



DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

Recommendations and Trends 2021

Office of the Attorney General and Council on Domestic Violence

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Introduction

Earlier this year, the Commission released a statistical report that is publicly available on [the Attorney General's website's Reports page](#). For the reader's convenience, that report is attached here as well. See Attachment 1.

This report outlines recommendations and trends that the Commission has discussed over the past two years.

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;
- (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 website's Reports page](#).

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. Over the past two years, the Commission is proud that it continued to meet regularly during COVID remotely and completed two in-depth case reviews.

List of Current Commission Members

15 VSA 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	UVMCC (Retired)
Kate Brayton	Victim Services Director	Vermont State Police
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
Carolyn Hanson	Assistant Attorney General	Office of the Attorney General
Susan Hardin	Survivor	
Emily Hawes	Director of Mental Health Services	AHS
Heather Holter	Coordinator	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	UVMCC Emergency Dept.
Sarah Robinson	Deputy Director	VT Network Against Domestic and Sexual Violence
Julie Ryley	Director Domestic and Sexual Violence Unit	Dept. of Children and Families
Kirstin Schoonover	Superior Court Judge	VT Judiciary
Dr. Steve Shapiro	Chief Medical Examiner	Dept. of Health
Tracy Shriver	State's Attorney	Windham
Kimberly Swartz	Director of Adolescent and Reproductive Health	Dept. of Health
Dan Trudeau	Major	VT 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 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 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

Recommendations

The Commission makes recommendations to the appropriate parties 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.

1. **Education and Training Around Use of Language**

The Commission believes that the language used by those in authority has an impact on how the community views domestic violence. Word choice can, even inadvertently, reinforce bias and stereotypes that minimize the actions of the perpetrator and/or imply that the victim is to blame for the violence. The Commission has worked with Vermont State Police to create a simple template (Attachment 2) for law enforcement to use when responding to media questions in person or in a press release. The Commission wishes to thank Public Information Officer Adam Silverman for speaking with us and guiding this process.

Recommendations:

- That the DV Council review and approve the template for language guidance for law enforcement (Attachment 2)
- Once approved, the Police Academy distribute this template on language guidance to all officers and incorporate it into training at the Academy.
- That the Criminal Justice Training Council consider creating a short course for senior level officers to practice conducting a press conference and/or media interviews to best convey accurate information about domestic violence that does not reinforce stereotypes. This could be modeled on similar courses offered by the FBI such as [Media and Public Relations](#). This course should offer officers the chance to practice conducting a news conference in front of a camera and obtain feedback on their communication skills.
- Journalists reporting on domestic violence incidents consult [this resource](#) from the Rhode Island Coalition Against Domestic Violence in order to further their education and awareness about the potential impact of language, and if reporting on strangulation, to consult this [Strangulation Media Guide](#) from 2019.

2. **Maximize Use of Social Media to Spread Awareness and Support for Domestic Violence Survivors**

Unfortunately, there is still a lot of stigma surrounding domestic violence. The Commission believes that the power of social media can be an effective tool to reduce the stigma. Social media can be used to build positive messages of hope, and to connect community members with resources when they or a loved one need help. The Commission plans to use the strength of its multidisciplinary team to promote a uniform message across agencies, both governmental and non-profit. The initial effort by the Commission took place on October 10, 2021 during Domestic Violence Awareness Month. The image and message shared by Commission members is attached (Attachment 3). The

Commission wishes to thank Jessica Barquist, Director of Policy and Organizing for the Vermont Network Against Domestic and Sexual Abuse, for her help with this effort.

Recommendations:

- That the Commission work in partnership with the Vermont Network Against Domestic and Sexual Abuse and the Department of Health to help our members bring more visibility to domestic violence prevention messaging and raise awareness about existing resources.
- Commission leadership will collaborate with the Center for Crime Victim Services through [their podcast “The Mend”](#) to inform a wider audience about the work of the Commission, the role that the workplace can have in addressing domestic violence, and other topics related to domestic violence awareness and prevention.

3. Improve Awareness About Safety Risks Associated with Wireless Coverage Gaps

The lack of wireless phone coverage in remote areas of Vermont is an ongoing concern. While the state has recognized the problem this creates in economic terms, the lack of coverage also creates a safety risk for those who are experiencing domestic violence. Emergency calls from remote areas often have a longer response time for emergency services due to the geographic location and lack of a local 24-hour police department nearby. During the case review process, the Commission met with members of the E911 board to discuss how dropped calls are addressed and other communication issues. The Commission wishes to thank E911 director Barb Neal, State Police PSAP Administrator James Cronan, and Howard Alden and Ashley Happy, training coordinators for E911, for their help in educating the commission about these issues and willingness to work on a public education campaign to address the issues raised.

Recommendation:

- The Commission will work with the E911 board on its efforts to increase public awareness about how to place a 911 call and what to expect; promote the option to text 911 if a call isn't possible; and highlight the limitations of some phone systems ability to connect with 911.

4. The Judiciary's Role in Limiting Defendant's Access to Firearms

At the temporary order stage, the court may require defendants to surrender their firearms if the court believes that the firearms pose a risk to plaintiff or plaintiff's children. If a final order is issued, defendant is barred by federal law from purchasing, possessing or controlling a firearm for the duration of the order. In some instances, defendants will nevertheless have ready access to firearms that belong to others living in the same household. There is no requirement in Vermont that firearms be stored in a safe manner and many firearms are left loaded in an unsecured place. According to the Department of Health, 43% of Vermonters store at least one firearm near or in their home. Of those, 17% keep them loaded and 65% of those with a loaded firearm keep it unlocked. ([DOH Firearm Storage Safety data sheet 12/19](#)).

When coupled with the longer response time in rural areas, ready access to a firearm can place a domestic violence victim at grave risk.

Recommendations:

- When crafting abuse prevention orders, the Commission recommends that the judiciary prohibit defendants from residing in a home where firearms are present.
- At the final hearing, that the court inquire about where a defendant plans to live when issuing an order to vacate a shared residence in a relief from abuse proceeding and ensure that defendant understands that they may not reside in a household that has firearms.

5. Legislative Action Regarding Defendant’s Access to Firearms

The presence of firearms greatly increases the lethality risk in cases involving domestic violence. Nationally, the presence of a gun in a domestic violence situation can increase the risk of homicide for a woman by 500%. J.C. Campbell, D.W. Webster, J. Koziol-McLain, et al., “Risk factors for femicide within physically abusive intimate relationships: results from a multi-site case control study,” 93 Amer. J. of Public Health 1089-1097 (2003). In Vermont, of the 167 adult deaths since 2004, 94 (56%) were caused by firearms. When a victim of domestic violence takes any step that seeks to limit their abusive partner’s power and control, such as applying for a relief from abuse order, it can be a very dangerous time. It is important that courts have clear authority to act swiftly at this stage in the proceedings to address one of the primary lethality factors In a domestic violence situation, access to a firearm.

Recommendation:

- That the legislature codify in statute the court’s inherent authority to order defendants at the temporary relief from abuse order stage to surrender firearms and prohibit defendant from purchasing or possessing a firearm for the duration of the order.

6. Legislative Action Regarding Safe “Stand-by” Process

The Commission recognizes that a standardized, affordable process for all parties is necessary to promote victim safety when a protective order is issued and one party needs to return to a formerly shared residence to obtain their belongings. Generally, sheriff departments in Vermont have provided this “stand-by” service, but the process and cost varies from county to county and there is no requirement that they offer this service. If a department chooses to discontinue “stand-by” services, domestic violence victims may be left with no safe method for obtaining belongings or giving defendant access to their belongings. The process can be difficult to navigate, which leads to added stress and potential risk if the parties resort to other methods. The Commission would like to see legislation that creates a uniform practice and availability of “stand-by services” by law enforcement at low or preferably no cost to the victim and the necessary resources allocated to the departments in order to provide these services.

Recommendation:

- That the legislature explore a standardized, affordable and safe “stand-by” process, preferably free, for plaintiffs and defendants in relief from abuse proceedings to retrieve personal property from a shared residence.
- That the judiciary issue specific and detailed instructions in relief from abuse orders as to what property the court has authorized for removal to help facilitate a smooth process.

SUCCESS: Response to gap identified in system:

In a review, the Commission learned about the risk created when a temporary order expires before a final order can be served on the defendant. This gap left some victims without court-ordered protection during what can be a very dangerous period of time. In September 2019, the Commission reached out to the Chief Superior Judge about this concern and we were pleased to see that the Judiciary acted promptly to revise its form language to eliminate this gap. The judiciary also joined with the Network Against Domestic and Sexual Violence to address the legislature to codify this change through legislation. See 15 VSA §1105(b)(2).

Trends

Victim Reluctance to Engage in the Court Process

The Commission has noticed a concerning trend that many victims are reluctant to utilize the court system. In one case review, the victim was concerned that the most recent incident was not severe enough and that the court might not believe her. In another review, the victim was concerned about having to go to court in order to obtain an order. Simply stepping into a courtroom where the defendant would also be present created an obstacle. The victim was also concerned that the order might have adverse implications for defendant’s employment. We believe that the court system should work to lessen both real and perceived barriers to access. It is also important to ensure that when relief is granted, that it effectively addresses the plaintiff’s safety concerns.

Access to Firearms

The Commission has noticed a trend that Vermont is not doing enough to limit a defendant’s access to firearms in domestic violence cases. In one review, the defendant was ordered not to have any firearms. However, when he was served with the order, police discovered that he was living in a household with a person who had firearms. The person left his firearms unsecured in the residence and the defendant was able to gain access to them. In another case, a responsible party was able to access a firearm that another household member had attempted to hide from him. To address this, we need to make safe firearms storage widely available and accessible throughout Vermont. The Commission would also like to see courts, police, the health department, the medical community, health care providers, and community members promote usage of these facilities when domestic violence is an issue.

Increase in Continuances

The Commission has noticed that the number of continuances in relief from abuse order cases is rising. It is hard to determine a precise cause without data to track how many orders are unable to be served, not attempted in a timely manner, or if the service paperwork is not returned to the court once it is served in a timely manner. This is not a problem unique to Vermont. There are many states that have issues with timely service, though Vermont is unique in requiring personal service of both the temporary and final order. The Commission believes that the court should explore ways of lessening the strain placed on plaintiffs when they are required to appear in court, whether virtually or in person, on the day of the hearing even if the order has not yet been served. The Commission suggests that the court explore an automated call service that plaintiffs could call to learn if an order has been served and consider an option for making continuances available to plaintiffs the day before the final hearing if the order has not been served.

Lack of Consistency in Prosecution

The commission has observed that co-occurring crimes that are part of a pattern of domestic violence are not being consistently prosecuted as domestic violence across all counties. As a result, perpetrators are not receiving a consistently robust, early response to domestic violence behaviors. This allows for a continuation and escalation of those behaviors. For example, property crimes and trespasses that are part of a pattern of domestic abuse might be referred to diversion or community justice programs without being flagged by the prosecutor as domestic abuse or evaluated to determine if the conduct should be considered stalking.¹ The opportunity to respond to domestic violence before the violence escalates are being missed. It can be extremely dangerous for a victim who turns to the criminal justice system for help to receive an underwhelming response as they will discontinue engagement and the perpetrator is further emboldened.

¹ Diversion has an excellent policy in place that addresses what to do if the program learns that domestic violence is an issue. See Attachment 4.

Attachment 1:

Domestic Violence Fatality Review Commission
Report 2020: Statistical Report

(submitted April 7, 2021)

Domestic Violence Fatality Review

2020

Legislative Report

INTRODUCTION

While the pandemic placed extraordinary demands on many of its members, the Commission kept to its regular meeting schedule in 2020 and met six times. It required us to meet differently, but we are very proud of the fact that we continued to do this work despite the challenges of meeting remotely. The Committee completed one in depth case review. We are very grateful to all the witnesses who agreed to meet with us under these conditions. We are very pleased that we were able to continue our work through these difficult times. For a list of current members of the Commission, please see the attached appendix. The Commission is greatly indebted to Ellie Breitmaier from the Department for Children and Families who retired in September 2020 and Sally Kerschner from the Vermont Department of Health who is retiring in April 2021. We would like to thank them for their service and contributions to the Commission.

DOMESTIC VIOLENCE 2020 HOMICIDE DATA

According to the Medical Examiner's Office, there were 15 homicides in Vermont in 2020. Of these, eight involved a firearm. The Commission reviewed all 15 homicides and determined that eight were related to domestic violence. For the definition that the Commission uses to determine if a homicide is domestic violence related, please see the attached appendix.

Cause of Death

Of the eight domestic violence related homicides, four involved firearms, two involved stabbing and two involved blunt trauma injuries.

Relationship Between Decedent and Responsible Party

Five involved intimate partner relationships, two were recently separated and three involved current partners. In two of these, the responsible party was not the person directly involved in the relationship. Three involved family members who lived in the same household.

Background of Decedents

Decedents in the domestic violence related homicides ranged in age from 1 month to 71 years old. Seven decedents were white, one was black. There were seven male decedents and one female.

Background of Responsible Parties

Responsible parties ranged in age from 29 to 58. Seven responsible parties were white, one was black. Five were male and three were female.

Counties/Location

All but one of the domestic violence related deaths occurred in or around the decedent's home.

Chittenden	1
Franklin	1
Orange	1
Orleans	1
Washington	2
Windham	1
Windsor	1

Children Present

There were children present in four of the eight domestic violence related homicides.

Substances/Alcohol

There was alcohol or other substances involved in four of the eight domestic violence related homicides.

Relief From Abuse Orders

In one domestic violence related homicide, there was a relief from abuse order in effect.

Murder/Suicides

Of the eight domestic violence homicides, two of them were murder/suicides.

Suicides Related to Domestic Violence

The Commission is aware of three suicides, unrelated to a homicide, that were related to domestic violence. All three of the decedents were male and were recently separated from their intimate partners. All three involved a firearm. Two had criminal charges involving domestic violence and their ex-partners had obtained a relief from abuse order.

DOMESTIC VIOLENCE HOMICIDE 2019 DATA

There were 19 homicides in Vermont in 2019. Of those, ten involved a firearm. One more involved a firearm that was not fired. Of the total number of homicides, the Commission determined that eight were domestic violence related.

Cause of Death

Of the eight domestic violence related homicides, four involved firearms, two involved strangulation, one involved neglect of care and one involved a vehicle.

Relationship Between Decedent and Responsible Party

Of the eight domestic violence related homicides, six involved intimate partner relationships. Four of the six were current partners and the other two were separated. In one, the responsible party was not directly involved in the relationship and one was an officer involved shooting in response to service call. Two domestic violence related homicides involved family members.

Background of Decedents

Decedents ranged in age from 28 to 85 years old. Five decedents were female and three were male. All were white.

Background of Responsible Parties

Responsible parties ranged in age from 28 to 71. Six were male and one was female. Seven were white and one was black. In one case, there were two responsible parties. The demographics of the officer involved shooting in response to a service call is not included.

Counties/Location

<u>Addison</u>		<u>2</u>
<u>Chittenden</u>		<u>2</u>
<u>Rutland</u>		<u>4</u>

Six of the deaths occurred in or around the home of one of the parties. Two occurred outdoors in a location not near the home.

Children Present

In one of the domestic violence related homicides, there were young children present. One of the parties involved in one of the incidents was pregnant.

Substance/Alcohol

There were substances involved in three of the domestic violence related homicides.

Relief From Abuse Orders

None of the decedents had obtained relief from abuse orders.

Murder/Suicide

Of the eight domestic violence related homicides, two were murder/suicides.

DOMESTIC VIOLENCE HOMICIDE 2018 DATA

In 2018, there were 16 homicides in Vermont. Twelve involved firearms. Five of the 16 homicides were domestic violence related.

Cause of Death

Four of the five were committed with firearms. One death was caused by asphyxiation.

Relationship between Decedent and Responsible Party

Four involved intimate partners and one involved a family member. Of the four intimate partners, one was a current partner and the other three involved recently separated partners.

Background of Decedents

Decedents ranged in age from 11 months to 54 years old. One was male and four were females.

One was black and four were white.

Background of Responsible Party

Responsible parties ranged in age from 23 to 70 years old. All were male. Three were white and two were black.

Counties/Location

Chittenden	1
Orleans	1
Washington	1
Windsor	2

All decedents died inside their homes.

Substances/Alcohol

At least two of the five domestic violence related homicides involved drugs and/or alcohol

Children Present

One homicide involved a child. There were children present in one other domestic violence related homicide.

Relief from Abuse Orders

Two of the decedents had obtained relief from abuse orders in the past. None were in effect at the time of the homicide.

Murder/Suicide

There was one murder/suicide and one murder/attempted suicide.

Historical Data 1994-2020

The Commission has been tracking adult, domestic violence related homicides since 1994. Prior to 2014, the Commission did not track child decedents. Thus the following data omits any child decedents from the totals and therefore the totals are undercounted.

Since 1994, there have been 346 adult homicides. Of those, 167 or 48% were domestic violence related. Of the 167 deaths, 94 were caused by firearms, or 56%.

National Data

According to the Center for Disease Control and Prevention, U.S. crime report data suggest that nationally 1 in 5 homicide victims are killed by an intimate partner and that over half of female homicide victims are killed by a current or former partner.

<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>. The CDC reports that most intimate partner related homicides are committed with a firearm.

<https://www.cdc.gov/mmwr/volumes/69/ss/ss6908a1.htm>.

Resources

There are many resources available for people experiencing domestic violence. The National Domestic Violence Hotline: you can use their safety planning tip sheet

<https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms> or call (800)

799-SAFE. The Vermont Network Against Domestic and Sexual Abuse 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/>

Attachment 2:

Do's and Don'ts for Media Appearances in Relation to Domestic Violence

Do's and Don'ts for news releases and media appearances in relation to domestic violence

Do

CALL IT WHAT IT IS

Use the term domestic violence.

GIVE CONTEXT

Use language like, “We know that there are often warning signs that are missed or are not widely apparent. We know people who abuse their partners often are very skilled at hiding their abuse and putting on appearances for the outside world.”

USE FACTS

Speak only to what you know.

RECOGNIZE THE SCOPE

Emphasize that DV can occur in any community or involve people from any background.

TERMINOLOGY MATTERS

Options include: “The victim reported this crime occurred;” “the allegations involve ...” and “the state anticipates charging the suspect with ...” .

Don't

MISLABEL

Avoid language that minimizes the violence: family dispute, situation, disturbance, relationship problem etc.

MISCHARACTERIZE

Avoid language about how a particular incident of DV is “unusual” or, “No one saw this coming,” avoid “tragedy occurred.”

ROMANTICIZE

Avoid glorifying or otherwise extolling or memorializing the suspect, and don't hypothesize or speculate reasons.

BLAME THE VICTIM

Avoid suggesting that the reason for the crime is any action taken by the victim for example, “he was upset that she broke up with him,” or suggest that the reason for the crime was the suspect attempting to rekindle the relationship.

USE ALLEGED

Avoid the term “alleged” when referring to the victim or the crime. It casts doubt on their experience.

Attachment 3:

Social Media Graphic: Domestic Violence Awareness
Month

(posted October 10, 2021)



Commission members and/or their agencies shared the above image and a message like the one below on facebook/twitter/Instagram and on front porch forum in October 2021:

Everyone deserves to be safe at home. October is Domestic Violence Awareness Month. If you are concerned about your safety, help is available. We join with the Vermont Domestic Violence Fatality Review Commission to remind Vermonters that there are supportive and confidential advocates across the state available to talk or chat 24/7. Make a connection here: vtnetwork.org/get-help (Tag @vermontnetwork and other partners)

Attachment 4:

Policy Used by Court Diversion Programs, "Cases Involving Intimate Partner Violence (IPV)"

Cases involving Intimate Partner Violence (IPV)

Court Diversion Programs recognize that the youth and criminal justice systems are complex and that no two cases are exactly alike. A variety of factors, conditions, circumstances and identities often complicate the process for the person harmed, for the people trying to help, and for the person responsible for the harm, thus compounding obstacles to healing and accountability. We implement this policy with the intention to be victim-centered and trauma informed.

IPV Policy

Court Diversion Programs shall not accept referrals for cases in which the offense is part of a pattern of intimate partner violence, sexual violence, or stalking, and in which the person referred is the primary aggressor. If a Court Diversion Program determines that the person referred to the program is a victim in the broader context, then the case referred shall not be excluded based on this policy.

A Court Diversion Program shall not accept a referral in which the case involves **bodily harm** by the referred person to the referred person's partner or former partner.

A Court Diversion program shall follow the *Review Protocol* described below before deciding whether to accept or decline a referral in which the case involves any of the following behaviors, regardless of the charge, by the referred person:

1. Violent or non-violent behavior that appears to the Diversion program to intimidate, threaten, or menace the referred person's partner or former partner in an attempt to establish control over the partner or former partner (e.g. punching a wall as an act of intimidation, destruction of partner's property, harming family pets)
2. Behavior that is not overtly threatening or menacing and that appears to the Diversion program to be an attempt to establish control over the partner or former partner (e.g. trespassing at partner's place of employment, harassment or assault of former partner's current partner)
3. Behavior that involves restricting the partner's or former partner's access to resources and that appears to the program to be an attempt to establish control over a partner or former partner (e.g. taking of money, medication, contraception).

Review Protocol

After a person has signed a Diversion application the Diversion program shall follow this protocol if the case referred to Diversion involves behavior described in items 1, 2, or 3 above.:

1. The Case Manager shall contact the State's Attorney's Victim Advocate and gather as much information as possible about the circumstances of the case and adhere to the legal Diversion confidentiality provisions.
2. The Case Manager may consult with the prosecutor and the victim. The Case Manager is advised to not contact the victim in the case if the Case Manager determines that the victim is the primary aggressor in the relationship.
3. The Case Manager may consult with the local member program of the Vermont Network Against Domestic and Sexual Violence. The Case Manager shall speak in general terms to respect the confidentiality of all parties and adhere to the legal Diversion confidentiality provisions. Network programs are important resources for safety planning.
4. The Case Manager may meet with the referred individual if the program decides that doing so is necessary and appropriate.
5. After gathering all the information, the Case Manager shall confer with the program Director and together they shall decide whether to accept the referral. If the program Director is the case

manager for the case, the Director shall confer with another member of their local organization. The Case Manager shall describe the case, steps taken, and the reasons why the referral was accepted or denied on the attached form. The completed form shall be kept in the case file and a copy sent to the VACDP Intimate Partner Violence (IPV) committee and the AGO Diversion and Pretrial Services Director, for the purpose of reviewing the use of this protocol.

6. If the Case Manager and program Director struggle to reach a decision or are unable to agree, they shall consult with the IPV committee. The IPV committee consists of five members with at least two directors and two case managers. One of the directors will chair the committee. The consultation process will include the following:
 - a. The Case Manager and program Director shall send in writing to the IPV committee a description of the case and the review steps taken to date.
 - b. The committee shall review the information provided, may ask questions of the case manager and director who sought assistance, make a preliminary decision, and then consult the Attorney General's Office Victim Advocate before making a final determination.
 - c. The committee shall then decide whether the Diversion program should accept the referral within ten business days of receipt of the case.
 - d. After a final decision, the Case Manager shall complete the VACDP IPV review form. The completed form shall be kept in the case file and a copy sent to the IPV committee and the AGO Diversion and Pretrial Service Director, for the purpose of reviewing the use of this protocol.

Definitions

Intimate Partner Violence: An incident or pattern of assaultive and coercive behaviors that may include actual or threatened physical injury and sexual assault, psychological abuse, economic coercion and various other tactics. These behaviors are perpetrated by someone who is, was, or wishes to be involved in an intimate or dating relationship with an adult or adolescent, are aimed at establishing control by one partner over the other and result in an atmosphere of fear and/or terror for the victim.

Sexual violence related offense: an offense perpetrated against a child or adult that involves a "sexual act" or "sexual conduct" as defined in [13 V.S.A. §3251](#).

Intimate Partner Stalking: Intimate partner stalking involves a "course of conduct" of two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. The action can be conducted by the person directly or indirectly, and by any action, method, device, or means. "Stalk" means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to fear for his or her safety or the safety of another or would cause a reasonable person substantial emotional stress. [13 V.S.A. §1061](#)

Policy Intent

The intent of this policy is to prevent concealing of intimate partner and sexual violence through the confidentiality and record sealing provided to participants of Court Diversion, and to promote the safety of those impacted by intimate partner violence and the program staff. It is meant to support and guide Case Managers and Diversion programs in what may be a difficult decision regarding whether to accept a referral.

Policy Rationale

Court Diversion Programs recognize that:

- Specialized training in domestic and sexual violence is needed to understand and address risk factors of individuals who are abusive or sexually violent to their intimate partners,
- Court records are important in establishing patterns of abuse for consideration by prosecutors in any future cases,
- Acts that may not appear violent but which are a part of a larger pattern of abuse, control or intimidation (such as property vandalism/destruction, trespassing, false pretenses, etc.) constitute intimate partner violence, and
- Cases where intimate partner violence is present involve complex systems of power and control. Without extensive training and specialized programs, Court Diversion may place itself and others at risk by taking such cases.

Review Form - Intimate Partner Violence Policy

Use this form to document the Review Process you took and keep a copy in the case file. Send a copy to the VACDP IPV Committee and the AGO Diversion and Pretrial Services Director. Retain the original in the case file.

Date of internal review: _____

Check box if sent to IPV Committee for review:

County Unique Case ID#:

Initials of Referred Individual:

Description of case:

Reasons for review:

Steps taken prior to decision:

Reasons for Decision:

Decision: Accepted Returned to SA

Date: _____

Names of people who made decision: