



DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

Statistical Report

Recommendations and Trends 2023

Office of the Attorney General and Council on Domestic Violence

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Introduction

All of the Domestic Violence Fatality Review Commission's ("the Commission") past reports, including this report, are publicly available on the Attorney General's Office's website:

<https://ago.vermont.gov/reports/>.

This report contains 2022 statistical data and recommendations and trends that the Commission has discussed over the past year.

Acknowledgment

The Commission wishes to thank Jennifer Hicks, Chief of Research, Evaluation and Epidemiology for the Vermont Department of Health, for again providing us with much-needed and much-appreciated assistance with the statistics for this report. The Commission is truly grateful to Jen and the Health Department for their partnership.

Background

The Vermont Domestic Violence Fatality Review Commission was created by statute in 2002. The purpose of the Commission is to collect data and conduct in-depth reviews of domestic violence-related fatalities to better understand how the fatalities occurred and what can be done to prevent them.

Under 15 V.S.A. § 1140, the Commission was established with 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; and
- (4) to recommend policies, practices, and services that will encourage collaboration and reduce fatalities due to domestic violence.

Commission proceedings and meetings are confidential by statute. The Commission reports its findings and recommendations to the Governor, the General Assembly, the Chief Justice of the Supreme Court, and the Vermont Council on Domestic Violence. This report and all past reports of the Commission are publicly available on the Attorney General's Office's website: <https://ago.vermont.gov/reports/>.

The following recommendations are based on case reviews conducted by the Commission. The Commission reviews Vermont Department of Health data provided by the Medical Examiner and law enforcement records for all homicides and some fatalities to determine if they are domestic violence-related. Of these, the Commission selects a few cases to review in depth. The Commission draws conclusions from the reviews and makes the recommendations like those contained in this report.

List of Current Commission Members

15 V.S.A. § 1140(b) states that the Commission shall have 17 members appointed from agencies specified in the statute. The current members are:

Name	Position	Organization
Dr. Tania Bertsch	Physician	UVMMC (Retired)
Kate Brayton	Victim Services Director	Vermont State Police (alternate)
Shawn Burke	Chief	S. Burlington Police Dept.
Melissa Deas	Representative	Coalition of Domestic Violence Accountability Programs
Jennifer Firpo	Law Enforcement Certification and Training Coordinator	Vermont Police Academy
Emily Fredette	Injury and Violence Prevention Manager	Vermont Department of Health (alternate)
Carolyn Hanson	Assistant Attorney General	Office of the Attorney General
Susan Hardin	Survivor	
Dr. Kelley Klein	Medical Director	Department of Mental Health
Heather Holter	Co-Director	Vermont Council on Domestic Violence
Kerrie Johnson	Assistant Defender General	Office of the Defender General
Gary Marvel	Field Operations Manager	Department of Corrections
Dr. Mariah McNamara	Physician	UVMMC Emergency Dept. (alternate)
Meredith Pelkey	Director of Victim Services	Vermont Department of Corrections (alternate)
Sarah Robinson	Deputy Director	Vermont Network Against Domestic and Sexual Violence
Julie Ryley	Director Domestic and Sexual Violence Unit	Vermont Department for Children and Families
Kirstin Schoonover	Superior Court Judge	Vermont Judiciary
Dr. Kathleen McCubbin	Deputy Medical Examiner	Office of the Chief Medical Examiner
Tracy Shriver	State's Attorney	Windham County, Vermont
Kimberly Swartz	Director of Adolescent and Reproductive Health	Vermont Department of Health
Dan Trudeau	Major	Vermont State Police

What is the Commission's definition of a domestic violence-related fatality?

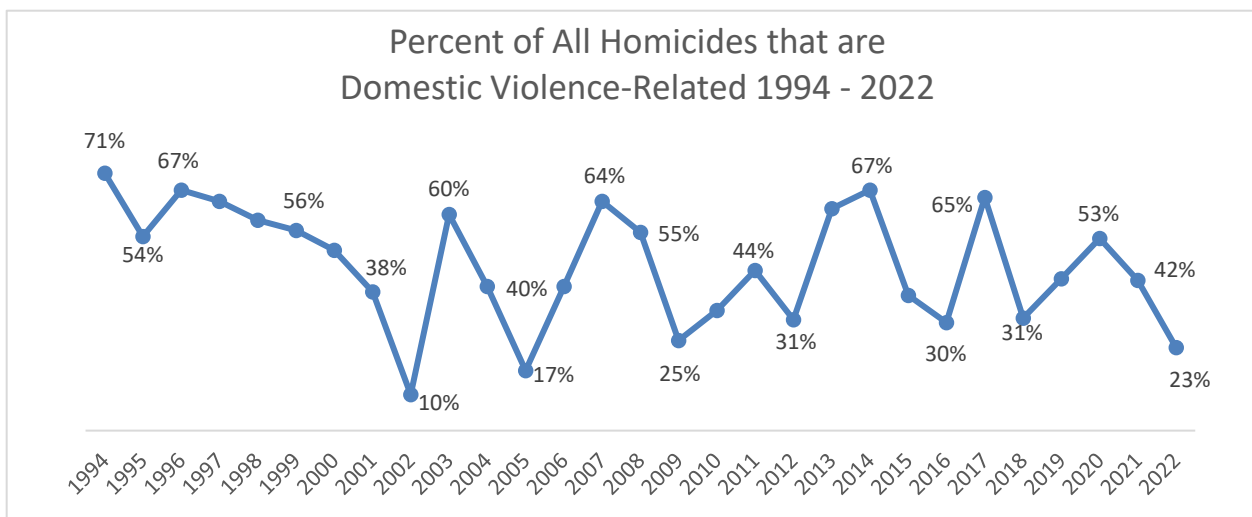
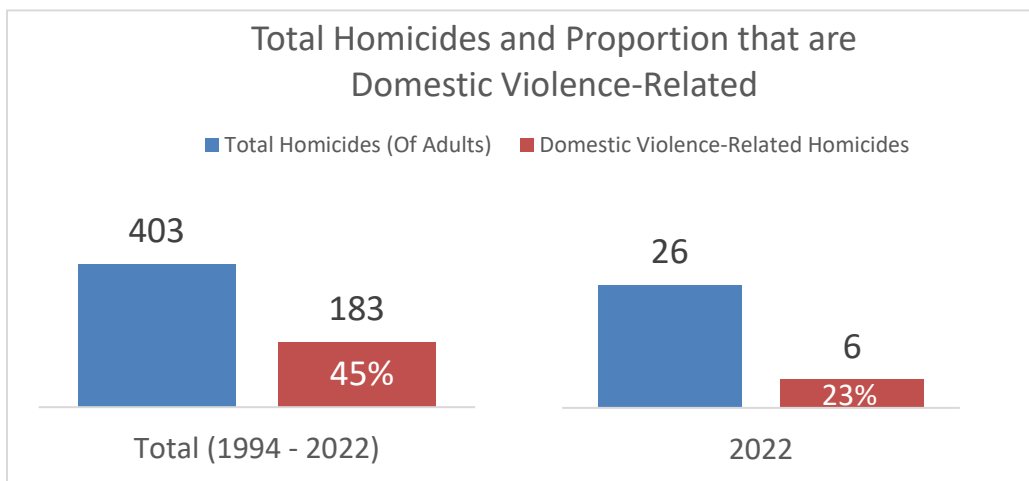
The data that the Commission reports on domestic violence homicides includes only those cases that the Office of the Chief Medical Examiner has ruled as a homicide. It does not include suicides and other deaths that may be related to a domestic violence incident. However, the Commission is empowered to review in-depth any domestic violence-related fatality and the Commission uses the following criteria to make that determination:

- the responsible party was related to the victim as a “family member” according to the “plain and commonly accepted meaning” of the term
- the responsible party and the victim were related as “household members” as defined under the Abuse Prevention Act at 15 V.S.A. § 1101(2)
- the responsible party killed an estranged partner’s current “household member”
- the responsible party killed a current partner’s estranged “household member”
- the responsible party killed a family member’s current or estranged “household member.”
- the responsible party killed a bystander(s) while attempting to harm family or “household members”
- the responsible party is a law enforcement officer forced to kill in the line of duty when responding to a domestic violence incident
- a law enforcement officer is killed in the line of duty when responding to a domestic violence incident
- the fatality is domestic violence-related but is ruled a justifiable homicide
- the fatality is a murder-suicide matter involving family or household members
- the fatality is a suicide with a 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
- the fatality is a substance abuse-related death (chronic abuse, suicide, overdose) that is related to domestic violence

DOMESTIC VIOLENCE HOMICIDE DATA

According to the Medical Examiner’s Office, there were 26 homicides in Vermont in 2022. Of these, 23 involved a firearm (88%). The Commission reviewed all 26 homicides and determined that six were related to domestic violence (23%). For the definition that the Commission uses to determine if a homicide is domestic violence-related, please see the previous section on “What is the Commission’s definition of a domestic violence-related fatality?”

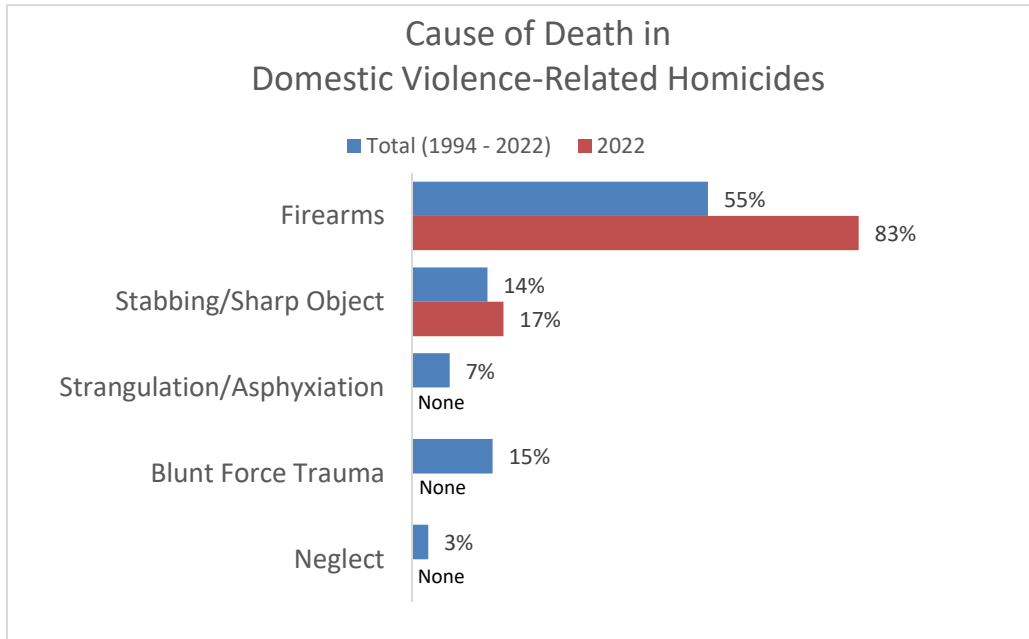
Just less than half of all homicides in Vermont between 1994 and 2022 have been domestic violence related. There has been a total of 403 homicides in Vermont since 1994. Of those, 183 were determined to be related to domestic violence (45%).



Over time, the percentage of homicides that are domestic violence-related has varied from a high of 71% in 1994 to a low of 10% in 2002. This past year, 2022, 23% of all homicides were domestic violence-related, one of the lowest percentages since 1994.

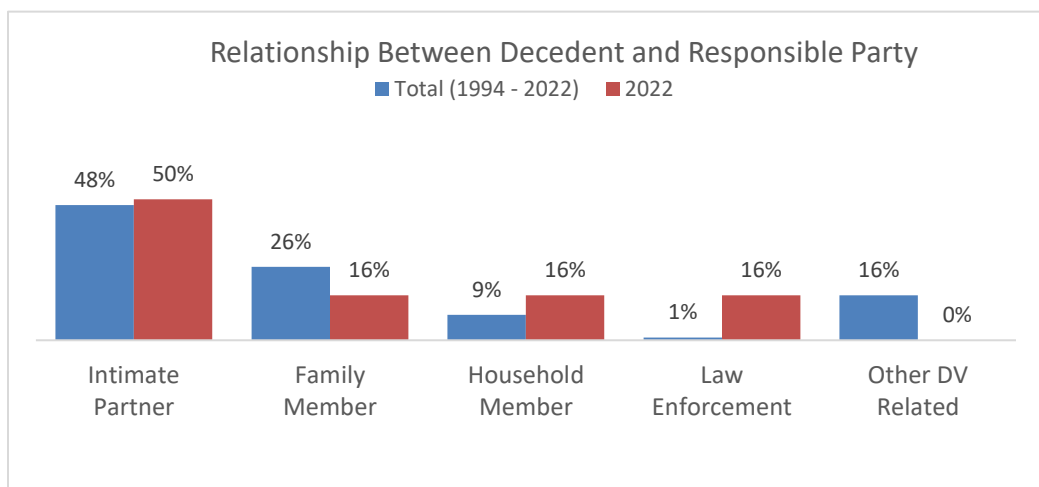
Cause of Death

Of the six domestic violence-related homicides, five involved a firearm and one involved a stabbing. Since 1994, more than half of domestic violence-related homicides have involved a firearm. Around one in seven have been the result of blunt force trauma or stabbing. Seven percent have been due to strangulation and three percent due to neglect. Other causes of death have occurred in less than one percent of domestic violence-related homicides.

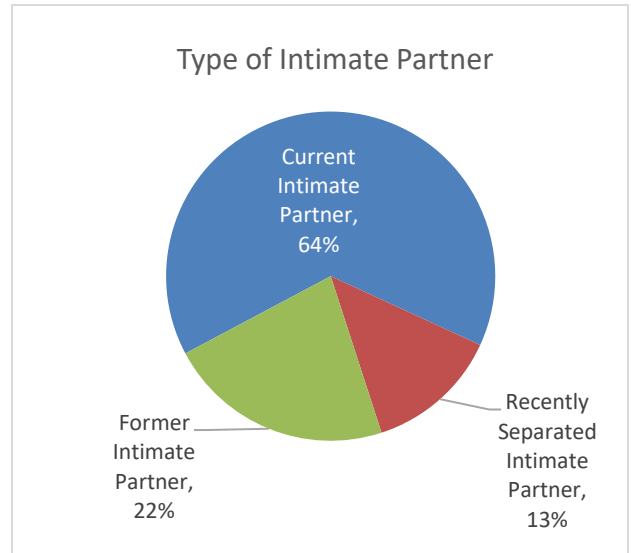


Relationship Between Decedent and Responsible Party

In 2022, three domestic violence homicides involved intimate partner relationships; one involved a family member, one involved a household member, and one involved law enforcement. Since 1994, about half of all domestic violence homicides involved an intimate partner, while about one-quarter involved a family member.



In 2022, none of the responsible parties were current intimate partners. Two were recently separated intimate partners and one was a former intimate partner. Since 1994, nearly two-thirds of intimate partner responsible parties have been current partners. Nearly one-quarter have been former intimate partners and 13% have been recently separated intimate partners.



Background of Decedents

Decedents in 2022 domestic violence related homicides ranged in age from 22 to 67 years old. Since approximately 2013¹, decedent ages have ranged from one month to 93 years of age. In 2022, four of the decedents were male, two were female. However, since 1994, just more than half (52%) of decedents have been female and 49% male. Five decedents in 2022 were white and non-Hispanic; one decedent was Black or African American. Since 2017, 37 decedents have been white, and non-Hispanic; four have been Black or African American, one Hispanic, and one Asian.

	Decedent Demographics		Responsible Party Demographics	
	Historic Data	2022	Historic Data	2022
Age Range	1 mo. – 93 yrs.	22 – 67 yrs.	23 – 71 yrs.	27 – 61 yrs.
Female	92	2	35	0
Male	86	4	144	5
<u>RACE</u>²				
White	37	5	37	4
Black / AA	4	1	5	1
Hispanic	1	0	0	0
Asian	1	0	1	0

Background of Responsible Parties

In 2022, the age of the responsible parties ranged from 27 to 61 years old. Since 2018³, the age range has been from 23 to 71 years of age. In 2022, all responsible parties were male. Since 1994, four out of five responsible parties have been male (81%); one in five were female (20%). In 2022, four responsible parties were white, non-Hispanic; one was black or African American. Since 2017, 37 responsible parties have been white, non-Hispanic; five have been Black or African American; one was Asian.⁴

¹ Some demographics have not been consistently collected over the years. Age ranges for decedents have been collected since 2013.

² Race has only been collected since 2017.

³ Some demographics have not been consistently collected over the years. Age ranges for decedents have been collected since 2013.

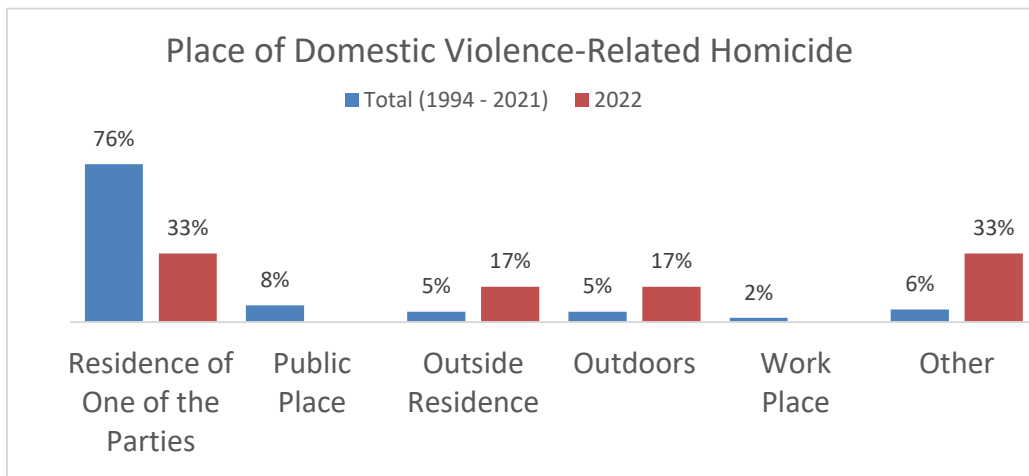
⁴ Responsible party demographics have not been included for the case where law enforcement is the responsible party.

Counties/Location

In 2022, there was one domestic violence-related homicide in Chittenden County and one in Windsor County. There were two each in Lamoille and Windham Counties. Since 1994, Chittenden and Rutland Counties have had the largest percentage of domestic violence homicides (18% and 17% respectively)

County	Population 2022	Percent of Domestic Violence Homicides 1994 - 2022	Domestic Violence Homicides 2022
Addison	37,578	6%	--
Bennington	37,392	5%	--
Caledonia	30,579	7%	--
Chittenden	169,301	18%	1
Essex	5,994	3%	--
Franklin	50,731	4%	--
Grand Isle	7,489	2%	--
Lamoille	26,090	5%	2
Orange	29,846	6%	--
Orleans	27,666	7%	--
Rutland	60,366	17%	--
Washington	60,048	8%	--
Windham	45,842	6%	2
Windsor	58,142	9%	1

In 2022, two of the six domestic violence-related homicides occurred at the residence of one of the parties. One occurred outside a residence, one occurred in an outdoor setting and two occurred in some other setting. Historic data shows that about three-quarters of these events occur at a residence of one of the parties (76%)⁵. Just less than one in ten occur in a public place (8%). Locations such as outside a residence, outdoors, or some other place each account for five percent of the locations over the years. Very few domestic violence-related homicides have occurred in a workplace (2%).



⁵ Place of incident has been recorded since approximately 2006.

Other Factors⁶

In 2022, there were no children present at any of the six domestic violence-related homicides. Since 1994, at least 38 children have been present during a domestic violence-related homicide.

Alcohol or other substances were involved in four of the six domestic violence-related homicides in 2022. Since this data started being tracked in 2017, alcohol or other substances have been involved in 19 of these incidents.

Relief From Abuse Orders

For 2022's domestic violence-related homicides, there was one current Relief From Abuse Order in effect. Over the years, the data shows that among domestic violence-related homicides, in six instances there has been a current Relief From Abuse Order in effect, and twice there has formerly been a Relief From Abuse Order between the parties.

Overall, there were a total of 3,621 requests for Relief From Abuse Orders filed in Vermont in 2022. There was a total of 2,672 temporary orders granted and a total of 1,273 final orders granted in 2022.

2022	Number of Relief from Abuse (RFAs) Filed	Number of Temporary Orders Granted	Number of Final Orders Granted
Addison	149	165	71
Bennington	385	320	148
Caledonia	256	183	74
Chittenden	651	628	238
Essex	40	30	10
Franklin	301	173	100
Grand Isle	51	35	16
Lamoille	144	78	48
Orange	157	114	69
Orleans	174	123	68
Rutland	454	273	100
Washington	330	204	119
Windham	267	204	116
Windsor	253	142	96
TOTAL	3621	2672	1273

**Note: When the above information was extracted, it was not reviewed on a case-level basis for accuracy, so it should not be used for statistical purposes. Court data states that some cases may be counted multiple times when successive extended or modified orders are issued.*

⁶ It is not clear from the data if this data has been collected consistently.

Murder-Suicide

Two domestic violence-related homicides involved murder/suicide this year. Since 1994, there have been 36 domestic violence-related murder/suicides and an additional three incidents that involved domestic violence-related murder and attempted suicide. In addition to those incidents, the data show at least 14 suicides that were related to domestic violence.

Recommendations

The Commission makes recommendations to the parties required by statute based on information gathered during the case review process. Our focus is to find common threads and base our recommendations on those. Occasionally, we do make recommendations based on a single case review.

Understanding Probate Court

Domestic violence homicide, the loss of a loved one, causes trauma to surviving family members. While there are many warning signs of domestic violence homicide, families almost always say that they did not believe it would happen to them. They are almost always unprepared and shocked. While unexpected deaths happen to many of us, the trauma involved with a violent killing perpetrated by another family member or someone close to them further compounds the grief. There is an immediate need to address assets like real and personal property or the guardianship of minor children. Many decisions can't wait for a grieving family to heal and many need to be approved by the court.

For property, many families find themselves needing to distribute assets by opening an estate in probate court. Often those fleeing abusive relationships are too overwhelmed by day-to-day decisions about their safety to think about what should happen with their property or minor children after their death. But the aftermath can be very hard on survivors. The state has laws to prevent a person who kills another from profiting from their death, but that can be hard to do if the history of domestic violence is unknown or the decedent's family had a close and ongoing relationship with the responsible party.

As difficult as the conversation may be, it is important for advocates to be prepared and informed so they can have conversations with victims of domestic violence who are at high risk of lethality about the steps they can take to protect their minor children and property. Every person should have a medical directive that explains what they would like done if they are incapable of making decisions about their medical care and who they wish to make decisions. While a court still must make the final determination about who is an appropriate guardian for a minor child, domestic violence survivors can express their wishes and any concerns about the parties who are likely to be appointed guardians.

Many people believe that making a will is all that is needed to protect their interests. This is not true. A will must be probated by the court. An executor must be appointed. Banks cannot release funds from an account until the legal process is complete even if the will says that the decedent wants the funds to go to someone. A minor cannot inherit property directly. The law requires that all creditors be identified and noticed by the executor (or the administrator if the deceased did not have a will). The law also requires that the executor identify and notice all heirs at law before any distribution under the will. Often families are told they need to hire a lawyer, but many cannot afford to do so. In some counties, we learned that the number of people representing themselves in probate court is approximately the same as those who hire lawyers.

The Commission learned that the best course is to take as many actions as possible that may allow a person to avoid probate completely. For example, if the person owns an asset, designating a beneficiary in writing allows the asset to pass directly. The person must own the asset, but if the person has the title to a car, the state has [forms available](#) through the Department of Motor Vehicles to designate a beneficiary. Banks also have forms that allow a person to designate a beneficiary if there is an account in their name. If the person has a will, Vermont courts have a safe depository available to the public where a will can be stored for a small fee and no one else can have access to it until the person dies.

Another unique feature of probate court is that each county has only one judge who is elected. The judges have varied backgrounds. Some are only part-time. Practices vary widely from county to county. Cases take longer to be heard in some counties than in others depending on the caseload. There are no emergency hearings. Judges may have little to no exposure or training in the dynamics of domestic violence. While the forms ask for the death certificate, it may not always be clear that the decedent was the victim of domestic violence and, if a death certificate is updated, the probate judge will not know that unless they request the updated death certificate from the parties. There is no system to prioritize cases in which a person died by homicide. In the cases of murder-suicide, each decedent must have their estate opened individually even if the assets in them are shared.

If the decedent owned real property, there are taxes and other expenses that must be paid and the proceeds from the sale of the property may not be available when they need to be paid. If the family has lost a loved one to domestic violence, it may be difficult to agree on these decisions. Even if they do, it can take six months to two years for the probate court process to approve a sale.

The Department for Children and Families (“DCF”) has recognized the need to ensure that all domestic violence homicide cases are accepted for a child safety intervention and to be aware of any probate guardianship proceedings involving domestic violence homicide. This commission first reported on this issue in our 2018 report. Since that time, the Judiciary has worked to ensure that the family court and probate court have a protocol in place to coordinate their actions and DCF has developed its policy.

In 2023, DCF developed Policy 85 to address situations when a domestic violence homicide occurs in a family with minor children. This policy states: *The division does not support a minor guardianship through the Probate Division of the Superior Court following domestic violence (DV)/intimate partner violence (IPV) related homicide of a parent. Unless there is another legal caretaker who was not the victim or perpetrator of the homicide who can provide safety, care, and decision-making for the child(ren), the division accepts reports involving DV/IPV homicides as child safety interventions. If the division learns of probate court proceedings following a DV/IPV homicide, the division will request that the probate court redirect the family to the attention of the division and family court/CHINS process.*

Recommendations:

- The Vermont Network Against Domestic and Sexual Violence (“Vermont Network”) organizes trainings on the probate process for domestic violence advocates statewide. The training should also include resource information about the ability to store a will at the courthouse that will remain confidential until an individual’s death, the need to plan for guardianship of minor children, and the advantages of naming a beneficiary for any assets a survivor may own.
- That the Courts develop more user-friendly information for the probate process. Through the Courts’ new Advocacy and Resource Center (“ARC”), the Courts should break down the probate

process into smaller chunks of targeted informational material, such as “how to sell a house.” In the past, the Court has also produced videos for pro se litigants seeking a divorce. Visual resources for the probate process could also be created to make the process easier to understand. The materials should include information on steps individuals can take before their death to help loved ones avoid probate for certain assets like bank accounts and cars.

- Vermont Legal Aid expands their existing materials about the probate process in their pro se litigant information with links to the resources developed by the courts. Some excellent user-friendly materials can be found at <https://vtlawhelp.org/probate-division-information>.
- That Probate Courts consider creating a system to identify and prioritize cases that involve domestic violence homicide, especially those that involve a murder-suicide or have minor children guardianship issues involved. Before any hearing date, court staff should check well in advance to make sure that all paperwork has been received and make every effort to avoid the need for continuances.
- Probate judges are trained in the dynamics of domestic violence when first elected and then complete the minimum required training hours every two years for which they are compensated for their attendance. That the training curriculum be developed in consultation with the Network Against Domestic Violence and records of attendance at the training be available to the public through the court’s website.
- That DCF, in accordance with Policy 85, ensures that all children whose parent or guardian are the victim of a domestic violence homicide receive immediate and ongoing assistance as needed to ensure their safety and well-being.

Updates to the Commission-Enabling Statute

The Domestic Violence Fatality Review Commission was established by statute in 2002. The statute was updated in 2009 to add a judge appointed by the Chief Justice of the Vermont Supreme Court and the Commissioner of Mental Health, and the Commission currently has 17 appointed members. Some agencies have appointed an alternate designee to ensure representation at every meeting. The work of the Commission needs to have members from different disciplines, to understand the many systems that can interact to prevent domestic violence homicides.

The Commission would like to add a sheriff with experience in domestic violence to the existing appointed positions. Sheriffs’ departments act as primary law enforcement agencies in some small rural communities and have different structures than local agencies and state police. The Commission needs to understand their unique characteristics given the important role sheriffs play by offering standby services for victims of domestic violence and serving relief from abuse orders.

Given recent changes in legislation that will permit community justice centers to be involved with domestic and sexual violence cases, the commission believes that it is important to add representation from a restorative justice practitioner.

The Commission would also like to add three state-based non-confidential advocates. The role of a state-based advocate differs from the role of the confidential advocates who work for member agencies of the Vermont Network. We have been fortunate to have Kate Brayton as an alternate state police designee. The Victim Services Director position, which Kate currently occupies, did not exist when the

Commission was created. The position serves the families of homicide victims even before the state's attorney and the state's attorney victim advocate become involved. In cases of murder/suicide, the Victim Services Director is the primary state-based advocate because there are no criminal charges to file and thus the state's attorney victim advocate does not have a role.

We would also like representation from a state's attorney victim advocate, appointed by the Center for Crime Victim Services, who has experience providing support to domestic violence survivors. The Commission believes it is valuable to have someone who can provide a local perspective, like the local law enforcement representative appointed by the governor, and who has ongoing experience assisting survivors through the entire criminal process.

The third request is to create an appointment for the Director of Victim Services at the Department of Corrections. The issue of victim services is a distinct role that deserves its own designated position on the Commission.

In making future appointments, the Commission would ask all appointing authorities to consider appointing persons from diverse backgrounds. The Commission prides itself on having many longstanding and dedicated members who bring a wealth of experience to our group. However, given the ever-changing demographics in Vermont, our Commission does not reflect the diversity of our communities. We urge those appointing members to our commission to help us in our mission to reflect the community. Our commission would benefit greatly from members of different racial and ethnic backgrounds, members who are differently abled, or who are members of the LGBTQ+ community.

The Commission would like to expand its role to review near-fatal instances of domestic violence as well as homicides. Over the years, the Commission has been approached by concerned community members about cases that involve near-fatal domestic violence. The Commission believes there is much to be learned from these cases, including the opportunity to potentially hear directly from the victims about the barriers they faced, any court involvement or prosecution, and any other interactions they may have had with systems.

Recommendations:

- That the Legislature amend 15 VSA §1140 to include a sheriff with experience and interest in combating domestic violence appointed by the Sheriffs' Association, a restorative justice practitioner from a community justice center, the Director of Victim Services from the Vermont State Police appointed by the Department of Public Safety, a state's attorney victim advocate appointed by the Center for Crime Victim Services, and the Director of Victim Services for Corrections appointed by the Department of Corrections.
- That the Legislature amend 15 VSA §1140 to encourage appointing authorities to be mindful when appointing persons about the need for the Commission to reflect the community by having people from different racial and ethnic backgrounds, persons who are differently abled, and persons who identify as LGBTQ+.
- That the Legislature amend 15 VSA §1140(a) to expand the jurisdiction of the Commission to review near-fatal instances of domestic violence.

Mandatory Judicial Training

Vermont is fortunate to have many excellent judicial appointees over the last few years. For many years,

the Judiciary has sent new judges to an excellent judicial training program offered by the National Council of Juvenile and Family Court Judges. Over the last year, the Judiciary has also hired a distinguished retired judge with a wealth of experience presiding over domestic violence cases to create an in-house judicial training program for new judges. Every year the Judiciary hosts a judicial college for judges in June that covers many topics. All of this has been done voluntarily and without direct input from domestic violence advocates.

Several other states, like New York and Maryland, have enacted statutes to ensure that new and existing judges who hear domestic violence-related cases receive regular training in the dynamics of domestic violence. Vermont currently has no such requirements. To ensure that all judges receive the needed training to understand domestic violence, the Legislature should set minimum hourly requirements and competencies for new and existing judges. To ensure that the training reflects best practices with domestic violence survivors, the Judiciary should consult with the Vermont Network on training topics. To ensure transparency, the Judiciary should make the training records of attendance available to the public on its website, and the legislative committees who are charged with retention should review these records and inquire about the judge's participation as part of the retention process.

Because court staff also have an important role in interacting with those who seek court protection, the Commission believes it is important for those in the clerk's office and those who work for the after-hours service for protection orders to have regular domestic violence training. Court staff do have regular time set aside for training and updates that could provide an opportunity to offer regular domestic violence-related training. The Center for Court Innovation (now the Center for Justice Innovation) did a three-hour training for staff several years ago that covered trauma-informed practices and procedural justice that was well-received. It is important to have ongoing, yearly training on trauma-responsive, domestic violence-informed practices because of changeover in court staff.

Recommendations:

- That the Judiciary be statutorily mandated to attend domestic violence-related training. The Commission recommends that new judges be required to complete at least 40 hours of domestic violence-related training before hearing cases and that existing judges be required to complete at least 10 hours of domestic violence-related training every two years.
- That the Judiciary consults with the Vermont Network to ensure that the training meets the needs of survivors.
- That training topics and attendance records from each training be available on the Judiciary's website to promote transparency.
- That legislative retention committees regularly inquire about each judge's participation in domestic violence training opportunities.
- That court staff and after hours workers are required to attend at least three hours a year of domestic violence-related training every year.

Inquiry about Firearm Possession in Domestic Violence Cases

Over the last year, Vermont has made strides through the Domestic Violence Firearms Technical Assistance Program (FTAP) to improve Relief From Abuse court forms to better capture information about firearms. The Affidavit and Complaint now ask specifically about firearms and the template forms used by judges to issue orders help specify firearm information. We are also pleased that the Legislature in 2021 codified that surrender and non-possession of firearms is a form of relief available in a temporary order. See 15 VSA 1104(1)(e). We are also extremely pleased that the Legislature created a state law that prohibits persons subject to a Final Relief From Abuse Order or Final Order Against Stalking from possessing a firearm. See 13 VSA 4017a. There is, however, work that needs to be done to educate all litigants in the abuse prevention order process and criminal proceedings when the court orders firearms surrender/non-possession as a condition of release.

It is not enough to rely on paperwork to convey this information. The Commission believes that it is important for judges to orally and directly inform litigants in domestic abuse cases when firearm surrender/non-possession is ordered. A recent study found that “despite that 44% of victims who filed for a PO reported that their abuser had a firearm, very few (11.5%) reported that a judge explicitly ordered the abuser to surrender the firearms. (Firearm-related Abuse and Protective Order Requests Among Intimate Partner Violence Victims, Lynch, Boots, Jackson, Renzetti, *Journal of Interpersonal Violence*, Vol 37 (15-16) p19 (2022)). Through conversations and court observations in Vermont, FTAP has observed that judges do not routinely inquire about firearms in Relief From Abuse hearings nor explicitly explain to litigants when an order requires firearms relinquishment and/or non-possession. Even if the defendant is not present, it is important for advocates and judges to educate plaintiffs about this relief. Firearm access is a leading factor in lethality and studies have shown that firearms are often used to intimidate and coerce victims even if they are never used to physically injure them.

Recommendations:

- That all judges explicitly and orally explain the requirement to surrender/not possess firearms to all litigants in Relief From Abuse cases, Orders Against Stalking cases, and in criminal cases involving domestic assault when surrender/not possessing firearms is imposed as a condition of relief.
- That all advocates are trained in the availability of firearms relief in the Relief From Abuse process and Orders Against Stalking process.

Standardized Police Incident Form and Funding for a Lethality Assessment Program

In last year’s report, the Commission noted that Vermont State Police (“VSP”) had incorporated the Lethality Assessment Program (“LAP”) into their standardized domestic violence investigation form. Troopers throughout the state will be required to use this comprehensive form for every domestic violence incident. Local municipalities currently use a variety of standard forms to document domestic violence incidents. Some include LAP, and some do not. Some use a separate form to conduct the LAP screening. In driving-under-the-influence cases, all agencies and VSP use the same standardized form. The Commission believes that it would be helpful for all police agencies to adopt one model form for domestic violence cases as they did for driving-under-the-influence cases. The state police form provides one helpful model that could be used by all agencies to create a similar statewide form for domestic violence incidents.

As we noted last year, VSP has committed to training every barracks in LAP. While this effort continues,

the Maryland-based LAP is converting to a subscription-based program. The Maryland Network Against Domestic and Sexual Violence that created and trained others in their program will require an annual subscription fee of \$7500 if the state wishes to continue its association with this program. Whether the state ultimately continues with the LAP program affiliated with Maryland or builds its own based on the same LAP model, the state will need to provide ongoing support for a statewide LAP program. The Commission would like to see the training offered to all first responders, including law enforcement and medical personnel, since many victims of domestic violence may not interact with police. It is important to note that LAP requires a close partnership between first responders and advocates. LAP cannot be done by first responders alone. Funding will allow Vermont to create a train-the-trainer program that can ensure there are ongoing training opportunities for new personnel and new trainers ready to take the place of other trainers when they retire or leave.

Recommendations:

- That the Law Enforcement Advisory Board (“LEAB”) review the domestic violence investigation form created by the state police and consider using it as a model to create a uniform domestic violence form for all law enforcement officers throughout the state in corroboration with prosecutors from the Department of State’s Attorneys and the Attorney General’s Office. Once developed, that the Legislature require that the standardized model form be used by all police agencies.
- That the Legislature create a funding source to ensure all first responders and advocates have access to initial and ongoing LAP training.
- That the Legislature require all law enforcement officers to conduct LAP as part of their domestic violence response and that all police agencies have at least one person who is certified to train new officers in the program.
- That the state offers LAP training to all first responders and advocates at no cost to the participant to ensure that all have access to a training program.

Victim Service Specialists for Municipal Police Departments

In 2017, VSP added the Victim Services Director position. The purpose of the position was to provide support to families and survivors of homicide and officer-involved shootings. As the Commission first noted in 2015, there are instances in which families do not receive support from state-funded advocates available through the state’s attorneys’ offices and confidential advocates available through a Network program (for further discussion of this issue, see 2015 Domestic Violence Fatality Review Report, “Family Supports in Homicide/Suicide: Advocacy, p.5). One of our long-standing members at the time, Captain J.P. Sinclair, noted this need and created a position at VSP to address it. The Commission wishes to thank Captain Sinclair and VSP for their leadership and vision in creating a new position that has greatly enhanced VSP’s ability to serve families in these tragic circumstances.

In 2022, VSP added a second position to provide victim support for all Criminal Division cases. Based on the success and importance of these positions, VSP transitioned them from grant-funded positions to more sustainable and flexible positions supported by General Fund dollars. In 2022, the Victim Services Director and the Victim Services Specialist averaged 2000-3000 family contacts per quarter. They provide 24/7 emergency support to families. These positions act as liaisons with families, which helps officers focus on the investigative duties they were trained to perform. They report that this has led to

better outcomes with investigation and prosecution. They also provide training to officers at the police academy on best practices for death notification, a need that the Commission identified in its 2015 report (for additional information see 2015 Domestic Violence Fatality Review Report, “Death Notification,” p.7).

The Commission recently learned that there are approximately 22 municipal agencies and five counties that have their own 24/7 full-time dispatch. (There are at least five municipalities that have part-time dispatch services). Not all of these municipal agencies would lead the investigation of a homicide or other serious crime (some ask VSP to lead the investigation if they do not have the resources needed), but some do rely on their own personnel. Some departments do have embedded or dedicated social workers, but they are not trained victim service specialists. The Burlington Police Department is fortunate to have a very experienced domestic violence advocate who provides invaluable support, but the Commission is not aware of any other departments that do. The Commission was heartened to learn that the Office of the Medical Examiner (“OCME”) plans to hire a family liaison. This will be very helpful to families that interact with the OCME.

The Commission would like the Legislature to create two new victim service specialist positions, one in the north and one in the south, specifically for municipal and county law enforcement agencies. They could be shared on a regional basis or employed by a larger law enforcement agency working cooperatively with other agencies in their region. The cost of these new positions would be roughly \$75,000, not including the cost of benefits, for each position based on comparable victim advocate salaries. It is important that these specialists be embedded into the law enforcement agencies themselves, rather than a community justice center or other community agency because they will need a close working relationship with the law enforcement investigative team to build trust and have regular access to information. The Commission believes these positions are crucial to helping families navigate immediate needs like crime scene clean-up, funeral services, counseling, victim compensation requests, obtaining information about the status of investigations, and navigating family and community dynamics that arise in the aftermath of a tragedy.

Recommendations:

- That the Legislature fund two new victim service specialist positions, one in the north and one in the south, housed within local police agencies to support families experiencing domestic violence homicide who don’t generally receive immediate support from state-based advocates in the state’s attorneys’ offices because there is no case to prosecute, such as a murder/suicide.
- That the newly created victim services specialists be specifically trained in providing victim services and the dynamics of domestic and sexual violence. The Center for Crime Victim Services offers a Victim Assistance Academy that offers a starting point for training and the Vermont Network and VSP Victim Services can assist with locating additional training necessary for the person(s) hired for this position.

Trends

Access and Resource Center (“ARC”)

The Commission congratulates the Vermont Judiciary on the creation of a new service for people representing themselves called the Access and Resource Center (“ARC”). The ARC began providing

statewide services in the fall of 2023. It is staffed by one permanently funded program manager and two staff whose positions are funded through the end of June 2024.

The program provides services to all Vermonters by email and phone during court business hours. The ARC is physically housed in the Costello Courthouse in Burlington and offers limited drop-in hours. Services include information about court processes, help with court forms and information about ways to get the help of an attorney. ARC staff help with a variety of state court case types including divorce, eviction, expungement and sealing of criminal records, guardianship, name change, orders against sexual assault, orders against stalking, parentage, relief from abuse, small claims, traffic matters, and other court issues. While they will offer forms for RFAs, they do not generally help with these petitions because they generally cannot provide immediate assistance (their response time is generally one business day). ARC is also making the Judiciary website more accessible and making improvements to its search feature. They plan to distribute surplus laptops to locations around the state, such as community justice centers, that will be available for the public to use to participate in remote hearings or search for information. This is a positive step to help those who are representing themselves to get information and assistance.

Confidential Help for Those Using Harm

Based on a successful program called A Call for Change in Massachusetts, <https://acallforchangehelpline.org/>, the Network Program in the Northeast Kingdom, Umbrella, recently launched a warm line called The Spark, <https://www.thesparkvt.org/>, that is available to talk with those using harm if they are concerned that they have or are going to harm their partner. They are also available to talk with family members who want to help a loved one, professionals working with someone who has caused harm, or a community member such as a high school or college student who is concerned about safety in their or another's relationship. The harm line is free, confidential, and staffed from 10:00 AM to 10:00 PM seven days a week, every day of the year. They will also respond to emails or voicemails within 24 hours. This is part of a national movement to offer non-criminal responses that are restorative in nature for those who cause harm.

Domestic Violence and Firearms Technical Assistance Project ("FTAP")

In 2019, Vermont was selected as one of the sites, and the only statewide site, to be part of a Violence Against Women Act ("VAWA") grant to examine how to better address the intersection between domestic violence and firearms using existing law. FTAP began by making suggestions to the Family Division Oversight Committee for improvements to court forms used in the relief from abuse order process to better inform litigants about firearms relief and surrender and to provide better information to the court and law enforcement officers serving the paperwork about the defendant's possession of firearms. FTAP has also prepared materials and worked on website updates to provide general education to the public and litigants about the availability of firearms relief.

FTAP assisted the Vermont Police Academy with its 2022 statutorily mandated domestic violence training for all law enforcement officers which focused on firearms surrender provisions. FTAP also worked with VSP to create a safe storage program with federal firearm licensees. FTAP is interested in creating a compliance review process to routinely inquire whether defendants who have been court-ordered to surrender firearms have done so. The current system relies on the criminal system to address this through a violation of a Relief From Abuse Order charge and generally places the burden on the plaintiff to provide information to law enforcement if the defendant fails to surrender a firearm. FTAP

hopes to create a system of compliance in Vermont that relies less heavily on victim reporting, which can be dangerous, and does not rely on increased criminal charges but rather focuses on securing the firearm.

Resources

There are resources available for people experiencing domestic violence. The Vermont Network has a statewide hotline for domestic abuse that can be reached at 800-228-7395. The Network's fifteen member programs provide services to survivors in all fourteen counties in Vermont. For an interactive map to help you locate a local program near you, visit <https://vtnetwork.org/get-help/>

The National Domestic Violence Hotline has a safety planning tip sheet that can be found here: <https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms> or call (800) 799-SAFE to get help.

Vermont has Domestic Violence Accountability Programs for people who have caused harm to an intimate partner. These programs are certified by the Vermont Council on Domestic Violence and people do not have to be court ordered to participate—they can self-refer and participate in programming free of charge. <https://www.vtdvcouncil.org/find-a-dvap>

If you or someone you know is concerned about causing harm to an intimate partner, there is free confidential help available 24/7 from The Spark, Violence Prevention Warmline at <https://www.thesparkvt.org/>.

For a list of firearm storage locations in Vermont, please visit <https://vsp.vermont.gov/firearmstorage#:~:text=The%20court%20can%20require%20the,the%20firearms%20with%20a%20FFL>.

For a list of places in Vermont offering free gun locks please visit <https://www.justice.gov/usao-vt/gunSAFE-vt>.