

**REPORT OF THE**

**COMMISSION ON FAMILY  
VIOLENCE PREVENTION**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



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# COMMONWEALTH of VIRGINIA

## *Commission on Family Violence Prevention*

Senator Janet D. Howell  
Chair

Harriet M. Russell  
Executive Director

February 7, 1996

TO: The Honorable George F. Allen, Governor of Virginia

and

Members of the Virginia General Assembly

The 1994 General Assembly, through House Joint Resolution 279, established the Commission on Family Violence Prevention to build on the work of the Domestic Violence Coordinating Council convened in July, 1993 by Chief Justice Carrico. The Commission was charged to study family violence, identify existing services and resources to address family violence, investigate ways to coordinate the delivery of services and resources, increase public awareness of available services, and determine services, resources and legislation needed to address, prevent and treat family violence. The Bureau of Justice Assistance of the United States Department of Justice awarded a grant to the Supreme Court of Virginia to support the work of the Commission.

Enclosed for your review and consideration is the report which has been prepared relating to the work of the Commission. The Commission benefitted from the assistance of over 150 citizens who served on the Commission, subcommittees, and task groups. Close to 100 citizens testified at public hearings, and their comments did much to direct our efforts. The Commission also received assistance from all related agencies and gratefully acknowledges their efforts.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Janet D. Howell".

Janet D. Howell  
Chair



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**I. MEMBERS OF THE COMMISSION ON FAMILY VIOLENCE  
PREVENTION**

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**Senator Janet D. Howell**, Chair, 32nd District, Reston  
**Delegate Linda T. Puller**, Co-Chair, 44th District, Mt. Vernon  
**Delegate C. Richard Cranwell**, Patron, 14th District, Vinton  
**Delegate Kenneth Melvin**, 80th District, Portsmouth  
**Delegate Clinton Miller**, 26th District, Woodstock  
**Senator R. Edward Houck**, 17th District, Spotsylvania  
**Senator Kenneth Stolle**, 8th District, Virginia Beach  
**Lieutenant Governor Donald S. Beyer, Jr.**  
**Attorney General James S. Gilmore, III**  
**Chief Justice Harry Carrico**, Supreme Court of Virginia  
**The Hon. Norman Moon**, Chief Judge, Virginia Court of Appeals  
**The Hon. Roy B. Willett**, Judge, 23rd Circuit, Roanoke County  
**The Hon. Donald Kent**, Judge, 18th Judicial Circuit, Alexandria  
**The Hon. Stephen Helvin**, Judge, 16th General District, Charlottesville  
**The Hon. Janice Bryce Wellington**, Judge, Prince William Juvenile & Domestic Relations Court  
**Deputy Secretary Wilbert Bryant**, Education  
**Commissioner Carol Brunty**, Virginia Department of Social Services  
**Commissioner Timothy Kelly**, Department of Mental Health, Mental Retardation and  
Substance Abuse Services  
**Director Patricia West**, Department of Youth and Family Services  
**Mr. O. P. Pollard**, Director, Public Defenders' Commission  
**The Hon. Paul Ebert**, Commonwealth's Attorney, Prince William County  
**Ms. Jean Brown**, Citizen, Leesburg  
**Ms. Betty Wade Coyle**, Citizen, Norfolk  
**Ms. Laurie Frost**, Citizen, Lorton  
**Ms. Barbara Hickey**, Citizen, Norfolk  
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**Ms. Meredith Krause**, *Data Collection and Monitoring Subcommittee*  
**Ms. Monica S. McElyea, Esq.**, *Office of the Attorney General, Law Enforcement Subcommittee*  
**Ms. Ruth Reynolds**, *Public & Professional Awareness Subcommittee*  
**Mr. Daniel Rodgers**, *Policy Research*  
**Ms. Liesl Wilke, Esq.**, *Legislative/Judicial Subcommittee*  
**Ms. Jennifer Woolard**, *Community Response & Training/Technical Assistance Subcommittee*

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## II. EXECUTIVE SUMMARY

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The Commission on Family Violence Prevention was established pursuant to House Joint Resolution 279. The Commission builds on the work of the Domestic Violence Coordinating Council convened in July, 1993 by Chief Justice Carrico. The Bureau of Justice Assistance of the United States Department of Justice has awarded a grant to the Supreme Court of Virginia to support the work of the Commission. The Commission has involved a broad base of citizens in its work: 67 individuals on task groups, 66 individuals on subcommittees, and 25 individuals on the Commission.

The Commission is charged to: study family violence; identify existing services and resources to address family violence; investigate ways to coordinate the delivery of services and resources; increase public awareness of available services; determine services, resources and legislation needed to address, prevent and treat family violence. The Commission's format is:

Task Groups which meet between Commission Meetings and report to Subcommittees;  
Subcommittees which meet at least quarterly, in conjunction with the Commission; the Commission which meets quarterly to hear the reports of the Subcommittees, act on business as necessary, and hold public hearings. Commission Task Groups include: Community Planning Guide; Victim/Provider Resources; Incidence & Prevalence Data; Protective Orders; Anti-Stalking; Statewide Public Awareness Campaign; and Violence Education & Awareness for Physicians. Commission Subcommittees include: Community Response; Legislative/Judicial; Data Collection and Monitoring; Public & Professional Awareness; Law Enforcement; Training & Technical Assistance Subcommittees.

### **1996 Legislative Agenda**

After reviewing the recommendations of all the Subcommittees, the Commission, at its January 5, 1996 meeting, adopted the following legislative agenda to be introduced in the 1996 session of the General Assembly:

#### **1. Introduction of a Protective Order Bill that will:**

- Use consistent language stating that the purpose of these orders is to protect the health & safety of victims and their children;
- Provide this civil protection for persons related by blood or marriage who do not currently reside in the same household;
- Use the standard of family abuse as the basis for orders;
- Direct magistrates to issue a preliminary protective order with "no contact", "no trespass" and "no further abuse" conditions whenever they issue a warrant for assault & battery of a family or household member;
- Clarify that orders may not be issued against both parties, and that each order reflects conditions related to the respondents behavior only;

- Allow the use of a vehicle and temporary custody and visitation as possible conditions of orders;
- Extend the length of Emergency orders to 72 hours;
- Extend the length of Permanent orders to two years; and
- Require that a person found guilty of violating "no contact", "no trespass" and "no further abuse" conditions of these orders spend some time in jail.

## **2. Introduction of a Family Violence Arrest Bill that will:**

- Require compulsory minimum training for law enforcement personnel through the Department of Criminal Justice Services (DCJS) training standards.
- Make the definition of family and household member in §18.2-57.2 consistent with §16.1-228;
- Allow for an officer to arrest without a warrant for a violation of a protective order;
- Require the issuance of a Preliminary Protective Order as a condition of release;
- Require mandatory arrest of the primary physical aggressor upon a finding of probable cause that assault & battery has occurred or that there has been a violation of a protective order;
- Provide limited civil immunity to law enforcement officers and localities, since the officers will no longer be acting in a discretionary capacity;
- Require the officer to submit a written report identifying the primary aggressor, arrange transportation for a victim, provide the victim with a notice of rights, and petition for an emergency protective order if there are reasonable grounds to believe probable danger exists for further acts of abuse.

### **Budget Items**

- Introduction of a budget amendment to support the development of victim services.
- Support for budget amendments to: increase resources for Commonwealth Attorneys services; decrease the ratio of citizens/deputy sheriff; and provide increased 599 funding to localities to assist law enforcement efforts.

## **3. Additional legislative action required to support a Family Violence Arrest Bill:**

- Legislation to require local law enforcement agencies to develop and adopt a policy related to family violence. Such a policy should include guidelines for: dispatch of calls; safe approaches to crime scenes; management of contacts with parties; establishing control of the scene; investigation and evidence gathering; arrest decisions and determination of the primary aggressor; assistance and transportation of victims; filing of written reports and coordination with victim service providers, prosecutors and the courts.

It is important to note that the Commission endorsed the Arrest Bill and budget items as a package.

## **4. Resolutions that will:**

- Continue the Commission and direct it to: expand its membership; assess the impact of family violence on children; examine the availability and accessibility of services and



resources to victims; investigate the development of standards for effective Batterer Treatment programs; examine effective prosecution techniques; and determine services, resources and legislation which may be needed to further address, prevent and treat family violence.

- Direct the Commission to assure that training is provided for justice system personnel.

## **Findings, Accomplishments and Recommendations**

### **Community Response and Training/Technical Assistance Subcommittee**

I. A number of communities have formed local coordinating councils which vary in their structure and practice. It is clear that few of these councils are networked with each other to share information and ideas regarding council goals, objectives, and accomplishments. Moreover, a number of localities are interested in forming local coordinating councils but lack the information to effectively develop, implement, and fund council efforts. The Commission has developed a Community Planning Guide to assist communities and has offered technical assistance to four communities across Virginia to help establish councils.

#### **Recommendations:**

1. **Widely distribute The Community Planning Guide to interested localities, persons and agencies.**
2. **Convene a meeting of existing local councils and invite representatives of localities interested in establishing councils.**
3. **Continue to provide technical assistance to communities who have council efforts underway or who wish to establish councils.**

II. A number of justice system professionals, human service professionals and their representative organizations are interested in receiving training and technical assistance to improve their coordinated and effective responses to family violence. The Commission identified the need to develop and distribute materials that support the effective implementation of legislation. Specifically, the Commission has produced a curriculum designed to improve responses to stalking and will be developing a guide to effective use of Protective Orders. The Commission has provided training and reference materials for Juvenile & Domestic Relations District Court Judges, Circuit Court Judges, Magistrates, School/Community Teams, and Health Care Professionals.

#### **Recommendations:**

4. **Introduce a resolution which will assure that training is provided to justice system professionals including judges, Commonwealth's Attorneys, law enforcement officers, clerks, intake officers and magistrates on the Code provisions and procedures related to protective orders and stalking using materials developed by the Commission.**
5. **Develop reference materials such as videotapes that can be used by law enforcement and courts to educate themselves and the general public about the use, issuance, and enforcement of protective orders.**

III. Court policies and procedures are part of the community's comprehensive response to family violence. Court experiences can have a profound effect on the prevention and treatment of family violence. Because the majority of family violence victims are women and children, the impact of court procedures should be considered. The Commission conducted a survey of J&DR District Court Judges and court intake personnel to identify policy and practice issues related to availability, accessibility and responsiveness of the courts to petitioners seeking protective orders.

**Recommendations:**

6. **Support and provide technical assistance as requested to the study of Gender Bias in the Courts.**
7. **Support the funding and implementation of the Family Court.**

IV. The implementation of state agency procedures regarding the support and protection of children have implications for victims of family violence and are part of a comprehensive community response to family violence. The unique situation of women and children who are victims of family violence should be considered. The Commission has provided technical support to the Department of Social Services regarding the implementation of support enforcement requirements of welfare reform as related to victims of family violence. That Department and Virginians Against Domestic Violence have begun to make efforts to provide cross training and information to key personnel.

**Recommendations:**

8. **Continue to monitor the Joint Legislative Study of Child Protective Services and its recommendations.**
9. **Endorse full support of the change in evidentiary standards for Child Protective Services from clear and convincing to preponderance of evidence.**
10. **Continue to provide advice and guidance to the Department of Criminal Justice Services related to the planning and implementation of Virginia's response to the Violence Against Women Act.**

### **Data Collection and Monitoring Subcommittee**

I. Those responsible for providing protection and services to families experiencing violence often are not aware of the resources available in their own communities. The subcommittee developed a data base of existing services offered through domestic violence, sexual assault, victim/witness, social service and mental health programs. A resource guide that lists these services locality by locality was published and over 1,400 have been distributed.

II. An annotated bibliography of research related to family violence was developed and over 600 copies distributed.

III. The Subcommittee undertook an extensive analysis of existing state level data collection systems to determine what data is being collected related to family violence. This study resulted

in a successful revision of the Pre/Post Sentence Investigation data base, which will now include more definitive information relating to victim/offender relationship. Although information is currently collected by a number of state agencies there is little coordination of this data collection effort and therefore it is difficult to relate the data across systems. The Commission has supported efforts by the Supreme Court and State Police to develop an electronic interface that will allow for transfer of protective orders from the courts directly to VCIN. The Supreme Court has recently received a grant to assist this project.

**Recommendations:**

- 11. Provide full support for the joint State Police/Supreme Court efforts to develop an automated system that would electronically submit protective order data to State Police, reduce data entry demands, and increase the accuracy of records and the efficiency and safety of law enforcement personnel.**
- 12. Endorse the use by DCJS of federal grant money for the acquisition of hardware/software at the local level to speed IBRS compliance and enhance monitoring of family violence.**
- 13. Encourage DSS consideration of: evaluation of the existing family violence data collection systems; the inclusion of evidence of domestic violence in CPS data; and implementation of a statewide automated CPS data system.**
- 14. Continue a task group dedicated to exploring and maximizing the interface between existing state level data systems. This task group would work toward identifying a minimum set of data elements necessary for inter-agency collaboration in detecting, preventing, and tracking family violence.**

IV. There are several model local level systems successfully automating data regarding the victims and perpetrators of family violence. This information is shared across agencies, enhancing the localities' response to family violence.

**Recommendation:**

- 15. Develop and distribute a reference guide for localities on how to establish such an information sharing system.**

## **Law Enforcement Subcommittee**

I. Law enforcement often represents the first point of intervention for families in abusive situations. Arrest policies relating to family violence incidents vary throughout Virginia. The Commission: surveyed victims and victim service providers to ascertain their experiences; reviewed San Diego's response; and heard from representatives from various localities across Virginia.

**Recommendations:**

- 16. Amend the Code of Virginia to include a statewide mandatory arrest policy. Based on probable cause, this statewide policy would require that the primary physical aggressor be arrested and charged with the appropriate crime.**
- 17. Amend the Code of Virginia to require that a law enforcement officer who has reasonable grounds to believe that assault and battery against a family or household**

**member has occurred shall file a written report of the incident with his or her department and make available a copy to the victim at no cost.**

II. Currently, law enforcement officers are not required by the State to receive mandatory training in the handling of family violence situations. Training is necessary in order to implement any type of arrest policy.

**Recommendation:**

**18. Include mandatory training in handling family violence situations and in the rules governing the required training of law enforcement under the jurisdiction of DCJS. This training will include identification of the primary physical aggressor.**

III. Law Enforcement officers may be liable for civil and monetary damages for their actions or omissions. The threat of such civil suits can influence judgement and inhibit action. A grant of qualified civil immunity that protects officers for their reasonable efforts to enforce the law is needed to effectively implement a mandatory arrest policy.

**Recommendation:**

**19. Amend the Code of Virginia to deny recovery for any civil claim based upon an act or omission of any law enforcement officer, agent or employee of any agency of government arising in connection with the performance of any duties or responsibilities undertaken in a reasonable effort to implement a mandatory arrest policy.**

IV. In order to make an arrest policy an effective tool in combatting family violence, it must be part of a comprehensive response. Adequate resources for implementation of an arrest policy are an important aspect of such a policy. At the present time, it is unclear what local police department resource needs might be related to the implementation of a statewide arrest policy.

**20. Endorse the recommendation from the Commission on Youth to allocate sufficient funds to assure the availability of prosecutors in all J&DR courts.**

**21. Endorse the legislative proposal to allocate sufficient funds to increase the number of Sheriff's deputies from 1/2,000 citizens to 1/1,500 citizens.**

**22. Develop adequate data relating to the resource needs of local police departments.**

**Legislative/Judicial Subcommittee**

I. For victims of family violence, Protective Orders are an important intervention and provide an opportunity to prevent further violence within families. The Commission studied the Code of Virginia related to the issuance of Emergency Orders, Preliminary Orders, Orders of Protection, and Orders for Children. Unclear language in the Code, legislative limitation on the accessibility of orders, and the question of the focus of the legislation have created difficulties for victims, courts, and law enforcement.

**Recommendation:**

**23. Introduce legislation to: make the Code language clear and consistent; support a consistent approach to policy; improve accessibility; provide for the safety and protection of victims and their families; and hold abusers accountable for their**

**actions.**

II. Through surveys of Judges, Courts, Court Service Units, Victims, and Service Providers it is apparent that problems relating to availability, policy, resources, and service exist in the present system. In order for any protective order to protect the victim, the system for policy and practice relating to obtaining and enforcing the order must function effectively.

**Recommendations:**

24. **Introduce a resolution directing that training on the Code provisions and procedures for protective orders and stalking be provided for all clerks, court service units, law enforcement, intake officers, and magistrates.**
25. **Provide full support for the joint State Police/Supreme Court efforts to develop an automated system that would electronically submit protective order data to State Police which allows for tracking of orders, screening for firearms purchases, and complete information of the terms of orders to provide for uniform enforcement of orders across jurisdictions and to comply with federal requirements.**

III. The efforts of the Law Enforcement Subcommittee indicated a need for a statewide arrest policy for cases of alleged abuse of a family or household member. Research of the arrest policies of other states and the District of Columbia indicated a variety of policies and provisions relating to arrest, reporting, and protocols.

**Recommendations:**

26. **Amend the Code to: make the definition of family and household member in §18.2-57.2 consistent with §16.1-228; allow for an officer to arrest without a warrant for a violation of a protective order; require the issuance of a Preliminary Protective Order as a condition of release; require mandatory arrest of the primary physical aggressor upon a finding of probable cause that assault and battery of a family or household member has occurred and when there is imminent danger of abuse; and require the officer to submit a written report identifying the primary aggressor, arrange transportation for a victim, provide the victim with a notice of rights, and petition for an emergency protective order if there are reasonable grounds to believe probable danger exists for further acts of abuse.**
27. **Require mandatory minimum training in handling of family violence situations and identification of the primary physical aggressor for law enforcement personnel through DCJS training standards.**
28. **Adopt language to direct that local law enforcement agencies must develop a policy related to family violence. Such a policy should include guidelines for: dispatch of calls; safe approaches to crime scenes; management of contacts with parties; establishing control of the scene; investigation and evidence gathering; arrest decisions and determination of the primary aggressor; assistance and transportation of victims; filing of written reports and coordination with victim service providers, prosecutors and the courts.**
29. **Support the recommendation from the Commission on Youth to allocate sufficient funds to assure the availability of prosecutors in all J&DR Courts.**

30. **Introduce a budget amendment to provide funds to localities to assure adequate services are available to protect the safety of victims.**

IV. From the public testimony received at quarterly Commission meetings and the efforts of all Subcommittees and Task Groups, there is a need for the continuance of this effort. There is also a need to expand the membership of the Commission so that Juvenile and Domestic Relations Court issues, advocacy and service provider issues, and the involvement of the media can be represented.

**Recommendation:**

31. **Introduce a Continuing Resolution for the Commission for another year. The resolution should direct the Commission to: expand its membership; assess the impact of family violence on children; examine the availability and accessibility of services and resources to victims; investigate the development of standards for effective Batterer Treatment programs; examine effective prosecution techniques; and determine services, resources and legislation which may be needed to further address, prevent and treat family violence.**

**Public and Professional Awareness Subcommittee**

I. The packet prepared for the Statewide Public Awareness Campaign was well received and reported to be a unique and useful tool against family violence because it combined information on child abuse, elder abuse, sexual assault, and other forms of family violence. Approximately 5,000 packets were distributed.

**Recommendation:**

32. **Continue the Statewide Public Awareness Campaign by combining the distribution of an updated, revised kit in 1996 with some form of broadcast media campaign.**

II. The results of the survey of Virginia's medical schools indicate a need to coordinate information between the three schools and to develop uniform, required curricula on family violence.

**Recommendations:**

33. **Convene a meeting of the Deans of the three medical schools to develop a work plan to integrate family violence curricula into the schools.**
34. **Make available an annotated bibliography of model curricula to be used as the base of medical training programs in Virginia.**
35. **Encourage the medical schools in cooperation with the Medical Societies and the Commission to jointly sponsor a statewide medical education forum for faculty and other interested individuals in the area of family violence.**
36. **Continue this task group but expand its focus and membership to address the training needs of all health professionals.**

III. The Victim/Provider Resource Materials Task Group identified the need for information to be provided to victim's upon initial contact. This information should be as extensive as possible,

while presented in a format that is easily distributed and concealed. The Commission developed an easily reproduced victim resource card for this information.

**Recommendation:**

**37. Distribute the templates for the victim resource card to all localities.**

IV. There is a need to help coordinate and streamline the efforts of the different individuals involved in providing service to victims of family violence, and to make the wealth of information easily accessible.

**Recommendation:**

**38. Develop a service provider resource for magistrates, court service units, clerks of courts, and other service providers.**

V. In order to enhance the awareness of family violence issues, the Commission co-sponsored three statewide conferences: Conference on Elder Abuse, June 1995; Healthy Families Virginia Conference, October 1995; Advancing Peace - Ensuring Justice: Strengthening Virginia's Response to Violence Against Women, December 1995.

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### **III. COMMUNITY RESPONSE AND TRAINING/TECHNICAL ASSISTANCE SUBCOMMITTEES**

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Virginia's response to family violence relies on the efforts of our local communities. The efforts of localities are critical to the understanding of community needs and the development of localized appropriate responses to prevent and treat family violence. There are two key components to the development of successful family violence prevention initiatives across the Commonwealth (1) the organization and coordination of community efforts; and (2) the provision of needed training and technical assistance for those efforts. Two subcommittees of the Commission were charged with addressing these components.

The Community Response subcommittee is charged with developing community response plans that will assure an efficient, responsive, comprehensive, coordinated response to family violence and related issues. The membership of the subcommittee is designed to represent a broad group of individuals and professionals who represent a variety of community perspectives on family violence.

The Technical Assistance and Training subcommittee is charged with providing training and technical assistance for the implementation of a coordinated community response to family violence. The membership of the subcommittee consists of professionals with experience in identifying and meeting the needs of community groups and agencies regarding family violence.

At the first meeting these subcommittees met jointly to examine family violence issues in communities and develop strategies for addressing those issues during the course of the year. After informative presentations by several people, the subcommittees identified several key issues and endorsed the creation of task groups for in-depth study and action

#### **A. PLANNING GUIDES FOR LOCAL COMMUNITY COUNCILS**

The community planning guide task group was formed to develop a planning document designed to assist communities interested in coordinating local efforts at family violence prevention. The task group membership included a 17 persons involved in a variety of professional, non-profit, and advocacy groups that deal with family violence issues. The membership was specifically developed to represent a number of the interested parties and constituencies that local communities could involve in prevention efforts.

During the course of the year, the task group benefited from the depth of expertise and experience provided by the diverse membership. The task group also met with representatives of existing local councils to receive input regarding council formation and



implementation. These meetings highlighted the diversity of communities and approaches that local councils have taken. A key theme of the task group's efforts has been to facilitate the tailoring of coordinating efforts to the needs of localities. As such, the task group has created a planning guide which describes options and opportunities but leaves the choices up to the specific needs of localities.

The task group workplan was designed to cover several major activities:

- Creating a community planning guide (see *Appendix D*)

The task group designed the planning guide to assist communities in each phase of council activities. The guide is designed to be an easy, hands-on listing of key issues that localities may face in the development and implementation of local family violence coordinating councils. The preface explains the underlying rationale and what the manual is designed to do. The guiding philosophy is that the community owns the problem of family violence and that community-wide efforts are needed to deal with family violence issues. The final guide devotes separate chapters to each of the following phases of council activity:

- council formation
- council functions
- council development
- council operations
- council maintenance
- issues and options

Although each community has unique characteristics which may shape its coordinating efforts, the task group recognized that there are common issues which face several types of communities. The group originally divided into subgroups to develop three guides based on geographic concerns, but once the work began it was clear that issues were universally applicable to all locations, so a single planning guide was created.

- Determining what technical assistance communities will need in order to establish coordinating councils

The task group investigated what types of technical assistance communities may need. First and foremost, it is apparent that localities are very interested in obtaining copies of the community planning guide to organize their planning efforts. A draft of the planning guide was provided to several local communities who responded with positive feedback.

The task group did not reach consensus on whether a state level resource center is needed to provide other forms of technical assistance to localities with councils. It is clear that several groups (e.g., victim advocacy groups, the Commission) are currently providing some forms of support to local community efforts.

- Exploring appropriate levels of funding for councils

Results of discussions with representatives of local councils and the survey of local councils indicates that funding needs of local councils vary widely. Some councils operate with little or no formal funding, relying instead on in-kind contributions from council members, volunteer work, and donations. Other councils are able to support administrative expenses and/or support staff with specific funding. The task group did not make specific recommendations regarding funding for local councils.

- Investigating whether legislation is needed to support councils  
The Subcommittee is currently researching whether enabling legislation is needed for localities to establish councils through a local ordinance. Information is being sought from organizations such as the Virginia Association of Counties, the Virginia Municipal League, and the Attorney General's Office.

## **B. PRACTICAL ISSUES OF PROTECTIVE ORDER USE**

The protective orders task group undertook to review in depth how the protective order system (including legislation, courts, other victim services, police officers, and the parties themselves) is working in Virginia and how Virginia's approach to and provision of protective orders may be improved. Several policy and practice recommendations have been developed to improve the functioning of the system and thus improve Virginia's ability to protect those in need.

- Resources  
A videotape describing protective order court proceedings should be produced and disseminated to all clerks and court service units for viewing by the public. The use of victim advocates to assist victims with paperwork and the court process should be encouraged and supported. Informational materials for magistrates, court service unit personnel, and clerks should be made available. Information on violations of protective orders should be available to petitioners, magistrates, and law enforcement officers. Information related to modification and dissolution of protective orders should be included in the Community Planning Guide.
- Training  
Training for magistrates, court service unit personnel, and clerks should be facilitated and encouraged. Training should be made available for magistrates and law enforcement officers regarding violations of protective orders. Training related to conditions of bond and action related to violations of orders should be provided for magistrates and intake officers.
- Protective Order Registry  
A central registry for protective order data should be established which will allow

for tracking of orders, screening of handgun and concealed weapons applications, and better enforcement across jurisdictions. An electronic link between J&DR Courts and VCIN should be established through funding of the State Police and Supreme Court MIS. This registry should include the terms of the order, date the order was entered, and service information.

### **C. TRAINING AND EDUCATION REGARDING ANTI-STALKING EFFORTS**

The Anti-Stalking Task Group was formed to design, create, and distribute a useful tool--an Anti-Stalking Curriculum--for assisting in the implementation of recent anti-stalking legislation (see *Appendix E*). The purpose of the Curriculum is to help train specific individuals to have a clearer understanding of stalking and protective order statutes, the nature of stalking as a crime, proper assessment of complaints, effective strategies for prosecution, and important safety/protection measures for victims.

Briefly, the Curriculum is organized with chapters in these categories:

- INTRODUCTION**: gives an overview of the crime of stalking, relevant current statistics, specific Virginia statistics, and suggestions for using the Curriculum;
- LEGAL RESPONSE**: lists the stalking statute, discusses penalties, constitutional issues (vagueness, overbreadth), conditions for bond, information for magistrates, prosecutors, and judges;
- LAW ENFORCEMENT RESPONSE**: how to recognize and evaluate a stalking situation, proper gathering of information and evidence for effective case preparation, victim support;
- MENTAL HEALTH RESPONSE**: identifying stalking clients and various disorders, gathering important background information, assessments of dangerousness;
- VICTIM SAFETY RESPONSE**: discussion of post traumatic stress disorder, counseling services, safety issues;
- SMALL GROUP DISCUSSIONS**: includes a hypothetical stalking case with discussion questions in this chapter, as well as relevant questions for each chapter.

The Task Group plans to distribute the Curriculum to at least 500 key individuals across the state and administer initial training at no less than three conferences (magistrates, Commonwealth's Attorneys, and Law Enforcement) in 1996.

The subcommittees also worked on a number of other issues which fell under the purview of the subcommittees' objectives but did not require the formation of a specific task group.

#### **D. TRAINING FOR PROFESSIONALS**

An important function of the Commission is to link existing resources and facilitate justice system workers and local programs getting to know each other in non-crisis, non-adversarial meetings. Toward this end, the Commission provided a number of trainings for professionals on issues related to family violence.

- **Magistrates**

The state magistrate association expressed to the Commission their interest in training regarding family violence. The Commission coordinated training efforts, arranging for two law enforcement officers to report on the law enforcement training issues at the required magistrates conference (450 magistrates attended). The training included the law enforcement response to family violence, the dynamics of family violence, identifying lethal situations, and available services for victims and their families. Evaluations indicated a majority of attendees were pleased with the training. Follow up efforts have included mailings of additional information and brochures.

- **JDR & Circuit Court Judges**

The Commission jointly sponsored a two day training for Juvenile and Domestic Relations judges on issues of family violence. The training committee incorporated input from judges, the Central Virginia Task Force on Domestic Violence, and the Commission Training and Technical Assistance Subcommittee. The first day of training was part of the mandatory judicial training for J&DR judges. The second day was optional and included some circuit court judge attendees. Using lecture and small group discussion formats, topics included the reluctant witness, the impact of family violence on children, custody and visitation when there is evidence of domestic violence, and cross jurisdictional issues. The training was an educational experience both for the judges and the advocates who made presentations and co-facilitated discussions. Each of the participants received a training notebook full of supplementary materials about family violence issues. There has been a request to replicate this training for future circuit court judges' training. Feedback from participants indicates that the training has sparked a dialogue in a number of localities regarding family violence issues.

- **School Community Teams**

Commission staff assisted the "Safe in Virginia" effort which organizes and supports community-school Violence Prevention Teams. Training related to child abuse and domestic violence was provided at the statewide Violence Prevention Institute in June 1995 and at the Governor's Violence Prevention Institute on August 9, 1995. The Commission will continue to support this effort at four trainings in 1996.

#### **E. TECHNICAL ASSISTANCE FOR COMMUNITY EFFORTS**

A number of local communities have taken the initiative to develop coordinated

community responses to family violence. In several cases, local conferences were used as a way to highlight the importance of family violence issues, provide a forum for interested community members and professionals to discuss the issues, and serve as an impetus for further organized efforts. Commission staff provided technical assistance to three communities who convened local forums of key players to begin the process of developing a joint vision and goals related to family violence.

- **Hampton/Newport News**  
The Hampton conference brought together a broad array of community members from three Hampton-area localities which are the catchment area for the local domestic violence council and shelters. The approximately 180 attendees included justice professionals, medical and mental health professionals, and public, private, and military service providers, among others. The goal of the conference was to bring together representatives of the various systems to facilitate coordination. The conference hope to create alliances between workers on various types of violence and establish the larger common interest of understanding family violence as a source of future criminal behavior. Following the success of this conference, Commission staff have provided technical assistance to a group of community members and professionals who have continued to meet and form an ongoing coordinated effort. The Commission has provided support in the form of the community planning guide and linked the group to potential funding sources.
- **Chesterfield**  
The Chesterfield summit was convened by local Juvenile and Domestic Relations Court Judges. Approximately 80 persons attended, representing the justice system, business, and health sectors of the community . The summit was designed to focus attention on various phases of the justice process. After several breakout sessions, small groups created action planning guides. The summit is designed to spark interest in revamping the local coordinating council and refocusing community attention and energy on the issue.
- **Norfolk**  
This conference convened justice system professionals from several area jurisdictions to talk about existing policies and procedures regarding domestic violence. The conference attendees split into profession-specific groups to understand the issues and barriers to dealing effectively with family violence. One unique aspect of this conference was that several panel discussions evolved into interactive problem solving sessions with audience members. Some attendees of this conference have continued to meet in the hope of forming a coordinating council.
- **Rocky Mount**  
Commission staff were asked to attend an initial meeting of Rocky Mount professionals and community members interested in family violence prevention

issues. Convened by the Juvenile and Domestic Relations Court judge, this meeting served as the initial step toward the creation of a local coordinating council. Staff provided technical assistance in the form of public awareness products and draft information from the Community Planning Guide. The group is continuing to meet to formalize the existence of the council and develop a workplan.

In an effort to link communities with available funds for local efforts, the Commission identified the federal Violence Against Women Act (VAWA) as a potential avenue for funding local council efforts. Commission chair Janet Howell requested that Governor Allen direct the Department of Criminal Justice Services, the agency responsible for disbursing the funds, to keep the Commission informed about the development of funding regulations. Commission staff are involved in the planning committee for the disbursement of VAWA funds.

In addition, the Commission is taking advantage of assistance from the University of Virginia to establish a "home page" on the Internet's World Wide Web. It will be used to provide electronic access to all the Commission's publications and resource directories.

## **F. SURVEY OF EXISTING LOCAL COUNCILS**

An important aspect of developing a coordinated community response and providing technical assistance is the identification of existing community efforts. The subcommittee sent surveys to chief judges and victim services agencies across the Commonwealth to identify existing local coordinating councils. Nineteen surveys were returned, representing 36 counties and 22 cities/towns. Results indicate that 24 localities are served by 12 local coordinating councils. Thirty-three localities report having some form of written protocols to deal with family violence issues within community agencies.

## **G. OTHER ISSUES**

### **1. Gender Bias Study**

The court experiences of family violence victims can play a crucial role in mitigating the devastating impact of violence on families. Because a majority of family violence victims, particularly domestic violence victims, are women, gender bias in the courtroom can have an important effect on family violence cases. The Office of the Executive Secretary of the Supreme Court requested funding in its general fund budget to fund a study of Gender Bias in the Courts. The subcommittee recommended that the Commission endorse the budget request.

### **2. CPS Standard of Proof**

The subcommittee also examined the potential impact of Child Protective Services standards of proof on family violence issues. The Subcommittee was

particularly interested in the ramifications of lowering the standard for founded child abuse cases to “preponderance of the evidence”. This potential change in standards of proof becomes even more important once the “reason to suspect” category was eliminated from use. The subcommittee referred the issue to the Legislative/Judicial Subcommittee for further review.

### **3. Family Court**

Families which experience violence can be involved with cases in several courts around issues such as civil protection orders, child support enforcement, criminal charges, and custody arrangements. The need for a comprehensive, coordinated community response to family violence includes a coordination of services and actions in the justice system. For this reason, subcommittee members are interested in the funding of the Family Court legislation. A Family Court system would respond in a coordinated fashion to the number of important issues that families plagued by violence must face simultaneously. The subcommittee recommended that the Commission endorse the legislation to fund the Family Court.

### **4. Welfare Reform and Battered Women**

A number of women and children who experience family violence, especially once they have left their abusive situation, rely on the welfare system for support during times of financial difficulties. One component of welfare is obtaining child support from fathers for their dependent children. Women who have experienced family violence have special considerations regarding support from their abusive partners. The Department of Social Services is currently working on the implementation of welfare reform. This reform effort needs to take the special concerns of family violence victims into account, particularly for child support enforcement. The subcommittee recommended that the Commission provide technical assistance to the Department related to family violence victims and support enforcement requirements of welfare reform.

## **H. FINDINGS AND RECOMMENDATIONS**

1. A number of communities have formed local coordinating councils which vary in their structure and practice. It is clear that few of these councils are networked with each other to share information and ideas regarding council goals, objectives, and accomplishments. Moreover, a number of localities are interested in forming local coordinating councils but lack the information to effectively develop, implement, and fund council efforts.

**Recommendation: The Commission should distribute widely the Community Planning Guide to interested persons and agencies.**

**Recommendation: The Commission should convene a meeting of existing local councils and invite representatives of localities interested in establishing councils.**

2. A number of communities have coordinating efforts underway but need technical assistance to further develop their efforts or to address specific issues such as protective orders.

**Recommendation: The Commission should continue to provide technical assistance to communities who have council efforts underway.**

**Recommendation: The Commission should develop supplements to the planning guide for the specific issue of effective use of protective orders.**

3. A number of justice system professionals and their representative organizations are interested in receiving training and technical assistance to improve their coordinated and effective responses to family violence. Specifically, information and products created by the Anti-stalking and Protective Orders Task Groups would provide useful training opportunities.

**Recommendation: The Commission should provide training to justice system professionals, including judges, Commonwealth's Attorneys, law enforcement officers, clerks, court intake personnel, and magistrates on the Code provisions and procedures related to protective orders and stalking using materials developed by the Commission.**

4. In addition to external training opportunities, agencies are also interested in materials and resources which they can incorporate into their own activities, particularly for protective orders and stalking.

**Recommendation: The Commission should follow-up its training of the judiciary by providing resource and reference materials related to protective orders and stalking.**

**Recommendation: The Commission should develop reference materials such as videotapes that can be used by law enforcement to educate officers about the use, issuance, and enforcement of protective orders. Similar materials should be developed and made available for educating the general public.**

5. Court policies and procedures are part of the community's comprehensive response to family violence. Court experiences can have a profound effect on the prevention and treatment of family violence. Because the majority of family violence victims are women and children, the impact of court procedures should be considered.

**Recommendation: The Commission should support and provide technical**



assistance to the study of Gender Bias in the Courts.

**Recommendation: The Commission should support the funding and implementation of the Family Court legislation.**

6. The implementation of state agency procedures regarding the support and protection of children have implications for victims of family violence and are part of a comprehensive community response to family violence. The unique situation of women and children who are victims of family violence should be considered.

**Recommendation: The Commission should provide technical support to the Department of Social Services regarding the implementation of support enforcement requirements of welfare reform as related to victims of family violence.**

**Recommendation: The Commission should provide technical assistance to the Joint Legislative Study of Child Protective Services related to development of the standards of proof of a "substantiated" case of child maltreatment, specifically to support an evidentiary standard to "preponderance" from "clear and convincing".**

**Recommendation: The Commission should continue to provide advice and guidance to the Department of Criminal Justice Services related to the planning and implementation of Virginia's response to the Violence Against Women Act.**

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## IV. DATA COLLECTION AND MONITORING SUBCOMMITTEE

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According to House Joint Resolution 279, the Commission on Family Violence Prevention was established to study the nature and scope of family violence, increase public awareness regarding domestic violence, assess existing services addressing family violence, explore coordination of service delivery, and foster family violence prevention and intervention by identifying legislative and service needs. The Data Collection/Monitoring Subcommittee was formed to provide the Commission with the local and national data vital to informed and accurate deliberation, decision-making, and public awareness efforts. Thus, the **collection, analysis, and dissemination of information related to family violence in Virginia** comprised the central objective of this subcommittee.

### A. WORKPLAN

The workplan for 1995 was shaped by the subcommittee's guiding objective and by a recognition of the need to focus efforts on the identification and analysis of state and local level data collection and tracking systems. This focus on existing systems was designed to foster understanding of not only the scope, or prevalence, of family violence in the Commonwealth, but also the strengths and weaknesses of current responses to family violence.

Consideration of state and local level data collection strategies was complemented by a review of social science research on the prevalence, dynamics, and treatment of victims and perpetrators of family violence. This review was undertaken to form a knowledge base regarding the nature of the phenomenon as well as to provide information regarding model programs to service providers, laypeople, and victims alike. Analysis of extant data on family violence evolved according to the following timeline:

1. **March-April**
  - Identify state level data collection and tracking systems
  - Begin compilation of annotated bibliography of research related to family violence
2. **May-June**
  - Identify local level data collection and tracking systems
  - Begin development of a computerized data base of existing programs, coordinating councils, and family violence resources in Virginia
3. **July**
  - Conclude discussion of state and local level systems
4. **August-September**
  - Develop recommendations to address gaps in state and local level data and tracking systems
5. **October-December**
  - Delineate resource and legislative needs to support recommendations

- Generate report on the status of state and local level data collection systems

## **B. ACCOMPLISHMENTS**

To date, the accomplishments of the subcommittee and the task group reflect a focused effort to fulfill the legislative mandate to collect, analyze, and disseminate information related to family violence in Virginia. The successful completion of these projects has been fostered by interagency collaboration and circumspect consideration of the Commonwealth's existing resources and future needs. To date, the Subcommittee and Task Group have:

1. Worked together to examine all state-level data collection systems related to family violence, identify the strengths and limitations of these systems, and assess the degree of interface between these systems. The findings and recommendations that grew out of this analysis are presented below in more detail.
2. Complemented the analysis of extant state-level systems by examining local data collection systems, identifying model systems, and delineating the essential components for a local-level, multi-agency, integrated data system.
3. Compiled a resource directory entitled Service Information for the Victims of Family Violence and distributed over 1200 copies of the directory to service providers and laypeople.
4. Developed and installed a computerized data base of existing family violence-related programs, services, and coordinating councils in Virginia in an effort to automate the information contained in the aforementioned resource directory.
5. Completed an annotated bibliography of social science and medical research related to the causes and consequences of family violence and the treatment of its victims. Over 400 copies of this bibliography have been distributed.

## **C. DATA COLLECTION/MONITORING TASK GROUP**

A task group was also convened to allow for in-depth analysis of state and local data collection strategies and systems. The composition of this group reflected a desire to gain input from social scientists, direct service providers, the Departments of Health and Social Services, the State Police, and the Supreme Court.

## **D. FINDINGS AND RECOMMENDATIONS**

Analysis of existing state and local level data collection strategies and systems yielded the following findings and recommendations.

### **1. State Police**

Analysis of the data collection systems maintained by the State Police focused on the Virginia

Criminal Information Network, the Uniform Crime Reports, and the Incident-Based Reporting System. The Virginia Criminal Information Network (VCIN) contains information related to outstanding warrants and protective orders. Information about the terms and limits of protective orders are entered into VCIN after the order is served by law enforcement personnel. This network can be queried by local law enforcement to track and enforce protective orders across jurisdictions. Despite these capabilities, information regarding protective orders is often not entered into VCIN, the information that is entered is sometimes inaccurate, and local law enforcement may not query VCIN to acknowledge and respond to violations of protective orders. These limitations compromise the effectiveness and safety of law enforcement personnel, the protection of victims of family violence, and the efficiency of the legal system.

Information on the prevalence of family violence is most readily accessed through State Police arrest records. Currently, the State Police compiles Uniform Crime Report (UCR) data on a monthly basis, as mandated by Code of Virginia. The UCR data includes information on the type of offense, and the age, gender, and race of the offender. This information is sent to the State Police by local agencies on a monthly basis, and the frequency counts are published by the State Police in monthly newsletters. The usefulness of this data in studying family violence is limited, as the UCR does not include information on the victim of the offense or on the relationship of perpetrator to victim. Murder is the exception to this rule, as a hand-tally is completed on a regular basis to determine relationship and to collect information on the victim (this information is not automated). In response to the limitations of the UCR and changes in federal reporting standards, an Incident-Based Reporting System (IBRS) will be implemented by 1999 that will include reports of all incidents to which law enforcement respond. The system will allow for state-wide aggregation of data which will likely be very useful in tracking the scope of family violence, as the IBRS includes a section on victim-offender relationship.

**Recommendations:**

- **Full support for joint State Police/Supreme Court efforts to develop an efficient and useful protective order registry.**

- **Endorsement of DCJS' use of federal grant money for the acquisition of hardware/software at the local level to speed IBRS compliance and enhance monitoring of family violence.**

## **2. Supreme Court**

The Supreme Court maintains two systems relevant to the tracking of family violence through the legal system. The Case Management System is used by almost all courts to assist with docketing and managing case loads at the court level. Although this system includes codes for spouse abuse-related cases and fields to document case disposition, there is currently no way to aggregate data at the state level nor to communicate case dispositions from court to court. In addition, no specific notations exist for protective orders or the conditions of such orders. The Criminal Justice Information System (CJIS) is an umbrella system that includes information

from several law enforcement-related agencies. Although information collected by State Police, Probation and Parole (PSI), and the Department of Youth and Family Services is included within this system, this information is more readily accessible through the individual data sources that compile the data. The promise of these systems in assessing the movement of family violence cases through the legal system could be improved.

**Recommendations:**

- Encouraging the Supreme Court to collaborate with State Police on the development of a protective order registry**
  
- Supporting Supreme Court efforts to develop an automated system that would electronically submit protective order data to State Police, reduce data entry demands, and increase the accuracy of records and the efficiency and safety of law enforcement personnel.**
  
- The inclusion of adult information from Juvenile and Domestic Relations Court in state-wide and local information sharing systems to enhance response to domestic violence.**

**3. Department of Social Services**

The Spouse Abuse Program within DSS collects quarterly information from 38 statewide domestic violence service providers funded by DSS (there are 44 such programs in the state) regarding the total number of children, abused women, abused men, and abusers who receive services from these programs. This program also documents the number of people who receive specific types of adult and child-related services, shelter housing, and post-shelter housing. Several factors threaten the accuracy of the resulting statistics: programs not funded by DSS are not represented in this database, some localities lack a family violence program and may not be adequately represented in these statistics, and duplicate counts of "new" cases of domestic violence may result when an individual seeks services at alternative programs during the same quarter.

Child Protective Services (CPS) also compiles records relevant to family violence. Although records based on CPS investigation/assessment reports include codes regarding the type of abuse/neglect, type of setting, race and age of child, legal actions taken, placement outcome, and disposition of allegation, no information regarding the presence of domestic violence in the home is noted. The CANIS questionnaire, however, is distributed to and completed by a random sample of 10% of children/families contacted by CPS. While this questionnaire includes an item on spouse abuse, it assesses neither the status of the abuse nor the nature of the abuse.

**Recommendations:**

- DSS consider an evaluation of the existing domestic violence data collection system.**
  
- Support the use of General Fund dollars to provide the 25% match necessary for implementation of a child welfare reporting system (SACWIS) which would integrate information about foster care placement, adoption, and child protective**

**services. In addition, DSS data systems be revised to incorporate questions regarding domestic violence and training extended to CPS workers to maximize accuracy and reliability of this information.**

**•General Fund dollars be used to provide the 25% match necessary for statewide automation of CPS reporting systems.**

#### **4. 911**

Although 78-80% of the population of Virginia currently has 911 service or enhanced 911 service, records of calls are kept by each jurisdiction, and the content of these records varies by jurisdiction. There is no statewide regulatory body to train, manage or maintain records on the 911 system. Thus, the accuracy, detail, and/or utility of these records in assessing the scope of family violence may vary widely across areas. Records of 911 calls could provide important information regarding cases of family violence that do not result in arrests or legal proceedings.

**Recommendation:**

**•The creation of a task group to study existing state 911 systems and to draft recommendations designed to improve these systems.**

#### **5. Department of Health**

The Department of Health maintains four data systems that may be useful in assessing the number of deaths and injuries due to family violence. Vital Statistics is the first such data resource, and includes death certificate information on the cause of death. Although this information includes a 'purposefully inflicted injury' code relevant to family violence, it does not include codes for relationship of victim to the perpetrator of the injuries. The Trauma Registry is the second resource, and it records accidental and inflicted injuries. This data source includes information on those who seek medical treatment at a hospital emergency room and are admitted or die as a result of these injuries. The Trauma Registry's requirement that a woman be admitted to the hospital or die of her injuries increased the likelihood that this data source will underestimate the incidence of domestic violence. The Chief Medical Examiner also maintains a database on deaths that are unexplained, unattended, violence-related, or suspicious. In addition to demographic information on the victim, this database includes an ICD code for cause of death as well as information about place of death and whether or not this was a child abuse/neglect-related death. Neither the death certificates, Trauma Registry, nor the Chief Medical Examiner's database require that the relationship of the perpetrator to victim be recorded.

Finally, the Department of Health funds 22 sexual assault crisis centers throughout the state. These crisis centers provide information on the number of women they serve and the types of services provided on a quarterly basis. This data is compiled by Virginians Aligned Against Sexual Assault (VAASA), who in turn submits a quarterly and annual statistical report to the Health Promotion program within the VDH. To date, the Subcommittee has not drafted recommendations for changes to the existing systems, however, it has recommended that:

## **6. Department of Mental Health, Mental Retardation, and Substance Abuse Services**

DMHMRSAS maintains an automated system (through central MIS) containing information on diagnostic codes and other billing-relevant information for each client. This automated system was designed to aid in billing, and as such, does not include information relevant to the tracking of domestic violence. Given this limitation, anecdotal information regarding family violence could only be collected through manual chart review. The Subcommittee has formulated no recommendations regarding current DMHMRSAS data systems.

## **7. Department of Criminal Justice Services**

The Pre/Post-Sentence Investigation (PSI) database contains information on all felony convictions in Virginia since 1985. The PSI reports contain information collected by probation officers at the request of the sentencing judge. These reports include both a standardized/coded section with codes for type of injury to victim, victim-offender relationship, victim gender, and victim race as well as a narrative section detailing the offense. The usefulness of the PSI database in assessing the scope of domestic violence is limited by the following factors: 1) the PSI does not include offenses reported to the police or arrests that do not result in felony convictions, 2) a pre-sentence investigation report is completed only when a judge orders one, 3) in cases of multiple victims and/or multiple injuries, only information on the most seriously injured victim or most serious injury is reported, 4) specific information on the nature of the victim/offender relationship, the location of the crime, and victim demographics is not available, and 5) the victim-offender relationship code is too general to distinguish the family member responsible for the offense.

### **Recommendation:**

- Elaboration of the codes for relationship of victim to offender on the automated section of the PSI form. A revised set of codes and automated worksheet has been drafted by the Subcommittee and forwarded to the Division of Field Operations.**

## **8. Department of Housing and Community Development**

The Virginia Department of Housing and Community Development collects statistics on the number of individuals who receive assistance with emergency shelter and/or transitional housing at any of the 86 shelters the department funds. These statistics include information on the number of females and males who receive shelter and the number who are turned away/not served. Because these statistics do not include any notation regarding the reason for homelessness, the application of this data to the study of family violence is limited. The accuracy of the data is also threatened by individuals seeking help in more than one shelter per quarter and leading to duplicate counts of "new" cases, the collection of data from only 86 of the estimated 120 shelters in the state, and the potential underestimation of homeless cases in localities lacking emergency shelter or transitional housing. Although this data resource represents an alternative strategy for capturing data on family violence victims who do not seek legal intervention or specialty services, the Subcommittee has not formulated any recommendations to date.

## **9. Local Level Data Systems**

During the course of the year, the Subcommittee and Task Group identified several model local level systems that are successfully automating data regarding the victims and perpetrators of family violence, sharing this information across agencies, and enhancing their response to family violence. These systems will be designed to eliminate duplicate counts of new cases of family violence and therefore increase the accuracy of the resulting data. The success of these programs and the public support for these programs has led the Subcommittee to recognize the importance of inter-agency collaboration and information sharing.

**Recommendation:**

**•Continuation of the Data Monitoring task group role in assisting the Subcommittee to explore and maximize the interface between existing state and local-level data systems. This task group will be reconstituted to include members from Virginians Aligned Against Sexual Assault, Virginians Against Domestic Violence, Supreme Court, DSS, VDH, DCJS, DHCD and would work toward identifying a minimum set of data elements necessary for inter-agency collaboration in detecting, preventing, and tracking domestic violence.**

**E. CONCLUSIONS**

The collaborative efforts of members of the Data Collection/Monitoring Subcommittee and its associated Task Group have focused on the analysis of existing state-wide and local-level data systems. This focus has fostered an understanding of the prevalence of family violence in the Commonwealth, the current approaches to recording and monitoring instances of family violence, the strengths and weaknesses of these approaches, and the actions needed to remediate these weaknesses and thus enhance system efficiency, responsiveness, and victim protection. The aforementioned recommendations reflect an interdisciplinary commitment to the protection of family violence victims, the improvement of existing state-level data systems, and the fulfillment of the Commission's legislative mandate.



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## V. LAW ENFORCEMENT SUBCOMMITTEE

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The Law Enforcement Subcommittee of the Commission on Family Violence Prevention was established at the January 6, 1995 meeting of the Commission. The purpose of this subcommittee is to examine law enforcement response to family violence incidents throughout the Commonwealth and determine methods to improve and support this response.

### **A. ACTIVITIES OF THE SUBCOMMITTEE**

Throughout 1995 the subcommittee has heard presentations from local police departments and Commonwealth's Attorneys' offices and a presentation from Deputy Sheriff Donna Perrone, Domestic Violence Liaison for the San Diego Sheriff's Department. A survey of domestic violence victims and service providers was conducted in addition to research of domestic violence legislation enacted in other states.

The subcommittee examined this information as well as the discussions of the subcommittee and the Commission and based upon this information proposes a two-pronged approach to improving police response to domestic violence and ensuring the protection of the victims of family violence. This would include:

- enactment of a statewide mandatory arrest policy, and
- requiring additional training for law enforcement officers in the handling of domestic violence situation.

### **B. STATEWIDE MANDATORY ARREST POLICY**

Review of the policies of various law enforcement agencies throughout the Commonwealth revealed a noncohesive, patchwork approach to the problem of family violence. The subcommittee has concluded that a uniform policy would be more effective (see *Appendix F*). A statewide mandatory arrest policy for cases of domestic violence should be added to the existing provisions of the Code of Virginia. This policy shall require that a law enforcement officer with probable cause that a person has committed a crime involving either misdemeanor or felonious domestic violence, either in or outside the presence of the officer, must arrest and charge the suspected abuser with the appropriate crime. Additionally, if the officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary physical aggressor and arrest only that person. In determining whether a person is the primary physical aggressor the officer shall consider:

- Prior complaints of domestic or family violence;
- The relative severity of the injuries inflicted on each person;
- The likelihood of future injury to each person; and
- Whether one of the persons acted in self-defense.

The law enforcement officer who has reasonable grounds to believe that assault and battery against a family or household member has occurred shall file a written report of the incident with

his or her department and make available a copy to the victim, pursuant to §19.2-81.3. This copy shall be made available to the victim at no cost.

In addition, witnesses, officers, and localities currently cannot be held civilly liable for reports made or failure to arrest in domestic violence cases, when the actions or omissions were made in good faith. This immunity should be maintained.

### **C. LAW ENFORCEMENT TRAINING REQUIREMENTS**

The rules governing the required training of police officers under the jurisdiction of the Department of Criminal Justice Services pursuant to §9-170(2) currently mandate that a law enforcement officer shall receive a minimum of 315 hours initial instruction in the academy or training facility and forty hours every two years thereafter. The Subcommittee recommends that training requirements should include a minimum requirement of eight mandatory hours of specific training in the handling of domestic violence situations in the academy or training facility and continuing education. Of these eight hours, a minimum of two hours should be devoted to identification of the primary physical aggressor.

The training objectives should include, but are not limited to:

- a thorough understanding of the applications of the mandatory arrest policy in cases of domestic violence;
- competence in determining whether probable cause exists to make an arrest in a domestic violence case;
- competence in determining the primary physical aggressor; and
- knowledge of and the ability to effectively apply practices designed to promote the safety of officers investigating domestic violence.

### **D. CONCLUSION**

The Law Enforcement Subcommittee has examined law enforcement's effectiveness to responding to the needs of victims of domestic violence. The Subcommittee's proposal, as set forth above, is a first step in improving law enforcement's response to the problem of domestic violence in the Commonwealth of Virginia. The Subcommittee plans to continue to evaluate law enforcement's response to family violence in future meetings

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## **VI. LEGISLATIVE/JUDICIAL SUBCOMMITTEE**

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### **A. STRUCTURE AND PURPOSE OF THE SUBCOMMITTEE**

This subcommittee was formed to provide guidance to the committee on legislative drafting, track bills affecting family violence issues, analyze the proposed budget, and develop task groups to facilitate discussions and proposals. The tasks groups developed were the following: (1) Legislative Task Group formed to study to draft the proposed legislation for review by the subcommittee and the Commission; (2) Crime Victims Compensation Task Group to focus on victim's issues related to compensation; (3) Budget Task Group to focus on budget items affecting family violence issues and the work of the Commission.

### **B. FINDINGS OF THE SUBCOMMITTEE**

#### **1. Protective Orders**

The protective orders task group undertook to review in depth how the protective order system (including legislation, courts, other victim services, police officers, and the parties themselves) is working in Virginia and how Virginia's approach to and provision of protective orders may be improved. The following summary outlines the research considered by the task group, results of survey and data collection work, proposed changes to legislation, and recommendations that focus on practice and policy (*See Appendix G*).

The task group was guided by the following principles, which also support its findings and recommendations:

1. The system must be oriented and able to protect and improve the health and safety of victims by improving their access to the system and the resources available to them.
2. Abusers must be held accountable for their behavior, both to protect victims and to prevent the escalation of violence and criminal behavior in the first instance.
3. The system must operate with efficiency and integrity so as to encourage public trust in Virginia's response to family abuse.

The task group considered a number of articles and studies related to protective orders, including surveys of legislation across the United States and of actual petitioners in different jurisdictions. Perhaps the most influential article is a 1992 segment from the *Juvenile & Family Court Journal* on Civil Protection Orders (Vol. 43, No. 4). This article reviewed legislation and services state-by-state, focusing on issues such as eligibility, prohibited behavior, jurisdiction and venue, application and service, fees and assistance, ex parte orders, duration of orders, consequences of violations and enforcement, culminating in a detailed series of recommendations. The task group also considered the results of an informal survey by the Commonwealth's Attorney on the

frequency of use of emergency, preliminary, and final protective orders, and problems with their issuance. While the sample was quite small, reported problems included service on the respondent, willingness of magistrates to issue the orders, and scheduling in rural areas. The group also considered the preliminary results of a study by the National Center for State Courts, which focused more on the petitioner's access to orders and the effectiveness of orders over time (limited to courts in Wilmington, Delaware, Denver, Colorado and the District of Columbia). Finally, the results of an in-house survey are reported below and were also considered by the task group.

A telephone survey of all Court Service Unit (or intake) offices in Virginia and in some cases the clerk's offices for those jurisdictions, focused on the availability of protective orders (when can petitions be filed and with what assistance), the availability of other resources for petitioners (shelters, advocates, advisors) and the willingness of courts and magistrates to enter protective orders (including when they are available). A preliminary review of the data collected reveals the following concerns:

- Resources for victims are scarce: Only a fraction of jurisdictions have victim advocates or shelters who step in to transport and assist petitioners. Petitioners also face financial hardship and need a quicker way to resolve support and resource issues as part of the process.
- Ex parte orders are disfavored in a number of jurisdictions, even though the statutes clearly provide for their issuance. The result is often a substantial delay in getting an order entered.
- Magistrates appear to misunderstand how effectively a criminal warrant and a civil protective order may work together, often referring victims in family abuse cases to the court system when issuance of a warrant also would be possible and preferable. Judges on the other hand would often prefer to have a warrant in hand when facing a protective order petition (both really are important, and complementary). Finally, service of both could be accomplished by one deputy at the same time if both were issued by the magistrate.
- Service of protective orders may be an unreported problem, both because of the time lag in some instances and because service may actually create violence. It is important that respondents understand that although the orders are civil, their violation carries a criminal penalty.

The task group's recommendations for changes to protective order legislation may be grouped into three categories:

**1. Changes that make Code language clear and consistent, supporting a consistent approach to policy.**

For example, the term "family or household member" replaces references solely to "spouse" or "child" and the term "family abuse" becomes standard, as well as "protective order" and "respondent-petitioner." These changes also clarify that the orders are civil in nature, and reach all family abuse (not just criminal assaults, or spouse abuse).

**2. Changes that improve accessibility of orders and other resources in order to improve protection, health and safety of petitioners.**

Access is improved by allowing magistrates to issue Preliminary Protective Orders, and by allowing an allegedly abused person to approach a magistrate directly. Courts may now also

grant possession of a motor vehicle. Petitioners receive copies of all orders, and access to service information. Finally, both Emergency and Protective Orders have extended periods of effectiveness under the changes.

**3. Changes that focus on the respondent as the aggressor and ensure accountability for violence and violation of orders.**

Additional grounds for violations are added, and a new provision requires a sentence of confinement which may not be entirely suspended. Orders will also be entered into VCIN to enforce restrictions on handgun purchase. Changes in language remove "mutual order" provisions, which requires courts to focus on the aggressor (respondent) and victims (petitioner and other family or household members) without confusing those roles. Similarly, old "rehabilitation and reconciliation" language is replaced by language focusing on the protection, health and safety of family and household members.

While related to legislation and how courts and others function in the system, the following recommendations expand this focus and suggest changes that would improve the functioning of the entire system, and thus improve Virginia's ability to protect those in need:

- Provide training and increase public awareness of the fact that sexual assault is a form of violence included in the definition of family abuse, and within the reach of the system.
- Encourage, support, and provide resources for the use of victim advocates to assist victims with paperwork and the court process.
- Produce and disseminate a videotape to all clerks and court service units that describes protective order court proceedings, for viewing by the public.
- Create and distribute a videotape on the importance and use of Emergency Protective Orders for use by law enforcement personnel at "roll call" meetings.
- Facilitate and encourage training and the provision of informational materials for magistrates, Court Service Unit personnel, and clerks.
- Provide training and information to petitioners, magistrates, and law enforcement officers regarding violations of protective orders. Clarify that Class I misdemeanor violations of protective orders are for the violations of: trespass, family abuse, and "no contact" conditions of orders.
- Provide training for magistrates and intake officers related to conditions of bond and action related to violations of orders.
- Establish a central registry for protective order data which will allow for tracking of orders, screening of handgun and concealed weapons applications, and better enforcement across jurisdictions. Identify sufficient funds for the State Police and Supreme Court to establish and electronic link between J&DR Courts and VCIN.
- Include information related to modification and dissolution of protective orders in the Community Guide.

## **2. Mandatory Arrest Policy**

At the September 29, 1995 meeting of the Commission, the Law Enforcement Subcommittee submitted a report detailing a proposal for a mandatory arrest policy for alleged domestic abuse offenders. The report recommended a statewide mandatory arrest policy for the primary physical aggressor in domestic violence cases and training of police officer in the area of domestic violence cases, including special training on the identification of the primary physical aggressor. A mandatory arrest policy would require that an arrest be made whenever there is probable cause to believe that a misdemeanor or felonious domestic abuse has occurred.

The directive to the Legislative/Judicial Subcommittee was to draft the proposed legislation to present during the General Assembly Session. The subcommittee researched the arrest policies in the other states and the District of Columbia. This research also included determining if the states have a notice of rights requirement to the victims of domestic violence, if the local law enforcement offices are required to prepare guidelines for domestic violence calls, and whether the officer is required to prepare a report about the incident.

The subcommittee met on December 1, 1995 and discussed three options. The discussion lead to a consolidated version. The proposed legislation suggests many changes to § 19.2-81.3 and related sections of the Code of Virginia, as amended. The existing section now provides that an officer may arrest a person for assault and battery on a family or household member.

The proposed changes to the key sections are outlined below:

- Section 9-170 empowers Department of Criminal Justice Services to establish compulsory minimum training standards for law enforcement personnel in handling domestic violence cases, including determining primary physical aggressor (recommendation will be made to the DCJS to require eight (8) hours of training of officers on domestic violence issues);
- Sections 18.2-57.2 amended to define family and household member consistent with the definition under Section 16.1-228.
- Section 19.2-81.3 retains the may arrest policy for violations of Section 18.2-57.2 but adds the ability of the officer to arrest for a violation of a protective order; the change also allows that the officer may arrest and take into custody;
- Additionally, the revisions change Section 19.2-81.3 to require a mandatory arrest and taking into custody the primary physical aggressor by the officer if he has probable cause to believe that family or household member assault and battery has occurred and either (1) a protective order or other court order limiting contact between the parties is in effect or (2) there is probable cause to believe that an imminent threat of physical injury exists;
- Amended Section 19.2-81.3 will also require the officer shall do the following: provide or arrange for transportation for a victim of family abuse, submit a written report identifying the primary physical aggressor regardless of whether or not an arrest was made, provide the victim with a notice of rights in both oral and written form, and petition for an emergency protective order if he has reasonable grounds to believe that there is probable danger of further acts of family abuse; and

- Finally, the definition of family or household member is amended consistent with Section 16.1-228.

The changes to the legislation are based upon research of other states' legislation regarding mandatory arrest (see *Appendix H*). The Commission also conducted a survey of several local law enforcement agencies to determine what their arrest policies and procedures are regarding domestic violence cases.

### **3. Continuing Resolution**

The Continuing Resolution provides the justification for the continuance of the Commission. (See *Appendix I*). The resolution states that the Commission shall continue to study family violence in the Commonwealth to:

- determine the impact of family violence on children
- examine the availability and accessibility of services and resources to victims of family violence
- investigate the development of standards for effective Batterer Treatment programs
- examine effective prosecution techniques, and
- determine services, resources and legislation which may be needed to further address, prevent and treat family violence.

The resolution adds one additional juvenile and domestic relations court judge and four additional citizens representing the media and organizations involved in family violence issues. The juvenile and domestic relations court judge and two of the citizen members shall be appointed by the Speaker. The other two citizen members shall be appointed by the Senate Committee on Privileges and Elections.

The Legislative/Judicial Subcommittee has approved the Continuing Resolution. It has been approved by the Commission with the specific language to be approved by the Commission.

### **4. Child Protective Services -- Standards for Investigation**

The Commission through the Legislative/Judicial Subcommittee is examining the standard of evidence in abuse proceedings in Virginia's courts. The existing standard of evidence required to declare a case of child abuse or neglect as founded is clear and convincing which is a higher standard than "preponderance of the evidence" which is used in most civil cases in Virginia. This standard is established by the Board of the Department of Social Services.

At this time, the subcommittee has placed the investigation of this issue on hold while more information is gathered. The Commission supports the change in the evidentiary standard from "clear and convincing" to "preponderance of the evidence", and plans to follow the work of the HJR 502 Study Committee to determine if any action is required.

### **C. RECOMMENDATIONS**

The Legislative/Judicial Subcommittee recommends that the Commission presents the above legislative changes to the General Assembly. The change in the arrest policy will increase the law enforcement awareness of domestic violence issues by providing the officers with increased training and education. The amendment will also provide the officer with increased abilities to protect victims of domestic violence. The mandatory arrest provision will remove the alleged perpetrator from the home for a violation of a protect order or when there exists imminent danger to the victim. In addition, the officer shall provide information to the victim regarding his or her rights, civilly and criminally. The existing statute allows for the officer to transport the victim. The revisions would require the officer to transport or arrange for transportation for the victim.

In addition, the Continuing Resolution should be adopted to extend the work of the Commission on domestic violence issues.



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## VII. PUBLIC & PROFESSIONAL AWARENESS SUBCOMMITTEE

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### **A. OBJECTIVES**

Existing within the Commonwealth of Virginia are many services, resources, and legislation which address, prevent and treat family violence. It is vital to the success of these existing efforts that both the public's awareness of these available resources increase, and that professionals who come in contact with victims of family violence gain increased awareness of the resources available in order to effectively respond when they encounter victims of family violence.

The Public and Professional Awareness Subcommittee was created to:

- design and implement a statewide public awareness campaign
- aid the Commission in its role as a clearing house and referral point for dissemination of information of related existing services, funding resources, local coalitions and model programs.
- co-sponsor a statewide multi-disciplinary conference on the prevention and treatment of family violence

By inviting individuals who have experience in varying professional fields (medical, judicial, legislative, victim advocacy, education and media) to be members of the Subcommittee, the Commission formed an effective, informed working group.

### **B. PROPOSED STRATEGIES**

1. **Develop a public awareness kit to be distributed in conjunction with a statewide media campaign**

Accomplishments to date: Convened a group of representatives of various statewide victim advocacy organizations (Virginians Against Domestic Violence, Virginians Aligned Against Sexual Assault, Prevent Child Abuse Virginia and the Virginia Coalition for the Prevention of Elder Abuse) who jointly developed a public awareness kit, *Together Against Violence*. The kit contains statistics, hotline numbers, and specific plans for developing local activities during *Violence Awareness Month* each October. A press conference was held on September 29, 1995 at the Commission's quarterly meeting in Radford, VA. The press conference helped to draw attention to the availability of the kits. In October of 1995, 5,000 of these kits were distributed statewide and requests have already been received for next year's kit.

2. **Encourage longitudinal training for health care professionals through "teaching" hospitals**

Accomplishments to date: Convened a Task Group on Violence Education and Awareness for Physicians on January 6, 1995 to determine what training/curricula are currently in use by medical schools, internship/residency programs, and continuing medical education programs in Virginia (See *Appendix H*). A survey was developed and conducted in the three medical schools (EVMS, MCV, UVA) at the Medical Student level and at the Internship, Residency, and Fellowship level. Several recommendations were developed after interpretation of the survey results. The survey is currently being distributed in the continuing medical education programs.

**3. Develop a victim resource card for law enforcement agencies, magistrates, and victim service providers**

Accomplishments to date: The Victim Provider Resource Materials Task Group, which was formed on January 6, 1995, developed a "business card" sized "print ready" template that contains statewide information directly related to the court system and safety planning related to family violence, and an area for local service numbers. The card can be inexpensively reproduced for distribution in localities. It is designed to be easy for a victim to hide and carry on their person. The template is ready in disc form to go to the printer. Due to the information on the card related to arrest and protective order legislation which may undergo changes in the 1996 Session of the General Assembly, distribution has been delayed to provide the most recent information possible.

**4. Develop a service provider resource guide**

Accomplishments to date: The Victim Provider Resource Materials Task Group developed a plan for a reference guide for magistrates, court service units, clerks of courts, and other service providers. The guide will contain information related to relevant code sections, family services and referral mechanisms. Research on this project is set to begin in the Spring of 1996.

**5. Co-sponsor statewide conferences on the treatment and prevention of family violence**

Accomplishments to date: Co-sponsored the following conferences in 1995:

- *Healthy Families Virginia Conference*, October, 1995, Richmond  
This conference included 31 workshops, 79 speakers and 400 registrants.

- *Advancing Peace, Ensuring Justice: Strengthening Virginia's Response to Violence Against Women*, December, 1995, Williamsburg  
This three-day conference included a wealth of informative

workshops. Approximately 300 people participated over the course of the event.

Future Conference: Plan to co-sponsor "*Together Against Violence Day*" in October, 1996.

### **C. FINDINGS AND RECOMMENDATIONS**

1. The SPAC kit was well received in 1995 and was reported to be a unique and useful tool against family violence because it combined information on child abuse, elder abuse, sexual assault, and other forms of family violence.

**Recommendation: The Commission should continue its Statewide Public Awareness Campaign by combining the distribution of an updated, revised kit in 1996 with some form of broadcast media campaign. The Commission should convene a meeting of the existing SPAC group to develop this media campaign.**

2. The results of the medical school survey indicate a need to coordinate information between the three schools and to develop uniform, required curricula on family violence.

**Recommendation: The Commission should convene a meeting of the Deans of the three medical schools to develop a work plan to formally integrate family violence curricula into medical school and internship/residency education programs in Virginia's medical schools through a consortia of representatives from the three medical schools. Model curricula developed nationally should be made available as the base of training programs in Virginia through the use of an annotated bibliography of materials.**

**Recommendation: The Commission should encourage each of the three medical schools to develop an in-school assessment tool for use in ongoing self-assessment in order to track the progress of each medical school's efforts. The Deans of the three schools will be asked to identify a key individual in each institution to coordinate these efforts over time.**

**Recommendation: The Commission should encourage the medical schools, the Medical Society of Virgin, and the Old Dominion Medical Society to jointly sponsor a statewide medical education clinic for faculty and other interested individuals [i.e., practicing physicians] in the area of family violence.**

**Recommendation: The Commission should encourage the Commonwealth of Virginia (because of governments shared commitment and responsibility with the community in helping to stop family violence) to strive to become a recognized**

**national leader for encouraging the interaction and coordination of the many disciplines (e.g., medical, legal, judicial, social, political, business) which must interact for successful family violence intervention.**

3. After experiencing the trauma of family violence, the victim (if he/she chooses to prosecute) must work with the court system which can often be a confusing and mystifying process. The victim resource card is a useful tool for the victim when trying to understand the complexities of the court process, as well as how plan for his/her safety.

**Recommendation: The Commission should encourage the distribution of the templates for the victim resource card.**

4. There is a need to help coordinate and streamline the efforts of the different individuals involved in providing service to victims of family violence, and to make the wealth of information easily accessible.

**Recommendation: The Commission should continue to develop a service provider resource for magistrates, court service units, clerks of courts, and other service providers.**

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## VIII. ACKNOWLEDGEMENTS

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The work of the Commission throughout the year was assisted by several organizations and individuals. Their efforts exemplify their concern for Virginia's families. The Commission gratefully acknowledges their support and looks forward to future collaboration.

Virginians Against Domestic Violence  
Virginians Aligned Against Sexual Assault  
Prevent Child Abuse Virginia  
Virginia Coalition for the Prevention of Elder Abuse  
Virginia Department of Social Services  
Family and Children's Trust  
Bureau of Justice Assistance, US Dept. of Justice  
Office of the Executive Secretary, Supreme Court of Virginia  
National Council of Juvenile and Family Court Judges  
American Prosecutors Research Institute  
House Committee Operations  
Legislative Services  
Alexandria Commonwealth's Attorney's Office  
Alexandria Victim/Witness Program  
Robert N. Baldwin  
Caitlin Bitto  
Stephanie Bitto  
Central Virginia Health Network  
Cathy Chaffin  
Sara Cooke  
Emily Costello  
George Mason University, Arlington Campus  
Patti Hargrave  
Hazel and Thomas, P.C.  
Frances Helvin  
Andrew Kiser  
Jennifer Knobe, BJA  
National Center for State Courts  
Joe Price  
Radford University  
Claire Russell  
Porter Smith Thayer  
Tidewater Community College, Virginia Beach  
The University of Virginia

Virginia Law Library  
Virginia Magistrate's Association  
Virginia State Police  
Mary Vail Ware  
Women's Resource Center of the New River Valley  
Megan Zwisohn

Most especially, the Commission thanks the Citizens of the Commonwealth of Virginia, especially those whose courageous public testimony provided an inspiration for the Commission's efforts. Their contribution is very gratefully acknowledged.

GENERAL ASSEMBLY OF VIRGINIA -- 1994 SESSION

HOUSE JOINT RESOLUTION NO. 279

*Establishing the Commission on Family Violence Prevention.*

Agreed to by the House of Delegates, March 10, 1994

Agreed to by the Senate, March 8, 1994

WHEREAS, violence between and among family members and in other domestic situations continues to take a terrible toll on families and society; and

WHEREAS, one in three female murder victims is killed by her husband or boyfriend; and

WHEREAS, battering causes more serious injury to women than auto accidents, muggings and rapes combined; and

WHEREAS, one estimate has shown that domestic violence costs the nation \$5 - \$10 billion annually; and

WHEREAS, family violence results in 21,000 hospitalizations, 28,700 emergency room visits and 39,000 physician visits annually; and

WHEREAS, there is a need to identify and coordinate existing services and resources available to address, prevent and treat family violence; and

WHEREAS, there is a need to increase public awareness of existing services and resources for families in need of them; and

WHEREAS, there is a need to identify legislation, services and resources which may not exist, but are needed to curb family violence; and

WHEREAS, the Virginia Domestic Violence Coordinating Council has made great strides in addressing the problems caused by family violence, but much work remains to be done; and

WHEREAS, the work of the Virginia Domestic Violence Coordinating Council can best be advanced through creation of a legislative commission with citizen membership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a commission be established to study domestic violence in the Commonwealth, to identify existing services and resources available to address family violence, to investigate ways to coordinate delivery of those services and resources and increase public awareness of their existence, and to determine services, resources and legislation which may be needed to further address, prevent and treat family violence.

The Commission shall be composed of twenty-five members as follows: four members of the House of Delegates to be appointed by the Speaker of the House; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; the Lieutenant Governor of Virginia; the Chief Justice of the Supreme Court, or his designee; the Chief Judge of the Court of Appeals of Virginia, or his designee; the Attorney General, or his designee; the Secretary of Education, or her designee; two circuit court judges, one general district court judge, and one juvenile and domestic relations court judge, to be appointed by the Governor upon the recommendations of the Chief Justice of the Supreme Court; the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Commissioner of the Department of Social Services; the Director of the Department of Youth and Family Services; the Executive Director of the Public Defender Commission; one Commonwealth's Attorney to be appointed by the Senate Committee on Privileges and Elections; and four citizen members representing the media and organizations involved in family violence issues to be appointed by the Speaker of the House. The Chairman of the commission shall be a member of the General Assembly; and, be it

RESOLVED FURTHER, That the legislative members of the Commission shall constitute an executive committee which shall direct the activities of the State Office on Family Violence Prevention, provided that office is funded.

The Division of Legislative Services and the State Office on Family Violence Prevention, provided that office is funded, shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the Commission upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

The direct costs of this study shall not exceed \$11,600.

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**APPENDIX B. MEMBERSHIP OF SUBCOMMITTEES**

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**COMMUNITY RESPONSE SUBCOMMITTEE MEMBERSHIP**

**\*Lt. Governor Don Beyer**  
**Wilbert Bryant, Deputy Secretary of Education**  
**Betty Wade Coyle Norfolk**  
**Judge Donald Kent, Alexandria Circuit Court**  
**Candace Feathers, Family Violence Services Coordinator, Virginia Beach,**  
**Walter Felton, Commonwealth's Attorneys' Services Council**  
**Judge Dale Harris, 24th District J&DR Court Lynchburg**  
**Rosemary Harris, Virginia Magistrate's Association**  
**Brig. Gen. Gail Reals, USMC Retired, Arlington**  
**Judge Diane Strickland, Roanoke City Circuit Court**  
**H. Lane Kneidler, Hazel & Thomas, Richmond**

**DATA COLLECTION AND MONITORING SUBCOMMITTEE MEMBERSHIP**

**\*Delegate Kenneth Melvin, 80th District, Portsmouth**  
**Carol Brunty, Commissioner, Virginia Dept. of Social Services**  
**Dr. Timothy Kelly, Commissioner, Virginia Dept. of Mental Health, Mental  
Retardation & Substance Abuse Services**  
**Judge Norman Moon, Court of Appeals**  
**Dr. Donald Stern, Acting Commissioner, VA Dept. of Health**  
**Cartie Lominack, Charlottesville**  
**Vickie Mistr, Richmond**

**LAW ENFORCEMENT SUBCOMMITTEE**

**\*The Hon. James Gilmore, Attorney General of Virginia**  
**The Hon. Harry L. Carrico, Chief Justice, Supreme Court of Virginia**  
**The Hon. Stephen Helvin, Judge, 16th District, Charlottesville**  
**Ms. Laurie Frost, Lorton**  
**Senator Kenneth Stolle, Virginia Beach**  
**Chief Charles Bennett, Lynchburg Police Dept**  
**Mr. Gary Byler, Virginia Beach**  
**Mr. Michael Clatterbuck, Verona**  
**Detective M. J. Coker, Portsmouth**  
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**Ms. Josephine Phipps, Friends of Norfolk Juvenile Court**  
**The Hon. Howard C. (Toby) Vick, Jr., Commonwealth's Attorney, Henrico County.**



**Ms. Karenne Wood, Rappahannock Council on Domestic Violence**  
**Ms. Marcy Wright, VA Peninsula Council on Domestic Violence**

#### **LEGISLATIVE/JUDICIAL SUBCOMMITTEE MEMBERSHIP**

**\*Senator Edward Houck, Spotsylvania**  
**\*Delegate Toddy Puller, Mt. Vernon**  
**Barbara Hickey, Norfolk**  
**Patricia West, Dept. of Youth & Family Services**  
**BettyJo Anthony, Virginia Women's Attorney Association**  
**Delegate Jean Cunningham, Richmond**  
**William W. Davenport, Chesterfield Commonwealth's Attorney**  
**Pat Groot, VAASA**  
**Ruth Micklem, VADV**  
**Holly S. Peters, Roanoke Legal Aid**  
**Larry Pochucha, Virginia Trial Lawyers Association**  
**Barbara Rawn, Prevent Child Abuse Virginia**  
**Janice Redinger, VAASA**  
**Dana Schrad, Virginia Crime Commission**

#### **PUBLIC AND PROFESSIONAL AWARENESS SUBCOMMITTEE MEMBERSHIP**

**\*The Hon. C. Richard Cranwell, Delegate, 14th District, Vinton**  
**\*The Hon. Roy Willett, Judge, 23rd Judicial Circuit, Roanoke County**  
**The Hon. Janice B. Wellington, Judge, J&DR District Court, Manassas**  
**Ms. Jean Brown, Leesburg**  
**Ms. Margaret Brewer, FACT.**  
**Mr. Peter Easter, Virginia Association of Broadcasters**  
**Dr. David Gould, Richmond**  
**Dr. Marybeth Hendricks-Matthews, Richmond**  
**Beblon Parks, Virginia Education Association**  
**Johanna Schuchert, Prevent Child Abuse Virginia**  
**Ginger Stanley, Virginia Press Association**  
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**Kristi VanAudenhove, VADV**

\*=Subcommittee Chair

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**APPENDIX C. MEMBERSHIP OF TASK GROUPS**

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**ANTI-STALKING TASK GROUP MEMBERSHIP**

**\*H. Lane Kneedler, Hazel & Thomas, PC,**  
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Vernon Melton, Sr., New Kent  
Ingrid Olson, Richmond  
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Walt Credle, Hampton Dept. of Social Services  
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Ed Holmes, Norfolk Court Services  
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Beblon Parks, VEA  
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**DATA TASK GROUP MEMBERSHIP**

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Pam McNees, The Haven in Richmond County  
Jackie Smith Mason, Virginia Criminal Sentencing Commission  
Cyril Miller, Judicial Planning. Supreme Court of VA

**Ken Mittendorf**, MIS Dept., Supreme Court of VA  
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**PROTECTIVE ORDERS TASK GROUP MEMBERSHIP**

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**Chief Charles Bennett**, Lynchburg Police Department  
**Mr. Walter Felton**, Commonwealth's Attorneys Services Council  
**Carl J. Cassel**, Springfield  
**Susan Cunningham**, Hanover Community Services Board  
**Melinda Douglas**, Public Defender, City of Alexandria  
**Deb Downing**, Victim Services Coordinator, DCJS  
**Judy Gundy**, Resolutions  
**Mr. Paul Thompson**, Commonwealth's Attorney, Winchester,  
**Nancy Turner**, Arlington Community Shelter  
**Anne VanRyzen**, Mt. Vernon Center  
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**TASK FORCE ON VIOLENCE EDUCATION AND AWARENESS FOR PHYSICIANS**

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**Judge Janice B. Wellington**, J&DR District Court, Manassas  
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**Brenda Bossieux, RN**, Mechanicsville  
**Betsy Brinson, Ph.D.**, School of Medicine, VCU  
**Bonnie Dattel, M.D.**, Dept. of OBGYN, Eastern VA Medical School  
**Christina Delzingaro**, The ARC of Charlottesville  
**David Gould, M.D.**, Richmond  
**Dennis Harston, M.D.**, Richmond  
**Lorraine McRae, BA**, Richmond  
**Michael Morse, M.D.**, Virginia Center for Advancement of Generalist Medicine, UVA  
**MaryAlice O'Donnell, Ph.D.**, MCV Graduate Education  
**Allie Rudolph**, Department of Family Medicine, UVA Health Sciences Center,  
**Maria Reyes, BA**, Richmond  
**Clinton Toewe, M.D.**, Eastern Va Medical School  
**Hilda Woodby, RN**, Richmond

**VICTIM RESOURCE MATERIALS TASK GROUP MEMBERSHIP**

**\*Judge Roy Willett**, Roanoke County  
**\*Jean Brown**, Leesburg  
**Judge Dean Lewis**, Spotsylvania J&DR Court  
**Kathy Mays**, Judicial Planning, Supreme Court of Virginia  
**Karen Thomas**, DCJS

**Susan Kirkley**, SCAN of Northern Virginia

**Sheila Hunter**, The Haven, Warsaw

**Ed Mercurio-Sakawa**, Alternatives for Abused Adults, Staunton

**Carla Stewart**, Victim/Witness Program - Hopewell Bureau of Police,

**Brian Williams**, Family Violence Council, Norfolk

**Sandy Witt**, Victim/Witness Unit, Fairfax

**Carol Ellis**, Victim/Witness Unit, Fairfax

\*=Task Group Chair

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  - b) Victim referral and support
  - c) Evidence collection
  - d) Management strategy

- Appendix A: Stalking Behavior Checklist  
 Appendix B: Preliminary Assessment Checklist  
 Appendix C: Available Resources  
 Appendix D: List of Related Offenses  
 Appendix E: Discussion Questions

**IV. Mental Health Response**



- A. **Identifying Stalking Clients**
- B. **Classifications and Typologies**
  - 1. **Delusional Disorders**
  - 2. **Personality Disorders**
- C. **Important Client Background Information**
- D. **Assessments of Dangerousness**  
[Virginia Code]
- E. **Considerations in Working with Clients**

Appendix A: **Discussion Questions**

V. **Victim Safety**

- A. **Post Traumatic Stress Disorder**
  - 1. **Persistent Re-Experiencing**
  - 2. **Persistent Avoidance**
  - 3. **Persistent Arousal**
- B. **Counseling Services Available**
  - 1. **Things Victims Can Do for Themselves**
  - 2. **Outreach Programs**
- C. **Victim Safety Issues**
  - 1. **Personal Responsibility**
  - 2. **Getting Positive Results**

Appendix A: **Stalking Critical Incident Log**

Appendix B: **Safety Precautions**

Appendix C: **Discussion Questions**

VI. **Group Discussions**

- A. **Discussion Leader's Guide**
- B. **Hypothetical**

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*APPENDIX F. REPORT OF LAW ENFORCEMENT SUBCOMMITTEE  
SEPTEMBER 29, 1995*

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"I'll kill you," he exclaimed as he held the knife in his hand with the blade pointed toward her neck. He had threatened to kill her and had hit her before, but this time he had a weapon other than his fists. It had been some time since she had called the police, and he had warned her that she had better say that nothing happened when the police arrived. She was scared, frightened, upset, and crying, but finally she was relieved when the police came to protect her. She tried to calm down to talk to them, but was so distressed that she could not. She tried to explain the situation, but they did not want to listen because she could not control her emotions. In contrast, he seemed so calm, it was almost hard for even her to believe that just moments before he had accosted her with a knife. The officers talked with them in the presence of each other, and did not arrest him. The officer told her to lie down and get a good night's sleep, he'd be fine in the morning. He had just threatened to kill her, yet she was supposed to sleep in the same house with him. Inadequate state laws governing arrest in domestic violence cases often result in a failure to provide a response to victims in situations like this.

It is simply unacceptable that incidents similar to this one have occurred and continue to occur throughout this state. According to Department of Criminal Justice Services statistics, in Virginia, in 1994, there were thirty-nine domestic homicides involving spouses, twenty-three domestic homicides involving parents and children, and fifteen domestic homicides involving other family members. A recent U.S. Department of Justice survey indicated that in 1992-93, in 29% of all violence against women by a lone offender, the perpetrator was an intimate (husband, ex-husband, boyfriend or ex-boyfriend). "In 1992, approximately 28% of female victims of

homicide (1,414 women) were known to have been killed by their husband, ex-husband or boyfriend." National Crime Victimization Survey; Violence Against Women: Estimates from the Redesigned Survey, Bureau of Justice Statistics Special Report, NCJ-154348 (August 1995).

The Law Enforcement Subcommittee of the Commission on Family Violence Prevention, Chaired by Attorney General James S. Gilmore, III, proposes a two-pronged approach to improving police response to domestic violence and ensuring the protection of battered women. First, a statewide mandatory arrest policy, which provides for the identification and arrest of the primary physical aggressor, should be enacted in domestic violence cases. Second, officers across the Commonwealth should be required to complete training in the handling of domestic violence cases, including training specifically in the identification of the primary physical aggressor. Such training should occur both in the academy and in continuing education thereafter.

#### I. ARREST POLICIES EXAMINED BY THE SUBCOMMITTEE

The Subcommittee heard presentations on local arrest policies currently in place in several jurisdictions in the Commonwealth, in neighboring states, and from across the country:

##### A. *Mandatory Arrest Policy*

One option discussed by the Subcommittee was the implementation of a mandatory arrest policy. Such a policy would require that an arrest must be made whenever there is probable cause that misdemeanor or felonious domestic abuse has occurred. To prevent wrongful arrest of the victim, the arresting officer is often required to determine which person is the "primary physical aggressor." If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic or

family violence. In determining whether a person is the primary aggressor, the officer may consider:

- the relative severity of the injuries sustained by each person;
- the likelihood of future injuries to each person;
- whether one of the persons acted in self defense; and
- prior complaints of domestic or family violence.

Some other states, furthermore, define the primary aggressor as the person least likely to call the police and most likely to fear police intervention. A mandatory arrest policy would absolve both the victim and the officer of "blame" for the arrest. This policy prevents possible retaliation against the victim by the abuser.

Evidence shows that immediate arrest reduces the incidence of domestic violence. See Sarah M. Buel, *Mandatory Arrest for Domestic Violence*, 11 Harvard Women's Law Journal 213 (1988). Further, a Milwaukee study found that 82% of battered women requested that their batterer be arrested, yet police arrested only 14% of these batterers. Id. (citations omitted).

#### *B. Pro-Arrest Policy*

A second option presented was the implementation of a pro-arrest policy. This type of policy does not mandate arrest, but states that it is the preferred response in cases of domestic abuse. In other words, even if there is probable cause, the officer is not required to make an arrest. While this policy allows the officer and the victim more discretion, it introduces a substantial amount of ambiguity in the Commonwealth's response to domestic violence.

The Family Violence Model Code states that "A law enforcement officer shall not...[b]ase the decision to arrest or not to arrest on ...[t]he specific consent or request of the

victim..." Family Violence: A Model State Code, Advisory Committee, Conrad N. Hilton Foundation: Model Code Project of the Family Violence Project, §205(A)3(b)(2), p. 7 (1994). However, the victim's request would be one factor considered in the officer's decision of whether to arrest. One victim stated in her response to the Subcommittee's survey, that the abuser often makes threats before the police arrive, thereby intimidating the victim to deny that any abuse has occurred. This evidences a chief problem of the pro-arrest policy in that it puts the burden on the battered women who, having been beaten by a husband or other beloved family member upon whom she may be financially dependent, is emotionally conflicted. She also may fear for her future safety if she makes the decision that the abuser should be arrested.

Moreover, a pro-arrest policy unfairly places the arresting officer in the position of a mediator. A police officer's job is to preserve public order and prevent crime. By placing the burden on the police officer to decide whether to make the arrest in a domestic violence case, the law asks the officer to serve as a counselor, which he is not trained to do and is beyond the requirements of his position. It is unfair to the police officer for him to be required to do more than preserve public order and prevent crime.

## II. RECOMMENDATIONS OF THE LAW ENFORCEMENT SUBCOMMITTEE

Based upon the foregoing, the Subcommittee recommends that the following actions be taken:

### Recommendation #1:

A statewide mandatory arrest policy for cases of domestic violence should be added to the existing provisions of the Code of Virginia. This policy shall require that a law enforcement officer with probable cause that a person has committed a crime involving either misdemeanor or

felonious domestic violence, either in or outside the presence of the officer, must arrest and charge the suspected abuser with the appropriate crime. Additionally, if the officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine under the following criteria who was the primary physical aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic or family violence. In determining whether a person is the primary physical aggressor the officer shall consider:

- (1) Prior complaints of domestic or family violence;
- (2) The relative severity of the injuries inflict on each person;
- (3) The likelihood of future injury to each person; and
- (4) Whether one of the persons acted in self-defense.

Furthermore, the law enforcement officer who has reasonable grounds to believe that assault and battery against a family or household member has occurred shall file a written report of the incident with his department and make available a copy to the victim, pursuant to §19.2-81.3. This copy shall be made available to the victim at no cost.

In addition, witnesses, officers, and localities currently cannot be held civilly liable for reports made or failure to arrest in domestic violence cases, when the actions or omissions were made in good faith. This immunity should be maintained.

Rationale:

The Commonwealth currently does not have a policy on arrests made in cases of

domestic violence. This lack of a statewide policy reduces Virginia's effectiveness in combatting domestic violence.

Mandatory arrest policies have been shown to decrease both domestic homicide rates and the frequency of repeat calls to the same residence. According to Deputy Sheriff Donna Perone, Domestic Violence Liaison for the San Diego Sheriff's Department, domestic homicides decreased more than 50% in four years following the implementation of the city's mandatory arrest policy. Such policy provides a positive example for children who see that abuse is not to be tolerated and will be punished. It is not an accepted lifestyle. This policy also eliminates the difficulties many law enforcement officers encounter when they are forced to act as mediators in certain cases. Donna Perone also stated that before their mandatory arrest policy was implemented, the officers would try to diffuse the situation when they responded to a domestic violence call. Such procedure often resulted in continued abuse and repeated calls to the same residences.

To the extent that policies exist, they vary from jurisdiction to jurisdiction. This inconsistency leads not only to a lack of response in some areas of the Commonwealth, but also to problems of confusion in the expectations of victims, batterers and law-enforcement officers. A statewide policy would normalize arrest procedure in cases of domestic violence and provide a universal reference for law enforcement officers at all levels: if there is probable cause, then an arrest is made of the primary physical aggressor.

The mandatory arrest policy requires that a physical arrest be made, rather than the issuance of a summons. This insures immediate relief for the victim by removing the abuser from the home. The policy empowers victims by lifting from them the responsibility for the

decision to arrest.

Finally, the adoption of a mandatory arrest policy will be designed to preserve current immunity for witnesses, officers, and localities.

*Recommendation #2:*

The rules governing the required training of police officers under the jurisdiction of the Department of Criminal Justice Services pursuant to §9-170.2 currently mandate that a law-enforcement officer shall receive a minimum of 315 hours initial instruction in the academy or training facility and forty hours every two years thereafter. The Subcommittee recommends that training requirements should include a minimum requirement of eight mandatory hours of specific training in the handling of domestic violence situations in the academy or training facility and continuing education. Of these eight hours, a minimum of two hours should be devoted to identification of the primary physical aggressor. The training objectives should include, but are not limited to:

- a thorough understanding of the applications of the mandatory arrest policy in cases of domestic violence;
- knowledge of and competence in following proper procedure under the mandatory arrest policy;
- competence in determining whether probable cause exists to make an arrest in a domestic violence case;
- competence in determining the primary physical aggressor according to the criteria established under Recommendation #1, or any other such criteria as set out by the Department of Criminal Justice Services;



- knowledge of and competence in the techniques of interviewing the victim and the abuser;
- knowledge of and the ability to effectively apply practices designed to promote the safety of officers investigating domestic violence, and
- knowledge of the nature, extent, and causes of domestic violence, including but not limited to the abuser-victim cycle and the psychological effects of long term abuse on the victim and victim's children.

Rationale:

Because Virginia does not currently have a statewide arrest policy of any kind in place, education in the applications of the mandatory arrest policy is needed. Law enforcement officers must be acquainted with the guidelines and functions of any new policy before it can be put into action. Proper procedure must be established and followed for the benefit of both the officer and the victim. Panel members who addressed the Subcommittee consistently stressed the importance of additional training in how to effectively handle domestic violence cases, and especially in determining if there was a primary aggressor. Based upon these recommendations, the Subcommittee has made eight hours its suggested minimum requirement for this training.

The mandatory arrest policy as it is described here includes the identification of the primary physical aggressor. Since this concept may be new to many officers in the Commonwealth, specific education in this area will be required. A minimum of two hours, of the total eight hours, should be spent in the academy or training facility and in continuing education in order to insure adequate understanding.

**Proposed Changes to Protective Order Legislation in Brief**

*Health & Safety Principle:* The system should coordinate efforts and ensure the accessibility of necessary resources so that the result is a significant improvement in the health and safety of family abuse victims.

- Better access for victims is accomplished by allowing magistrates to issue Preliminary Protective Orders whenever they issue a warrant (16.1-253.1) and by allowing the victim to approach a magistrate directly (without the assistance of an officer) to request an Emergency Protective Order (16.1-253.4).
- Victims may now rely on another resource, use of a motor vehicle. See: 16.1-253.1, 16.1-253.4, 16.1-279.1.
- Judges may make temporary custody and visitation orders when they issue a Protective Order under 16.1-279.
- The following changes improve the victim's access to and ability to rely on the system: (1) Petitioners receive copies of every order and information about how to find out whether and when service has occurred (16.1-253.1, 16.1-253.4); (2) Good cause for issuance of a Preliminary Protective Order now includes past family abuse (16.1-253.1); (3) Emergency Protective Orders will now be effective for longer, for 72 hours or until 5 p.m. the next business day (16.1-253.4); and (4) Protective Orders will be effective for two years instead of one (16.1-279).

*Accountability Principle:* The system must hold abusers accountable for their violent behavior in order to protect victims, to prevent the escalation of violence, and to prevent criminal behavior before it occurs.

- Penalties are strengthened by the following changes: (1) Additional grounds for violations are added to 16.1-253.2; (2) No sentences of confinement may be completely suspended under 16.1-253.2; and (3) Early entry of orders into VCIN will better enforce firearm prohibitions for abusers (20-103 and 18.2-308.1:4).
- Old language allowing for "mutual orders" is replaced by language that focuses the courts and system on the clearly defined roles of the victim in need of protection and the aggressor in need of restraint or punishment. See: 16.1-253.1, 16.1-253.4, 16.1-279.1. Similarly, old language focusing on "rehabilitation and reconciliation" is replaced by language focusing on protection, health and safety. See: 16.1-278.14, 16.1-279.1.

*Effectiveness/System Integrity Principle:* The Code should reflect a clear and consistent approach to protective order policy, supported by consistent use of fundamental terminology.

- "Family or household member" replaces current references to "spouse" or "child" and thereby expands the category of individuals subject to protection and improves the health and safety of more individuals in need. See: 16.1-228, 16.1-253, 16.1-253.1, 16.1-278.14, 18.2-60.3, 20.103.
- "Family abuse" becomes the standard term, replacing "spouse abuse" and thus widening the category of persons subject to protection while also focusing legislation and policy on the civil nature of protective orders and the reach of the system's jurisdiction to all instances of family abuse (not just assaults that are criminal in nature, or assaults against a spouse). See: 16.1-253.4, 16.1-296, 16.1-298.
- Throughout the protective order statutes, the term "protective order" is substituted for others such as "order of protection" and the terms "respondent" and "petitioner" are used consistently throughout to identify the parties.

*All of the above will encourage public trust in Virginia's response to family abuse by safeguarding the essential principles of health & safety, accountability, effectiveness and system integrity.*

## **EFFECTIVENESS OF PROTECTIVE ORDERS**

The keys to effective protective orders involve the order itself; court processes and procedures; enforcement of the order and the parties.

### **EFFECTIVE**

Properly drafted

Clear, detailed and specific about the behaviors prohibited

Provide specific detail about the relief provided

Are comprehensive in the scope of relief provided

### **INEFFECTIVE**

#### **The Order Itself**

Vague

Non specific about behavior that is prohibited

Limited in scope (eg. if doesn't include reference to visitation, the abuser may insist on visiting his/her children in the home, if doesn't prohibit contact at the work place, may harass the victim there)

Mutual orders

#### **Court Processes and Procedures**

Court or system available and accessible  
- Emergency orders PMs/Weekends

- Judge available throughout the business day

Assistance provided to the petitioner filling out forms

Remedy available only certain times and days (meets system need - not citizen need)

Court staff trained in the area of domestic violence - docket cases together

No help available to citizens seeking orders - most likely will be pro se with no legal training - especially important for non-English speaking citizens

Streamlined or simplified petition process

No fees

Court staff may dissuade or discourage petitioners

Fragmented system where cases involving the same parties are being dealt with in different courts with no coordination/communication

### **Enforcement**

Served promptly with notice and a copy to the petitioner

Never served

Track and monitor compliance

Petitioner not have copy or understand the order

Aggressively and consistently enforced

No or weak response to violations

### **The Parties**

Petitioner seeks civil remedy early in abusive relationship before serious injury

Serious physical injury

Based on 1990 study, petitioners for whom orders were effective were younger, completed more education, employed with higher salaries and in relationships of shorter duration than those for whom orders were deemed as unsuccessful or were battered and did not seek orders.

Petitioner is economically dependent on the abuser

Strong emotional ties exist between petitioner and abuser

Abuser has past criminal record (any past criminal record)

Sought an order after the first incident that resulted in a call to police for help.

Abuser is unemployed or "under" employed

Abuser uses drugs and/or alcohol

Abusers behavior is verbal, harassing and intimidating

Abuser displays a general disregard for the law and authority

Abuser does not have a prior criminal record

There were multiple complaints to the police  
before an order was sought

**ADDITIONALLY**, where the law enforcement, legal, human service and community support systems are strong and well coordinated, protective orders are more effective because they are issued in a context that provides broad protections, support and accountability.

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**APPENDIX H. ARREST POLICY INFORMATION BY STATE**

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**Immunity Provisions:**

The following is a lists of states with a mandatory arrest policy & what the states have in the way of immunity for the law-enforcement officers:

- Arizona § 13-3601(B) - Failure to make an arrest does not give rise to civil liability except pursuant to § 12-820.02, which defines Qualified immunity including failure to make an arrest or failure to retain an arrested person in custody as long as the public employee did not intend to cause injury or was grossly negligent;
- Colorado § 18-6-803.5(5) - A peace officer arresting a person for violating a restraining order or otherwise enforcing a restraining order shall not be held criminally or civilly liable for such arrest or enforcement unless the peace officer acts in bad faith and with malice or does not act in compliance with rules adopted by Colorado Supreme Court.
- Connecticut § 46B-38b© - No peace officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a family violence incident for an arrest based on probable cause.
- District of Columbia § 16-1033 - A law enforcement officer shall not be civilly liable solely because he or she makes an arrest in good faith and without malice pursuant to this subchapter.
- Iowa § 236.12(4) - A peace officer is not civilly or criminally liable for actions pursuant to this section taken in good faith.
- Maine - although there is a mandatory arrest policy, this state has no immunity language.
- Massachusetts ch. 209A, § 6 - No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide policy as established by the secretary of public safety.
- Missouri § 455.085(4) - In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.
- Nevada - mandatory arrest policy, no immunity language.
- New Jersey § 2C:25-22 - A law enforcement officer or a member of a domestic crisis team or any person who in good faith, reports a possible incident of domestic violence to the police shall not be held liable in any civil action brought by any party for an arrest based on probable cause, enforcement in good faith of a court order, or any other act or omission in good faith under this act.
- North Dakota § 14-07.1-11 - Under the mandatory arrest section, a law enforcement

officer may not be held criminally or civilly liable for making an arrest pursuant to this section if the officer acts in good faith on probable cause without malice.

- Oregon - mandatory arrest but no immunity language
- Rhode Island § 12-29-3(d) - A law enforcement officer shall not be held liable for false arrest in any civil action, for an arrest based upon probable cause or for enforcement in good faith of a court order issued pursuant to statutory provisions.
- South Dakota - mandatory arrest but no immunity
- Utah § 77-36-8 - A peace officer may not be held liable in any civil action brought by a party to an incident of domestic violence for making or failing to make an arrest or for issuing or failing to issue a citation in accordance with this chapter, for enforcing in good faith an order of the court, or for acting or omitting to act in any other way in good faith under this chapter, in situations arising from an alleged incident of domestic violence.
- Washington - § 10.31-100(2) - No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31-100(2) or (8) if police officer acts in good faith and without malice.
- Wisconsin § 968.075(2) - Immunity from civil and criminal liability arising out of the decision by officer to arrest or not arrest an alleged offender, if decision is made in a good faith effort to comply with the mandatory arrest section.
- Wyoming § 7-20-106 - A peace officer making an arrest pursuant to this chapter is not civilly or criminally liable for that arrest if officer acts upon probable cause and without malice. [NO MANDATORY ARREST LANGUAGE]

Maine, Nevada, Oregon and South Dakota are the only states with some type of mandatory arrest language that do not provide immunity for police officers under the domestic violence statutes. The immunity may be provided elsewhere for them under Constitutional provisions or other statutory provision. Also, Wyoming has no mandatory arrest language but does have immunity for peace officers

**Written report required:**

The following states also require that a written report be filed by the law enforcement officer. Unless noted otherwise, the report is filed regardless of whether an arrest was made but merely in response to a domestic call.

- Alabama
- California
- Connecticut
- District of Columbia
- Georgia
- Hawaii
- Illinois
- Louisiana
- Maine

- Massachusetts
- Minnesota
- Missouri (file written report if no arrest is made as to why no arrest)
- Montana (file written report if no arrest is made as to why no arrest)
- Nevada
- New Jersey
- North Dakota
- Ohio (file written report if no arrest made)
- Pennsylvania
- Rhode Island
- Tennessee
- Utah
- Wisconsin (file written report if no arrest made)
- Wyoming



**DOMESTIC VIOLENCE: A STATE BY STATE STATUTORY ANALYSIS OF ARREST POLICIES <sup>1</sup>**

STATE	POLICE MAY ARREST W/O WARRANT IF PROBABLE CAUSE	POLICE SHALL ARREST UPON PROBABLE CAUSE	POLICE SHALL USE ALL REASONABLE MEANS TO PREVENT FURTHER ABUSE	POLICE DEPARTMENT SHALL HAVE POLICY GUIDELINES REGARDING DV	OFFICER SHALL MAKE A WRITTEN REPORT EVEN IF NO ARREST MADE	OFFICER SHALL INFORM VICTIM OF RIGHTS AND/OR COMMUNITY RESOURCES
ALABAMA	YES				YES	
ALASKA	YES					
ARIZONA		YES <sup>2</sup>				YES
ARKANSAS	YES (preferred arrest policy)					
CALIFORNIA				YES <sup>1</sup>	YES	YES
COLORADO	YES <sup>4</sup>					
CONNECTICUT		YES		YES	YES	
DELAWARE	YES					
DISTRICT OF COLUMBIA		YES			YES	
FLORIDA	YES				YES	YES
GEORGIA	YES				YES	
HAWAII	YES <sup>1</sup>				YES	
IDAHO	YES					
ILLINOIS	YES		YES	YES	YES	YES
INDIANA	YES					
IOWA		YES <sup>6</sup>	YES			YES
KANSAS		YES <sup>7</sup>		YES		
KENTUCKY	YES					
LOUISIANA			YES		YES	
MAINE	YES <sup>1</sup>		YES	YES	YES	
MARYLAND	YES <sup>9</sup>					

MASSACHUSETTS			YES (preferred arrest)	YES	YES	YES
MICHIGAN	YES					YES
MINNESOTA	YES			YES	YES	YES
MISSISSIPPI	YES					
MISSOURI	YES	YES <sup>10</sup>			YES	
MONTANA	YES (preferred arrest policy)				YES	YES
NEBRASKA	YES					
NEVADA		YES <sup>11</sup>			YES	YES
NEW HAMPSHIRE	YES		YES			YES
NEW JERSEY		YES <sup>12</sup>			YES	YES
NEW MEXICO	YES (& take into custody)		YES			
NEW YORK	YES					YES
NORTH CAROLINA	YES					
NORTH DAKOTA	YES <sup>11</sup>		YES		YES	
OHIO	YES (preferred arrest policy)				YES	
OKLAHOMA	YES					YES
OREGON		YES (& take into custody)	YES			YES
PENNSYLVANIA	YES				YES	YES
RHODE ISLAND		YES <sup>14</sup>		YES	YES	YES
SOUTH CAROLINA	YES (supports mandatory sentencing)					
SOUTH DAKOTA		YES <sup>11</sup> (& take into custody)			YES	
TENNESSEE	YES (preferred arrest policy)				YES	YES
TEXAS	YES					
UTAH		YES <sup>16</sup> (& take into custody)	YES		YES	

VERMONT	YES					
VIRGINIA	YES					
WASHINGTON		YES' (& take into custody)			YES	YES
WEST VIRGINIA	YES					
WISCONSIN		YES (& take into custody)		YES	YES''	YES
WYOMING	YES				YES	YES
TOTALS	35	14	10	9	26	21

1. This table was adapted from the table established in the article, Domestic Violence: A History of Arrest Policies and a Survey of Modern Laws, 28 FAM. L.Q. 509 (Fall 1994), with changes reflecting current laws.
2. The most recent revisions to the Arizona Revised Statutes Annotated § 13-3601(B) add a mandatory arrest policy in “cases of domestic violence involving the infliction of physical injury” or use or threatened use of a deadly weapon or dangerous instrument, if the police officer has probable cause to believe the above has occurred and the victim is in danger.
3. California Penal Code § 273.5 provides that abuse/corporal injury on a family or household member, generally, shall be guilty of a felony.
4. The general directive to the officer responding to a domestic violence call to is arrest with probable cause the perpetrator. Also, the code provides for mandatory arrest for violation of a restraining order. Colo. Rev. Stat. Ann. § 16-3-102 (West 1994).
5. Hawaii Revised Statutes § 709-906(4)(e), although does not have a mandatory arrest policy, provides for a mandatory jail sentence upon a conviction of family abuse or for refusal to comply with the investigation officer’s orders. Also, the officer shall take the perpetrator into custody if the family or household member files a petition alleging abuse.

6. The officer shall arrest when he or she has probable cause to believe that an act of domestic abuse assault has occurred and that there is injury to the victim or if there was intent to inflict a serious injury on the victim or displayed a dangerous weapon in connection with the assault.
7. This mandatory arrest is not statutory. Kansas Attorney General Opinion 92-94 states that an arrest is required and that the police are to have a written policy regarding domestic violence.
8. An officer shall arrest if a person has violated a protective order or an aggravated assault has occurred between members of the same family or household. The officer shall also upon the arrest take the perpetrator into custody. Me. Rev. Stat. Ann. Title 19, § 770 (West, 1994).
9. Maryland's statute is one of the most conservative arrest policy. The officer may arrest if the report was made within 48 hours of the alleged incident and if the officer has probable cause to believe that a battery occurred; there is evidence of physical injury; unless the person is arrested he may not be apprehended, cause further injury to the person or property, or person may tamper with, dispose of or destroy evidence. Md. Code Ann. § 594B(d) (Michie, 1995)
10. if the officer is called to the same address within a twelve hour period and has probable cause to believe the same offender committed abuse or assault against a family or household member, the officer shall arrest the alleged abuser. A mandatory arrest policy is in effect when the officer has probable cause to believe one has violated a protective order. Mo. Ann. Stat. § 455.085 (1995).
11. The officer has the discretion to not arrest, even though the language states that he shall arrest, if mitigating circumstances exist. Also, the officer shall arrest only if he has "probable cause to believe that the person to be arrest has **within the preceding 4 hours committed a battery**" a family member as defined therein. Nev. Rev. Stat. § 171.137 (1993) (emphasis added).
12. The mandatory arrest policy is triggered only if the following occurs: (1) victim exhibits signs of injury caused by an act of domestic violence; (2) a warrant is in effect; (3) there is probable cause to believe that the person has violated [a court order], and there is probable cause to believe that the person has been served with the order alleged to have been violated. If the victim does not have a copy of a purported order, the officer may verify the existence of an order with he appropriate law enforcement agency; or (4) there is probable cause to believe that a weapon as defined in N.J.S. 2C:39-1 has been involved in

the commission of an act of domestic violence. The policy returns to a “may arrest” standard if an act of domestic violence has occurred that is not within the above standard. N.J. Stat. Ann. § 2C:25-21 (West 1994).

13. The officer shall presume that arresting a person where probable cause exists to believe that the person has committed a crime of domestic violence is the appropriate response. N.D. Cent. Code § 14-07.1-10 (Michie 1995).
14. Rhode Island’s Code explains the duties of the officer under their Domestic Violence Prevention Act. This statement of purpose includes that the primary responsibility of the officer when responding to a domestic violence situation is to protect the victim and enforce the laws allegedly violated. R.I. Gen. Laws § 12-29-3 (1994).
15. The mandatory arrest will occur if the officer has probable cause to believe that (1) a “protective order” has been violated or (2) within the preceding 4 hours, a person 18 years or older has assaulted that person’s “household or family member” as defined therein AND the officer believes that (i) aggravated assault has occurred; (ii) assault has occurred which has resulted in bodily injury to the victim, whether observable by the officer or not, or (iii) attempted physical acts putting another in fear of imminent serious bodily harm.
16. The Utah Code provides for two different types of mandatory arrest. The two situations are (1) officer has probable cause to believe that there will be “continued violence against the alleged victim and (2) if there is evidence that the perpetrator has either recently caused serious bodily injury or used a dangerous weapon in the domestic violence offense. In both cases, if the officer has probable cause to believe that the crime occurred, he shall arrest and take into custody the perpetrator. However, in the second scenario, the officer **“may not utilize the option of issuing a citation.”** Utah Code Ann. § 77-36-2.3 (1995) (emphasis added).
17. Washington Code § 10.31-100(2) limits the mandatory arrest by requiring either a violation of a protective order or that the assault or threat of imminent serious bodily injury or death was present within the preceding 4 hours.
18. The officer shall submit a report regarding the domestic abuse call only if no arrest was made. Wis. Stat. Ann. § 968.075(2)(West 1995).

**APPENDIX I. CONTINUING RESOLUTION (SJR 27)**

**1996 SESSION**

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**SENATE JOINT RESOLUTION NO. 27**

Offered January 16, 1996

*Continuing the Commission on Family Violence Prevention.*

**Patrons—Howell, Benedetti, Couric, Earley, Gartlan, Houck, Lucas, Maxwell, Stolle, Stosch, Ticer and Woods; Delegates: Almand, Behm, Cranwell, Damer, Fisher, Jones, D.C., Keating, Kilgore, Melvin, Mims, Plum, Puller, Scott, Thomas, Van Landingham, Van Yahres, Wardrup, Watkins and Woodrum**

**Referred to the Committee on Rules**

WHEREAS, in FY 1994 in Virginia, 29,805 women and 8,640 children were provided services through domestic violence programs; 5,477 new victims sought services through sexual assault crisis centers, 42% as victims of assault by a family member; 14,101 cases of child abuse or neglect were substantiated; and 5,984 cases of abuse, neglect or exploitation of the elderly were substantiated; and

WHEREAS, 17.4% of the homicides occurring in Virginia in 1994 involved victims who were family members of a boy friend or girl friend of the killer; and

WHEREAS, there is a need to further support a coordinated community response to family violence that will assure an efficient and comprehensive approach; to increase public and professional awareness of the complex dynamics of family violence and its prevention; to train and offer technical assistance to communities and professionals who handle issues of family violence; to collect, analyze and disseminate data and information regarding family violence; and to analyze existing policies, services and resources and determine what is necessary to prevent and treat family violence; and

WHEREAS, the Virginia Commission on Family Violence Prevention has made strides in addressing the problems caused by family violence, but much work remains to be done; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commission on Family Violence Prevention continue to study family violence in the Commonwealth to: (i) determine the impact of family violence on children, (ii) examine the availability and accessibility of services and resources to victims of family violence, (iii) investigate the development of standards for effective Batterer Treatment programs, (iv) examine effective prosecution techniques, and (v) determine services, resources and legislation which may be needed to further address, prevent and treat family violence.

Members of the Commission shall continue to serve and any vacancies shall be filled in the same manner as the original appointment except that any vacancy occurring in a judicial appointment shall be filled by appointment of the Senate Committee on Privileges and Elections. One additional juvenile and domestic relations court judge and two additional citizens representing the media and organizations involved in family violence issues shall be appointed by the Speaker and two additional citizens representing the media and organizations involved in family violence issues shall be appointed by the Senate Committee on Privileges and Elections. The Chairman of the Commission shall be a member of the General Assembly; and, be it

RESOLVED FURTHER, That the legislative members of the Commission shall constitute an executive committee which shall direct the activities of the Office of the Commission on Family Violence Prevention.

The direct costs of this study shall not exceed \$12,950.

The Division of Legislative Services and the Office of the Commission on Family Violence Prevention shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the Commission upon request.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislation Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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**APPENDIX J. REPORT OF TASK FORCE ON VIOLENCE EDUCATION AND  
AWARENESS FOR PHYSICIANS**

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Honorable Judge Roy Willett, co-chair of the Public and Professional Awareness Subcommittee of the Virginia Commission on Family Violence Prevention, on January 6, 1995 established the Task force on Violence Education for Physicians. This was based on the belief that Virginia's physicians are in a unique position to reduce the impact of violence in the Commonwealth. Further, it was felt that Virginia's physicians and physicians-in-training could benefit from additional education about violence as a health care issue, thus benefitting patients and families who are victims of violence. To that end, goals and objectives of the Task Force were written, members were named to the Task Force and four subcommittees were formed.

This report highlights the work of the Task Force and contains recommendations for Virginia's physicians' training about family violence.

### **Introduction and Background**

#### **A. Family Violence as a Health Care Issue**

Within the last ten years, organized medicine has recognized that family violence is a major personal and public health problem resulting in vast amounts of human suffering and extreme economic costs. Physicians and other health care professionals are frequently the first and only contact with the victims of child abuse, spouse abuse, and elder abuse. If physicians respond with sensitivity and effectiveness they can help family violence victims access the systems of needed services. Further, physicians have various opportunities to play significant roles in the prevention of family violence.

For physicians to respond effectively to family violence minimally requires an awareness of their role in addressing the problem and the acquisition of skills in identifying, screening, and diagnosing family violence. They must also know how to identify community resources for family violence victims and how to utilize them. To that end, the Violence Education for Physicians Task Group surveyed Virginia's physicians and three medical schools to assess the current status of such training.

#### **B. Definition of Family Violence**

The American Medical Association (AMA) has defined family violence as inappropriate and damaging interpersonal harm among intimates, regardless of the actual legal or biological relationship of those involved. Such harm includes child physical abuse, domestic (partner) abuse, and elderly maltreatment (abuse, neglect, and exploitation).

#### **C. Magnitude of Family Violence**

Violence is one of the major public health problems facing the United States today, and family violence in particular, affects a sizable percentage of the general population. Due to the

sequelae of family violence, victims will be disproportionately seen in any health care setting (physician offices, emergency rooms, hospitals). The following statistics illustrate the magnitude of family violence:

- 2-4 million women battered each year
- 20% - 30% lifetime risk for a woman to be battered
- 1500 women murdered each year by current or past intimate partners
- 20% - 30% of women seen in medical settings may be abuse victims
- 5% - 6% prevalence of elder maltreatment (1.8 million individuals)
- 2,000 childhood deaths from abuse each year
- 140,000 childhood injuries from abuse each year
- 2.9 million reports of child abuse each year
- 250,000 - 400,000 cases of child sexual abuse each year
- 16% of adult women report a history of sexual abuse by a family member

(AMA, to be released November 1995. Diagnostic and Treatment Guidelines on Mental Health Effects of Family Violence.)

- In Virginia in 1994, domestic violence programs provided services to 29,805 women and 8,640 children, and 5,477 new victims sought services through sexual assault crisis centers. (Virginians Aligned Against Sexual Assault.)
- Every 17 minutes a woman in Virginia seeks help from a domestic violence program. (Virginia Department of Social Services)
- In Virginia in 1994, 17.4% of homicides that occurred involved victims who were family members or boyfriend/girlfriend of the killer. (Virginia Department of Corrections)

#### D. Economic costs of family violence

In addition to the physical, emotional, and general problems in living that occur for victims of family violence, the cost implications for this country's economy are overwhelming. The following details some of the cost components associated with family violence:

- acute medical care for injuries, neglect, and their complications
- medical complications from injuries with enduring effects
- mental health and substance abuse care for victims, perpetrators, and families
- inappropriate medical care for unrecognized mental health problems ("distressed high utilizers")
- criminal justice system expenditures for intervening, arrests, prosecution, incarceration
- legal system costs for effects on separation, divorce, custody disputes, protection orders, etc.
- social welfare organizations costs for emergency shelters, housing, foster care, etc.
- impediments to work, absenteeism, poor productivity
- effects on schools caused by behavioral problems
- lost taxes and increased welfare needs because of diminished education and employment



E. Estimates of Medical Schools' Educational Efforts Regarding Family Violence Curriculum at the Pre-Doctoral Level (Medical Student Curriculum)

Until very recently much of the training offered in medical schools has concentrated on the evaluation and care of injuries rather than looking at the social factors affecting health. With the exception of child physical abuse as a result of thirty years of pediatric attention, exposure of medical students to knowledge about family violence has been quite variable (and generally quite small). A 1994 survey from the Association of American Medical Colleges reported that 60% of the graduating medical students felt that "inadequate attention" was given to the subject of domestic violence. While several medical institutions currently do incorporate information about domestic violence into their curricula, it is not a universal practice.

F. Estimates of Exposure of Physicians to Family Violence Education at the Graduate Medical Level (Internship, Residency, and Fellowship Curricula)

While exposure of medical students to knowledge about family violence has been relatively small (child abuse excepted), exposure of graduate physicians to actual cases in primary care residencies is inevitable. However, what resident physicians learn to do about the family violence they see depends on the experiences and orientation of their supervisors which can be highly variable.

A 1990 study of family practice residency programs in the United States revealed that a majority of family practice residency directors did not consider violence education to be a significant part of their curricula. There was however, considerable support from residency directors for the recognition of the importance of adding more training in this area.

**Process**

Surveys of current curricula efforts in Virginia's medical schools (EVMS, MCV, UVA) regarding the teaching of family violence at the pre-doctoral and post-graduate medical education levels were developed and distributed to the offices of undergraduate medical education and residency department heads at each school. In addition to asking about the presence of specific types of family violence (battered women, child abuse, sexual assault, elder abuse) in the curriculum, information was gathered on whether such teaching was required or elective. Further inquiry was made about what specific teaching resources would be helpful in family violence curriculum development. Additionally, each department in the medical schools was asked to identify faculty who were experts in the area of family violence and provide their names and phone numbers.

**Results**

A. Pre-Doctoral Curricula (Medical Student)

For the medical schools who responded to the survey regarding medical student education on the area of family violence, the greatest amount of teaching activity related to child abuse with the least amount of activity in elder abuse.

B. Graduate Medical Education Curricula (Internship, Residency, and Fellowship)

At the graduate medical education level 26 of the 48 programs responding indicated that

they do provide curriculum content related to family violence. The area covered with the greatest frequency was child abuse with domestic violence and sexual assault being addressed less frequently. Elder abuse received the least amount of attention in existing curricula.

Similar to the pre-doctoral level, there was considerable variability among the programs who were teaching about family violence with regard to whether or not the instruction was required or offered as an elective. Additionally, there was great variability in the locations and instructional methods of the existing family violence curriculum. (e.g., within a primary care course, preclinical course, or as clinical vignettes in a variety of courses) Some teaching activity was also present in the form of "brown bag" lunch speakers (e.g., MCV domestic violence)

### C. Support Material Requested

A large number of the programs responding (34 of 48) requested support materials for family violence curriculum development with such requests represented in the following order: names of speakers knowledgeable about family violence; diagnostic and treatment guidelines; curriculum guidelines and; videotapes.

### d. Faculty with Expertise in Family Violence

The surveys identified existing medical school faculty members with expertise in various areas of family violence.

## RECOMMENDATIONS

### **RECOMMENDATION 1 Family violence curricula should be formally integrated into pre-doctoral and post-graduate education programs in Virginia's medical schools.**

Rationale The foundation for family violence curricula currently exists in Virginia's medical schools. However, current successes are based more on the inspiration and initiative of given individuals than on systemic institutional support. Formalizing family violence as a permanent component of medical education would ensure that all physicians have the opportunity to fully exercise their potential to impact this critical community concern.

### **RECOMMENDATION 2 Model curricula developed nationally should be used as the base of training programs in Virginia.**

Rationale Significant investments in research and program development have been made by such organizations as the American Medical Association, the American Association of Medical Colleges, and the American College of Obstetrics and Gynecology. These efforts

have produced model curriculum guidelines and a wealth of resources to support family violence interventions. These materials and methods are available to support Virginia's expansion of family violence education, thus allowing the Commonwealth's time, money and energy to be spent on program implementation rather than program research and development.

**RECOMMENDATION 3** **A system of accountability and measurement should be implemented to assess progress in realizing these recommendations. This system should include the designation of a lead individual from each medical school to oversee curriculum development and implementation. Further, the survey instrument utilized for this report should be adapted for use as an ongoing self-assessment instrument to track the progress of each medical school's efforts.**

Rationale A lack of authority and accountability has led to the current decentralized and fragmented approach to family violence education. Such a system would provide for the most efficient means to deploy resources in this area, and to monitor results and take corrective actions as necessary.

**RECOMMENDATION 4** **The medical schools, the Virginia Medical Society, and the Old Dominion Medical Society should jointly sponsor on an annual basis a statewide multi disciplinary conference for faculty development in the area of family violence.**

Rationale National initiatives have demonstrated the powerful impact of networking among professionals in the field of violence education. Such a statewide conference would serve as a focal point for information sharing and professional support.

**RECOMMENDATION 5** **The Commonwealth of Virginia should strive to become a recognized national leader in bringing together the many disciplines (e.g., medical, legal, judicial, social, political, business) which must interact for successful family violence intervention.**

Rationale As stated above, valuable resources have been developed in the medical field which should be effectively implemented in Virginia. However, true community systems intervention involving the collaboration of the various disciplines mentioned above is still in its infancy. Through the work of the commission on Family

Violence, Virginia has an opportunity to set the national standard for collaborative community planning for violence reduction.



