



Domestic Violence Accountability in Vermont

Report and Recommendations prepared for the
Vermont Council on Domestic Violence

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Executive Summary

Budgetary challenges and changes in programming for offenders lead The Vermont Network Against Domestic and Sexual Violence, together with the Center for Court Innovation, to conduct a deep inquiry into the state of domestic violence accountability and programming in Vermont. The study included a series of statewide focus groups with stakeholders, a comprehensive literature and programming standards review and discussions with national and international experts.

We found agreement among stakeholders and experts that accountability requires more than a traditional criminal justice system response and that programming is only a small piece of the accountability puzzle. We found both debate and congruency in the discussion surrounding evidence-based practice and the value of measuring more nuanced outcomes.

Themes from our discussions within Vermont included: centering of victim experiences, a need for criminal justice innovations and alternatives; the continued need for quality programming for offenders; early prevention; the importance of and problems with collaboration; and a need for meaningful risk assessment.

Based on our findings, the Vermont Network and the Center for Court Innovation made two sets of recommendations: one to address the immediate accountability needs in Vermont and a second set of longer term recommendations to address broader cultural goals for long term, sustainable change.

Domestic Violence Accountability in Vermont

I. Introduction

Recent studies indicate a gap between research and practice and have challenged us to rethink the justice system's role in responding to domestic violence offenders. Additionally, budgetary challenges and institutional changes within Vermont agencies make sustainability of existing batterer programming precarious. To that end, the Vermont Network, together with the Center for Court Innovation, facilitated a series of statewide focus groups to discuss these challenges and brainstorm new ideas, approaches and strategies for a sustainable, collaborative approach to offender accountability in Vermont. We posed the following questions for thought and discussion:

- What justice system responses are working with domestic violence offenders? What is not working?
- Who are the agencies in your community responsible for batterer programming and supervision?
- What is your role in batterer accountability?
- What is the goal of batterer accountability? Programming for batterers? Supervision of batterers?
- What do domestic violence offenders need in order to be held accountable? To change behaviors?
- What role does victim safety play in offender accountability?
- What would collaboration between stakeholders (courts, SA, Defense Bar, Probation, Victim Advocates, Programs, Law Enforcement, and Clergy) look like if they were collaborating around victim safety?
- How do we address culturally specific populations?

We talked extensively with interested parties throughout Vermont conducting more than 20 focus groups between April and July of 2014 and interviewing practitioners and researchers from around the country. For a full list of focus groups by discipline see Appendix A.

Vermont is not alone in questioning the efficacy of batterer intervention programming and communities' responses to domestic violence. Many systems from social services to education are moving toward "evidence based" responses to measure outcomes. Examining the effectiveness of programming for domestic violence offenders through evidence based practice is influencing policy debates across the nation and even around the world while a number of states from Oregon to Florida and nations from England to Australia consider changes in services to offenders as part of larger cost-cutting strategies that include alternatives to incarceration.¹

¹ During 2014, several national conferences with national and international experts in the field of domestic violence accountability were held. Additionally, much discussion is taking place on the Aquila listserv, a discussion group "dedicated to providing accurate, evidence-based information about batterer intervention programs and their impact on

II. What is Accountability

“Accountability is more than just a response to an individual person; it needs to be cultural and societal.”

--Network Program Director

We found generally consistent definitions to the notion of accountability across all focus groups. When asked who is responsible for holding offenders accountable, most agreed that it was more than the job of the traditional criminal justice system. Focus groups discussed accountability as everyone's role (not just the purview of the criminal justice system), something that all systems and people need to be involved in, and considered ways that larger communities might be

places for accountability. For example, when speaking with batterer program facilitators, they believed that programming is just one small part of accountability and that as providers, they needed the whole criminal justice system's support. They stated that accountability must involve the offender being ready and willing to make amends but felt that some men were not able to that when they first came to the program, and that programming for some men is not ever going to be the appropriate accountability tool. “Providers need the ability to say, ‘We can't fix him and something else needs to happen’ and have the courts and probation hear this.”

“The goal of accountability is to facilitate batterers' understanding that they are solely responsible for their violence and solely responsible for stopping violence and for them to understand the impact of their violence and abuse on their partners and children.”
--Former IDAP Facilitator

When asking domestic violence offenders what their definition of accountability was, they agreed that it involved taking responsibility for their own actions. One batterer program participant stated “Accountability means to me, behaving in thought and actions according to my beliefs and being honest to others about those beliefs. Also, it means accepting responsibility for my actions and being willing to take the consequences and, where possible, make amends for my actions.” All of the batterer program participants viewed multiple agencies responsible for holding them accountable—BIPS, DOC, police, game wardens, boss or manager, neighborhood watches, school systems and courts.

Focus groups were also consistent in their assertions that victim safety is a key goal of accountability. One participant commented that we should ask individual victims what accountability would look like to them, speaking to a need for a more tailored response. Others concurred that it's helpful to ask victims what they think might support accountability for their partners or ex-partners and find out what ideas they have about things that could motivate change. More broadly, focus group discussions were consistent with the sensibilities outlined in Barbara Hart's classic definition:

Accountability is a process by which people plan for and execute responsible conduct both individually and in interaction with significant others. An accountable person is one who periodically gives a detailed explanation of his conduct to others to whom he is responsible. An

men who batter... committed to enhancing dialogue and public awareness about these programs and about the potential for change for many men who have a history of domestic violence.” <http://www.biscmi.org/aquila/accountability> where held. Additionally, much discussion is taking place on the Aquila listserv, a discussion group “dedicated to providing accurate, evidence-based information about batterer intervention programs and their impact on men who batter... committed to enhancing dialogue and public awareness about these programs and about the potential for change for many men who have a history of domestic violence.” <http://www.biscmi.org/aquila/>

accounting must outline strategies to assure responsible conduct and to avoid problematic conduct. An accounting is a reckoning of behavior.

An accountable person who has acted irresponsibly or has created an unjust situation for another must compensate the person he has wronged in an effort to restore the injured party to the condition or situation prior to the wrongful action.

But accountability for wrongdoing goes beyond mere restitution. It also precludes the wronging party from repeating the injurious conduct. Therefore, accountability must include a plan to prevent a reoccurrence of this behavior. An accountable person is one who accepts those constraints voluntarily.²

III. Evidence-based VS Other Ways of Knowing: A Brief Summary of the Debate

Much recent research has questioned the efficacy of batterer intervention program.³ Simultaneously, many criminal justice institutions have been examining their approach to the general offender population in light of the growing body research from criminal justice, social science and public policy on what *is* working. This move towards evidenced based best practice involves the application of 5 key principles: assessment, treatment, deterrence, procedural justice and collaboration. (See attached document that details these 5 key principles).

If applied to batterer programming and supervision, what might the outcome be? Both the Canadian and Iowa Department of Corrections have restructured their programming and supervision to incorporate these principles with their domestic violence offender population, implemented guidelines for supervision, trained staff to oversee the delivery of programming, and have seen lower recidivism in the domestic violence offender population than previously.⁴

Interestingly, focus group participants, many of whom were not versed in the evidence based programming lingo, voiced the importance of moving away from a “one size fits all” model of accountability (including programming), indicating a desire for early domestic violence specific risk assessment, programming for domestic violence offenders that is limited to those offenders who would most benefit from it, and looking at the community and family structures that support healthy relationships or conversely, condone abusive relationships---all key features of the “Risk, Need, Responsivity” core of evidence based best practice—Risk (who to target), Needs (what to target)

“Some of the failure attributed to a program may be the result of a system that fails to sufficiently sort out chronic offenders, increase sanctions or intensify treatment for dropouts, or offer sufficient supports and services for the men’s partners.”

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- 2 Hart, Barbara. *Safety for Women: Monitoring Batterers’ Programs*. Pennsylvania Coalition Against Domestic Violence. Developed 1990, Revised 2004, p. 65
- 3 See Aldarondo, E and Fernandez, M.C. (2008). Intimate Partner Violence and Recidivism Following Interventions With Men Who Batter: Cultural Considerations; Labriola, M. Rempel, M. and Davis, R (2005) Testing the Effectiveness of Batterer Programs and Judicial Monitoring: Results from a Randomized Trial at the Bronx Misdemeanor Domestic Violence Court.
- 4 Stewart, L., Gabora, N., Kropp, R. and Lee, Z. Family Violence Programming: Treatment Outcome for Canadian Federally Sentenced Offenders;

and Responsivity and Treatment (how to target).⁵

In his book, *The Future of Batterer Programs*⁶, Dr. Edward Gondolf examines the latest research through the lens of “evidence-based practice” and calls for progressive changes that take in to account other ways of knowing such as qualitative analysis. Additionally, Dr. Gondolf and others encourage researchers and practitioners to consider the context in which batterer intervention programs are situated when evaluating efficacy. That is, the very same curriculum offered in two communities may greatly vary in reducing recidivism depending on factors such as supervision, court oversight, facilitator experience and training and other elements of a coordinated community response. Gondolf’s assessment of the limitations of batterer program research to date, corresponds with the literature from research with the general criminogenic population, which indicates that quality of the implementation is as important as the type of intervention and the type of offender.⁷ Latessa, et al, explain, “Whether due to staff or leadership changes or simply program drift, all programs go through a process of change overtime. Implementation should be thought of as an ongoing process....Attending to this change and creating a culture that supports change while maintaining program fidelity is key.” Simply stated, not only do institutions need to hold offenders accountable, through programming and supervision, but institutions need to hold each other accountable—continually ensuring programs are implemented correctly.

Correspondingly, the ubiquitous Duluth Model has recently come under great scrutiny in recent years for being ineffective and not “evidence-based.” Melissa Scaia, Executive Director of Domestic Abuse Intervention Programs in Minnesota (the “Duluth Model”), points out that “most communities have a very difficult time implementing all aspects and principles of the Duluth Model.”⁸ Please see Appendix B for a description of the Duluth Model.

The Mirabel Project, investigating DV Program success in England asks, “What does it mean for a programme to ‘work’, to ‘be successful’, to have ‘positive outcomes’, and whose perspectives on these questions should we be mindful of?”⁹ The project expands the realm of inquiry from a traditional focus on recidivism and examines such issues as improved relationships, decreased isolation, enhanced parenting, reduction or cessation of violence and abuse and improved school performance for children. As one Vermont survivor noted, “they (the abusive partner) may go in with a bad attitude and come out better.”

The question “do batterer intervention programs work” is clearly not a simple one but it has become clear that a program is only as “good” as the community in which it is situated. Factors such as appropriate screening and supervision of defendants, facilitator skill, experience and training, completion and retention rates, and how a program is connected to the larger coordinated community response are critical. It is impossible to measure the true

5 Latessa, E., Listwan, S. Koetzle, D. 2014. What Works (and Doesn’t) in Reducing Recidivism.

6 Gondolf, Edward. *The Future of Batterer Programs: Reassessing Evidence-Based Practice*. Northeastern University Press, 2012.

7 Cont’d, p. 2

8 Melissa Scaia, Aquila listserv email, July 18, 2014

9 Westerland, Nicole, et al. *Domestic Violence Perpetrator Programmes: What Counts As Success?* August 2010, Briefing Note 1, p. 2.

efficacy of a program outside of context.

IV. Themes In Vermont Community Discussion (Focus Groups)

1. Centering of Victim Experiences

Focus group participants were generally clear that victim safety and the safety of children need to be at the center of the work to hold domestic violence offenders accountable. Many stakeholders point out that safety for victims and their children includes economic, emotional, social safety as well as physical safety. Among the advocacy community (both state-based and nonprofit) there is a strong sense that improved collaboration would help agencies and organizations whose primary function is not victim services to gain improved skills and understanding of victim issues. Advocates, law enforcement, child protection workers and others talked about the need for more immediate resources for victims including safe-housing, financial assistance and access to child care.

“Victim safety is the #1 priority. It’s why we do what we do.”

--Vermont Probation Officer

“Victim safety is the most critical part of accountability. If a victim doesn’t feel safe, nothing else can be accomplished.”

--State’s Attorney Victim Advocate

While opinions on victim/offender contact varied, the majority of focus group respondents felt that victims should have the opportunity to say what they want and have some control when outside agencies become involved. There was large support for listening to victims when they don't

Sometime it (victim safety) means you don’t pursue a case. I am not going to jeopardize safety; we don’t want victims to not call the police so we want to give them some sense of control.

--State’s Attorney

want to separate but rather want to stay safe and together with their families. As one direct-service provider working with families commented, “Other kinds of victims may want retribution while dv victims are looking for safety.” Similarly, many agreed with the spirit of another respondent's sentiment that “Creating safety based on a victim reporting doesn't make sense. There needs to be another layer in order to really hold batterer accountable.” Barriers to reporting are especially pronounced for culturally specific communities who may not see law enforcement and the legal system as allies or as systems that have their best interest in mind. Simultaneously there was much agreement that in some situations arrest and confinement are critical to victim safety, particularly in high risk situations.

2. Criminal Justice Innovations and Alternatives

Perhaps the biggest theme we encountered in talking with practitioners, survivors, perpetrators and others throughout Vermont is the need for something in addition to a strong criminal justice response. Respondents imagined a social justice framework, grounded in cultural understanding that can meet the diverse needs of families. “Natural supports” such as family, friends, employers and spiritual leaders should be cultivated to hold offenders accountable.

Though only one county in Vermont (Bennington) has piloted an integrated domestic violence court (with Windham County preparing to go live with a second pilot in September 2014) a large number of focus group respondents talked about the benefits of integrated courts as an alternative model that can more holistically and collaboratively address accountability and safety needs in domestic violence cases.

Additionally, several agencies indicated a desire to incorporate restorative justice aspects of accountability in domestic violence cases. As restorative justice models are used throughout the United States and elsewhere for sex offenders, could such practices as wrap around, long term supportive services be applied to domestic violence victims and to domestic violence offenders? How could accountability and safety be enhanced through such long-term community investment in offenders and victims?

3. Need for Programming

While the international debate continues about the efficacy of programming for domestic violence offenders, stakeholders in Vermont spoke with one voice about the need for programs that focus on abusive behavior in intimate partner relationships. Focus group participants thought that the goals of current programming include holding individual abusers accountable for the harm they've caused and an opportunity to gain insight about how abusive behaviors impact children. Participants also indicated that programming might be more effective if facilitated in house by DCF and DOC, allowing staff to gain more insight into their clients and to allow for swifter sanctions for non-compliance. However, participants identified programming is only one small, albeit crucial part of accountability that needs the larger support of true community collaboration. Focus group participants identified the need to provide a wider range of programming that would address offenders at moderate and high risk levels, as well as programming for abusive parents. Additionally, most participants agreed that programming may not be appropriate for everyone who has used violence in their relationship and that screening needed to identify those defendants for whom supervision without programming would be most beneficial. This also corresponds with the research that indicates that programming should be linked directly with risk and responsivity.

4. Need for Early Prevention

“The missing piece is thinking about creating cultures where accountability is a community norm and not an individual trait.”--Prevention expert

There was great consensus that early prevention is critical to accountability and ending domestic violence. Men in domestic violence programming were particularly vocal on this issue asserting that the things they learned in their group should be taught in schools from an early age; that with early education they may have made different choices in their lives and relationships.

5. Importance of and Problems with Collaboration

All of the stakeholders who had previously been involved with IDAP Treatment Teams lamented the loss of that structured collaboration¹⁰. One respondent referred to treatment teams as a “choreographed dance”, invaluable to seeing how someone progressed over the years. Treatment teams brought together probation officers, program facilitators and advocates so that offenders and other community members received a consistent message about accountability. Those involved with treatment teams would like to see them expanded

¹⁰ IDAP refers to the Intensive Domestic Abuse Program, a collaboration between the DOC, who provided supervision, and Spectrum Youth and Family Services, a community based agency that provided the programming. IDAP and INDAP (the incarcerative program) were at one time co-facilitated by Spectrum and DOC staff.

to include more players to build a stronger coordinated community response.

Batterer accountability and victim safety aren't separate. Advocates in treatment team meetings were a reminder of this.

--Former IDAP Facilitator

Other focus group participants talked of the importance of the domestic violence task force. One judge mentioned how helpful it was to have been on the task force—especially in providing a better understanding of each agency's resources—and laments not being able to participate due a judicial ethics opinion. A former IDAP facilitator highlighted the work being done in Rutland¹¹, and the amount of information sharing and large policy work that can be done when everyone, including the court and law

enforcement, are at the table.

When asked what meaningful collaboration around offender accountability and victim safety could look like, one participant suggests building on the best practices already in place. She stated that collaboration would allow for agencies to have “The capacity to have conversations and time to explain things to victims and help them understand the process. Community agencies housed in governmental agencies to build relationships and trust; sharing space can help to overcome barriers to collaboration. Examples include Howard Center staff at Burlington Police Department, Network program advocates working in courts or state's attorney's office. DV Task Forces that have broad mix and aren't disproportionately represented by law enforcement. Respect that everyone is engaging and being open to other points of view.”

6. Risk Assessment

The need for domestic violence specific risk assessment is crucial to ensure the appropriate supervision of and programming for domestic violence offenders While victim advocates have been conducting lethality assessments with victims for over twenty years, the criminal justice system is only beginning to incorporate domestic violence specific risk factors into their assessment of defendants. Research shows that general criminogenic risk screens (such as the LSI-R or ORAS) do not effectively capture the domestic violence risk factors. Several domestic violence specific risk tools have been developed and validated over the past decade and are in use throughout the United States and Canada.¹² A recent article in the *New York Times* warns against relying solely on criminogenic risk factors, as they may be racially and socio-economically biased. However, much can be learned from the years of work by researchers to identify the lethality factors for domestic violence victims, and the particular criminogenic risk factors that indicated a higher risk of domestic violence recidivism for domestic violence offenders that are not linked to race or socio-economic class.

In many ways, Vermont is on the cutting edge. Over the past several years, many Vermont agencies have implemented lethality and risk instruments to inform their work with either victims or offenders. The Vermont Department of Corrections is implementing the Ohio Risk

¹¹ Rutland is the recipient of a Violence Against Women federal grant, the Domestic Violence Homicide Reduction Initiative.

¹² Williams, K. Empirically Estimating the Predictive Validity of the Revised Domestic Violence Screening Instrument (DVSI-R)* Final Report.

Assessment System (ORAS), a more comprehensive validated general risk tool created by the University of Cincinnati's Center for Criminal Justice Research, as well as the DVSI-R (the Domestic Violence Severity Instrument-Revised) in an effort to gain as much information about what the risk, needs and responsivity factors are for each defendant. This information will be used to determine both programming and supervision levels. Additionally, several law enforcement agencies in Vermont have been trained on the LAP (Lethality Assessment Project) and Rutland was the recipient of a federal grant to create a multidisciplinary team to identify those domestic violence cases that are at highest risk of homicide. Finally, Vermont was one of a handful of states that offered a high risk Corrections-based domestic violence program that was tied to intensive supervision (or incarceration) in the form of IDAP and INDAP, where teams met to determine the level of victim contact and program completion was based on compliance with DOC and program standards.

Focus group participants, especially batterer program facilitators and DOC staff, voiced the need for risk assessments to better identify those defendants who would most benefit from programming. Currently, community based programs receive referrals for men who are convicted of low level misdemeanors as well as higher level felonies. Many men have completed an incarcerative batterer program and are now in the community based program. One program facilitator commented that some high risk men may not benefit from programming and should be screened out and supervised by the DOC: "Some men will not change and we need the support from the criminal justice system to lock them up when they are lethally dangerous."

While Vermont benefits from having many agencies engaged in cutting edge risk assessment, further institutional collaboration and discussion of how to better link risk to accountability measures, such as programming, supervision, and partner contact would further enhance their evidence based best practice.

V. Building on Vermont's Strengths

In talking with over a hundred Vermont stakeholders we found dedicated practitioners and community members who are interested in doing more to enhance accountability and safety. We found pervasive agreement that we could all be doing things better coupled with a desire to find the best ways to address the complexities of domestic violence. The following recommendations are intended to build on Vermont's strengths and highlight practices that are working as well as explore areas where VT could be stronger.

Because Vermont stakeholders expressed both grave concern for the current lack of programming and other services for domestic violence offenders as well as a need for larger, cultural, long term shifts in addressing accountability we offer two sets of recommendations: The short-term recommendations address the immediate and urgent need for a comprehensive response to domestic violence while the second set of recommendations suggest ways Vermont institutions, agencies and communities can address a larger cultural shift with the goal of ending domestic violence.

VI. Recommendations: Short Term

1. Domestic Violence Accountability Coordinator

We recommend that the position of the DVAC be a full-time position (it is currently 15 hours a week). This position would be funded through an annual allocation to the Council and be housed at the VT Network Against Domestic and Sexual Violence. Through the creation of a full time position, the DVAC would be able to not only oversee the certification of batterer programs but also spearhead many of the broader accountability recommendations of this report. See Appendix C for the proposed job description.

2. Differential Response based on Risk Assessment

There is a general consensus among stakeholders throughout Vermont that a “one size fits all” approach to accountability is not enough. With validated domestic violence risk

“Generally-violent offenders are completely different from DV offenders...DOC facilitators... (are) able to monitor phone calls and have lots of victim contact. Now there is no program right inside. When you are inside you get to see who these guys really are as opposed to just facilitating a group 2 hours a week... Facilitators get so much information in group and can integrate that with what they see in the yard, hear on the phone”

DOC Staff

assessment tools and victim input, Vermont should offer a spectrum of individualized options for domestic violence offenders to include (but not limited to) less intensive programming based in the community (currently referred to as BIPs), more intensive programming both for incarcerated offenders and those under stricter supervision (furlough), drug and alcohol treatment, and the possibility of deferred sentences, probation without programming or straight incarceration when deemed the safest options by the victim.

“Community Corrections Officers can, over time, develop a sense of what's really going on in a home. They have an opportunity to talk with the girlfriend or wife and employers.”

DOC Supervisor

Next Steps: We recommend that the Vermont Department of Corrections implement the DVSI-R (the Domestic Violence Severity Instrument-Revised) and that trained staff conduct such assessments.

We further recommend that the Domestic Violence Accountability Coordinator, work over the next 12 months to identify curricula that address the specific needs and risk indicators of domestic violence offenders at each level and build capacity with the community based batterer programs to provide a larger spectrum of programming, including a continuing care model for domestic violence offenders entering the community after incarceration and parenting after violence classes. Funding for this increased programming should be included in an annual allocation from the state to the Council.

Additionally, we recommend that the DVAC continue to work with the Department of Corrections to identify curricula that are appropriate for incarcerated domestic violence offenders and that incarcerative programming for domestic violence offenders specifically address abusive and controlling behaviors

We also recommend that DOC staff supervising domestic violence offenders, including Community Corrections Officers with DV offenders on their case load, engage in specialized domestic violence training. Based on the input from DOC staff, who expressed a loss of information and means of accountability when no longer co-facilitating INDAP and IDAP, we recommend that the DOC re-examine its ability to have its own staff provide programming. In both Canada and Iowa, where evidence based curricula have been used and validated,

corrections staff are trained to implement and facilitate the program and have found this effective.

Finally, we recommend that the Department of Children and Family Services work to increase the number of abusive fathers who are referred to community based programming.

3. Technology, Data and Outcome Measurement

Evaluating what is working in Vermont to hold offenders accountable is key to developing a sustainable approach statewide. Outcome measures must include victim input and solicit victim insight in overall program assessment. Outcome measures should compare factors that engender success (context) rather than simply assessing programming.

Next Steps: We recommend the Domestic Violence Accountability Coordinator of the Vermont Council oversee the implementation of the Apricot database with levels of access for various practitioners (Resource coordinator in IDV Court, DOC, advocates, etc.) to access compliance reports and centralization of documents for BIPs to enhance the capacity of the Vermont Coalition of Batterer Intervention Services and support movement towards uniform curricula based on risk level and other factors.

4. Meaningful Collaboration and Treatment Teams

Research shows that synchronized supervision, programming and coordinated community response works best in addressing domestic violence offenders.¹³ Additionally, assessment of both risk and responsivity factors decreases recidivism.¹⁴ How can information best be shared amongst stakeholders to ensure the best supervision and programming outcomes? Former IDAP treatment teams brought stakeholders together, sending the same accountability message to offenders and others in the community. Though IDAP no longer exists, such teams should be replicated and expanded. Victim contact decisions should be made in such teams and with victim input (provided through both community based victim advocates and DOC or directly by the victim). The inter-disciplinary model has proven effective in homicide reduction with domestic violence cases, and collaboration has been cited to be a key feature of successful innovated programs.¹⁵

Next Steps: We recommend that the Department of Corrections hold regular Domestic Violence Staffing meetings to work with its community partners to best collaborate on individual cases. Modeled on work done with drug court offenders, sex offenders and the high risk management teams in Massachusetts, these teams would identify risk and safety factors, which is the appropriate agency to respond to each factor, and coordinate efforts to

13 See Edleson, Jeffrey L. *Groupwork with Men Who Batter: What the Research Literature Indicates*, http://www.vawnet.org/Assoc_Files_VAWnet/AR_GroupworkMenWhoBatter.pdf and Bocko, Stephen, et al. *Restraining Order Violators, Corrective Programming and Recidivism*, <http://www.mass.gov/courts/docs/lawlib/docs/2004-civil-restraining-orders-study.pdf>.

14 See Latessa, et al.

15 Cissner, A.B. and Farole, D.J. (2009). *Avoiding Failures of Implementation: Lessons from Process Evaluations*. Washington, DC: Bureau of Justice Assistance; Lindquist, C., Hardison, J., and Lattimore, P. (2004). "The Reentry Court Initiative: Court-based Strategies for Managing Released Prisoners." *Justice Research and Policy* 6: 1: 97-118. Swaner, R. and Kohn, J., with Rempel, M., Campbell, M., Jaffe, P., and Wolfe, (2011).

reduce duplicative or conflicting services or mandates. These teams should include DCF caseworkers or other appropriate staff so that children's emotional and safety needs are more fully identified. DOC supervisors and other staff have identified that working with DCF to understand an offender's history with children is a valuable piece in addressing safety and accountability.

We recommend that the certification process outlined in the Statewide Standards be modified to require some oversight or input by each community's domestic violence task force. Batterer programs, together with the DVAC, would review the program's curriculum, practices and policies and address any accountability issues or concerns with the task force every two years as part of their certification.

Additionally, we recommend that Vermont State Police and local law enforcement departments have dedicated officers to monitor pre-trial conditions of release and create protocols for immediate notification to the court of non-compliance. STOP funding may be a resource to support this recommendation.

Further, because judges are key players in accountability and safety, we ask the Court Administrator's Office for guidance on specific ways judges can be encouraged to participate in community domestic violence task forces. Many stakeholders, including some judges themselves, commented on the utility of judge participation as they both offer a unique perspective and gain useful knowledge about community resources. For similar reasons we recommend that a judge or other court representative participate as a member of the Domestic Violence Accountability Committee of the DV Council.

5. Parenting Programs for DV Offenders and Support for DV/SV Unit of DCF

The impact of abusive behavior on children is a paramount concern identified by stakeholders throughout Vermont. Providers in Bennington and Washington counties are working across disciplines to provide programming specifically for fathers who have exhibited abusive behavior towards their partners. Emerge in Boston, MA, a national leader in work with domestic violence offenders, created a parenting program for domestic violence offenders due to requests from participants in their batterer program. Their curriculum is now a separate curriculum and allows for referrals from child protective services and other criminal justice stakeholders. It has increased their capacity to be sustainable as it has expanded their referral base.

Next Steps: We recommend that community based batterer programs work with their local domestic violence task forces to explore offering parenting programs for domestic violence offenders. Additionally, we recommend that AHS assess the capacity of DCF to house internal parenting after violence programs to allow DCF staff to refer internally and increase accountability and compliance. We would like to see such programs proliferate throughout Vermont so that fathers in every part of the state have access to this resource, thereby increasing their accountability. As David Mandel submits in a forthcoming article for the *No To Violence Journal*:

Domestic violence is a choice or a series of choices made by a person.

That person has responsibility for those choices and their consequences. When children are involved, those choices almost always have direct and indirect consequences for those children and therefore, those choices can be seen as parenting choices. In this way it ties together what is often perceived as being primarily an issue between adults, a relationship-based issue. The domestic violence perpetrator's profile and behavior pattern need to always include his relationship to children.¹⁶

We further recommend that the Domestic and Sexual Violence Unit of DCF expand to include DV/SV Specialists in every district.

6. Integrated Courts: Phases I and II

Integrated Domestic Violence Courts are a promising practice offering an alternative to the traditional court mode that focuses on victim safety, service and offender accountability.¹⁷ The IDV court key principles of: one judge handling the civil and criminal matters pertaining to a family; comprehensive services and resources for families; compliance monitoring; advocacy for domestic violence victims; judicial training; community partner involvement; honoring the integrity of each case type; and evaluation-- speak to many of the themes that surfaced in our focus groups and discussions throughout Vermont and nationally including the need for good collaboration and meaningful, timely dispositions that support true accountability. (For more information on the IDV court model, see Appendix)

The IDV Model, implemented throughout New York State, has been adapted and implemented in several other states. Where the traditional courts may operate in isolation, potentially jeopardizing victim safety and limiting ability to respond to offenders holistically, IDV courts have access to more information, are able to make informed decisions and respond to risk and safety considerations more effectively. Judge Suntag, of Brattleboro IDV Docket, also sees another benefit to the traditional model, where the criminal side operates from the position that the parties involved will separate. In his opinion, IDV courts allow for and recognize the reality that many couples will stay together: "If the goal of the system is to force and enforce separation...we will fail and lose those who could/would seek our help."¹⁸ Furthermore research suggests success in Bennington County's IDV three year pilot with lower recidivism rates than in other parts of the state and far quicker resolution for criminal cases.¹⁹

For communities where there are not enough cases to warrant an integrated court, sharing of information between criminal and civil courts regarding protective orders and overlapping open cases, and judicial monitoring of civil and criminal domestic violence cases with a

¹⁶ <http://ntv.org.au/resources/publications/>

¹⁷ The Vermont Center for Justice Research. *Bennington County Integrated Domestic Violence Docket Project: Outcome Evaluation*. December, 2011.

http://www.vcjr.org/reports/reportscrimjust/reports/idvdreport_files/IDVD%20Final%20Report.pdf

¹⁸ Suntag, David, Hon. "DV and the Traditional Court Model: Why We Fail and What We Can Do About It: The Integrated Docket (IDV) Alternative." PowerPoint presentation. Restorative Justice Conference, UVM, July 2014.

¹⁹ The Vermont Center for Justice Research. *Bennington County Integrated Domestic Violence Docket Project: Outcome Evaluation*. December, 2011.

http://www.vcjr.org/reports/reportscrimjust/reports/idvdreport_files/IDVD%20Final%20Report.pdf

compliance calendar is recommended.

Next Steps: We recommend that the Court Administrators Office continue to support the planning and implementation of the Brattleboro IDV Docket and, with further evaluation, adapt the model to be used statewide.

7. Compliance Monitoring

Research has shown that judicial monitoring can impact both defendant recidivism and behavior change. Specifically, evidence based practices that have been found to deter future violence are certainty (consequence for every infraction), celerity (sanctions imposed soon after the infraction) and severity (serious enough consequences to deem behavior undesirable). These three practices are at the core of judicial monitoring.²⁰ Ensuring swift sanctions for non-compliance, regular court dates to monitor not only program compliance, but conditions of release, firearms surrender orders, conditions of probation or DCF, and any parenting time plan, could expand the role of accountability to include the court. While it is not the only available strategy, judicial compliance reviews can give the court an additional tool to reinforce and support those agencies who are working day to day to ensure accountability: Corrections, DCF and community based programs. Research conducted by the Center for Court Innovation found that the impact of judicial monitoring by one domestic violence court judge, impacted both attendance at the batterer program as well as completion rates. What is equally as compelling is that in that study, those defendants who thought there would be consequences for their non-compliance by the court, were more compliant.²¹

"We arrest the same people over and over and they don't seem to get much; why are they not in jail? We're frustrated with condition violations...with conditions of release and probation violations (courts and DOC) are saying, 'we really should put you in jail but we'll give you another chance.' There are too many chances."
--Vermont State Police Lieutenant

Judicial officers and administrators have often found it tremendously rewarding to implement compliance hearings where the defendant/respondent's behavior can be tracked. Judges across the country feel that they are able to prevent violations and reduce the number of offenders who fall through the gaps. While judicial monitoring was not part of a separate calendar in Bennington IDVD, they did create additional probation conditions, which if violated, the court ensured a return to court and swift sanctioning. Additionally, the Brattleboro IDVD, after observing three national domestic violence court models with compliance calendars is contemplating using judicial monitoring on moderate to high risk offenders to further increase accountability.

Next Steps: We recommend that the Court Administrator's Office consider supporting judges who are interested in establishing compliance calendars on domestic violence cases. Compliance calendars can be created in a variety of ways to limit the burden on the court calendar while still ensuring offender accountability including: scheduling 90-day reviews and excusing scheduled appearances for those in compliance.

In order to implement effective compliance reviews that do not place an undue burden on the

²⁰ Marlowe DB, Kirby KC (1989) Effective use of sanction in drug courts: lessons from behaviour research. National Drug Court Inst Review 2(1):1-31.

²¹ See www.courtinnovation.org/topic/domesticviolence

court, we recommend that the Vermont agencies review their policies and protocols regarding reporting non-compliance. We further recommend that the Vermont Department of State's Attorneys and Vermont Sheriffs' Association support prosecutors throughout the state to request consistent, specific and meaningful conditions of release and probation for domestic violence offenders, meet with courts to explain these conditions and work with the court and probation to ensure swift sanctioning of non-compliance.

8. Firearm Storage

Because most domestic violence offenders are prohibited from possessing firearms and because the presence of firearms is closely correlated with the likelihood of death in homes where there is domestic violence, we encourage local law enforcement agencies and sheriff departments to become storage facilities for firearms. This will ensure that guns ordered out of the hands of domestic violence offenders will be safely secured. Additionally, we encourage local jurisdictions to work with courts, law enforcement, advocates and other stakeholders to create protocols and policies for implementation of the new Vermont Legislation regarding firearm surrender and storage.

VII. Recommendations: The Bigger Picture

1. Prevention

Statewide domestic and sexual violence prevention efforts are well underway and in need of additional support and resources. We support the Governor's Task Force on the Prevention of Domestic and Sexual Violence's recommendations of September 2013.²² We recommend that the Council, led by the Domestic Violence Accountability Coordinator, support the expansion of accountability from adults to include youth and support schools in responding to students who are showing early signs of dominance and aggression. We are reminded that Act I includes teaching students about healthy relationships and we recommend a single prevention curriculum for all schools in the state so that students receive clear and consistent messages throughout Vermont.

2. Restorative Justice

The use of restorative justice practices to address domestic violence is controversial and beyond the scope of this report. However we found general agreement among stakeholders that for support of systems of accountability that are beyond punitive. We recommend that the Council, led by the DVAC further explore the ways in which restorative justice practices might support domestic violence accountability and safety with oversight by the Vermont Network and member programs to ensure that survivors' voices are central to the process. Vermont's Department of Children and Families are currently using a Family Group Decision Making model in some districts with some cases involving domestic violence which could further be explored in consultation with the Domestic and Sexual Violence Unit of DCF. In July 2014 the Restorative Justice, Responsive Regulation and Complex Problems conference hosted by the University of Vermont brought together restorative justice practitioners and researchers from

"We need Circles of Support for victims that ask: What do you need from your community? Who needs to be notified? What do you need for your safety?"
--State's Attorney's Victim Advocate

²²<http://governor.vermont.gov/sites/governor/files/Gov%20Prevention%20of%20Domestic%20and%20Sexual%20Violence%20Taskforce%20Report.pdf>

around the world with a conference track dedicated to domestic violence (many of the stakeholders who participated in focus groups for this report also attended the RJ conference). Some promising practices to explore include the Creative Interventions model created by Mimi Kim²³ and the work of Leigh Goodmark of the University of Baltimore.²⁴

We recommend that the DVAC create a working group of statewide experts to discuss the possibility of including more restorative justice approaches to domestic violence cases and make a report to the Council within 12 months. In the interim, community and restorative justice practitioner should be encouraged to sit on community collaborative teams such as domestic violence task forces and treatment teams for the purpose of creating partnerships and information sharing, particularly regarding dv offenders who are involved in COSAs/re-entry programs.

3. Cultural Specificity

All systems and communities involved in accountability and safety should work with culturally specific groups (Pride Center of Vermont, Association of Africans Living in Vermont and others) to create programs and communities that meet the diverse needs of Vermonters. It is our recommendation that the Statewide Standards for Batterer Programs in Vermont include the capacity to certify culturally specific programs. We further recommend that the Vermont Network Against Domestic and Sexual Violence explore membership levels that would allow for formalized relationships between the Network and culturally specific statewide programs such as Pride Center Vermont/SafeSpace.

4. Integrated Courts: Phase III

Ultimately integrated domestic violence courts should find a way to include juvenile cases so that court orders and case plans are able to take in to consideration the larger picture of a family's safety and accountability needs. Because child protection professionals have great insight and specific information about how the abusive behavior of individual offenders impacts children, their recommendations and input are critical to safety and accountability when families are separating and when they are staying together. While Bennington and Brattleboro heard criminal domestic violence cases and the overlapping order of protection, other IDV courts hear a wider spectrum of civil cases, including custody, visitation, monitoring of child support, and child protective cases. These cases are usually phased in after the initial IDV Court has been operational. Focus group participants, identified child protective cases in Vermont as isolated and lacking court support of mandates for families where there is an abusive parent. Having an IDV court type model, where the judge also hears any criminal or civil matter that also involves the parents of the child protection case, may increase the ability of DCF to mandate domestic violence specific programming and hold offenders accountable. Hearing custody and visitation cases that involve litigants with criminal domestic violence charges, also allows the court to monitor compliance with visitation, parenting programs or other court mandated services.

²³ www.creative-interventions.org

²⁴ <http://law.ubalt.edu/faculty/profiles/goodmark.cfm>

Appendix A: Focus Groups

- Law Enforcement
- Judges
- State's Attorneys
- DOC Victim Service Specialists
- State's Attorney Advocates
- Network program court/legal advocates
- Father's group
- Incarcerated women survivors
- DCF-Family Services Social Workers
- DCF-Family Services Supervisors and District Office Leadership
- Department of Corrections Supervisors
- Department of Corrections Officers and Probation Officers
- Former IDAP Facilitators
- BIP Facilitators
- Supervised Visitation Program Staff
- Vermont Network Program Leaders
- Pride Center Vermont
- Community and Restorative Justice Center Staff and Leadership
- Prevention Experts
- Recorded interviews and written surveys from men participating in BIP and IDAP

Appendix B

A community using the Duluth Model approach:

- Has taken the blame off the victim and placed the accountability for abuse on the offender.
- Has shared policies and procedures for holding offenders accountable and keeping victims safe across all agencies in the criminal and civil justice systems from 911 to the courts.
- Prioritizes the voices and experiences of women who experience battering in the creation of those policies and procedures.
- Believes that battering is a pattern of actions used to intentionally control or dominate an intimate partner and actively works to change societal conditions that support men's use of tactics of power and control over women.
- Offers change opportunities for offenders through court-ordered educational groups for batterers.
- Has ongoing discussions between criminal and civil justice agencies, community members and victims to close gaps and improve the community's response to battering.

Appendix C: Domestic Violence Accountability Coordinator Job Description

The duties of the DVAC would be as follows:

- 1) Facilitate the certification process of new and existing domestic violence offender accountability programs.
- 2) Develop training materials and a training calendar for all certified program facilitators.
- 3) Within 12 months, identify and oversee the implementation of a statewide database for all certified programs
- 4) Within 12 months, identify curricula appropriate for medium and high risk offenders that supports the latest research on evidence based best practice and can be piloted and then rolled out statewide. The DVAC would support the program(s) piloting the curricula through training and technical assistance as needed.
- 5) Within 12 months, create unified forms to be used by all certified programs, including contract and policy manual.
- 6) Establish a committee with appropriate Council, Network and other community stakeholders to identify preventative curricula that would be appropriate for school aged children.
- 7) Establish a committee with appropriate Council, Network and community stakeholder members to explore if/how restorative and community justice models could work to increase offender accountability and victim safety. Make recommendations to the Council in January 2016
- 8) Develop training curricula for stakeholder agencies on offender accountability and work with stakeholders to provide training.
- 9) Work with Council, Network and community stakeholders to make recommendations around DV accountability programs and victim contact.
- 10) Participate in national listserv and training opportunities.
- 11) Assist the Department of Correction, as appropriate, in identifying programming that corresponds to risk for incarcerated defendants.