



April 13th, 2023

H. 476 – Domestic Violence Fatality Review Commission Recommendations
Sarah Robinson, Deputy Director

Thank you for your consideration of H. 476, a bill that would take steps toward enacting several of the 2022 recommendations of the Vermont Domestic Violence Fatality Review Commission. The Vermont Network represents 15 Member Organizations throughout the state who provide advocacy and support to victims of domestic and sexual violence. In 2022, these organizations served 8,241 individuals in person and answered 19,118 hotline calls from Vermonters seeking information and support regarding domestic and sexual violence. On behalf of our members and the victims they serve, the Vermont Network supports H. 476.

Background and Context

H. 476 addresses three specific recommendations that the Vermont Fatality Review Commission released in their 2022 report. The recommendations of the Fatality Review Commission are the result of confidential, in-depth reviews and analysis of domestic violence homicides which have occurred in Vermont. Typically, the Commission reviews 1-2 homicides per year, and only reviews cases that are completely closed or all available avenues of judicial action on those cases have been exhausted.

Annually, the Commission releases recommendations relating to themes that were uncovered during the course of the case review. The recommendations in the 2022 report were wide ranging but largely organized around the theme of officer-involved domestic violence.

While there is no comprehensive research to indicate that domestic violence occurs at a greater frequency among law enforcement officers, there are unique risks in these circumstances. Officer-involved domestic violence poses more significant risks and vulnerabilities to victim survivors. For most survivors of domestic violence, there are already significant barriers regarding reporting abuse. With officer involved domestic violence, these barriers are heightened. Law enforcement officers who use violence in the home may use their position of authority, connections and even their training to create an atmosphere of fear for victims. The policy recommendations in H. 476 all seek to address this conduct.

LEAB Policy

Sections 1 and 2 relate to establishing a model policy on domestic violence for law enforcement agencies. The bill as proposed required the Law Enforcement Advisory Board (LEAB) to revise and update its draft Domestic Violence Model Policy for law enforcement agencies and subsequently requires all law enforcement agencies in the state to adopt the policy. This model policy will ensure that



there is a consistent policy response to officer-involved domestic violence that is crafted by law enforcement leaders and experts. In other policy realms, we have seen the implementation of model policy be an effective tool for driving consistent responses.

Domestic Violence as Unprofessional Conduct

In addition, H. 476 adds language to the definition of Category B misconduct to include on or off duty abuse of a family or household member or a violation of the domestic violence model policy. The language on page 4, lines 13-15 are derived directly from the definition of abuse found in Vermont's Relief from Abuse Order statute, 15 V.S.A. § 1101. Sections 3 and 4 will ensure that on the first offense, Category B misconduct involving domestic violence can be considered by the Council. This is especially important because in cases where a survivor reports domestic violence committed against them by a police officer, the system must be prepared to respond immediately. If our system of response does not work to create safety for a survivor, they will be highly unlikely to return to that system again.

Data Collection

H. 476 also requires the Council to collect and annually report aggregate data regarding domestic and sexual violence and complaints of Category A and B conduct resulting in the filing of charges or stipulations or the taking of disciplinary action against law enforcement officers. This will create needed transparency and also provide information to the profession and the public about the extent of officer-involved domestic violence in Vermont.

Proposed Language

In addition to supporting the bill as drafted, we hope that the Committee will consider using H. 476 to make a technical policy correction regarding the DV trainer position at the Vermont Criminal Justice Training Council. This position is a staff position at the Vermont criminal Justice Council, but rather than being included in their budget it has historically been funded by the Domestic and Sexual Violence Special Fund, which is a special fund which provides resources to victim services organizations in the state. The fund has been experiencing significant declines in revenue, and as a result faces a \$350,000 projected deficit this fiscal year.

We were successful in the House in moving this position out of the special fund and into the budget of the Vermont Criminal Justice Council. However, there is some technical policy language to reflect this budgetary shift in our statutes. Here are our proposed amendments:

13 V.S.A. § 5360 Domestic and Sexual Violence Special Fund (does not currently appear in H. 476)



A Domestic and Sexual Violence Special Fund is established, to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and administered by the Center for Crime Victim Services created in section 5361 of this title. The revenues of the Fund shall consist of that portion of the additional surcharge on penalties and fines imposed by section 7282 of this title deposited in the Domestic and Sexual Violence Special Fund and that portion of the town clerks' fee for issuing and recording civil marriage or civil union licenses in 32 V.S.A. § 1712(1) deposited in the Domestic and Sexual Violence Special Fund. The Fund may be expended by the Center for Crime Victim Services for budgeted grants to the Vermont Network against Domestic and Sexual Violence ~~and for the Criminal Justice Training Council position dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(c).~~

20 V.S.A. § 2365. Domestic violence training (this statute is being amended in H.476. Section (d) is being added in the bill, so (c) does not currently appear in the bill.

(a) In order to remain certified, law enforcement officers shall receive by 2011 at least eight hours of domestic violence training in a program approved by the Vermont Criminal Justice Council and the Vermont Network Against Domestic and Sexual Violence.

(b) Law enforcement officers shall receive domestic violence retraining every two years in a program approved by the Vermont Criminal Justice Council.

(c) The Vermont Police Academy shall employ a domestic violence trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to domestic violence.

~~Funding for this position shall be transferred by the Center for Crime Victim Services from the Domestic and Sexual Violence Special Fund created by 13 V.S.A. § 5360.~~