) The Victim Advocate is mandated by state law to explain to all victims and witnesses the procedures involved in the prosecution of their case and their role in this procedure.

(3) The investigating member shall schedule necessary lineups and additional interviews with the victim or witness. If needed, transportation can be arranged through the Victim Advocate.

(4) Property taken as evidence from a victim or witness shall be returned as promptly as possible. The Victim Advocate frequently fields requests for return of property and is available to explain to victims and witnesses the evidentiary value of their property if it necessary to hold the item for trial.

3.7 Notification of Victim Upon Arrest or Change in Custody

(1) When a suspect is arrested for any crime, the arresting member should attempt to determine if the victim wants to be notified of any subsequent change in custody status. If the victim indicates that he/she would like to be notified, members should complete the form provided by the Victim Advocate with the victim's name, address and phone number.

(2) If the suspect is bailed out prior to arraignment, the booking officer at Corrections is responsible for notifying the victim listed on the sheet.

(3) If the suspect's custody status changes at arraignment, the Victim Advocate is responsible for notifying the victim. If, at any time after incarceration, the

custody status of a suspect changes (escape, furlough, etc.), the Department of Corrections is responsible for notifying the victim.

4.0 Resources

4.1 Assisting Immigrant Victims of Domestic Violence - Law Enforcement Guide (pdf)

Effective October 1,
1987 Revised July 1,
1990

Revised December 1,
1997 Revised April 15,
2009

Revised September 5, 2014

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