

**REPORT OF THE**

**COMMISSION ON FAMILY  
VIOLENCE PREVENTION**

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



**SENATE DOCUMENT NO. 17**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1999**





COMMONWEALTH of VIRGINIA  
*Commission on Family Violence Prevention*

Senator Janet D. Howell  
Chair

Harriet M. Russell  
Executive Director

January 11, 1999

TO: The Honorable James S. Gilmore, III, Governor of Virginia  
and

Members of the Virginia General Assembly

The 1998 General Assembly, through Senate Joint Resolution 71, continued the Commission on Family Violence Prevention. The Commission was directed to continue its study of family violence in the Commonwealth. Enclosed for your review and consideration is the report which was prepared in response to this request.

In 1998 the Commission benefited from the assistance of over 280 citizens who served on the Commission, subcommittees, and task groups. 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. Since it began in 1994, the work of the Commission has involved over 900 Virginians from across the Commonwealth.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Janet Howell".

Janet D. Howell  
Chair

VIRGINIA COMMISSION ON FAMILY VIOLENCE PREVENTION  
MEMBERS

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FROM THE SENATE:

Senator Janet D. Howell, *Chair*  
Senator R. Edward Houck  
Senator Kenneth Stolle

FROM THE HOUSE OF DELEGATES:

Delegate Linda T. Puller, *Co-Chair*  
Delegate A. Clifton Woodrum  
Delegate Kenneth Melvin  
Delegate Vivian Watts

MEMBERS BY LEGISLATION:

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The Hon. Mark L. Earley, Attorney General  
The Hon. Harry Carrico, Chief Justice, Supreme Court of Virginia  
The Hon. Wilbert Bryant, Secretary of Education  
The Hon. Johanna Fitzpatrick, Chief Judge, Virginia Court of Appeals  
The Hon. Joseph B. Benedetti, Director, Department of Criminal Justice Services  
Mr. Clarence Carter, Commissioner, Department of Social Services  
Rev. Gerald O. Glen, Director, Department of Juvenile Justice  
Dr. Richard E. Kellogg, Commissioner, Department of Mental Health,  
Mental Retardation & Substance Abuse Services  
Dr. Bill Nelson, Commissioner, Department of Health  
Mr. Overton P. Pollard, Director, Public Defender's Commission

MEMBERS BY APPOINTMENT:

The Hon. Donald W. Lemons, Judge, Virginia Court of Appeals  
The Hon. Roy B. Willett, Judge, 23<sup>rd</sup> Circuit, Roanoke County  
The Hon. Stephen Helvin, Judge, 16<sup>th</sup> General District, Charlottesville  
The Hon. Janice Brice, Judge, Prince William Juvenile & Domestic Relations Court  
The Hon. Joan Skeppstrom, Judge, Norfolk Juvenile & Domestic Relations Court  
The Hon. Paul Ebert, Commonwealth's Attorney, Prince William County

CITIZEN APPOINTEES:

The Hon. David Melesco, Judge, Citizen, Franklin County Juvenile & Domestic Relations Court  
Ms. Pat Groot, Citizen, Virginians Aligned Against Sexual Assault, Charlottesville  
Ms. Ruth Micklem, Citizen, Virginians Against Domestic Violence, Williamsburg  
Ms. Jean Brown, Citizen, Leesburg  
Ms. Betty Wade Coyle, Citizen, Norfolk  
Ms. Barbara Klear, Citizen, Portsmouth  
Ms. Laurie Frost Wilson, Citizen, Lorton  
Mr. Steven Jerentkoff, Citizen, Director, Prevent Child Abuse Virginia

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Ms. Harriet M. Russell, Executive Director

FULL-TIME STAFF: Ms. Ruth A. Reynolds, *Administrative Assistant*, Ms. Kristi Wright, *Staff Attorney*

PART-TIME STAFF: Ms. Pamela Russell, *Subcommittee Staff*, Ms. Bonnie Wood, *Subcommittee Staff*

STUDENT INTERN: Mr. Timothy B. Leach, *Research Assistant*

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## EXECUTIVE SUMMARY

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### *HISTORY AND INTRODUCTION*

The Commission on Family Violence Prevention was established pursuant to House Joint Resolution 279 in 1994 and continued through Senate Joint Resolution 27 in 1996, House Joint Resolution 663 in 1997, and SJR 71 in 1998. The Commission has involved a broad base of citizens in its work this year: 205 individuals on task groups, 50 individuals on subcommittees, and 32 individuals on the Commission. The Commission builds on the work of the Domestic Violence Coordinating Council convened in July, 1993 by Harry L. Carrico, Chief Justice of the Supreme Court of Virginia. The Commission is a department within the Office of the Executive Secretary of the Supreme Court of Virginia. However, as a legislative commission it submits a *Report to the General Assembly* each year.

### *DUTIES*

For 1998, the Commission is directed, pursuant to Senate Joint Resolution 71, to study family violence, including domestic violence, child abuse, elder abuse, sexual assault, and stalking, to: (i) further study the impact of family violence on children; (ii) examine the policies of the Commonwealth and the procedures applicable in cases of marital sexual assault; (iii) determine services, resources, and legislation which may be needed to further address, prevent, and treat family violence; (iv) assess the development of family violence fatality review teams; (v) study juvenile offenders involved in family violence; (vi) draft methods to encourage cooperation in the prosecution of cases; and (vii) assist and support community development of appropriate localized family violence prevention and response programs. In 1999, the Commission plans to conclude its work on the topics listed in the Legislative Recommendations and Workplan.

### *ORGANIZATION*

The Commission itself is made up of 32 members, as dictated by legislation. These members act on recommendations from three subcommittees: Community Response/Professional Awareness, Law Enforcement, and Legislative/Judicial.

Each of the 32 commission members participates on one of the subcommittees. Additional citizens make up the membership of the subcommittees. The subcommittee members act on recommendations from task groups. These task groups do the bulk of the research for the Commission. They meet frequently throughout the year, while the Commission and its subcommittees meet only 3-4 times per year.

## 1999 LEGISLATIVE RECOMMENDATIONS

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During the 1999 General Assembly Session, the Commission is presenting legislation based on the work of the task groups and testimony received at public hearings convened by the Commission during 1998. After reviewing the recommendations of all the subcommittees, the Commission, at its December 4, 1998 meeting, adopted the following legislative agenda:

### *LEGISLATION*

- Amend 18.2-57.2, 16.1-253.4 and 19.2-81.3 to make clear that officers are not required to seek an Emergency Protective order and magistrates are not required to issue such orders in assault & battery cases involving juveniles.
- Introduce legislation to define the purpose and scope of domestic violence fatality review teams and enable localities to convene local teams; and direct that the Office of the Chief Medical Examiner of the Commonwealth provide “surveillance” (a form of public health reporting from the medical examiners’ files) as a mechanism for collecting domestic violence fatality information, develop model protocols for fatality reviews, and provide technical assistance to local teams.
- Amend §18.2-61, 18.267.1, 18.2-67.2 (the marital rape, forcible sodomy and object sexual penetration statutes) to eliminate the word “serious” modifying physical injury.
- Amend §18.2-67.2:1, the marital sexual assault statute, to replace “force or present threat of force” with “force, threat or intimidation” to mirror the language in the rape statute.
- Support legislation that would clarify that Court Service Units should accept all petitions for Protective Orders for review by the judge of the juvenile and Domestic Relations District Court.

### *BUDGET AMENDMENTS*

- Introduce a \$48,000 budget amendment for the Office of the Chief Medical Examiner for to establish a data collection “surveillance” system.
- Introduce a budget amendment for \$2,450,000 in the second year to provide funds to the Department of Criminal Justice Services to expand supervision services for adult family violence offenders in the Juvenile and Domestic Relations District Courts.

### *RESOLUTION*

- Introduce a resolution that the Commission on Family Violence Prevention be continued to complete its work and submit a final report to the 2000 session of the General Assembly.



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## FINDINGS, ACCOMPLISHMENTS, AND RECOMMENDATIONS

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### I. COMMUNITY RESPONSE/PROFESSIONAL AWARENESS SUBCOMMITTEE

The Community Response Subcommittee, chaired by Delegate Clifton "Chip" Woodrum and co-chaired by Judge Roy Willett, is charged with assisting and supporting communities to assure an efficient and coordinated response to family violence, and to examine the professional community response to family violence. This year the Subcommittee maintained task groups on the Role of the Business Community, Training, and Victim Services. In addition, the Subcommittee monitored the issue of welfare reform and continued its support of local community coordinating councils. The recommendations of the task groups and the Subcommittee are summarized below.

#### BUSINESS COMMUNITY TASK GROUP

Representatives from the business community, together with victim services providers, developed packets with useful, educational information for employers and employees. The packet allows for a listing of local resources and is designed to be used by service providers when approaching local businesses.

#### RECOMMENDATIONS

1. Distribute the user-friendly information packet, *"Important Information for Virginia's Companies: When Family Violence Comes to Work"* to victim service providers to take to businesses in their localities.

#### TRAINING TASK GROUP

The Training Task Group continued to monitor the implementation of its 1998 training recommendations. Based on these recommendations, the *Family Violence Reference Manual*, the *Funding Bulletin*, and the *Health Care Provider Chapter* were distributed to numerous agencies and organizations. The Commission also co-sponsored a statewide, multi-disciplinary conference on protective orders in November 1998.

#### RECOMMENDATIONS

2. Direct the Commission to continue to monitor the availability of family violence training and be available to support and assist with future training opportunities.

## VICTIM SERVICES TASK GROUP

The Victim Services Task Group continued to assess the availability and distribution of state and federally funded family violence services throughout the Commonwealth. Additionally, in an effort to improve communication and coordination related to grant funding, a group consisting of grants managers and representatives from statewide organizations was formed. The Task Group continued to monitor and work with the Virginia Department of Social Services regarding Virginia's TANF (Temporary Assistance to Needy Families) policy related to victims of family violence, including training for eligibility and Child Support Enforcement workers. Finally, as a result of the Task Group's 1997 work, the 1998 Forum for Coordinating Councils was held June 15-16, 1998 at Longwood College in Farmville, Virginia. The Forum provided localities with an opportunity to share information and network with leaders from their community as well as other localities.

### RECOMMENDATIONS

3. Direct the Commission to continue to facilitate discussion among the grants managers and statewide organizations by hosting two meetings of this group in the next year.
4. Direct the Commission to continue to monitor the Virginia Department of Social Services' TANF policies related to victims of family violence.

## FINANCIAL EXPLOITATION OF THE ELDERLY

The Commission continued its efforts to address financial exploitation of the elderly by supporting the Virginia Banker's Association's study on how to educate and train the banking community regarding the identification and reporting of financial exploitation.

### RECOMMENDATIONS

5. Direct the Commission to continue to support the efforts of the Virginia Banker's Association to prevent financial exploitation of the elderly and disabled.

## STATEWIDE PUBLIC AWARENESS CAMPAIGN

In 1997, the Commission recommended that the Family and Children's Trust Fund assume leadership for and coordination of this statewide effort. The goal of this group was to develop the fourth edition of a public awareness kit containing camera ready information about prevention of child abuse, domestic abuse, elder abuse, dating violence, and sexual assault. Statewide distribution of 9,000 packets occurred in the fall of 1998. The group also developed a video, *Beyond the Numbers: The Reality of Abuse*, which is available from FACT for a small fee. It is approximately 17 minutes long and was developed for use as an opening segway for a longer discussion of family violence.

*NO FURTHER ACTION NEEDED*

**II. LAW ENFORCEMENT SUBCOMMITTEE**

The Law Enforcement Subcommittee, co-chaired by Attorney General Mark L. Earley and Senator Kenneth Stolle, is charged with examining the criminal justice response to family violence including methods to improve and support that response. The Subcommittee provided guidance to the following task groups: Batterer Intervention Task Group, Juveniles as Primary Aggressors Task Group and Fatality Review Task Group.

**BATTERER INTERVENTION TASK GROUP**

The Batterer Intervention Task Group focused on probation supervision for adult family violence offenders. Task group members studied who is responsible for adult probation supervision in Juvenile and Domestic Relations District Courts, its current availability and the judiciary's desire for such probation supervision.

**RECOMMENDATIONS**

6. Introduce a budget amendment for \$2,450,000 in the second year to provide funds to the Department of Criminal Justice Services to expand supervision services for adult family violence offenders in the Juvenile and Domestic Relations District Courts.
7. Monitor and report on the Department of Criminal Justice Services' administration of the \$2,450,000 funds that are to be used to expand supervision services for adult family violence offenders in the Juvenile and Domestic Relations District Courts.
8. Support and assist the Education Department of the Supreme Court of Virginia with the training of Juvenile and Domestic Relations District Court judges on batterer intervention programs including their benefits and limitations, what to look for in a batterer intervention program, and the role of probation supervision for this population.

**JUVENILES AS PRIMARY AGGRESSORS TASK GROUP**

The Juveniles as Primary Aggressors Task Group was formed to study the criminal justice response to juveniles who are violent with family members. The Task Group examined the extent of the problem, options and resources available to the juveniles and their families, and opportunities to provide relevant information and training to localities.

**RECOMMENDATIONS**

9. Amend 18.2-57.2, 16.1-253.4 and 19.2-81.3 to make clear that officers are not required to seek an Emergency Protective order and magistrates are not required to issue such orders in assault & battery cases involving juveniles.
10. Direct the Commission to work with the Department of Juvenile Justice to identify and provide information to localities on the types of early intervention and diversion programs that are appropriate and available for juveniles who are violent with family members.
11. Encourage the Department of Criminal Justice Services to include information on juveniles as primary aggressors as part of the training efforts for law-enforcement and in their model family violence policy.
12. Support and assist with the development and distribution of information to courts, magistrates and intake officers regarding juveniles as primary aggressors.

#### **FATALITY REVIEW TASK GROUP**

The Fatality Review Task Group was convened to examine the concept of domestic violence fatality review teams, determine whether or not such teams would be of benefit to the Commonwealth, and if so, to recommend a structure for such teams. In pursuit of its purpose, the Task Group:

- conducted national surveys on the purpose and structure of domestic violence fatality review teams and on state level gathering of domestic violence statistical data,
- analyzed and compared the benefits and drawbacks of state level versus community based fatality review teams, and
- examined and evaluated methods of gathering and maintaining domestic violence statistical data in Virginia.

It examined the systems improvement versus investigative focus of such teams, the strengths and weaknesses of mandatory versus permissive statutes, and issues of confidentiality, liability, and potential interference with criminal investigations.

#### ***RECOMMENDATIONS***

13. Introduce legislation to:
  - Define the purpose and scope of domestic violence fatality review teams and enable localities to convene local teams,

- Direct the Office of the Chief Medical Examiner of the Commonwealth to establish a domestic violence fatality surveillance system (a form of public health reporting from the medical examiners' files), and
  - Direct the Office of the Chief Medical Examiner to develop model protocols for local fatality reviews, and provide technical assistance to local teams.
14. Introduce a \$48,000 budget amendment for the Office of the Chief Medical Examiner to establish a data collection "surveillance" system.
  15. Direct the Commission to work with the Office of the Chief Medical Examiner to assist with the development of protocols and technical assistance to localities.

### **III. LEGISLATIVE/JUDICIAL SUBCOMMITTEE**

The Legislative/Judicial Subcommittee of the Commission, chaired by Delegate Linda T. "Toddy" Puller, exists to provide: guidance to the Commission on legislative drafting, tracking of bills affecting family violence, analysis of the budget as it affects family violence programs, and the development of task groups to facilitate discussion and proposals. The Task Groups formed under this subcommittee were as follows:

- The Impact of Family Violence on Children,
- Marital Sexual Assault, and
- Victim Confidentiality.

The recommendations of these task groups are listed below.

#### **IMPACT OF FAMILY VIOLENCE ON CHILDREN TASK GROUP**

The Impact of Family Violence on Children Task Group studied what family violence information is available to courts and the extent to which this information is used in custody and visitation decisions. The Commission, together with the University of Virginia's Department of Psychology, conducted a study of six jurisdictions. Based on the University of Virginia's analysis of the data and subsequent report, the Task Group formulated the following recommendations.

#### ***RECOMMENDATIONS***

16. Request that the Office of the Executive Secretary of the Supreme Court of Virginia develop and distribute a case tracking form that could be placed in each child's file in the Juvenile and Domestic Relations District Court.

17. Support the Supreme Court of Virginia's budget request for improvements to the Court's Information Management System including the establishment of a frame relay system which will facilitate access to information regarding all matters related to a particular family.
18. Develop and implement with the Education Department of the Supreme Court of Virginia training for Juvenile and Domestic Relations District Court judges and Circuit Court judges on the effects of domestic violence on children.
19. Develop a Continuing Legal Education (CLE) course on domestic violence. Family law practitioners and guardians *ad litem* should be encouraged to participate.
20. Direct the Commission to further study and develop recommendations related to the following:
  - Development of a screening instrument to screen custody and visitation cases for the presence of domestic violence;
  - Placement of a copy of a protective order in the file of the child(ren) of the parties to the protective order;
  - Development and distribution of a brochure (including information on the relief available through protective orders and petitions for custody and support, and local resources such as Legal Aid and domestic violence service providers) that would be available at intake to petitioners who are seeking protective orders;
  - Development of guidelines for best practices for guardians *ad litem* representing children who come from violent homes;
  - Further study of current practices related to home studies and custody evaluations, including homes in which family violence is present, and if appropriate, recommendations of best practices for home studies and custody evaluations;
  - Further study of supervised visitation, including but not limited to its availability, current guidelines and standards, qualifications of providers, and funding sources.

#### **MARITAL SEXUAL ASSAULT TASK GROUP**

This task group was created to examine the marital sexual assault and marital rape statutes in the Commonwealth. It investigated the current status of the marital rape and marital sexual assault statutes in Virginia and in the nation and heard evidence on:

- the psychosocial dynamics of marital sexual assault,

- the frequency of prosecution under Virginia’s marital sexual assault statutes, and
- the health care provider, law enforcement, and judicial responses to marital sexual assault.

Following a survey of the relevant legislation in all fifty states and an analysis of that legislation in the seventeen states that have eliminated the marital exemption for rape, the Task Group surveyed Virginia police chiefs, sheriffs, Commonwealth’s Attorneys, Circuit Court judges, and Juvenile and Domestic Relations District Court judges and analyzed the usage and perceived effectiveness of Virginia’s statutes. Following lengthy analysis and discussion, the Task Group, at its December 1<sup>st</sup> meeting, made the following recommendations:

**RECOMMENDATIONS**

21. Amend §18.2-61, 18.267.1, 18.2-67.2 (the marital rape, forcible sodomy and object sexual penetration statutes) to eliminate the word “serious” modifying physical injury.
22. Amend §18.2-67.2:1, the marital sexual assault statute, to replace “force or present threat of force” with “force, threat or intimidation” to mirror the language in the rape statute.
23. Request that DCJS include information about marital rape and sexual assault in the model family violence law enforcement policy; and include this information in basic and inservice law enforcement training curricula.
24. Assure training and materials related to these issues are provided to judges and other judicial personnel, Commonwealth’s Attorneys, victim service providers, health care professionals and religious leaders.
25. Develop and distribute materials related to these issues, the services available and legal options to the general public.
26. Request the Sentencing Commission consider increasing the guidelines for marital sexual assault.

**VICTIM CONFIDENTIALITY TASK GROUP**

A meeting of representatives of Virginians Against Domestic Violence and the Virginia Poverty Law Center was convened to examine Virginia’s capability to provide the level of support required by a confidentiality program such as the one in Washington state. It was determined that the cost of such a program and the degree of local program support required exceeds the benefits at this time, especially when there is a more compelling need for basic victims services at the local level.

It was acknowledged that the Department of Social Services has taken steps to assure confidentiality of certain information for TANF clients who have a history of family violence.

***RECOMMENDATIONS***

27. The Commission should continue to evaluate methods to provide for confidentiality of information related to victims of family violence.

**OTHER LEGISLATIVE ITEMS**

- Support legislation that would clarify that Court Service Units should accept all petitions for Protective Orders for review by the judge of the Juvenile and Domestic Relations District Court.



**Virginia Commission on Family Violence Prevention**  
**PROPOSED 1999 WORKPLAN**

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**Victim Services**

Provide coordination of state agencies that administer victim services grants and training. Convene two meetings of key agency and organization representatives to implement the 1990 interagency agreement related to victim services.

**Offender Compliance Training**

Plan and implement a two-hour training for appropriate judicial personnel related to effective monitoring of court ordered programs to be presented in August 1999.

**Training related to the Impact of Family Violence on Children**

Plan and implement a three-hour training for appropriate judicial personnel related to the impact of family violence on children to be presented in August 1999. Develop training materials that can be used for a CLE directed to Guardians ad litem.

**Fatality Review Teams**

Act as consultant to the Office of the Chief Medical Examiner to assist with the development of fatality review protocols and technical assistance to localities.

**Court / State Police Data Interface**

Assist with the implementation of the electronic interface between the J&DR courts and VCIN for purposes of establishing a Protective Order Registry.

**Responding to Juveniles who Assault Family Members**

Work with DJJ to identify and provide information to localities on the types of early intervention and diversion programs that are appropriate and available for families when juveniles are violent within the home.

**Custody & Visitation when there is Family Violence**

Convene at least two more meetings of the Task Group to complete its work and recommendations.

**Marital Sexual Assault**

Work with the appropriate groups to assure implementation of recommendations of the 1998 task group.



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## IMPACT OF THE COMMISSION ON FAMILY VIOLENCE PREVENTION'S LEGISLATIVE INITIATIVES

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*"I am 13 years old. All my life I had violence in my family, my grandma, grandfather, my uncle and his girlfriend, my mother and her boyfriend...I've been slapped, kicked and beaten up trying to stop fights and because of that I have bruises and scars from violence. I feel we need to put a stop to violence. Men, women and children need to stop hurting one another and a woman that is beaten needs to leave that man alone and find a good man because its not worth it and it's not real love. Take it from a person with experience."*

(Statement of a young girl who was a volunteer with Virginians Against Domestic Violence)

The Commission on Family Violence Prevention has attempted to track the impact of its major legislative initiatives, specifically SB 113, enacted in 1996, that deals with the law enforcement response to family violence incidents.

### *Why the Family Violence Prevention Legislation was introduced*

Violence within families is not new and the effects of violence know no boundaries. It damages the mind, soul and spirit. Its effects carry from one generation to the next. Violence turns a family, which should be the source of warmth, security and nurturance into a world filled with hostility, fear and terror. Violence within the home acts as an incubator for violence in the streets. Solutions to family violence require a long-term investment and a comprehensive approach that marshals the resources of every organization, agency and discipline that impacts on families.

### *Statistics*

The Commission began its work by trying to get a handle on the scope of the problem. In 1995, we found that 32,764 women, 9,572 children and 393 abused men received services in Virginia. Of these women, 47% never reported the episode that led them to seek services to the police. Twenty-one percent of the women reported the episode to the police but no arrest was made. Eleven percent reported the episode, and it resulted in an arrest. Only 7% of the women had the experience of reporting the episode, there was an arrest and the case was prosecuted.

We also found that many law enforcement agencies in Virginia were still relying on an approach advocated in the 1960s that directed officers when responding to domestic calls to attempt to act as a mediator, to separate the parties and be a kind of counselor/social worker. This approach was not very effective, and most law enforcement officers did not make good counselors. On the other hand, some agencies in Virginia had begun moving toward pro-active arrest policies that

required an arrest if there was evidence of an assault and battery creating inconsistency in the application of the law. We also found that family violence cases consumed a great deal of law enforcement time and resources. A high volume of calls for service to law enforcement agencies involved domestic disputes. For example, in 1994:

- Henrico County averaged 11 domestic violence responses/day;
- Prince William County 14/day;
- Roanoke County 4/day;
- Portsmouth 4/day; and
- Virginia Beach 28/day.

Family violence cases account for a large number of homicides, but somehow these do not seem to get the same attention as other homicides. Judge Dale Harris brought a 1994 newspaper article about the alarming number of drug related homicides in Lynchburg to the Commission's attention. The article reported 12 homicides, 5 of which were drug related. However, they failed to report that 5 were related to domestic violence. From January to October 1995, Henrico County reported 12 homicides, 6 were related to domestic violence.

From the Commission's research and testimony at public hearings, it was clear that citizens were calling for a law enforcement response and that these cases result in the most serious of outcomes, homicide.

### *Existing Law Enforcement Policies*

The Commission reviewed local law enforcement policies both pro-arrest and mandatory arrest policies. We found that both types of policies:

- had very similar structure and wording;
- provided guidance in determining who to arrest by reference to distinguishing which party in an altercation acted as an aggressor;
- required the filing of a report;
- placed priority on assuring safety for victims, including arranging for transportation to a shelter or other services;
- directed that information be provided to victims about services available in the locality; and
- listed circumstances that should not be considered as part of the arrest decision.

### *Community Perceptions of Law Enforcement Responses*

We also found that localities with these arrest policies viewed their law enforcement response as more effective than those localities without policies. There was no difference in the perception of effectiveness between localities who identified their policies as pro-arrest and those who identified their policies as mandatory arrest. Eighty six percent of the victim service programs surveyed said a pro-arrest policy would enhance law enforcement effectiveness and victim safety.

### *Victim Experiences and Perceptions*

The Commission undertook a survey of victims receiving services from domestic violence programs who had called law enforcement following an episode of domestic violence. Of 100 victims who called for police help:

- 75 had been abused two or more times before this call;
- 89 had been physically abused in the incident that led to the call;
- 42 of their calls to police resulted in an arrest;
- 15 of those arrested were taken into custody;
- 27 of those arrested were released on summons or their own recognizance at the scene.

When victims were asked what effect law enforcement actions had on the abuse in the relationship victims replied:

If the abuser was arrested and released:

48% felt it had no effect, 34% thought it increased the violence and 18% thought it decreased the violence;

If the abuser was arrested, prosecuted and released:

34% felt it had no effect, 33% thought it increased the violence and 33% thought it decreased the violence.

If the victim filed for a protective order:

29% felt it had no effect, 24% thought it increased the violence and 53% thought it decreased the violence.

From their responses, victims felt that filing for a protective order had a greater impact on reducing the violence in their lives than an arrest or even an arrest and prosecution. Nonetheless, it is important to remember that a protective order, alone, cannot fully protect anyone from violence.

### *What the 1996 Family Violence Prevention Legislation Is Designed To Do*

The Commission introduced two major bills in the 1996 session of the General Assembly. One of the bills incorporated recommendations designed to improve the arrest response to incidents of family violence. The other bill contained major recommendations related to improved access, scope and enforcement of civil protective orders. During the 1996 session both bills were combined into one bill, SB 113, which was enacted with a delayed implementation date. The delay was designed to allow sufficient time for training and policy development to support the legislation. The bill is designed to:

- Focus on the protection and safety of victims of family violence and their children;
- Hold abusers accountable for their behavior;
- Provide a decisive intervention when there is family violence unless there are clear and compelling reasons not to; and
- Send a clear message that family violence is unacceptable and that society will no longer tolerate it.

#### *Arrest Response Provisions of SB 113*

**Assures training for Law Enforcement Officers:** The bill requires training for law enforcement personnel related to response to family violence cases through DCJS training standards.

**Sets out the expected response to an assault and battery:** Requires an arrest unless there are special circumstances that would dictate a course of action other than an arrest upon a finding of probable cause that assault & battery against a family or household member has occurred. Requires that if an arrest is made, the individual arrested will be taken into custody and brought before a magistrate for charging, and requires the officer to request an Emergency Protective Order for the victim when they request the warrant.

**Attempts to provide protection to victims after an arrest:** Requires the issuance of an Emergency Protective Order as a condition of release by a judge or magistrate when they issue a warrant and there is likelihood of future abuse. When there is family abuse present, the officer may arrange transportation for a victim, if requested by the victim to a hospital, shelter or magistrate.

**Encourages a thorough investigation:** Requires the responding officer to submit a written report identifying the primary physical aggressor and include any special circumstances that would dictate a course of action other than an arrest.

**Provides information to citizens about services available in their community:** Requires responding officers to provide victims with information about the legal and community services available.

**Directs the development of law enforcement policies in all jurisdictions:** Requires all law enforcement agencies to develop policies that support the implementation of this section and to include guidelines on:

- > identification of the primary physical aggressor;
- > filing of reports;
- > transportation for victims; and
- > information provided to victims.

### *Protective Orders Provisions of SB 113*

**Clarifies the purpose of the orders:** Uses consistent language stating that the purpose of these orders is to protect the health and safety of victims and their children.

**Focuses the use of orders to prevent serious injury:** Uses the standard of family abuse as the basis for orders. "Family abuse" is defined in Va. Code §16.1-228 as "... any act of violence, including any forceful detention, which results in physical injury or places one in reasonable apprehension of serious physical injury and which is committed against such person's family or household member." The issuance of an order does not require a criminal charge.

**Improves access to protective orders:** Allows magistrates to issue Emergency Protective Orders on a direct petition from a victim.

**Avoids lapses in protection:** Extends the length of Emergency Protective Orders to 72 hours or until 5 PM the next business day that the Juvenile and Domestic Relations District Court is in session, whichever is longer. Assures access to the courts for modification or dissolution by the respondent. Extends the length of Permanent Orders to a maximum of 2 years.

**Enhances enforceability:** Clarifies language in the Emergency Orders & Permanent Orders sections so it is clear that orders are issued based on a need to protect the petitioner, and that conditions focus on the behaviors of the alleged abuser.

**Provides for specific and comprehensive relief:** The terms of Permanent and Preliminary Orders may include a provision for allowing a victim sole use of a jointly owned motor vehicle if the circumstances dictate such to assure safety. The Permanent Order, after a full hearing, may include a provision for temporary custody & visitation of minor children.

**Enhances safety at the point of separation:** Treats orders issued pursuant to Va. Code §20-103 as

other protective orders; violations would be treated as a misdemeanor and orders entered into VCIN.

**Treats violations as serious acts with clear and predicable consequences:** Allows for a “warrantless” arrest for a violation of a “no contact”, “no trespass” or “no further abuse” condition. Uses the same presumptive arrest provisions for violations of protective orders that apply to assault & battery of a family or household member. Requires that a person found guilty of a “no contact”, “no trespass” or “no further abuse” condition of an order be required to spend some time in jail.

### *What We Have Learned Since Enactment of the Legislation*

Chesterfield County began collecting data from all family violence law enforcement case reports since the enactment of the legislation in July 1997. The Commission analyzed the data to determine the nature of these family violence calls. The complete results of this analysis are contained in the appendix. Although this represents only one community, it provides a snapshot of what family violence cases look like including their complexity.

Approximately 60% of calls that resulted in a report also resulted in an arrest. Very few of those arrests, 2.2%, involved the arrest of both parties. It appears officers were able to determine a primary aggressor in most cases. Approximately 80% of the reports involved male offenders and 24% involved female offenders. These numbers include reports where more than one offender was identified in the incident.

The largest percentage, 38%, of reports involved married parties followed by 27% of reports involving people who were living together at the time of the incident. Twenty six percent of the reports involved parties where the relationship was other than a spouse, ex-spouse, cohabitor or parent of a child in common. This “other” category included 7% of the total reports where a parent abused a child and 12% of the total reports where a child abused a household member, most often a parent or sibling. This last group, juveniles who were identified as the primary aggressor in the case, was unanticipated and especially troubling. The Commission established a Task Group in 1998 to examine such cases and determine an appropriate response.

The vast majority of the reports, over 80%, involved physical assaults such as hitting, bruising, and shoving. Eleven percent of the reports involved crimes against property. Very few cases, less than one percent, involved sexual assault. The majority of the assaults, 73%, were accomplished by use of hands and fists, while very few involved firearms (2%) or cutting weapons (4%). Seven percent of the reports involved use of other things such as phones, curling irons, chains and lamps as weapons.



Although drugs and alcohol are often thought to be contributing factors in cases of family violence, only 28% of the reports noted that the parties appeared under the influence of drugs or alcohol. Thirty three percent of victims were injured in the incident, but only 14% of those injured required medical attention at the time of the incident. Some may have required medical attention at a later time. Based on other data the Commission collected from six law enforcement agencies across Virginia in 1997, cases that involve alcohol or drugs were more likely to result in an injury to the victim; and that injury was more likely to require medical attention. The Commission has recommended that law enforcement agencies routinely assess family violence calls for the presence of drugs or alcohol because of the link to victim injury.

Fourteen percent of the reports noted that children were present at the time of the incident and 20% of those children present were injured as a result of the incident. There may be more cases where children were present, but were not reported. The Commission has recommended that law enforcement agencies routinely ask about the presence of children and the model law enforcement policy includes such directives.

In addition to closely examining the nature of family violence cases in one jurisdiction, the Commission reviewed the court records for all jurisdictions. This review involved comparing the number and disposition of cases coded against Va. Code §18.2-57.2, Assault and battery against a family or household member, for July 1996 through December 1996 to the number of cases for July 1997 through December 1997. A copy of the full analysis appears in the appendix. This analysis demonstrates there has been a clear impact on court caseloads in Juvenile and Domestic Relations District (J&DR) Courts. It demonstrates an overall 45% increase in the number of these cases seen in J&DR courts since the enactment of the family violence legislation. This increase impacts not only the courts but also potentially the workload of all parties involved in these cases.

There appears to be somewhat of a decrease, from 40% of all cases to 35%, in the percentage of cases dismissed. Likewise there appears to be a slight increase, from 29% to 34%, of the total number of cases that result in a guilty finding. However, the way cases are labeled by individual jurisdictions varies widely and the import of certain dispositions has very different meanings in different localities. As an example, in some jurisdictions the "Dismissed" disposition often represents a case where there was sufficient evidence for conviction but the court delays a finding pending the participation of the parties in certain programs or services. They then schedule a hearing for a later time and if the previous orders have been complied with and there has been no further violence, the case is dismissed. Other localities use this disposition to represent a case that

was dismissed at the initial hearing. There are 22 different disposition codes a court may use for adult cases which include codes for “Defer imposition of sentence”, “Fugitive”, “Not Found”, “Resolved” and “Withdrawn” all of which may or may not have the same meaning as “Dismissed”. We did not tabulate all the various dispositions. Nonetheless, as we have discussed these findings with localities they report that more cases are going to trial, cases are getting to court earlier, are better prepared, and are resulting in more convictions and less reluctance on the part of victims to testify.

Such legislative policies cannot be viewed in isolation. They need to be supported with criminal prosecution, comprehensive court orders, intensive follow-through in terms of monitoring and enforcing orders, services and protection for victims, programs for perpetrators and coordination among all agencies involved. The work of the Commission has attempted to address this broad range of responses.

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## COMMUNITY RESPONSE/PROFESSIONAL AWARENESS SUBCOMMITTEE

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The Community Response Subcommittee, chaired by Delegate Clifton “Chip” Woodrum and Judge Roy Willett, is charged with assisting and supporting communities to assure an efficient, responsive, comprehensive and coordinated response to family violence. This year the Subcommittee maintained task groups on the Role of the Business Community, Training, and Victim Services Funding. In addition, the Subcommittee monitored the issue of welfare reform and continued its support of local community coordinating councils. Finally, the Subcommittee supported the efforts of the Virginia Banker’s Association regarding prevention of financial exploitation of the elderly and disabled. The work and recommendations of the Task Groups and the Subcommittee are summarized below.

### BUSINESS COMMUNITY TASK GROUP REPORT

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#### *INTRODUCTION*

The Business Community Task Group was organized to fulfill the mandate of House Joint Resolution 663 to determine the impact of family violence on the business community. Its membership represented individuals active in the business community, and those involved with victim services. The end result of research and work done by the Commission and the Business Community Task Group is the new informational packet, *Information for Virginia Companies: What to Do When Family Violence Comes to Work*. A copy of the Table of Contents is included in the appendices.

The Task Group felt the business community plays an important role in any locality’s response to family violence. The packet is a comprehensive manual to help companies, both large and small, respond to family violence issues. Due to a family crisis at home or harassment at work by the abuser, a victim’s work productivity may suffer. When family violence spills into the workplace, there can be serious liability concerns for any company. The packet gives a brief overview of family violence, including recent statistics, as well as:

- suggested business community responses to family violence;
- guidelines for liability concerns;
- materials for display or distribution for employees; and,
- a list of resources for further information

The planning committee discussed strategies for the most effective means for distributing the manual. One thousand packets were printed, and were designed to be used by victim service providers when approaching local businesses. They provide useful, educational information for employers and employees, and are printed on black and white 'slicks' for easy reproduction. Packets will be sent directly to victim service providers. In addition, a number of larger business associations will receive a copy.

### **RECOMMENDATIONS**

- Distribute the informational packet on workplace responses to family violence, *Important Information for Virginia's Companies: When Family Violence Comes to Work*, to victim service providers to take to businesses in their localities.

## **TRAINING TASK GROUP REPORT**

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### **INTRODUCTION**

During 1997, the Training Task Group was responsible for executing the mandate of HJR 664. The Resolution directed the Commission on Family Violence Prevention to ensure that training in domestic violence is provided to the following groups: criminal justice personnel, including judges, substitute judges, clerks, magistrates, law enforcement personnel, probation and parole officers, attorneys for the Commonwealth; guardians *ad litem*; court appointed special advocates and defense attorneys; human service employees; clinical staff of local community services boards; mediators; health care providers; medical school faculty; local health department directors; and, nursing directors.

The group's recommendations from December 1997 involved a variety of tasks that were to be accomplished including: sending letters to specific agencies encouraging training in family violence, targeting law enforcement agencies that have not yet received training for family violence and those without internal family violence policies, and Commission support for a statewide conference on protective orders.

What follows is an update on the Subcommittee's 1997 recommendations related to training and an update on activities accomplished in 1998.

- The first recommendation is that the Commission support a statewide conference on protective orders. The Commission along with Virginians Against Domestic Violence, the Department of Social Services and the Department of Criminal Justice Services sponsored a two-day conference on protective orders, "Beyond the Boundaries: Making the Most of Protective Orders." The

conference was held November 9-11 in Wintergreen, Virginia. Approximately 150 people attended the multi-disciplinary conference. Session topics included: 1) the basics of protective orders; 2) full faith and credit; and 3) custody and visitation provisions in protective orders. In addition, attendees had an opportunity to gather in regional meetings where they discussed better coordination and enforcement of protective orders.

- The second recommendation was that the Commission assist the Education Department of the Virginia Supreme Court with the distribution of materials on family violence. The Commission worked with the Education Department in providing materials for the judges and magistrate training. The Family Violence Reference Manual was sent to each J&DR court judge. All new judges received a thirty (30) minute presentation on family violence and the community resources available.
- The third recommendation was to target training to law enforcement agencies that have not received training and those without domestic violence policies. DCJS has grant funding to do training and marketes it specifically to those departments that do not have policies. DCJS also conducted a survey of their VAWA and VSTOP recipients as to what kind of training they would like to receive. DCJS will be conducting future training on the identified domestic violence topics.
- The fourth recommendation was that DCJS incorporate family violence training into the minimum training standards for dispatcher's classroom training. DCJS is currently discussing this possibility. A few dispatchers have attended the family violence trainings provided by DCJS.
- The fifth recommendation was that a letter should be sent to numerous agencies and organizations encouraging them to include information on family violence in their training. Eleven letters encouraging training in family violence were sent to the following agencies or organizations. Each received the first letter sent by Senator Howell in February of 1998 with the exception of VADV and the Supreme Court who received the letter in April of 1998. A follow-up letter from Harriet Russell was sent in May of 1998 to all who had not responded.

#### *FOLLOW UP ON LETTERS*

The Task Group met in July 1998 to see what action had been taken on the recommendations by the various agencies or organizations. Letters were sent to the following people. Agencies or organizations who responded to these letters are noted in bold and preceded by an asterisk. A summary of their response follows.

1. Ronald J. Angelone, Director, Virginia Department of Corrections
2. **\*Mary Ann Bergeron, Executive Director, Virginia Association of Community Services Boards**
  - Ms. Bergeron contacted Harriet Russell regarding family violence training for CSB staff. A copy of the Family Violence Reference Manual, the Business Community Packet and the 1998 SPAC packet was sent to each CSB. Each CSB was encouraged to use these materials as a reference and in their training curriculum.
3. Brenda Finley, Executive Director, National Association of Social Workers, Virginia Chapter
  - At the July 1998 task group meeting, Linda Sawyers informed the Task Group that NASW's Virginia Chapter has a new executive director who may not be aware of the letter. A copy of the original letter was sent. The Commission has had no further response from NASW.
4. Gibbs Arthur, Executive Director, Virginia Counselors Association
5. James Culbert, Ph.D., Chair, Continuing Education Committee, Virginia Academy of Clinical Psychologists
6. **\*Clyde Cristman, Virginia Criminal Justice Association**
  - The Virginia Criminal Justice Association hosted a conference November 4 - 6, 1998. Mr. Cristman contacted the Commission regarding the inclusion of family violence information in the conference materials. A two and a half hour panel discussion on domestic violence was included in the conference.
7. **\*Rev. Gerald O. Glenn, Director, Department of Juvenile Justice**
  - Rev. Glenn provided an update of the trainings held for Court Service Unit personnel. Approximately 56 Court Service Unit personnel attended protective order training in three regions in the state. An additional ten personnel were sent training materials when the Northern Virginia class was canceled. In June 1998, approximately 110 Court Service Unit personnel attended a legislative update session in which the most recent changes to protective orders were covered. A symposium on domestic violence was also held in Richmond in October 1998.
8. Commissioner Randolph Gordon, M.D., M.P.H., Virginia Department of Health
9. **\*Jim Chin, Commonwealth's Attorney's Services Council**
  - Mr. Chin's letter included information on the Spring Institute which was attended by approximately 400 prosecutors. An hour was devoted to each of the following topics: (1) Prosecuting Infant Death Cases; (2) Juvenile Victims as Witnesses; (3) Mandatory Arrest Revisited; and (4) Prosecution of Marital Sexual Assault Cases.

- Topics and courses are already planned for Fall 1998. However, courses on family violence may be included in the Spring 1999 Institute.
10. \***Kristi VanAudenhove, Virginians Against Domestic Violence**
- Kristi VanAudenhove provided a report to the Commission regarding the extensive domestic violence training sponsored by VADV. Additional topics covered in the report include the following: certification of domestic violence programs; VADV's vision for training domestic violence service providers; and resources needed to accomplish this vision.
11. \***Robert Baldwin, Executive Secretary, Supreme Court of Virginia (Judicial Council)**
- The Judicial Council is considering increasing (from 4 to 8) the number of domestic violence training hours required for mediators seeking certification in family mediation. Mr. Baldwin noted the increase was being considered in order to allow trainers to spend more time with students on the issues specific to domestic violence. He also acknowledged the Commission's concern that mediators come from many backgrounds and may have little exposure to the issues of domestic violence.

### *RECOMMENDATIONS*

- The Commission should continue to monitor the availability of family violence training and be available to support and assist with future training opportunities.

## **VICTIM SERVICES TASK GROUP REPORT**

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### *INTRODUCTION*

The Victim Services Task Group focused on two primary tasks: assessing the availability of state and federally funded family violence services throughout the Commonwealth; and developing methods for maximizing the use of existing resources in order to deliver more effective services to family violence victims.

### *COORDINATION AMONG GRANT PROGRAM ADMINISTRATORS AND STATEWIDE PRIVATE SECTOR GROUPS*

This subgroup of the Victim Services Task Group was convened to work towards improved coordination and communication among grant administrators and statewide advocacy groups. The Task Group supported the establishment of this subgroup since grant administrators have few opportunities to communicate across secretariats, agencies and funding streams. This subgroup of grant managers and representatives from statewide organizations first met to determine the topics

that would be addressed. At this meeting, the agenda for the next meeting was set. The agenda will include consideration of the following:

- development of a common glossary of terms
- coordination of timelines
- a general definition list; for example: “office supplies” versus “equipment”

This subgroup plans to meet twice a year, creating a forum for grants managers and statewide organization representatives to continue to work on coordination and communication.

#### *DISCUSSION OF RESOURCE ALLOCATION*

A chart was developed in 1996 of the ten family violence grant programs across Virginia. The purpose of this chart is to identify those under-served localities that do not receive funding to provide services to victims of family violence. The Task Group discussed how to update and organize the information on the chart. The 1998 chart of the family violence grant programs was updated and is attached in the Appendices.

There were several considerations in updating the chart. The first was the difficulty in identifying the recipient locality since the recipient agency may serve more localities than the one in which it is located. After discussion, the Task Group reached consensus that the recipient locality should be identified by the location in which services are delivered. An additional consideration was whether actual dollar amounts or an ‘x’ indicating that the locality received money should be recorded on the chart. Those in favor of showing dollar amounts felt that it would be useful in securing greater state funding by showing the disparities in funding. Those opposed to showing dollar figures argued that the dollar amounts could well be inaccurate, misinterpreted and taken out of context. The Task Group reached consensus that an ‘x’ should be placed next to the name of the recipient locality.

#### *RECOMMENDATIONS*

- The Commission should continue to facilitate discussion among the grants managers and statewide organizations by hosting two meetings of this group in the next year.

### **TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)**

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In 1997, the Subcommittee had been interested in what policies/regulations are included in the state welfare plan (Temporary Assistance to Needy Families, or TANF) to provide protection for victims of family violence. Of particular interest to the Subcommittee and the Commission was



whether Virginia would include the protections enumerated in the federal Wellstone-Murray amendment in Virginia's TANF plan. The Subcommittee was concerned that the avenues and options for identifying and responding to issues of family violence victims are not explicitly addressed in policy, and that the policies are not connected to consistent, full-saturation trainings for front-line DSS workers responsible for screening, referral, and other activities. Specifically, the Subcommittee identified several possibilities for remediating these concerns: (1) including people with experience working with victims in the planning and training efforts; (2) developing explicit family violence policies; (3) making standardized assessment tools available to all DSS workers; (4) creating confidentiality procedures and provisions where needed; and (5) maintaining the protection and safety of victims as an overriding concern.

The Subcommittee contacted the Department of Social Services, requesting information on their family violence policies. The Department provided results from a survey of local DSS departments that indicated about half of the respondents were unclear what policies within TANF could be used to respond to domestic violence. DSS established an internal workgroup to examine these issues and the resulting action plan focuses on three areas - recognition and referral, policy and training, and coordination with outside services. DSS has issued a broadcast to local departments that specifically addresses domestic violence issues within current policies.

After further elaboration of the Subcommittee's concerns, the Department responded with a memo outlining policy adjustments that address a majority of those concerns. The Subcommittee believes that these adjustments are an important first step toward ensuring that the special circumstances of family violence victims are taken into account. In December 1997, a letter from Doug Moran, then DSS Deputy Commissioner for Operations, was sent to Harriet Russell addressing the Commission's concerns. Ms. Russell and Ms. Wright met with Ms. Sharpe of the TANF program and Ms. Cooper with the Division of Child Support Enforcement(DCSE) of DSS in August 1998 to review actions already taken by DSS and to identify issues that might require further attention. A copy of the letter is included in the Appendices. At its August meeting, the Task Group reviewed the letter and the current status of TANF policies.

- The definition section of TANF policies has been changed to reflect the term family abuse.
- A box for the check-off of family abuse with the hotline number was added to the eligibility assessment instrument which was distributed to all local DSS in October. The form is included in the Appendices.
- Policy changes have been made in the area of establishing "inactive status."

- The Department originally opposed the acceptance of documentation from a domestic violence or sexual assault center stating that there is good cause for the person's noncompliance with the establishment of paternity. However, at the August 1998 meeting, Ms. Sharpe and Ms. Cooper indicated that they would pursue such a change with Commissioner Carter again. DSS has since agreed to make this change. A copy of the revised language is in the Appendices.
- DCSE current practice is to enter the victim's location/residence information in the file. If the document is printed, this information is blacked out and then a copy made. The copy is then released. All states now must feed information into a federal data system. If a file is flagged (because of family violence) the information on the victim's location/residence is not transferred into the national registry.
- DSS indicated that specifically listing possible exemptions such as family abuse as a good cause exemption for noncompliance limits the application of the policy. In the August 1998 meeting, Ms. Sharpe explained DSS' concern that workers may become locked into only those exemptions listed and will not think beyond the list. Ms. Sharpe indicated that family abuse as an exemption is covered in their training.
- Ms. Cooper expressed an interest in including DCSE workers in the TANF training currently being developed for eligibility workers
- Task Group members felt that additional information is needed related to the number of referrals being made to the Hotline or domestic violence service providers, how many people are requesting the family violence option or good cause exemption, and whether people are being sanctioned for noncompliance. However, the DSS data collection system can not identify these numbers. There would be a great deal of time and expense involved in collecting this information.
- Finally, Ms. Sharpe and Ms. Cooper thought that regional meetings would be helpful to increase communication and understanding between domestic violence service providers and TANF and DCSE workers. After lengthy discussion, the Task Group supports the development of informational brochures containing information about both DSS and domestic violence programs. Once this information has been compiled the Commission could distribute it to appropriate agencies.

### *RECOMMENDATIONS*

- The Commission should continue to monitor the Virginia Department of Social Services' TANF policies related to victims of family violence.

## FINANCIAL EXPLOITATION OF THE ELDERLY

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The Commission continued its efforts to address financial exploitation of the elderly by supporting the Virginia Banker's Association's efforts to educate and train the banking community regarding the identification and reporting of financial exploitation. The Commission has been in contact with the Banker's Association regarding the Association's Security Committee and the Committee's consideration of steps to take on this issue. A copy of the 1998 SPAC Packet and Business Community materials have been sent to the Banker's Association.

### RECOMMENDATIONS

- The Commission should continue to support the efforts of the Virginia Banker's Association.

## STATEWIDE PUBLIC AWARENESS CAMPAIGN (SPAC)

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Under the leadership of the Family and Children's Trust Fund, representatives from statewide victim advocacy organizations along with representatives from the Virginia Department of Health and the Virginia Department of Social Services participated on the SPAC planning group. The victim advocacy groups include Virginians Against Domestic Violence, Virginians Aligned Against Sexual Assault, Prevent Child Abuse Virginia, and the Virginia Coalition for the Prevention of Elder Abuse. The goal of this group was to develop the fourth edition of a public awareness kit containing statistics, hotline numbers, a poster and public service announcements on family violence. All materials contained in the packet are free from copyright and were prepared in a reproducible format that can be used in a variety of media.

In 1995, 5,000 packets were distributed and the printing has increased to 9,000 for this year. In addition to this year's packet, the SPAC committee has developed a video, which was shown during the December Public Hearing. The video, *Beyond the Numbers: The Reality of Abuse*, is available from FACT for a small fee. It is approximately 17 minutes long and was developed for use as an opening segway for a longer discussion of family violence.

The Commission had initiated the idea for the campaign and acted as facilitator for the meetings from 1995-1997. The Family and Children's Trust Fund (FACT) has always been the group responsible for funding and mailing of the packets. As of this year, in addition to its prior duties, FACT assumed responsibilities as the facilitator for the SPAC planning group.

## 1998 FORUM FOR COORDINATING COUNCILS

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The Subcommittee agreed that local coordinating councils are crucial to Virginia's continued efforts to prevent family violence. As such, the Commission should continue to provide a forum for localities to share information about their efforts. A conference was planned to enable localities to send several members of their coordinating councils to attend workshops, network with other professionals and exchange information.

Held at Longwood College on June 15-16, the 1998 Forum for Coordinating Councils had participants from 21 different localities. The total attendance was 110, which was in line with the Commission's goal of having a conference where each council could work as a team.

The Forum was geared around the *different stages of need* for a family experiencing violence: crisis response, immediate needs, stabilizing the household, and quality of life. It was understood that domestic violence does not occur in a neat, linear fashion. Persons who have left a violent home and established their own home may again find themselves in crisis, needing the protection of police or emergency medical care. The categories were chosen as a way to organize the Forum and the types of services that may be used by a victim of domestic violence.

Each council came to the Forum having already conducted an assessment of the services available in their community. After a presentation by a panel of speakers addressing model services for each stage, the teams broke into work groups to discuss their community's services. They began to identify their strengths and vision for the future.

There were a variety of speakers who participated. The keynote speaker, S. Jane Peck, emphasized the importance of leadership, creativity and openness in building a strong community-wide approach to collaboration. Panels were organized for each stage and had representatives from a variety of disciplines to give their perspective and answer questions. During one session, participants divided up into groups by their respective disciplines including: victim/witness programs, private service providers, law enforcement, court personnel, attorneys, and community organizations.

On Monday evening, June 15<sup>th</sup>, the Commission held a Town Meeting and participants of the Forum spoke out on issues that concern them. Commission members listened to their concerns and ideas, offered comment, and asked questions of the participants. The teams left the Forum with the beginnings of a strategic plan for their localities.

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## LAW ENFORCEMENT SUBCOMMITTEE

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The Law Enforcement Subcommittee, co-chaired by Attorney General Mark L. Earley and Senator Kenneth Stolle, is charged with examining the criminal justice response to family violence including methods to improve and support that response. The Subcommittee provided guidance to the Batterer Intervention Task Group in its efforts to address probation supervision for adult family violence offenders convicted in the Juvenile and Domestic Relations District Courts. The Subcommittee also provided guidance to the Juveniles as Primary Aggressors Task Group that studied the criminal justice response to juveniles who are violent with family members. Additionally, the Subcommittee provided oversight to the Fatality Review Task Group that studied the feasibility of establishing domestic violence fatality review teams in Virginia.

### BATTERER INTERVENTION TASK GROUP

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#### *INTRODUCTION*

This Task Group began its work in 1996. During 1997, the Task Group worked under the direction of Senate Joint Resolution 272 (directing the development of standards for batterer intervention programs) and Senate Joint Resolution 278 (directing the study of the feasibility of the creation of a state level oversight authority for batterer intervention programs). In the 1998 Session of the General Assembly, the Commission introduced legislation allowing for the continued development of standards and establishing a state level oversight mechanism. There were a number of concerns related to this legislation, including potential costs and the role of the state rather than the private sector regulating private sector programs.

Throughout 1997, the Task Group worked on standards for batterer intervention programs. A copy of the draft standards is included in the Appendices. This rough draft reflects the work completed on the standards through March 1998. In April 1998, Virginians Against Domestic Violence (VADV) together with the Coalition for the Treatment of Abusive Behaviors (CTAB) presented a proposal taking responsibility for the completion of the standards for batterer intervention programs and the development of a certification mechanism for the programs according to the standards. The Task Group and the Law Enforcement Subcommittee endorsed their proposal in May 1998.

#### *OFFENDER ACCOUNTABILITY*

Once the development of standards and the statewide certification process shifted to VADV and CTAB, the Task Group focused on offender accountability and compliance with court orders.

The Task Group agreed that probation supervision is important in addressing family violence because it:

- reinforces the seriousness of the offense,
- provides the court with the means to ensure compliance with court orders, and
- provides a method to bring re-offenses to the court's attention.

The Task Group also agreed that this supervision should be provided by a criminal justice agency, either the Department of Criminal Justice Services (DCJS) through the Comprehensive Community Corrections Act for Local-Responsible Offenders (CCCA) or the Department of Juvenile Justice (DJJ) through Court Service Units (CSU).

### *CURRENT STATUS OF NATIONAL AND STATE OFFENDER SUPERVISION*

The Task Group explored who is responsible for supervision of adult offenders in the Juvenile and Domestic Relations District Courts in Virginia as well as the nation. A survey of probation services for adult family violence offenders in the fifty states was conducted. It was found that while some states offer probation supervision across their state, others offer it only within a particular county or jurisdiction. Of the 27 states in which probation services are offered statewide, 16 are with the equivalent of community corrections and 9 are with the equivalent of Court Service Units.

In Virginia, there are two primary agencies responsible for probation supervision of adult family violence offenders, the Court Service Units and CCCA programs. Lillian Brooks, Director of Alexandria's Court Service Unit and a member of the Task Group, conducted a survey of the 35 Court Service Units in Virginia. Thirty-three of the 35 Court Service Units responded. The survey revealed that 10 Court Service Units are performing supervision of domestic violence cases. Of these 10 Court Service Units, 8 felt that their current number of staff does not adequately meet the needs of their community and each estimated that 1 to 3 new positions would be needed to meet their community's needs.

Glen Peterson of the Virginia Community Criminal Justice Association conducted a survey of Community Corrections Programs. Thirty (of 38) programs responded to the survey representing 59 counties and 35 cities in Virginia. During calendar year 1997, there were 3,884 new J&DR placements. The data reported in the survey is approximate since program placement information does not identify whether the case was referred from the Juvenile and Domestic Relations District Courts (J&DR). Respondents to the survey indicated that a total of 45.25 new community

corrections staff is needed to meet current need. This does not include any future increase in the caseload or provision of supervision to J&DR courts where it is currently unavailable.

Commission staff conducted a survey of the J&DR judges (a copy of the survey and results are in the appendices). Forty-nine surveys were received representing 84 jurisdictions. Nineteen judges indicated that adult probation services are not available in their court. Eighteen indicated that they would like to have adult probation supervision available in their court. Sixteen of the 18 indicated that they would like to see community corrections programs provide the supervision.

The results of the judicial survey indicate that the majority of the responding judges would like to see community corrections provide the probation supervision. However, there were four that indicated that they would like to see the CSU provide supervision (note that some indicated they would like to see both community corrections and CSUs provide the supervision). Additionally, there was information from the survey of CSUs that in the localities currently served by the CSU, the judges are pleased with the supervision and would like to see the CSU continue to provide it.

#### *CURRENT CAPACITY AND PROJECTED NEED*

The Task Group considered three additional factors before a recommendation was made. The first is uncertainty about CSUs continued involvement in adult cases since the Department of Juvenile Justice has emphasized juvenile offenders. The second is that because CSUs and community corrections programs are both successfully used in different localities, there was concern that any action taken should allow for local flexibility rather than designation of a particular agency as the sole provider of probation supervision. The third is that community corrections programs may contract with a CSU who will provide the supervision. This ability to contract with another agency to provide the supervision was seen as important in accommodating the needs of the localities. The Task Group recommended that no particular agency should be named as the sole provider of probation supervision to adult offenders in the J&DR courts. However, since community corrections programs are the primary providers of the supervision and the preference of J&DR judges surveyed, the Task Group studied the needs of community corrections programs to provide this supervision.

In addition to meeting the current demand for supervision, it is anticipated that as courts continue to learn of the availability of supervision, more offenders will be placed with community corrections for supervision. During the month of June 1998, there were 1,697 placements (this number may be low as this data was not available from all programs) from the J&DR courts to community corrections representing 44% of the total number (3,884) of J&DR placements to

community corrections in all of 1997. If this trend continues, J&DR placements in 1998 will far exceed those in 1997. Additionally, there are programs in which supervision is not offered to the J&DR courts due to a lack of staff to handle those cases. In those localities, it would be necessary to provide funding for the additional staff.

Additional resources to meet current, as well as anticipated, need was identified as a priority and prerequisite to any expansion of supervision. During FY98, court data shows there were 11,238 cases in which persons were found guilty under Va. Code §18.2-57.2. The Department of Criminal Justice Services supports a staff to offender ratio of 1:50. Currently, there are 53 case managers serving 3,884 J&DR placements (FY98) or approximately 35% of the total number persons (11,238) found guilty under Va. Code §18.2-57.2. This provides a staff to offender ratio of 1:73. The 1:73 ratio is misleading without additional information. There are localities such as Chesterfield and Newport News/Hampton with staff to offender ratios of 1:125 and 1:140 respectively. Therefore, while the statewide average is 1:73, in those jurisdictions in which the J&DR court is actively using local community corrections, the ratio is much higher.

### *DISCUSSION*

The Task Group recommended a budget amendment for \$1,575,000 in the second year to provide funds to the Department of Criminal Justice Services to expand supervision services for adult family violence offenders in the Juvenile and Domestic Relations District Courts. Funding in this amount would provide an additional 45 case managers at a cost of \$35,000 per case manager. This would enable programs to serve 44% or 4,900 of the total number of person found guilty under §18.2-57.2 (per FY98 numbers) at a 1:50 ratio.

The Subcommittee considered the Task Group's recommendation at the December 1998 meeting. The Subcommittee believed that the amount recommended by the Task Group would be insufficient to 1) expand the probation supervision to those community corrections programs not currently serving J&DR courts; and 2) enable programs to absorb expanding caseloads. It will cost approximately \$595,000 to expand probation supervision in those localities who do not provide this service now to the J&DR courts. There are 19 localities (22% of the 84 jurisdictions) in which J&DR judges indicated that probation supervision is desired but not available. Twenty-two percent (22%) of the 3,884 J&DR placements (FY98) is 854 potential placements. To serve these 854 people at a 1:50 ratio, an additional 17 case managers would be needed at a cost of \$35,000 per case manager or \$595,000.



The Subcommittee voted to increase the amount of the budget amendment to \$2,450,000. This amount will serve 55% or 6,180 of the total number of persons found guilty under Va. Code §18.2-57.2 (based on FY 98 numbers) at a 1:50 ratio by supporting an additional 70 case managers at a cost of \$35,000 per case manager.

The Subcommittee felt strongly that funds should be used to support local community corrections programs' supervision of adult family violence offenders in the J&DR courts. The Subcommittee supports and encourages DCJS' use of a special condition on the money allocated to programs through DCJS' grant process. This special condition would specify that a certain amount of the total grant award is intended to expand services to adult offenders sentenced under the CCCA by the Juvenile and Domestic Relations District Courts.

### ***RECOMMENDATIONS***

- The Commission should introduce a budget amendment for \$2,450,000 in the second year to provide funds to the Department of Criminal Justice Services to expand supervision services for adult family violence offenders in the Juvenile and Domestic Relations District Courts.
- The Commission should monitor and report on the Department of Criminal Justice Services' administration of the \$2,450,000 funds that are to be used to expand supervision services for adult offenders in the Juvenile and Domestic Relations District Courts.
- The Commission should encourage the Department of Criminal Justice Services to issue a special condition on the funds that the localities receiving this grant increase will use the funds for the intended purpose of supervising adult offenders sentenced under the CCCA by Juvenile and Domestic Relations District Courts.
- The Commission should support and assist the Education Department of the Supreme Court of Virginia with the training of Juvenile and Domestic Relations District Court judges on batterer intervention programs including their benefits and limitations, what to look for in a batterer intervention program, and the role of probation supervision for this population.

## **FATALITY REVIEW TASK GROUP REPORT**

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### ***INTRODUCTION***

At the December 4, 1997 meeting of the Virginia Commission on Family Violence Prevention, the Office of the Chief Medical Examiner (OCME) presented the results of a retrospective study of domestic violence related homicides in the central Virginia area. This report generated much interest concerning collection and interpretation of domestic violence related homicide data. Members of the Commission were interested in whether statewide data gathering

and analysis could provide information on the impact of recent legislation and provide a mechanism to track trends over time. In addition, the Commission was interested in whether local review of family violence related fatalities would be helpful to communities in developing more effective early responses to family violence. Such reviews could lead eventually to the prevention of future fatalities.

The Fatality Review Task Group was convened to examine the concept of domestic violence fatality review teams, determine whether or not such teams would be of benefit to the Commonwealth, and if so, recommend a structure for the teams. In pursuit of those goals, the Fatality Review Task Group reviewed the structure and functioning of currently existing review teams in Virginia and nationwide, analyzed relevant legislation in other states, and examined current domestic violence fatality data in Virginia.

### ***OVERVIEW OF NATIONAL DOMESTIC VIOLENCE FATALITY REVIEW TEAMS***

The Task Group learned that Domestic Violence Fatality Review Teams (review teams) across the nation were a recent phenomenon, with the oldest ongoing team established in 1994. Only eight states (California, Delaware, Florida, New Jersey, New York, Nevada, Ohio, and Washington) and the District of Columbia have made "state-level" efforts towards establishing review teams. Of these, three have active state level programs, three are in the process of planning and implementing state-level programs, one established a program which has completed its work, and two have functioning "grass roots" level fatality review programs. Charts depicting the status of fatality review efforts in other states are included in the appendices.

There is wide diversity among states regarding data collection and creation, organizational structure, coordinating agency, and resource requirements of review teams. Challenges to these teams include confidentiality, liability, resources, avoidance of interference with ongoing investigations, and interagency cooperation and participation.

Some states have dealt with data collection and statistics by requiring mandatory reporting of domestic violence incidences by police to a central agency. This has usually required a separate reporting form with unique data elements than those used for other crime reports. These states have also had to establish a central mechanism to collect and analyze the data.

### ***CURRENT STATUS IN VIRGINIA***

There are no known functioning domestic violence review teams in Virginia. Data on domestic violence in Virginia has been compiled only in the form of the Crime in Virginia Report on Murder and Non-Negligent Manslaughter. This report is based on the Federal Bureau of

Investigation's Incident Based Reporting System in which all police departments nationwide participate. Information gathered through the IBRS includes demographic information about the victim and the offender, the relationship of the offender to the victim, the type of weapon used, and information about the circumstances. The IBRS relationship category does not include past intimate relationships [boyfriend/girlfriend] or intervention by a third party in a domestic dispute. The IBRS has no provision for documenting past violent interactions nor does it allow for incidents to be classified as domestic violence related.

The group felt that to analyze domestic violence related deaths, whether classified as homicide, suicide, or murder/suicide, a great deal of information would be needed. They identified the following key data elements: 1) relationship of the parties, 2) demographic information on the victim and the perpetrator, 3) weapon used, 4) location of the incident, 5) existence of current and past protective orders, 6) previous court contacts, 7) previous criminal record, 8) involvement of children in the incident, 9) drug or substance abuse of parties, 10) related child custody issues, 11) mental health history of the parties, and 12) previous interaction with domestic violence programs. It was estimated that Virginia experiences fewer than 100 domestic violence related fatalities a year. This extensive data would be invaluable to local teams reviewing an individual fatal incident, but the group determined it was unrealistic to require this degree of information as a standard report for all domestic violence police reports. Requiring additional reporting by police or attempting to change required elements of the IBRS system were not viewed as viable approaches.

It was suggested that the Office of the Chief Medical Examiner (OCME) might offer an excellent mechanism for collection and analysis of data. Domestic violence has been determined to be public health problem by the Center for Disease Control. The Office of the Chief Medical Examiner, as part of the health care system, could provide "surveillance", a method of public health reporting which functions to accurately count events and to identify trends and patterns. In addition to police reports, OCME draws information from autopsy reports, the medical examiner's reports, and toxicology reports. The goal of monitoring domestic violence related fatalities is therefore more appropriately addressed by the OCME's public health concern than by police data collection aimed at apprehending and prosecuting criminals.

### ***FATALITY REVIEW LEGISLATION IN OTHER STATES***

Only three states (California, Delaware and Nevada) have statutes that address the nature and structure of review teams. Of these, Delaware has a "mandatory" statute, which outlines protocols, insulates teams from issues of liability and confidentiality, and requires formation of review teams in each locality. California and Nevada have "enabling" statutes that cover all issues of

team formation, structure, liability and confidentiality but allow localities to choose to form an ongoing team, a team in response to a particular incident, or no team at all.

### ***DISCUSSION***

The Task Group examined local versus statewide models of fatal incident review. They determined that although a local structure appeared to more accurately identify gaps in services and response, some level of statewide involvement was necessary to: 1) insure uniformity of procedure and data collection, 2) institute policy and legislative changes, and 3) provide assistance to localities. The Task Group felt that such state level involvement could help insure that reviews were preventative rather than investigative in nature and that they were structured to provide constructive change rather than allowing a focus on mistakes and blame.

The Task Group was in consensus that data collection and local fatality review are a critical, positive step toward prevention of domestic violence deaths and that an enabling statute should be introduced. The Task Group agreed that the statute should facilitate rather than mandate review teams. They felt mandating the establishment of review teams might engender resentment and lead to less effective programs. The group agreed that such a statute should include the purpose, function, and structure of review teams; provisions to assure confidentiality and limited protections from liability; and give guidelines for membership.

### ***RECOMMENDATIONS***

- Introduce legislation that will define the purpose and scope of domestic violence fatality review teams and enable localities to convene local teams.
- Recommend that the Office of the Chief Medical Examiner of the Commonwealth provide “surveillance” (a form of public health reporting from the medical examiners’ files) as a mechanism for collecting domestic violence fatality information.
- Introduce a budget amendment for the Office of the Medical Examiner to establish a data collection “surveillance” system, develop model protocols for fatality reviews, and provide technical assistance to local teams.

## **JUVENILES AS PRIMARY AGGRESSORS TASK GROUP REPORT**

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### ***INTRODUCTION***

The Family Violence Prevention Bill (SB113), enacted in the 1996 session of the General Assembly and implemented in July 1997, set out a number of directives related to the handling of assault and battery against family or household member cases. These directives were designed to address violence between adults in the household. Among other provisions, they directed that 1)

officers make an arrest and petition for an Emergency Protective Order (EPO) in every case they had probable cause to believe an assault and battery had been committed; and 2) magistrates were to issue an EPO if they found that abuse had occurred and there was likely to be future abuse. The definition of family or household member that applies in this situation would also apply to a juvenile who is violent with a family member. This scenario was not anticipated when the original legislation was drafted.

The Commission began hearing from localities in which this scenario arose and there was uncertainty about how the juvenile should be handled. In response to these concerns, the Juveniles as Primary Aggressors Task Group was formed and began meeting in April 1998.

### *NATURE AND SCOPE OF THE PROBLEM*

The Task Group heard presentations that helped refine and narrow the scope of the problem.

- Dennis Waite, Ph.D., Chief Psychologist at the Department of Juvenile Justice, presented on the factors that contribute to violence in juveniles.
- Robert Hill, Jr., Chief Magistrate, Virginia Beach, discussed the confusion that exists for magistrates in applying the law to juveniles. The new law created a conflict with the practice that juveniles are handled through Court Service Units by requiring that officers petition for an EPO in every case and magistrates issue the EPO based on appropriate findings, even those cases involving juveniles. In rural areas, magistrates have found the ability to issue an emergency protective order against a juvenile helpful when intake officers are unavailable. He observed that magistrates in urban areas have continued to work through the court services units and do not issue emergency protective orders.
- Karen Althoff, Domestic Violence Officer, Chesterfield County, presented the statistics on family violence incidences in Chesterfield County. Approximately 10% of domestic calls for service involve a juvenile who has assaulted another family member. Statistics for Chesterfield County are included in the Appendices.

### *VIRGINIA'S CURRENT RESPONSE*

The Task Group also heard several presentations on how communities are addressing this issue.

- Patricia Carrington, Director, Chesterfield County Court Service Unit, spoke about Chesterfield's Assault Diversion Program which is designed to provide pretrial diversion for juveniles charged with a first assault and battery offense. The program includes an educational session about the juvenile justice system, discussion about anger management and dispute resolution as well as a six week assault intervention program.

- Sergeant Scott Gibson, Alexandria Police Department, presented on how the Alexandria police force handles situations when the juvenile is the primary aggressor. Alexandria Police's written policy specifically addresses how to handle a juvenile who is violent with a family member. The directive requires that an intake officer be contacted immediately and the intake officer's instructions followed.
- Arliss Ketchum, Hampton Department of Social Services, provided the Task Group with information on the City of Hampton's coordinated response to family violence. City of Hampton law enforcement statistics for May 1998 indicate that there were 23 incidents where juveniles were the primary aggressors. Most cases, if there was injury, were handled through court services intake and charges were filed. Ms. Ketchum noted that in Hampton there is little controversy with this issue. She attributed this to the cooperation among the Commonwealth's attorney, police chief and the director of the Hampton Department of Social Services, Walt Credle.
- Cynthia Murray, Assistant Commonwealth's Attorney, Albemarle County, presented the prosecutor's perspective of these cases. As with adults involved in spouse/partner abuse, Ms. Murray found that the parents, as victims of abuse by their children, do not want to prosecute their children, even when the violence is severe.
- Linda Berry, Richmond City Public Defender's Office, provided her perspective on family violence committed by juveniles. She believes that the juvenile may not be the primary aggressor in the same sense as adult domestic violence. There is often a history of violence in the home which contributes to the situation. She sees the child's behavior as a symptom of a larger problem rather than the cause. She supports the early identification of family violence and increased resources for families, including assault diversion programs.
- The Honorable Frederick Rockwell, III, Chief Judge, Chesterfield County Juvenile and Domestic Relations District Court discussed the programs he may use if he finds that a juvenile has committed an assault and battery against a family member. These programs include 1) Assault Diversion Program, 2) Anger Management Classes, 3) Parenting Classes (for the parent), 4) Group Home (in limited cases), and 5) Family Conferencing.

### ***TASK GROUP RESEARCH***

The Task Group agreed that additional information was needed in three areas. The first was on the policies and practices of local Departments of Social Services when they are confronted with this scenario. Second, additional information was needed on how judges handle these cases, and

what they feel is needed to serve these children and their families. Finally, the Task Group was interested in how other states have addressed this issue.

Rita Katzman, Child Protective Services (CPS), Virginia Department of Social Services, distributed a memo in which she requested local departments of social services to report on their role in these types of cases. For example, how often are they called by law enforcement to intervene? Are they asked to make an emergency placement if the parent does not feel safe and asks that the child be removed from the home?

Twelve agencies responded to Ms. Katzman's memo. The responses indicated that in general, CPS becomes involved when there is abuse of the child, not when the child is abusive. CPS intervenes if lack of supervision leads to the child's violent behavior. One respondent noted that since there are few resources to assist these juveniles, law enforcement will try to route the case through CPS by forcing the family to fit a CPS definition. Child Protective Services views the situation where the child is the abusive party as a Court Services Unit issue, and feels that the Court Service Unit should be the point of entry.

Commission staff conducted a survey of Juvenile and Domestic Relations District Court judges regarding their approach to these cases. A copy of the survey and its results are included in the Appendices. Forty-nine surveys were received representing 84 jurisdictions. The most commonly used dispositions for juveniles convicted of assault and battery against a family or household member were probation, detention, and anger management classes. Fifteen respondents indicated that they always or sometimes appoint a Guardian ad litem for the juvenile. Twenty-six respondents indicated that they have never handled a protective order that named a juvenile as a respondent. However, 14 said they do issue the order with provisions that there be no further abuse or that the juvenile and family receive services. Only four indicated that they order the juvenile to leave the home. Commission staff also conducted a phone survey of juvenile justice officials in the 49 states and the District of Columbia. Twenty-five of the 30 states that have an assault and battery against a family or household member statute apply it to a juvenile who is violent with a family member. Forty-one states allow juveniles to be respondents to a protective order although there are variations in the age at which this comes into effect, ranging from 12-16 years.

The Task Group reviewed data from Chesterfield County's law enforcement reports for family violence calls between June 1997 and June 1998. A copy of Chesterfield's report is included in the Appendices. Of the information included in this report, the most applicable to the Task Group was that 11.9 % of the total family violence reports involved a juvenile.

## *DISCUSSION*

The Task Group considered several options to address the unintentional effects of the new arrest legislation on juveniles including 1) The exemption of juveniles from those portions of Va Code §§16.1-253.4 (Emergency protective orders authorized in certain cases; penalty), §18.2-57.2 (Assault and battery against a family or household member), and §19.2-81.3 (Arrest without a warrant authorized in cases of assault and battery against a family or household member and staking and for violations of protective orders; procedures, etc.) that directs magistrates to issue and law enforcement officers to request an emergency protective order; 2) The exemption of juveniles from §18.-57.2; 3) The provision of discretion to magistrates and law enforcement officers regarding emergency protective orders when a juvenile is the primary aggressor; 4) The inclusion of juveniles in the above Code sections so that they would apply to juveniles as they currently do adults; or 5) Amendment of the definition of family or household member to exclude juveniles.

The Task Group agreed that juveniles should not be excluded from the crime of assault and battery against a family or household member. The Task Group felt that the applicability of the crime to juveniles is not the problem, rather it is how the juvenile is handled after the offense that requires attention. The Task Group also rejected any changes to the definition of family or household member because the benefits of including juveniles in the definition outweighs the confusion of how to handle them once charged.

The Task Group considered exempting juveniles from the provisions that require a law enforcement officer to request and a magistrate to issue an emergency protective order if an arrest has been made or there is probable cause to believe that a danger of acts of family abuse exists. The Task Group agreed that the juvenile system, that is the Court Service Unit, is the appropriate point of entry for these juveniles and that these cases should be dealt with as they have been in the past through that system. However, the Task Group also heard from magistrates in rural localities that have found the new law beneficial in dealing with these juveniles when a Court Services Unit intake worker is not available. They too agree that the Court Services Unit is the most appropriate agency to handle these cases, but find the authority to issue emergency protective orders against juveniles to be helpful in those few cases when an intake worker is not available.

The Task Group discussed the appropriateness of issuing an emergency protective order against a juvenile. Similarly, there was consensus that the Court Service Units and the remedies available to them are the more desirable remedies for these juveniles. However, the Task Group felt that it was important to provide flexibility to those localities that may need to utilize an emergency



protective order in the absence of an intake officer. The Task Group also agreed that training was important to inform magistrates and law enforcement that an emergency protective order does not require a provision ordering the respondent from the home. It may simply order that there be no further acts of abuse. With these considerations, the Task Group made the following recommendations for:

### *RECOMMENDATIONS*

- The Commission should introduce legislation amending §18.2-57.2 C to provide that if the defendant is a minor, a magistrate shall not be required to issue an emergency protective order.
- The Commission should introduce legislation amending §16.1-253.4B to provide that if the respondent is a minor, the judge or magistrate shall not be required to issue an emergency protective order.
- The Commission should introduce legislation amending §19.2-81.3 D to provide that if the defendant is a minor, the law enforcement officer shall not be required to petition for an emergency protective order.
- The Commission should work with the Department of Juvenile Justice to identify and provide information to localities on the types of early intervention and diversion programs that are appropriate and available for juveniles who are violent with family members.
- The Commission should encourage the Department of Criminal Justice Services to include information on juveniles as primary aggressors as part of the training efforts for law enforcement and in their model family violence policy.
- The Commission should support and assist with the development and distribution of information to courts, magistrates and intake officers regarding juveniles as primary aggressors.

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## LEGISLATIVE/JUDICIAL SUBCOMMITTEE

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The Legislative/Judicial Subcommittee of the Commission, chaired by Delegate Linda T. "Toddy" Puller, exists to provide: guidance to the Commission on legislative drafting, tracking of bills affecting family violence, analysis of the budget as it affects family violence programs, and the development of task groups to facilitate discussion and proposals. The task groups formed under this subcommittee in 1998 were as follows:

- The Impact of Family Violence on Children,
- Marital Sexual Assault, and
- Victim Confidentiality.

### IMPACT OF FAMILY VIOLENCE ON CHILDREN TASK GROUP REPORT

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#### *INTRODUCTION*

This Task Group, under the direction of Delegate Linda "Toddy" Puller, has been meeting since 1996. It has examined the law enforcement and social services responses to families where there is violence and children are present in the home. As a result of the Task Group's early work, the law enforcement model policy for family violence cases now includes directives to inquire about children in the home; to investigate whether those children have been victims of violence; and to develop joint responses with local social services. Social services training for child protective service workers now includes components on identifying and responding to families where there is evidence of violence between adults in the home.

In 1997 the group began examining the court system response to these families when they come to the court's attention because of child custody matters. Juvenile and Domestic Relations District Court judges were surveyed to determine the perceived prevalence of child custody cases that also had concurrent family violence issues and the methods used by the courts to identify these families. About one third of the courts responding reported that less than 25% of custody cases also involve family violence. Another one third of the respondents estimated that 26% - 50% of the cases involved family violence. Most of the courts relied on the testimony of the parties to bring the family violence issues to the attention of the judge. Ninety one percent of the respondents found a history of abuse, including specific incidents and the types of violence, to be persuasive and important to custody decisions.

In 1998 the Task Group in conjunction with the University of Virginia undertook an in-depth study of six Juvenile and Domestic Relations District Courts(J&DR). The study and Task Group discussion focused on the co-occurrence of family violence and child custody cases and the methods courts use to identify these cases.

### ***REVIEW OF COURT RECORDS***

Six Juvenile and Domestic Relations District Courts agreed to participate in the study including the counties of Alexandria, Bedford, Spotsylvania and York; and the cities of Richmond and Roanoke. Case management records for 1996 in these courts were reviewed to determine how many custody/visitation cases had concurrent adult criminal or protective order cases (match cases) in the same court. This analysis demonstrated that 17.5% of the child custody cases in these courts had concurrent adult criminal cases or protective order cases in the same court during the same calendar year. A copy of the analysis is attached as an appendix. The co-occurrence is less than that estimated by most of the judges surveyed.

There is no clear mechanism for the court to know when both issues are present. A list of 100 cases per court was generated to include 50 match cases and 50 non match cases (child custody cases where there was no concurrent family violence case) in five of the courts. Because of the low volume of cases in one of the courts, 56 cases were selected. Each of the selected case records were reviewed to identify whether there was evidence in the child's file of a concurrent adult criminal matter. A copy of the data collection sheet used for this review is included as an appendix. The case file review demonstrated that there is very little information shared between the adult criminal files and child files. Although this information is readily available through the Virginia Criminal Information Network (VCIN) and other screening methods, such mechanisms are not routinely in place in the Juvenile and Domestic Relations District Courts.

### ***KEY INFORMANT INTERVIEWS***

The University of Virginia sent a team of interviewers to each of the participating courts to conduct interviews of the presiding judges, clerks, Guardians ad litem(GAL), Court Service Units (CSU), social services professionals, mediators and other key personnel. The purpose of the interviews was to determine the current practices and policies that are in place to identify and respond to families where there is violence present.

The informant interviews revealed:

General court practice

- One court had a formal process to screen litigants for domestic violence. The remaining five

courts relied on testimony, GAL reports or intuition to identify the presence of domestic violence.

- All judges have the ability to order criminal background checks.
- There does not appear to be a formal method for identifying a criminal history or the presence of protective orders. In some courts, there may be someone that takes the extra step to gather the information although it is not a routine part of their job.

#### Mediation

- Mediation was indicated as used in 17% of the case files. This number may be low and mediation likely occurs more frequently. The file may reflect that the parties were in agreement without indicating that it was reached through mediation.
- Some courts do not have mediation resources to which to make referrals.
- If mediation fails, the mediator cannot tell the judge why it failed because of confidentiality requirements. Some judges indicated that when a mediator states that they cannot go forward with mediation this raises a red flag, and they will then assign a GAL to the case.

#### GALs

- The data indicated that GALs were appointed in 41.5% of the cases.
- One judge interviewed appoints a GAL to all cases not successfully mediated or settled.
- Differences in the effort exerted and the expertise of the GALs were noted.
- None of the courts require a written report. Time constraints, concern about being required to testify, and maintaining flexibility in making recommendations based on the testimony were cited as reasons that written GAL reports should not be required.

#### Custody Evaluations

- The majority of the courts reported that custody evaluations are conducted by the local Department of Social Services.
- Custody evaluations are referred to by different names, including “parental assessments” or “home studies.”
- Costs associated with these evaluations and who conducts the evaluation vary with each court. In some courts parties are responsible for the costs associated with a custody evaluation, while in other courts they are not.
- One court mentioned that their CASA workers conduct home studies.

#### Leveraging

- Key informants were asked about accusations of domestic violence to gain leverage in a

custody or visitation decision. Most court personnel believe that on occasion false accusations are made, but that it is not a big problem or concern.

- If domestic violence is raised as an issue, most judges said that they appoint a GAL or have DSS investigate it.

#### Services Ordered

- There are variations in the amount and types of services available in each locality.
- Court follow-up to ensure compliance varies among courts and among cases.
- There is a great range of supervised visitation services available.

#### Court Personnel Recommendations

- Accessible computerized database or file system for cross-referencing custody and visitation cases with criminal cases and protective orders.
- Quick screen for domestic violence in the initial stages of custody and visitation cases.
- Improved supervised visitation services.

### ***DISCUSSION***

#### ***Supervised Visitation***

The Task Group agreed that further study should be done on supervised visitation. It is likely that any available information will provide only a description of the services offered rather than an evaluation of supervised visitation. The Department of Child Support Enforcement should be included since the Federal government appears to be supporting supervised visitation and has tied it to child support.

#### ***Forms/Screening***

If mediation were used consistently, the screening for domestic violence that occurs in mediation could be used to screen all litigants. Members discussed an option that clerks or intake workers screen for domestic violence. The Task Group agreed that since some courts already provide a screening tool, it would be helpful to look at some samples and how they are used.

The Task Group discussed the development of a cover/tracking form that could be included in the child's file and that could contain information about adult criminal offenses. Members agreed that such a form is possible and that it should be pursued. The revision of the protective order form to include an additional page that could be placed in the child's file was discussed.

#### ***Court Handling***

All CSU's do not have access to VCIN making the sharing of information and ability to query criminal records difficult. An additional suggestion was to coordinate the docketing of cases

so that custody and visitation matters are heard in conjunction with a petition for a protective order. The group was concerned that protective orders are about safety, and that custody and visitation cases do not deal directly with safety and should not necessarily be pursued with the protective order. An additional recommendation was that a custody/visitation order should reflect the presence of domestic violence.

### ***Public Information***

The development of a brochure that could be given to petitioners was discussed. Recommendations for content included: 1) safety issues, including safety planning; 2) resources for assistance; and 3) information on legal services available. It was noted that the brochure should not be written so as to be construed as legal advice.

### ***RECOMMENDATIONS***

- Request that the Office of the Executive Secretary of the Supreme Court of Virginia develop and distribute a case tracking form that could be placed in each child's file in the Juvenile and Domestic Relations District Court.
- Support the Supreme Court of Virginia's budget request for improvements to the Court's Information Management System including the establishment of a frame relay system which will facilitate access to information regarding all matters related to a particular family.
- Develop and implement with the Education Department of the Supreme Court of Virginia training for Juvenile and Domestic Relations District Court judges and Circuit Court judges on the effects of domestic violence on children.
- Develop a Continuing Legal Education (CLE) course on domestic violence. Family law practitioners and guardians *ad litem* should be encouraged to participate.
- Direct the Commission to further study and develop recommendations related to the following:
  - Development of a screening instrument to screen custody and visitation cases for the presence of domestic violence;
  - Placement of a copy of a protective order in the file of the child(ren) of the parties to the protective order;
  - Development and distribution of a brochure (including information on the relief available through protective orders and petitions for custody and support, and local resources such as Legal Aid and domestic violence service providers) that would be available at intake to petitioners who are seeking protective orders;

- Development of guidelines for best practices for guardians *ad litem* representing children who come from violent homes;
- Further study of current practices related to home studies and custody evaluations, including homes in which family violence is present, and if appropriate, recommendations of best practices for home studies and custody evaluations;
- Further study of supervised visitation, including but not limited to its availability, current guidelines and standards, qualifications of providers, and funding sources.

## **MARITAL SEXUAL ASSAULT TASK GROUP REPORT**

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### ***INTRODUCTION***

At a meeting of the Legislative/Judicial Subcommittee on May 20, 1997, the staff attorney from Virginians Aligned Against Sexual Assault (VAASA) gave a presentation on the legal issues surrounding marital sexual assault. She concluded that Virginia's current marital sexual assault and marital rape laws: 1) are fundamentally unfair to married women; 2) are antithetical to recent trends in law and policy; and 3) are similar to statutes in several other states that have been held unconstitutional. It should be noted that victims of marital sexual assault and marital rape, like all victims of sexual crimes, are much more likely to be women than men.

After consideration of the VAASA presentation, the Subcommittee recommended the creation of a Task Group to study the issue. Lane Kneedler, a Richmond attorney, former Chief Deputy Attorney General of Virginia and former Professor of Law at the University of Virginia who was a member of the Joint Subcommittee of the General Assembly that studied marital rape in 1986, was asked to serve as chair of the Task Group.

### ***HISTORICAL BACKGROUND***

The 1986 Joint Subcommittee studying marital rape initially discussed a simple one-line statute; e.g. "it is not a defense to rape that the victim was married to the defendant". After a year of deliberation, the Subcommittee decided against the one line statute. The evidence presented to the 1986 Joint Subcommittee at the time indicated that the dynamics of marital sexual assault were such that sexual assault offenses between spouses should be treated differently than such offenses between non-married persons. The Joint Subcommittee recommended two separate avenues to address marital rape and other forms of marital sexual assault.

The first avenue amended the rape, forcible sodomy, and object penetration statutes and included certain conditions that must be satisfied in order to constitute the offenses if the parties are

married. These statutes carry the same penalty of five years to life carried by the statutes applicable to rape, forcible sodomy, and object penetration applicable to non-married persons. However, they require that, in order to bring these charges when married, the couple must have been living “separate and apart” at the time of the offense, or the victim must have incurred “serious physical injury” as a result of the assault. Neither condition was further defined by the Joint Subcommittee.

The second avenue, enactment of a lesser included offense entitled “marital sexual assault”, applied to all sexual penetration offenses perpetrated by one spouse against another, including rape where the couple was living together and the victim did not suffer serious injury. This statute carries a lesser penalty of one to twenty years. This lesser included offense has not been widely used over the past twelve years.

Although the two avenues provide a remedy for married persons who have been sexually assaulted or raped, the remedies are set apart from the sexual offense statutes applicable to unmarried persons. In addition, the lesser included offense of marital sexual assault imposes a lower range of penalties for the rape or sexual assault of married persons than is applicable to similarly victimized unmarried persons such as persons living together or “date rape” situations, thereby treating married persons differently from unmarried persons.

### *WORK PLAN*

After reviewing the history of the law in Virginia, the Task Group decided: 1) to investigate the current status of the marital rape and marital sexual assault statutes in Virginia and in the nation, and 2) to determine what, if any, legislative and/or non-legislative actions would be necessary to address its findings. In order to accomplish this purpose, the Task Group heard evidence on: 1) the psycho-social dynamics of marital sexual assault, 2) use of Virginia’s marital sexual assault statutes, and 3) the current health care provider, law enforcement, and judicial responses to marital sexual assault. The group then reviewed and assessed the sex offense statutes applicable to spouses nationally and surveyed the judiciary, law enforcement, Commonwealth’s Attorneys, and service providers in Virginia to assess the functioning of Virginia’s current marital rape and other sexual assault statutes.

#### A. Psychosocial Dynamics of Marital Sexual Assault

Sarah Cook, Ph.D., Associate Professor of Psychology at Georgia State University in Atlanta, provided a presentation on the psychosocial dynamics of marital sexual assault. The Task Group learned that women in an intimate relationship are at higher risk of sexual assault than women who are not involved in such a relationship. Dr. Cook stated that rape is more likely to be



completed in a marital setting, and marital sexual assault almost always involves force, threats, intimidation, and coercion. She noted that children might be forced to watch or even participate in marital rape or sexual assault. She stressed that most victims are extremely reluctant to admit or discuss sexual abuse by their marital partners.

B. Response of Law Enforcement and Commonwealth's Attorneys to Marital Sexual Assault

Presentations to the Task Group from law enforcement and Commonwealth's Attorneys documented difficulty in charging and prosecuting cases of marital rape due to: 1) the lack of physical evidence, 2) the requirement that "serious physical injury" or "living separate and apart" must be proven as an element of a marital rape, and 3) the reluctance of many victims to expose issues of sexual assault and pursue a case against a spouse. Additionally, although the lesser included offense of marital sexual assault does not require that a victim suffer "serious physical injury" or "live separate and apart" from the abuser, the testimony indicated that charges are rarely brought under that statute.

C. Response of the Medical Community to Marital Sexual Assault

The Task Group learned that the medical community also faces challenges in responding to marital sexual assault, particularly in the area of evidence collection. Many victims who are seen in the emergency room are reluctant to involve law enforcement or prosecutors or to bring charges that their spouse abused them. Use of Physical Evidence Recovery Kits (PERK kits) to collect evidence in these cases is very important if there is to be a prosecution. In some jurisdictions, in order for the cost of the kit to be covered, it must be requested by law enforcement or the Commonwealth's Attorney. In such jurisdictions, if medical personnel collect the evidence without such a request, the victim will be charged for the cost. There are no other resources to pay for the PERK kits in these circumstances, and consequently, the evidence is not collected and therefore is not available if charges are brought at a later time.

Medical personnel face additional difficulty in documenting "serious physical injury" when the injury is internal. In some instances, this documentation may be established by colposcopic photography, but this procedure is available in only five hospitals in Virginia.

D. Survey of Other State Laws

The Task Group's research determined that all fifty states deal with rape within a marriage as a crime in at least one section of their sexual offense codes. Approximately seventeen states have completely abolished the marital exemption for rape so that there is no distinction in the legal remedies available to married and unmarried persons. Only five of the seventeen states that abolished the marital exemption maintain statistics on the relationship of the victim to the abuser in

sexual assault cases. Of these five, sexual assault and rape of a spouse are shown to comprise less than five percent (5%) of all such charges brought.

Most states continue to provide an exemption from prosecution for rape that occurs during marriage in one or more of the following ways: 1) immunization of spouses from certain types or degrees of sexual assault, 2) gradation of sentencing options that differentiate sexual assault of a spouse from sexual assault of unmarried persons, 3) restrictive reporting requirements, and 4) limitations or conditions under which marital sexual assault will be defined as rape.

Although there is no agency in Virginia that maintains statistics on the incidence of marital rape or marital sexual assault, the Virginia Sentencing Commission reported that there were thirty three (33) felony convictions in Virginia between 1992 and 1996 for which “marital sexual assault” was the primary offense and two (2) convictions for which it was a secondary offense. Statistics were not available for the marital rape, forcible sodomy, and object penetration statutes.

E. VADV/VAASA Survey

An informal survey of eleven (11) victim service providers in Virginia was conducted for the Task Group by VAASA and Virginians Against Domestic Violence (VADV). The survey found that of 1317 married and unmarried victims surveyed at domestic violence and rape crisis centers, 232 (or 18%) identified that they were victims of marital rape or marital sexual assault. Although the survey was not a rigorous scientific investigation and some of the numbers were based on estimates, the group found the results to be indicative of a significant incidence of marital rape or marital sexual assault in domestic violence cases.

F. Task Group Surveys

The testimony, presentations, and research conducted by the Task Group raised questions concerning the law enforcement and the court response to marital sexual assault. Specifically, the Task Group was interested in the incidence of these crimes, and whether the sentencing and compliance monitoring methods used in these cases differed from those used for rape and sexual assault cases generally. The group conducted surveys of Sheriff’s Departments, Police Departments, Commonwealth’s Attorneys’ Offices, Juvenile and Domestic Relations District Courts, and Circuit Courts on the use and perceived effectiveness of Virginia’s current statute governing marital rape and other forms of marital sexual assault. The survey results are included in the appendix.

The overwhelming majority of the police and Commonwealth’s Attorneys’ surveys reported that marital rape and other forms of marital sexual assault were reported in less than five percent (5%) of the domestic violence incident reports. The majority of Sheriff’s Departments reported that

marital rape and other forms of marital sexual assault were reported in five to thirty five percent (5-35%) of domestic violence cases.

Both the Juvenile and Domestic Relations District Court and the Circuit Court judges reported by an overwhelming majority that marital rape and other forms of marital sexual assault were issues in less than five percent (5%) of the domestic violence cases before them. Although a majority of judges from both Circuit Courts and Juvenile and Domestic Relations District Courts responded that they felt that incarceration is the most effective disposition in these cases, a significant proportion acknowledged that counseling and supervised probation may also be effective when the supervision is provided by a probation officer. It was noted that such probation services are currently unavailable in many Juvenile and Domestic Relations District Courts. These courts rely on reports from service providers and court return dates to monitor compliance.

### *OPTIONS/ALTERNATIVES*

#### A. Non-Legislative Options

Based on the extensive evidence collected, the Task Group agreed that there is a need to: 1) train criminal justice and victim service professionals in the identification of marital rape and other forms of marital sexual assault; 2) raise public awareness of the elements of these crimes and, 3) insure that both professionals and the public are aware of the legal remedies available. Several Task Group members likened the lack of reporting of marital rape and other forms of marital sexual assault incidents to the under-reporting of child abuse and domestic violence prior to the intensive public awareness and training efforts that accompanied legislative changes in those areas. The Task Group felt that increased public awareness and training of professionals would result in wider utilization of the statutes and services already in place. The Task Group agreed that training and public education efforts were necessary before the Commonwealth could begin to address the problem adequately. They also felt that protocols should be developed for law enforcement and victim service programs outlining the proper response to victims of marital rape or other forms of marital sexual assault.

The group examined Virginia's sentencing guidelines and discussed the use of mitigating factors and treatment alternatives as a method to set apart rape and sexual assault of a spouse in the sentencing guidelines. It also investigated the current sentencing guidelines and judicial practice in sentencing for conviction of marital sexual assault and made recommendations for an increase in those guidelines.

#### B. Legislative Options

The group analyzed the need for legislative change in Virginia's current marital sex offense statutes and whether such a change was a type of relief sought by victims. The discussion addressed: 1) the lack of public and professional information concerning the dynamics of marital rape and other forms of marital sexual assault and the services and legal options available, 2) the low number of cases of marital rape and other forms of marital sexual assault reported, 3) the lack of clarity in the statutory language and inconsistency in judicial interpretation, and 4) the constitutional equal protection questions raised by Virginia's statutes, which treat married persons differently from non-married partners and strangers.

The Task Group looked at a range of legislative options related to Virginia's statutes governing marital rape and other forms of marital sexual assault. After reviewing statutes in other states, the group closely examined the following alternatives: 1) removal of the marital exemption (repeal of the statute governing marital rape and other forms of marital sexual assault and amendment of the general sexual assault statutes to clarify that marriage is not a defense to the charge of rape i.e., creation of a "rape is rape" statute, 2) revision and gradation of all rape and other sexual assault statutes in the Virginia Code to provide sentencing differentiation in those offenses based on marital status, 3) amendment of the current statutes to remove the "serious physical injury" and "living separate and apart" conditions from the marital rape, forcible sodomy, and object penetration statutes, and 4) addition of language including "intimidation" as a factor in the lesser included offense of marital sexual assault.

Many victims are reluctant to bring charges for rape within marriage, and the criminal justice system appears reluctant to impose long sentences for such charges. In addition, the special circumstances created by the spousal relationship between the victim and the perpetrator exist prior to the crime and continue to exist after adjudication, particularly if the parties have property or children in common that require them to interact with each other in the future. Because of the unique nature of these relationships, the Task Group felt that it would be beneficial to refine the conditions defining the more serious offenses (marital rape, forcible sodomy, and object penetration) and retain the lesser included offense of marital sexual assault. This would more readily provide a remedy for married persons in the case of egregious sexual assault and still allow a spouse accused of rape to be charged and sentenced for a lesser offense than rape when circumstances so dictated.

A great deal of discussion in the Task Group was directed at the elimination of the "serious physical injury" and "living separate and apart" conditions from the marital rape, forcible sodomy, and object penetration statutes. The Task Group strongly felt that egregious sexual assaults should

be tried as rape and subject to serious penalties. The group found that there is little guidance for the courts in the interpretation of “serious bodily injury.” The lack of a statutory definition or interpretation by the appellate courts of “serious physical injury” has resulted in inconsistent application of the statutes from jurisdiction to jurisdiction, with interpretations ranging from pushing and shoving to cuts or lacerations to “malicious wounding” as defined by the courts. The sentencing guidelines define “serious bodily injury” as an injury “requiring hospitalization or causing permanent disfigurement, life threatening injuries, or death.” Many marital sexual assault cases involve injuries such as severe bruising, strangulation marks, or cigarette burns that would not meet this definition. The Task Group strongly felt such injuries accompanying sexual assault should constitute the physical injury required for a conviction for the more serious crimes. The Task Group therefore decided that eliminating “serious” as a modifier of “physical injury” in the marital rape, forcible sodomy, and object penetration statutes would assure that sexual assault resulting in a physical injury would meet the requirements for a conviction under these offenses. This change would provide prosecutors and victims with a consistent avenue to address egregious acts of sexual violence deserving serious punishment.

The Task Group also reviewed the current statutory language for the lesser offense of marital sexual assault. The statute, as written, allows charges to be brought if sexual assault is accomplished by “present threat of force”. The statute does not define “present threat of force” as “intimidation”. The Task Group found that threats to harm children and other family members and threats of future violence against the victim often are used to accomplish sexual assault against a spouse’s will. In addition, the Task Group felt that “intimidation” is no less a factor in marital sexual assault than it is in marital rape, forcible sodomy, or object penetration, where, the term “intimidation” is included in the statute. The Virginia Court of Appeals found subsequent to enactment of Virginia’s separate marital sexual assault statute that the statute does not apply to sexual assault accomplished by “intimidation” because “intimidation” is not equivalent to “threats of force”. Morse v. Commonwealth, 17 Va.App. 627, 634, 440 S.E.2d 145, 149 (1994), citing, Sutton v. Commonwealth, 228 Va. 654, 663, 324 S.E.2d 665, 669-70 (1985). Although the marital rape and companion statutes provide a remedy for egregious marital sexual assault accomplished by “intimidation” when the spouses are “living separate and apart”, as noted by the Court of Appeals in Morse, this distinction results in no remedy in instances where sexual intercourse is accomplished by “intimidation” and the victim cannot show that the spouses are “living separate and apart”. The Task Group, therefore, recommended that the language of the marital sexual assault statute be changed from “such act is accomplished against the spouse’s will by force or present threat of force”

to “such act is accomplished against the spouse’s will by force, threat, or intimidation”, which mirrors the language in the marital rape, forcible sodomy, and object penetration statutes.

Although the Task Group strongly supports both of the above recommendations, some members of the Task Group continue to believe that serious constitutional concerns are raised by a statutory scheme that treats married persons who are sexually assaulted differently from unmarried partners and strangers who are victimized. The Task Group as a whole was in agreement that, in theory, different treatment of married and unmarried persons is wrong and that in the long term, the distinction in the Code should be eliminated. Based on the reason set forth above, however, the Task Group elected in the short term to make the proposed legislative recommendations in the belief that they were the best practical approach to take at this time. They believe these changes will provide greater relief for victims and result in the prosecution of more cases in the near future. The Task Group also made expansive non-legislative recommendations, which are aimed at raising public awareness of the issues, services, and legal options available and increasing the number of perpetrators arrested and prosecuted. The Task Group urges the Commission to continue to monitor these statutes because of their troubling nature and to revisit them for further assessment after full implementation of the non-legislative recommendations.

### ***RECOMMENDATIONS***

At its December 1, 1998 meeting, the Marital Sexual Assault Task Group voted in support of the following:

#### **A. NON-LEGISLATIVE:**

##### **1. Policy Development**

- Request that DCJS revise the existing model family violence law enforcement policy to:
  - a). Identify marital rape and marital sexual assault as separate charges from assault and battery against a family or household member; and
  - b). Include marital rape and marital sexual assault in the index.
- Recommend that law enforcement agencies and victim service providers develop protocols outlining the proper response to victims of marital rape and marital sexual assault.

##### **2. Training**

- Judicial Training - Request the Executive Secretary of the Supreme Court of Virginia to:
  - a). Include information on the elements of marital rape and marital sexual assault statutes in training for judges, substitute judges, and magistrates; and

b). Distribute materials, lists of local resources, and training opportunities to all judges, substitute judges, magistrates, and clerks.

➤ **Police Training**

a). Request DCJS to:

i). incorporate information on the dynamics of marital rape and marital sexual assault into the existing curriculum for basic and in-service law enforcement training on domestic violence;

ii). produce and distribute a video on marital rape and marital sexual assault to all law enforcement agencies and distribute materials, lists of local resources, and training opportunities to all law enforcement agencies;

b). Request law enforcement agencies to incorporate information on the dynamics of marital rape and marital sexual assault into their existing curriculum for basic and in-service law enforcement training on domestic violence; and

c). Encourage law enforcement agencies, which have both sexual assault personnel and domestic violence personnel, to insure that the personnel in each unit are cross-trained in the dynamics of the other unit's specialization.

➤ **Commonwealth's Attorneys Training - Request the Virginia Commonwealth's Attorneys' Services Council to:**

a). Include information on the dynamics of marital rape and marital sexual assault in training for Commonwealth's Attorneys; and

b). Distribute materials, lists of local resources, and training opportunities to all Commonwealth's Attorneys.

➤ **Victim Services Providers Training - Request VADV, VAASA, DCJS, DSS, and VDH to:**

a). Develop and distribute materials to help victims of family violence determine whether they are also victims of marital rape or marital sexual assault and what services and resources are available; and

b). Provide training for all domestic violence, sexual assault, and victim/witness service providers on the dynamics of marital rape and marital sexual assault, legal options for victims, and the services available.

**3. Public Awareness**

➤ **Medical Personnel - Recommend that the Commission encourage training for, and distribute information and materials on marital rape and marital sexual assault to physicians, nurses, and**

other relevant health care professionals. \*

- Religious Community - Recommend that the Commission develop and distribute materials for religious leaders on marital rape and marital sexual assault covering the services, legal options, and training available. \*
- General Public - Recommend that the Commission develop and distribute materials for the general public on marital rape and marital sexual assault covering the services and legal options available.

*\*The Task Group identified the medical and religious communities as two groups to whom victims are highly likely to turn when they are experiencing abuse and, as such, targeted those communities to receive training, information, and materials.*

#### **4. Funding**

- Recommend that the Commission seek funding to implement the policy, training and awareness recommendations of the Task Group.

#### **5. Sentencing Guidelines**

- Recommend that the Commission request the Sentencing Commission to revisit and raise the sentencing guidelines for marital sexual assault and consider higher sentencing recommendations.

#### ***B. LEGISLATIVE:***

1. Amend VA. CODE § 18.2-61, 18.2-67.1, 18.2-67.2 (Marital Rape, Forcible Sodomy, and Object Sexual Penetration)
  - Introduce legislation amending the above statutes to eliminate the word “serious” modifying “physical injury.”
2. Amend VA. CODE § 18.2-67.2:1 (Marital Sexual Assault)
  - Introduce legislation amending the marital sexual assault statute to replace “force or present threat of force” with “force, threat or intimidation” to parallel the language in §§ 18.2-61 (rape), 18.2-67.1 (forcible sodomy), and 18.2-67.2 (object penetration).



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## APPENDIX A *SJR 71*

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### SENATE JOINT RESOLUTION NO. 71 Continuing the Commission on Family Violence Prevention.

Agreed to by the Senate, February 13, 1998  
Agreed to by the House of Delegates, March 12, 1998

WHEREAS, in Virginia during fiscal year 1996, 34,668 women and 10,371 children were provided services through domestic violence programs; over 6,582 women and children were sheltered by funded programs, but over 3,561 were turned away due to lack of space; 4,323 new victims, and 1,954 family members and friends of these victims, sought services through sexual assault crisis centers; 10,423 children were found to be victims of child abuse or neglect; and at least 9,946 elderly or disabled adults were subject to abuse, neglect or exploitation; and

WHEREAS, in 1996, 21 percent of the homicides occurring in Virginia involved victims who were family members or a boyfriend or girlfriend of the killer; and

WHEREAS, the number of juveniles committing violent acts against family members is increasing; and

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

WHEREAS, the 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 Senate, the House of Delegates concurring, That the Commission on Family Violence Prevention be continued to study family violence in the Commonwealth by: (i) further studying the impact of family violence on children; (ii) examining the policies of the Commonwealth and the procedures applicable in cases of marital sexual assault; (iii) determining services, resources, and legislation which may be needed to further address, prevent, and treat family violence; (iv) assessing the development of family violence fatality review teams; (v) studying juvenile offenders involved in family violence; (vi) drafting methods to encourage cooperation in the prosecution of cases; and (vii) assisting and supporting community development of appropriate localized family violence prevention and response programs.

Members of the Commission appointed pursuant to House Joint Resolution No. 279 (1994) or Senate Joint Resolution No. 27 (1996) shall continue to serve, with any vacancies being filled in the same manner as the original appointment. In addition, the Commissioner of Health and the Director of the Department of Criminal Justice Services shall be permanent members of the Commission.

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 \$13,125.

The Division of Legislative Services and the Office of the Commission on Family Violence Prevention shall provide staff support for the studies. 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 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative 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 B. SUBCOMMITTEE MEMBERS

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### COMMUNITY RESPONSE SUBCOMMITTEE

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**CHAIR: Delegate Clifton A. "Chip" Woodrum, 16<sup>th</sup> District, Roanoke**

- The Hon. John H. Hager, Lieutenant Governor
- The Hon. Wilbert Bryant, Secretary of Education
- Delegate Vivian Watts, 39<sup>th</sup> District, Fairfax
- Dr. Richard E. Kellogg, Commissioner, Department of Mental Health, Mental Retardation, and Substance Abuse Services
- Dr. Bill Nelson, Commissioner, Department of Health
- The Hon. Janice Brice, Judge, J&DR District Court, Prince William County
- Ms. Jean Brown, Citizen, Leesburg
- Mr. Carl Cassell, Magistrate, Springfield
- Mr. Philip A. Broadfoot, Chief, Waynesboro Police Department
- Ms. Mattie C. Burley, Magistrate, Amherst, VA
- Mr. Stanley S. Clarke, Sheriff, Essex County
- Mr. Walt Credle, Hampton Dept. of Social Services
- Ms. Michelle Croisetierre, Fauquier County Sheriff's Office
- Mr. Peter Easter, VA Assoc. of Broadcasters
- The Hon. Dale Harris, Judge, 24th District J&DR Court, Lynchburg
- H. Lane Kneedler, Esq., Hazel & Thomas, P.C.
- Col. George E. Kranda, Herndon Police Department
- Ms. Valerie L'Herrou, Virginians Aligned Against Sexual Assault
- Ms. Kate McCord, Virginians Against Domestic Violence
- Ms. Beblon Parks, Virginia Education Association
- Brig. Gen. Gail Reals, USMC Retired, Arlington
- Ms. Stacy Ruble, Virginians Aligned Against Sexual Assault
- Ms. Linda Sawyers, Director, School of Social Work, VISSTA
- Ms. Johannah Schuchert, Prevent Child Abuse, Virginia
- Ms. Ginger Stanley, VA Press Association
- The Hon. Diane Strickland, Judge, Roanoke City Circuit Court
- Kristi VanAudenhove, Co-Director, Virginians Against Domestic Violence

### LAW ENFORCEMENT SUBCOMMITTEE

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**CO-CHAIRS: The Hon. Mark L. Earley, Attorney General**

**Senator Kenneth Stolle, Co-Chair, 8<sup>th</sup> District, Virginia Beach**

- The Hon. Harry Carrico, Chief Justice, Supreme Court of Virginia
- The Hon. Joseph B. Benedetti, Director, Department of Criminal Justice Services
- Mr. Overton P. Pollard, Director, Public Defenders' Commission
- The Hon. Roy B. Willett, Judge, Roanoke County Circuit Court
- The Hon. Stephen Helvin, 16th General District Court
- The Hon. David Melesco, Judge, Citizen, J&DR Court, Franklin County
- The Hon. Paul Ebert, Commonwealth's Attorney, Prince William County
- Ms. Pat Groot, Director of Policy, Virginians Aligned Against Sexual Assault
- Ms. Betty Wade Coyle, Citizen, Norfolk

- Ms. Laurie Frost Wilson, Citizen, Lorton
- Chief Charles Bennett, Lynchburg Police Department
- Gary Byler, Esq., Virginia Beach
- Mr. Michael Clatterbuck, Magistrate, Verona
- Det. Mike Coker, Portsmouth Police Department
- Ms. Deb Downing, Department of Criminal Justice Services
- Ms. Candace Feathers, Family Violence Services Coordinator, Virginia Beach
- Sheriff Terry W. Hawkins, Albemarle County
- Ms. Patricia Jackson, Richmond
- Ms. Lynda B. Knowles, Glen Allen
- Ms. Josephine Phipps, Friends of Norfolk Juvenile Court, SAFE Program
- Mr. Robin P. Stanaway, Sheriff, Gloucester County
- The Hon. Toby Vick, Commonwealth's Attorney, Henrico County
- Ms. Kathy Anderson, Rappahannock Coalition on Domestic Violence
- Ms. Marcy Wright, VA Peninsula Council on Domestic Violence

### **LEGISLATIVE/JUDICIAL SUBCOMMITTEE**

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**CHAIR: Delegate Linda T. "Toddy" Puller, 44<sup>th</sup> District, Mt. Vernon,  
and Commission Co-Chair,**

- Senator R. Edward Houck, 17<sup>th</sup> District, Spotsylvania
- Delegate Kenneth Melvin, 80<sup>th</sup> District, Portsmouth
- The Hon. Johanna Fitzpatrick, Chief Judge, Virginia Court of Appeals
- Mr. Clarence Carter, Commissioner, Department of Social Services
- Rev. Gerald O. Glenn, Director, Department of Juvenile Justice
- The Hon. Donald Lemons, Judge, Virginia Court of Appeals
- The Hon. Joan Skeppstrom, Judge, Norfolk J&DR Court
- Ms. Ruth Micklem, Co-Director, Virginians Against Domestic Violence
- Mr. Steven Jerentkoff, Director, Prevent Child Abuse, Virginia
- Ms. Barbara Klear, Citizen, Norfolk
- Betty Jo Anthony, Esq., Virginia Women's Attorneys' Association
- Ms. Katherine Cross, Virginians Aligned Against Sexual Assault
- Sgt. Ray Greenwood, VA Beach Police Department
- Ms. Susan Keilitz, National Center for State Courts
- Ms. Cartie Lominack, Shelter for Help in Emergency, Charlottesville
- Ms. Nancy Oglesby, Assistant Commonwealth's Attorney, Chesterfield
- Nechama Masliansky, Esq., Virginia Trial Lawyers Association, Virginia Poverty Law Center
- Ms. Mandie Patterson, Department of Criminal Justice Services, Victim's Services Section
- Ms. Dana Schrad, VA Assoc. of Chiefs of Police
- Ms. Iris Tucker, Chief Magistrate, Christiansburg
- Mr. E. C. Walton, Sheriff, King & Queen County

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## APPENDIX C. TASK GROUP MEMBERS

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### BATTERER INTERVENTION TASK GROUP

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**CHAIR:** The Honorable Roy B. Willett, Judge, Roanoke County Circuit Court

Ms. Kathy Anderson, Rappahannock Council on Domestic Violence, Fredericksburg  
Vic Bogo, Men's Program Coordinator, Turning Points, Dumfries  
Lillian Brooks, Director, Alexandria J&DR Court Services Unit  
Daniel E. Catley, Manager, Corrections Unit, Department of Criminal Justice Services  
Ms. Betty Wade Coyle, Citizen, Norfolk  
Mr. Clyde Cristman, Virginia Community Criminal Justice Association  
Ms. Michelle Croisetiere, Domestic Violence Resource Officer, Fauquier County Sheriff's Dept.  
Ms. Sheila Crossen-Powell/Ms. Julie Hendricks, Family Violence Prevention Program,  
Richmond DSS  
Ms. Melinda Douglas, Office of the Public Defender, Alexandria  
Ms. Candace Feathers, Family Violence Services Coordinator, VA Beach Dept. of Social Services  
Ms. Sherrie Goggins, Resource and Education Director, Virginians Against Domestic Violence  
The Honorable Dale Harris, Judge, Twenty-fourth District J& DR Court, Lynchburg  
Ms. Cynthia Hartz, Assistant Commonwealth's Attorney, Chatham  
Mr. Mark Hastings, Loudoun Community Services Board  
Mr. Brendan Hayes, Substance Abuse Mgr, Henrico Area Mental Health and Retardation Services  
Ms. Cheryl H. Marks, Executive Director, YWCA of South Hampton Roads  
Mr. Steve Miller, Family Services of Roanoke Valley  
Mr. Frank Nelson, Men's Anger Control Group, Richmond  
Ms. Linda Nisbet, Domestic Violence Program Consultant, VA DSS  
Ms. Lisa Oviatt, ACT Program, Alexandria  
Ms. Margaret Sellers, Prevention Services Manager, Hanover Community Services Board  
Ms. Becky Sirles, Victim Services, VA Department of Corrections  
Mr. R. Lester Wingrove, Chief Probation and Parole Officer, Williamsburg

### BUSINESS COMMUNITY TASK GROUP

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Mr. Robert Childress, Personnel Manager, BGF Industries, Alta Vista  
Ms. Jean Cleary, Century 21, Cleary & Associates, Emporia  
Ms. Ginny Coscia, Director, Victim/Witness Program, Alexandria  
Ms. Nancy Cross, Manager, Human Resources, Virginia Power  
Ms. Sheila Crossen-Powell, Family Violence Prevention Program, Richmond DSS  
Mr. Terry Mahoney, Residential Sales Manager, ADT Security Systems, Richmond  
Ms. Karen McClintick, DSCR-G, Richmond  
Ms. Dianne Phinney, Domestic Violence Prevention Center, Lynchburg  
Mr. Fagen Stackhouse, Director, City of Virginia Beach Human Resources  
Ms. Sherry Sybesma, VP Sales & Marketing, Interbake Foods, Inc., Richmond  
Ms. Anne Van Ryzen, Director, VAN, Alexandria

## **FATALITY REVIEW TASK GROUP**

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**Ms. Betty Wade Coyle, Citizen, Norfolk**  
**Ms. Deb Downing, Victim/Witness Coordinator, Department of Criminal Justice Services**  
**Ms. Janeen Haller, Director, Hanover Domestic Violence Resource Center**  
**David Johnson, Esq., Public Defender, Richmond**  
**Ms. Rita Katzman, Manager, Child Protective Services Program Manager, VA DSS**  
**Ms. Suzanne Keller, Coordinator, Child Fatality Review Team, Office of the Chief Medical Examiner of Virginia**  
**Dr. Karen Knapp, M.D., Commonwealth Physicians for Women, P.C., Richmond**  
**Ms. Ruth Micklem, Co-Director, Virginians Against Domestic Violence**  
**Ms. Linda Nisbet, Domestic Violence Program Consultant, VA DSS**  
**Nancy Oglesby, Esq., Assistant Commonwealth's Attorney, Chesterfield County**  
**Mr. Robert C. Russell, Sheriff, Madison County**  
**Ms. Dana Schrad, Executive Director, Virginia Association of Chiefs of Police**  
**The Hon. William M. Sharp, Judge, Warren County J&DR Court**  
**Mr. Charles Studds, Magistrate, Norfolk**

## **IMPACT OF FAMILY VIOLENCE ON CHILDREN TASK GROUP**

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**CHAIR: Delegate Linda T. Puller, 44<sup>th</sup> District, Mt. Vernon, Commission Co-Chair, and Legislative/Judicial Subcommittee Chair**  
**Ms. Robin Barwick, Training and Development Manager, Department of Juvenile Justice**  
**Ms. Emilie Brundage, Committee for Mother & Child Rights, Inc.**  
**Ms. Betty Wade Coyle, Citizen, Norfolk**  
**Mr. Walter Credle, Director, Hampton Department of Social Services**  
**Ms. Edna DeChristopher, Clerk, York J&DR Court**  
**Ms. Rhonda Gardner, Clerk, Bedford J&DR Court**  
**Mr. Keith T. Gostel, Citizen, Richmond**  
**Dr. Joanne Grayson, Department of Psychology, James Madison University**  
**Mr. Edward H. Holmes, Jr., Deputy Director, Norfolk Court Services Unit**  
**Ms. Rita Katzman, Manager, Child Protective Services, Virginia Department of Social Services**  
**Ms. Susan Keilitz, National Center for State Courts**  
**Ms. Charlotte McNulty, Harrisonburg/Rockingham Community Service Board**  
**Nechama Masliansky, Esq., Virginia Poverty Law Center**  
**Karen Minter Matthews, Esq., Law Office of Thomas O. Bondurant, Jr., Richmond**  
**Ms. Ruth Micklem, Co-Director, Virginians Against Domestic Violence**  
**N. Dickon Reppucci, Ph.D., Department of Psychology, University of Virginia**  
**Ms. Geetha Ravindra, Director, Department of Dispute Resolutions, Office of the Executive Secretary, Supreme Court of Virginia**  
**Ms. Nancy Ross, Executive Director, Virginia Commission on Youth**  
**Ms. Karen Schrader, Associate Director, Prevent Child Abuse, Virginia**  
**Professor Robert Shepherd, T. C. Williams School of Law, University of Richmond**  
**The Hon. Philip Trompeter, Judge, Roanoke County J&DR Court**  
**Ms. Alice Twining, Ed.D., Wellspring, Virginia Beach**  
**Ellen S. Weinman, Esq., Salem**

## JUVENILES AS PRIMARY AGGRESSORS TASK GROUP

---

### **CHAIR: The Hon. Mark L. Earley, Attorney General**

Ms. Karen Althoff, Domestic Violence Coordinator, Chesterfield County Police Department  
Ms. Linda Berry, Juvenile Division, Richmond Public Defender's Office  
Ms. Valerie Boykin/Mr. Edward Murray, Department of Juvenile Justice  
Ms. Patricia Carrington, Director, Court Services Unit #12, Chesterfield County  
Ms. Deb Downing, Victim/Witness Coordinator, Department of Criminal Justice Services  
Ms. Cindy Henenberg, Detective, Criminal Investigations Unit, Arlington Police Department  
Mr. Robert Hill, Jr., Chief Magistrate, Virginia Beach  
Ms. Rita Katzman, Manager, Child Protective Services, Virginia Department of Social Services  
Ms. Arliss Ketchum, Hampton Department of Social Services  
Ms. Linda Nablo, Action Alliance for Virginia's Children & Youth  
Officer Michael Nicely, Sheriff's Office, Gloucester County  
William Petty, Esq., Commonwealth's Attorney, Lynchburg  
The Hon. Frederick Rockwell, III, Judge, Chesterfield J&DR Court  
Ms. Nancy Ross, Executive Director, Virginia Commission on Youth  
Professor Robert Shepherd, T. C. Williams School of Law, University of Richmond  
Mr. B.C. Shuler, Criminal Investigations, Sheriff's Office, Smyth County

## MARITAL SEXUAL ASSAULT

---

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Nancy Brock, RESPONSE, Norfolk  
Judy Castele, Women's Resource Center, Radford  
Chief Charlie T. Deane/Major Sullins, Prince William County Police Department  
Ms. Denise Clayborn, Center for Injury and Violence Prevention, VA Department of Health  
Senator Emily Couric, 25<sup>th</sup> District, Charlottesville  
Ginny Duvall, Esq., Asst. Commonwealth's Attorney, Chesterfield  
The Hon. Johanna Fitzpatrick, Chief Judge, Virginia Court of Appeals  
Sgt. Ray Greenwood, Virginia Beach Police Department  
Ms. Pat Groot, Director of Policy, Virginians Aligned Against Sexual Assault  
Robert F. Horan, Jr., Commonwealth's Attorney, Fairfax  
Gail D. Jaspen, Esq., Hazel & Thomas, P.C., Richmond  
Mr. Thomas D. Jones, Sheriff's Office, Charlotte County  
Stacey Lasseter, RN, SANES, ER Department St. Mary's Hospital, Richmond  
Helen Leiner, Esq., Fairfax  
The Hon. Donald W. Lemons, Judge, Virginia Court of Appeals  
Delegate Kenneth R. Melvin, 80<sup>th</sup> District, Portsmouth  
Ruth Micklem, Co-Director, Virginians Against Domestic Violence  
Mr. G. Harold Plaster, Sheriff, Pittsylvania County  
Gerald Poindexter, Esq., Commonwealth's Attorney, Surry County  
Ms. Andrea Robert, Outreach Worker, Richmond Department of Health  
The Hon. Angela E. Roberts, Judge, Richmond J&DR Court  
Claude Worrell, Esq., Assistant Commonwealth's Attorney, Charlottesville

## STATEWIDE PUBLIC AWARENESS CAMPAIGN

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Ms. Janis Carrell, Virginia Court Appointed Special Advocates  
Ms. Ann Childress, Community Services Section, Virginia Department of Social Services  
Ms. Denise Clayborn, Center for Injury and Violence Prevention, Virginia Department of Health  
Ms. Joy Duke, VA Coalition for the Prevention of Elder Abuse  
Ms. Cindy Gricus, Prevent Child Abuse, Virginia  
Ms. Valerie L'Herrou, Virginians Aligned Against Sexual Assault  
Ms. Kate McCord, Virginians Against Domestic Violence  
Ms. Ruth Reynolds, Virginia Commission on Family Violence Prevention  
Ms. Harriet Russell, Virginia Commission on Family Violence Prevention  
Ms. Margaret Schultze, Family and Children's Trust Fund  
Ms. Porter Smith-Thayer, Graphic Presentations

## TRAINING

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**CHAIR: Mr. Overton P. Pollard, Director, Public Defender's Commission**  
Mr. Hank Ambrose, Project Manager/Domestic Violence Grant, Norfolk Police Dept.  
Det. Greg Beitzel, Henrico County Police  
Ms. Wilhelmina Bourne, Executive Director, Henrico CASA Program  
Ms. Janis Carrell, Virginia Court Appointed Special Advocates  
Ms. Linda Curtis, Commonwealth's Attorney, Hampton  
Ms. Deb Downing, Victim/Witness Coordinator, Department of Criminal Justice Services  
Ms. Diane Helentjaris, M.D., Director, Loudoun County Department of Public Health  
Ms. Sherrie Goggins, Resource and Education Director, Virginians Against Domestic Violence  
Ms. Lelia Hopper, Director, Court Improvement Program for Foster Care and Adoption,  
Office of the Executive Secretary, Supreme Court of Virginia  
Ms. Gail Maddox-Taylor, Hanover Community Services Board  
The Honorable Kim O'Donnell, Judge, J&DR Court, City of Richmond  
Ms. Linda Sawyers, VISSTA, School of Social Work, Virginia Commonwealth University  
Mr. William E. Shannon, Chief Magistrate, City of Richmond  
Ms. Kathe Smith, Community Mediation Center, Harrisonburg  
Ms. Peggy Sullivan, ACTS/Turning Points, Dumfries  
Ms. Lisa Walker, Training and Development Manager, Department of Juvenile Justice  
Ms. Dianne White, Clerk, Combined District Court, Goochland County

## VICTIM SERVICES

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**CO-CHAIRS: The Hon. Vivian Watts, 39<sup>th</sup> District, Fairfax**  
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Ms. Linda Bean, Isle of Wight DSS  
Ms. Angela Burks, Center for Injury and Violence Prevention, Virginia Department of Health  
Mr. Jim Chin, Director, Virginia Commonwealth's Attorney's Services Council  
Ms. Sandy Edwards, Victim Services' Section, Department of Criminal Justice Services  
Mr. Bill Fascitelli, Senior Planner, Department for the Aging  
Ms. Janett Forte, Domestic Violence Resource Center, Chesterfield  
Ms. Kathy Froede/Ann Lange, Lutheran Council of Tidewater  
Mr. John Jones, President, Virginia Sheriffs' Association  
Ms. Rita Katzman, Manager, Child Protective Services, Virginia Department of Social Services



Ms. Connie Kirkland, Sexual Assault Services, George Mason University  
Ms. Alice F. Koenig, Program Coordinator for VOCA Funds, DSS Child Protective Services  
Cartie Lominack, Shelter for Help in Emergency, Charlottesville  
Christine Marra, Esq., Central Virginia Legal Aid  
Ms. Linda Nisbet, Domestic Violence Program Consultant, VA DSS  
Mr. Jim Otto, Chief of Police, Town of Orange  
Ms. Betsy Draper, Victim/Witness Program, Commonwealth's Attorney's Office, Brunswick Co.  
Ms. Mandie Patterson, Victim Services Section, Department of Criminal Justice Services  
Ms. Linda R. Pitman, Virginia Parole Board  
Ms. Stacy Ruble, Director of Operations, Virginians Aligned Against Sexual Assault  
Ms. Johannah Schuchert, Healthy Families Virginia Director, Prevent Child Abuse Virginia  
Ms. Dana Schrad, Executive Director, Virginia Association of Chiefs of Police  
Ms. Erima Shields Fobbs, Director, Center for Injury and Violence Prevention,  
Virginia Department of Health  
Ms. Terry Smith, DSS Adult Services  
Ms. Mary Wollenberg, Virginia Coalition for the Prevention of Elder Abuse

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## APPENDIX D. 1998 LEGISLATIVE INITIATIVES

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### Results of the 1998 Session of the General Assembly:

#### Legislation:

- **SB 371 (Howell) HB 621 (Woodrum)** Establish a Batterer Intervention Certification and Monitoring Program with an advisory board that would be administered by the Department of Criminal Justice Services; include batterer intervention programs as a mandatory service for local community corrections programs and to add a victim service provider to the local community corrections program boards.

*HB 621 was carried over in House Appropriations to determine how to fund the state level function through offender fees. SB 371 was left on the table.*

- **SB 314 (Schrock)** Allow for a warrantless arrest when there is probable cause to believe a weapon has been brandished.

*Carried over to the 1999 session by House Courts of Justice Committee. (see HB583)*

- **HB 583 (Watts)** Address technical issues related to protective orders.

*Amended by Senator Stolle to allow for a warrantless arrest when there is probable cause to believe a weapon has been brandished. Senate substitute agreed to by the House. Signed by the Governor.*

- **HB 571 (Deeds)** Amends the Compensation for Victims of Crime Act to establish an Ombudsman to assist victims in filing and perfecting claims; create a rebuttable presumption that the victim did not contribute to the crime that led to the claim; lengthen the time for filing and perfecting a claim; increase the reimbursement for funerals and moving expenses; and expand the list of crimes for which a victim can request compensation for mental health services.

*Passed both houses, signed by the Governor.*

#### Formal Endorsement:

- **HB 391 (Moran)** Makes violation of a stalking Protective Order a misdemeanor; allows for warrantless arrest for a violation, bars the respondent from purchase or transportation of a firearm.

*Passed both houses, signed by the Governor.*

- **HB 392 (Moran)** Moves stalking from a Class II to a Class I misdemeanor.

*Amended by the Senate. House rejected the Senate substitute. House version signed by the Governor.*

- **HB 303 (Van Landingham) SB 205 (Saslaw)** Assures that school guidance counselors will be available to all schools.

*Passed both houses, amended by the Governor, House rejected amendments, sent bill back to the Governor, vetoed by the Governor.*

- **HB 478 (Diamonstein) SB 206 (Woods)** Assures the continuation of the Family Life Education program.

*Passed both houses, vetoed by the Governor.*

**Budget items:**

- \$125,000 in the first year, \$12,000 in the second year to create an electronic link between the Court Information Management System and the Virginia Criminal Information Network for real-time transfer of protective order information. This would establish a registry of protective orders that would assist in the service and enforcement of such orders.  
*This item was included in both houses' budgets. \$100,000 for year one and \$12,000 for year two included in final budget.*
- \$150,000/year to support the creation and maintenance of a Batterer Intervention Certification and Monitoring Program which would develop standards for and oversight of these programs.  
*Budget item withdrawn pending work of the House Appropriations study.*
- \$60,000/ year to support the summer institute provided by the Department of Education on dealing with violence in the classroom and requiring that the curriculum be expanded to include issues of family and dating violence.  
*Budget item not included in either proposed budgets.*

**Resolution:**

- SJ 71 (Howell) Continue the Virginia Commission on Family Violence Prevention and direct it to: study the impact of family violence on children; examine the Commonwealth's response to marital sexual assault; encourage data collection at the state and local levels; investigate the development of fatality review teams; examine the Commonwealth's response to juveniles who are assaultive to family or household members; and assure training is provided to appropriate judicial, criminal justice, and health care professionals.  
*Reported from Senate Rules Agreed to by both Houses.*

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**APPENDIX E.**  
***IMPACT OF THE COMMISSION ON  
FAMILY VIOLENCE PREVENTION'S  
LEGISLATIVE INITIATIVES***

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**Chesterfield Law Enforcement Reports for Family Violence Calls  
7/97 - 6/98**

Month	Total # Reports	Total # Arrests		# Dual Arrests		Male Offender	Female Offender	Male Victim	Female Victim
June	173					137	45	48	136
July	197					161	44	62	151
August	148	113	76.4%	8	5.4%	121	34	37	117
Septmber	155	110	71.0%	3	1.9%	123	28	45	117
October	153	98	64.1%	3	3.1%	125	32	36	124
November	140	85	60.7%	1	1.2%	106	43	41	106
December	146	75	51.4%	4	5.3%	120	36	39	119
January	164	92	56.1%	3	3.3%	129	41	39	122
February	125	73	58.4%	4	5.5%	100	33	39	94
March	172	95	55.2%	4	4.2%	134	45	49	133
April	177	81	45.8%	4	4.9%	149	36	50	138
May	142	91	64.1%	0	0.0%	104	44	41	105
June	186	105	56.5%	3	2.9%	151	48	50	150
	<b>1905</b>	<b>1018</b>		<b>37</b>		<b>1523</b>	<b>464</b>	<b>528</b>	<b>1476</b>
		<b>59.6%</b>		<b>2.2%</b>		<b>79.9%</b>	<b>24.4%</b>	<b>27.7%</b>	<b>77.5%</b>
						<i>*the offender numbers represent some</i>		<i>* the victim numbers represent some reports</i>	
						<i>reports where both parties were identified</i>		<i>where there were more than one victim involved</i>	
						<i>as offenders</i>			

**Chesterfield Law Enforcement Reports for Family Violence Calls  
7/97 - 6/98**

Month	Spouse	Ex-spouse	Cohabit	Child Common	in Other	Other Relation	Child Abuse	Juvenile as Agressor	Sibling
June	62	3	49	14	43				
July	75	4	68	7	51				
August	63	7	38	9	31				8
Septmber	51	0	48	9	46				10
October	62	4	35	17	36				9
November	45	5	37	15	42				5
December	61	3	33	8	36				11
January	62	9	44	9	38				4
February	62	6	36	5	37				6
March	75	9	36	11	39				4
April	51	11	43	12	57				7
May	45	6	34	5	44				6
June	62	12	58	9	43				4
	<b>714</b>	<b>76</b>	<b>510</b>	<b>116</b>	<b>500</b>	<b>58</b>	<b>113</b>	<b>204</b>	<b>74</b>
	<b>37.5%</b>	<b>4.0%</b>	<b>26.8%</b>	<b>6.1%</b>	<b>26.2%</b>	<b>12.9%</b>	<b>22.6%</b>	<b>40.8%</b>	<b>16.5%</b>
							of "Other"	of "Other"	of "Other"
						of "Other" category			
						<b>3.4%</b>	<b>6.6%</b>	<b>11.9%</b>	<b>4.3%</b>
						of Total Reports			

**Chesterfield Law Enforcement Reports for Family Violence Calls  
7/97 - 6/98**

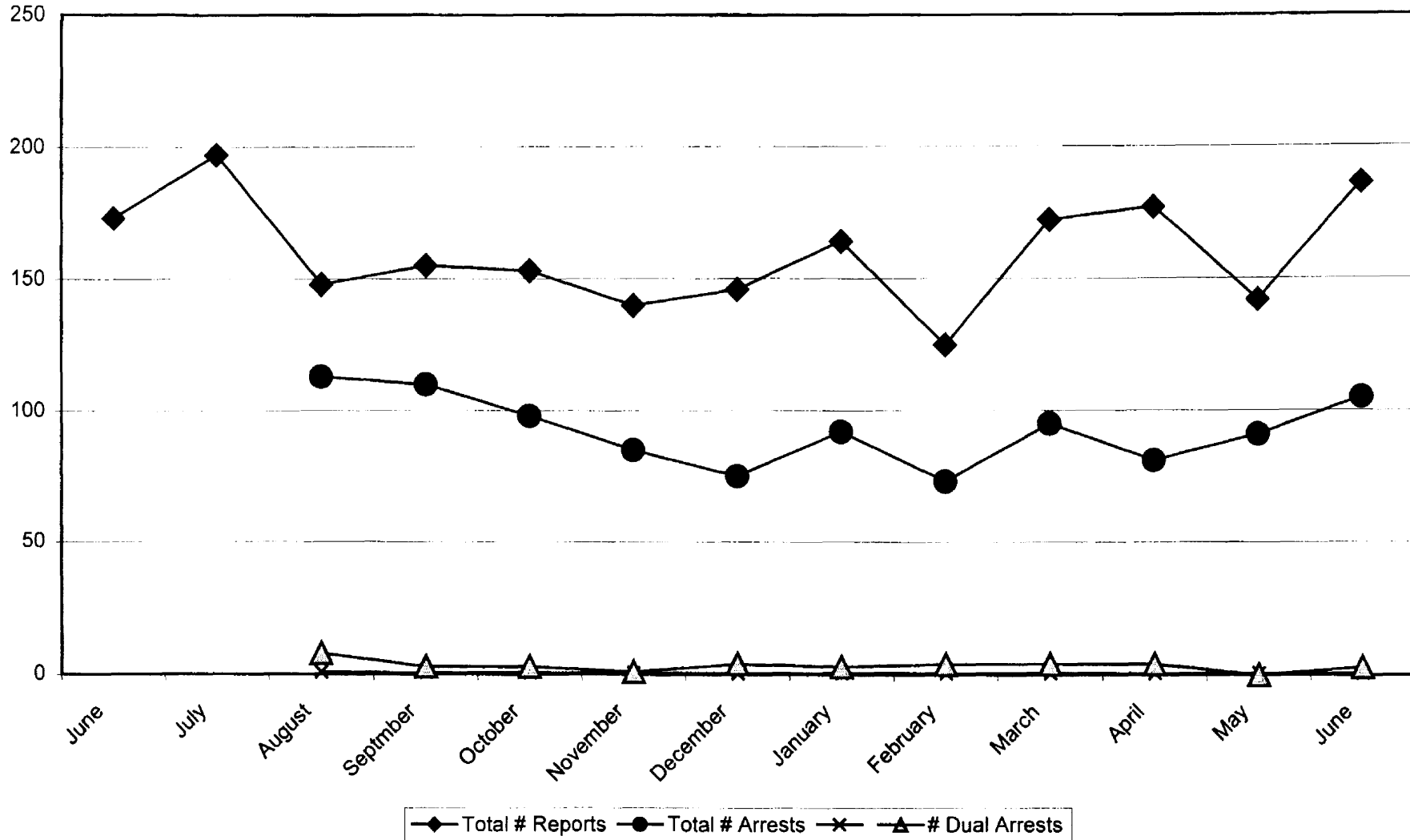
Month	Physical Assault	Sexual Assault	Property	Psychol	Against Child	Gun	Cutting	Personal Weapon	Other Weapon
Chesterfiel	141	0	18	18	2	1	9	131	9
July	166	0	29	22	7	7	8	151	14
August	122	1	14	15	9	2	4	112	12
September	131	0	16	6	9	5	3	113	16
October	125	2	20	12	8	5	3	120	2
November	117	1	15	13	8	2	6	104	11
December	117	0	21	8	9	3	8	104	14
January	132	3	15	16	13	4	3	124	12
February	106	0	9	11	7	4	8	94	7
March	138	1	16	22	11	7	6	123	10
April	125	3	23	26	16	1	8	103	15
May	116	2	17	12	12	2	3	102	8
June	146	1	17	24	9	1	7	134	11
	<b>1541</b>	<b>14</b>	<b>212</b>	<b>187</b>	<b>118</b>	<b>43</b>	<b>67</b>	<b>1384</b>	<b>132</b>
	<b>80.9%</b>	<b>0.7%</b>	<b>11.1%</b>	<b>9.8%</b>	<b>6.2%</b>	<b>2.3%</b>	<b>3.5%</b>	<b>72.7%</b>	<b>6.9%</b>

**Chesterfield Law Enforcement Reports for Family Violence Calls  
7/97 - 6/98**

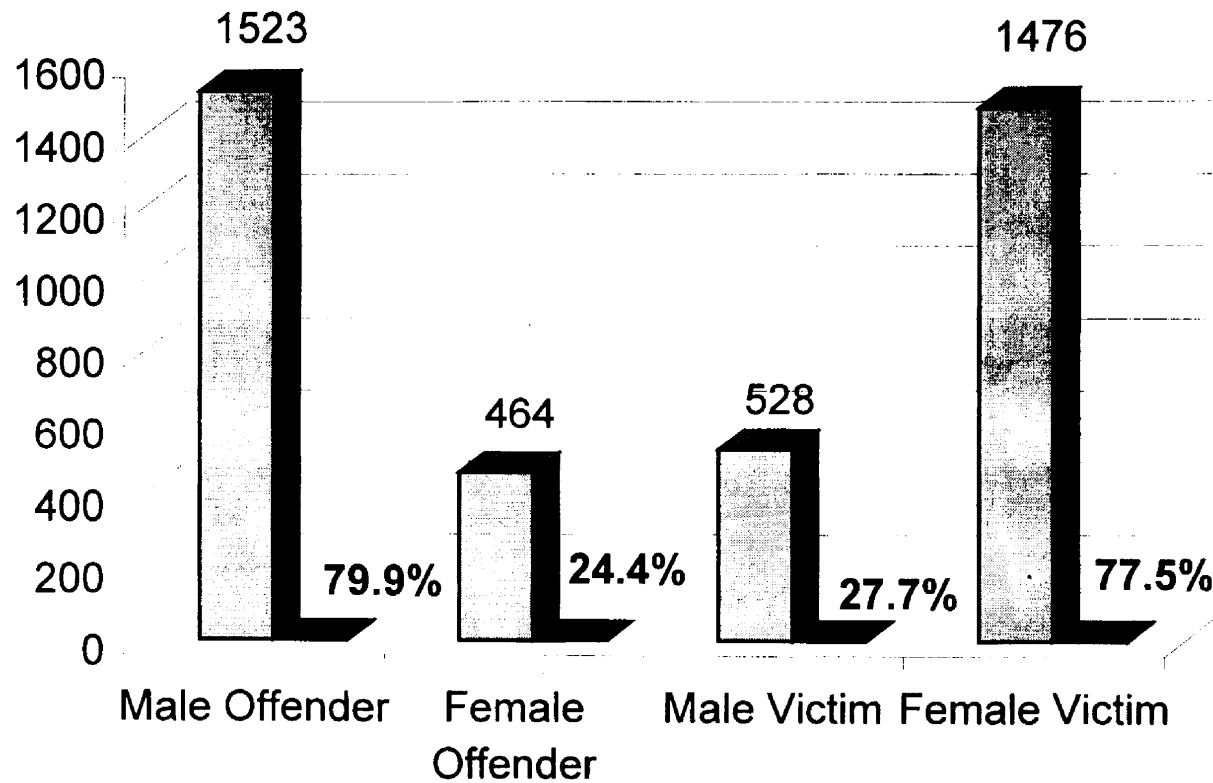
Month	Offender OH/Drug	Victim OH/Drug	Victim Injured	Received Med. Att.	Children Present		Children Injured	%Ch pr inj
Chesterfiel	28	14	49	13	32	18.5%	4	12.5%
July	43	28	48	3	41	20.8%	8	19.5%
August	41	19	43	9	51	34.5%	8	15.7%
September	25	10	58	6	26	16.8%	8	30.8%
October	17	5	58	6	13	8.5%	1	7.7%
November	27	17	50	4	18	12.9%	4	22.2%
December	27	13	56	7	16	11.0%	3	18.8%
January	34	19	52	4	26	15.9%	6	23.1%
February	21	13	44	17	8	6.4%	7	87.5%
March	39	17	55	6	15	8.7%	4	26.7%
April	33	10	45	13	14	7.9%	7	50.0%
May	19	9	58	7	14	9.9%	0	0.0%
June	28	9	66	6	23	12.4%	0	0.0%
	<b>354</b>	<b>169</b>	<b>633</b>	<b>88</b>	<b>265</b>		<b>56</b>	
	<b>18.6%</b>	<b>8.9%</b>	<b>33.2%</b>	<b>13.9%</b>	<b>13.9%</b>		<b>21.1%</b>	
				of Victims Injured			of Children Present	
							of Children Present	



**Chesterfield 7/97 - 6/98 Law Enforcement Reports for Family Violence Calls - 1905 Total Reports**

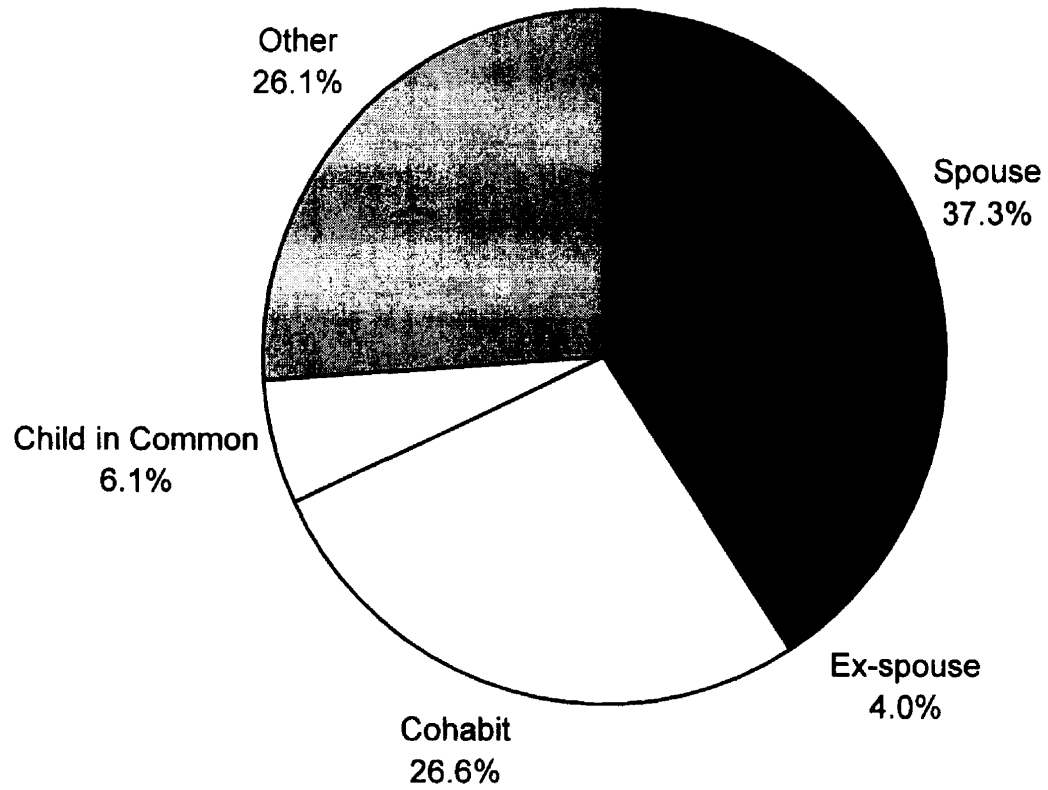


## Chesterfield 7/97 - 6/98 Sex of Offender and Victim

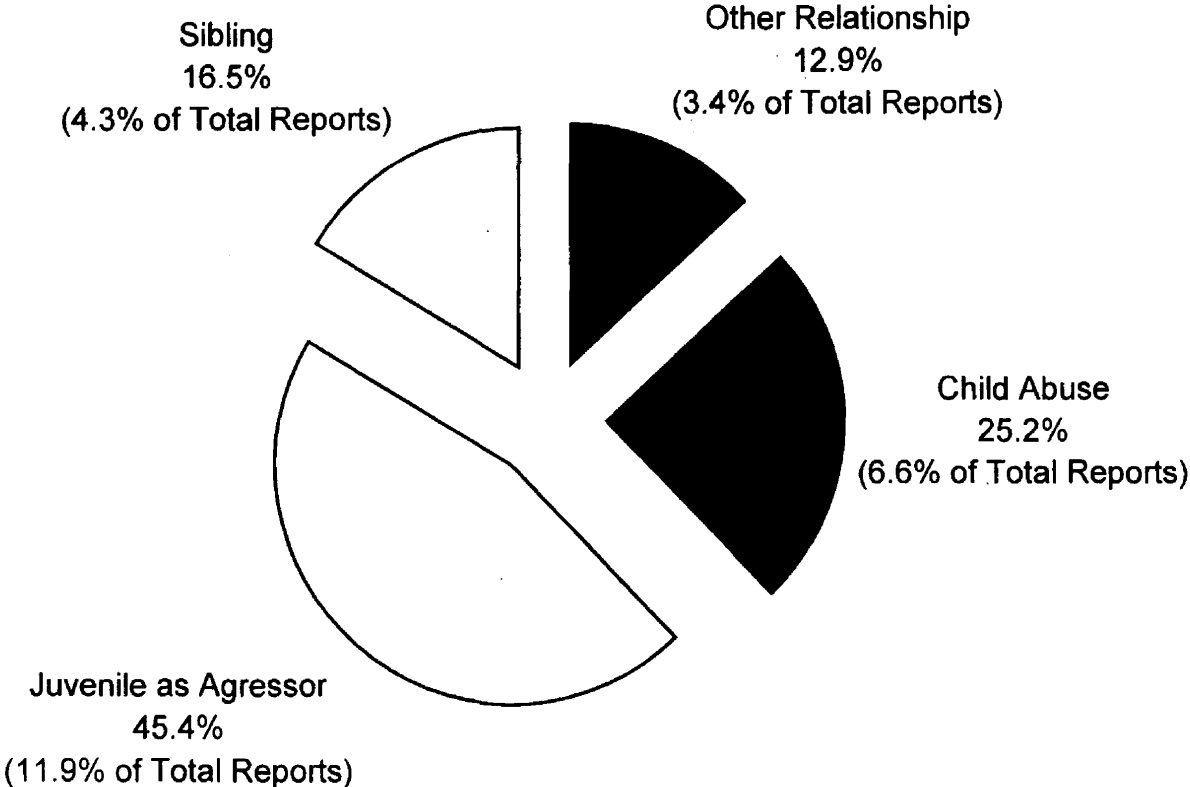


*\*Note: Offender numbers represent some reports where both parties were identified as offenders. Victim numbers represent some reports where there were more than one victim.*

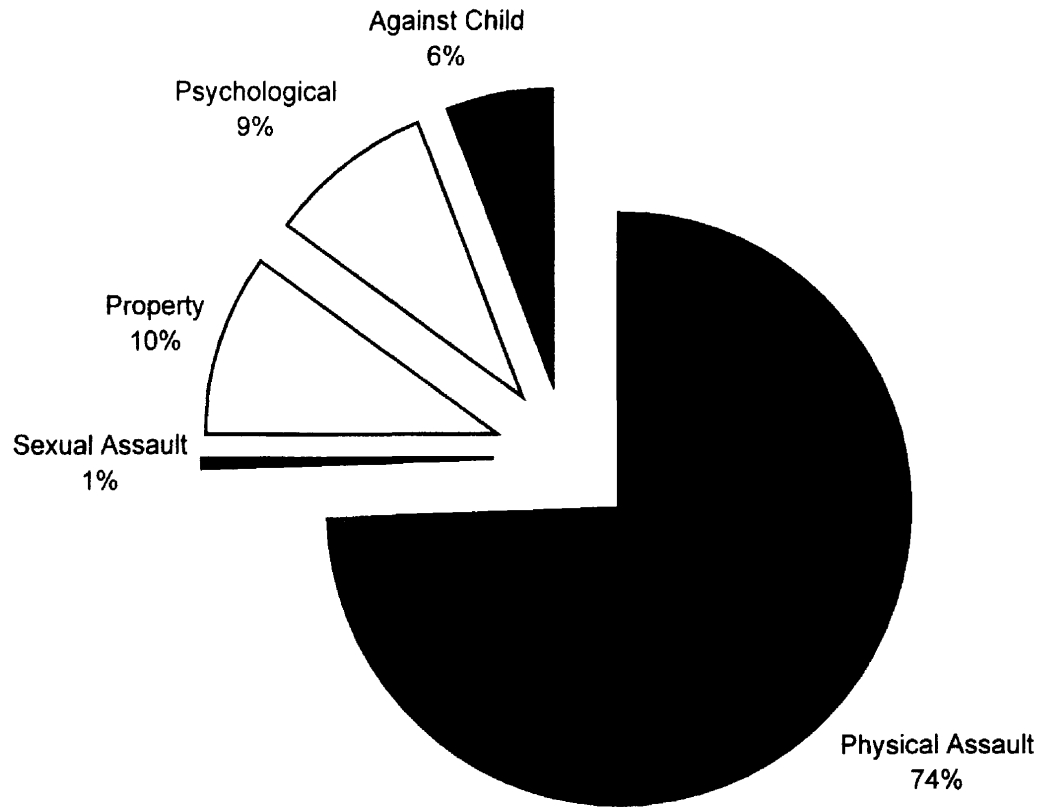
### Chesterfield 7/97 - 6/98 Relationship of Parties



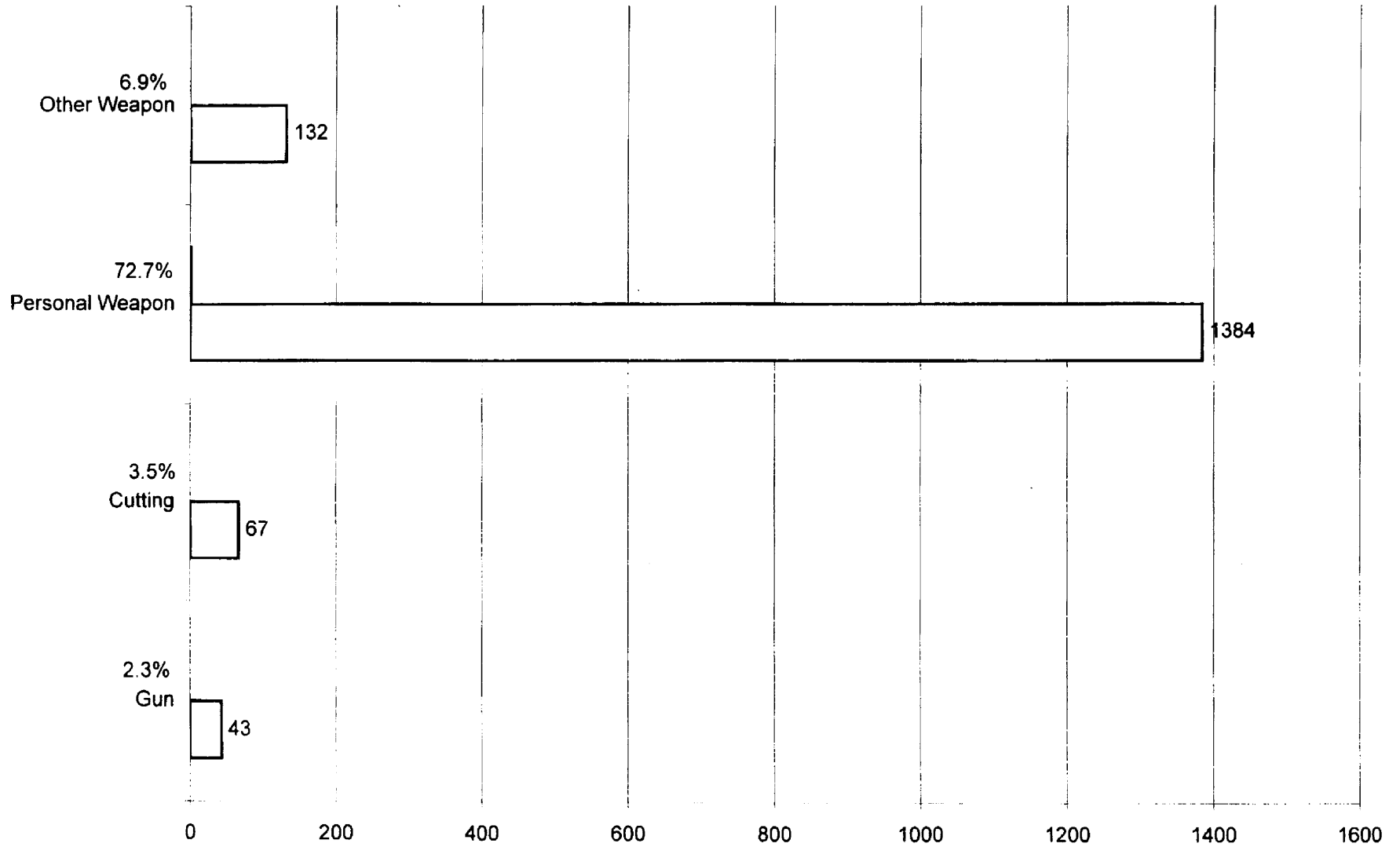
# Chesterfield 8/97 - 6/98 "Other" Category



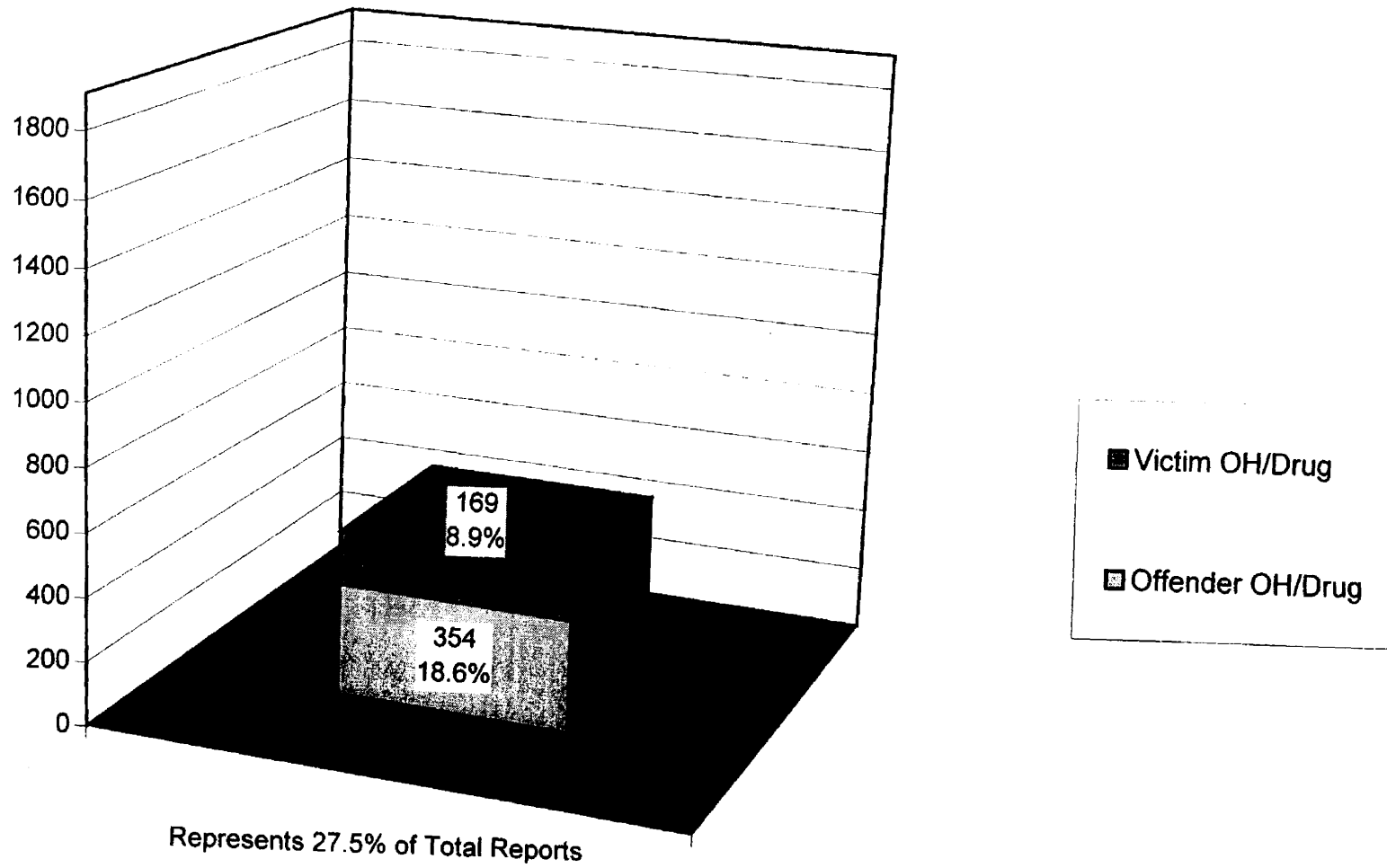
### Chesterfield 7/97 -6/98 Types of Crimes



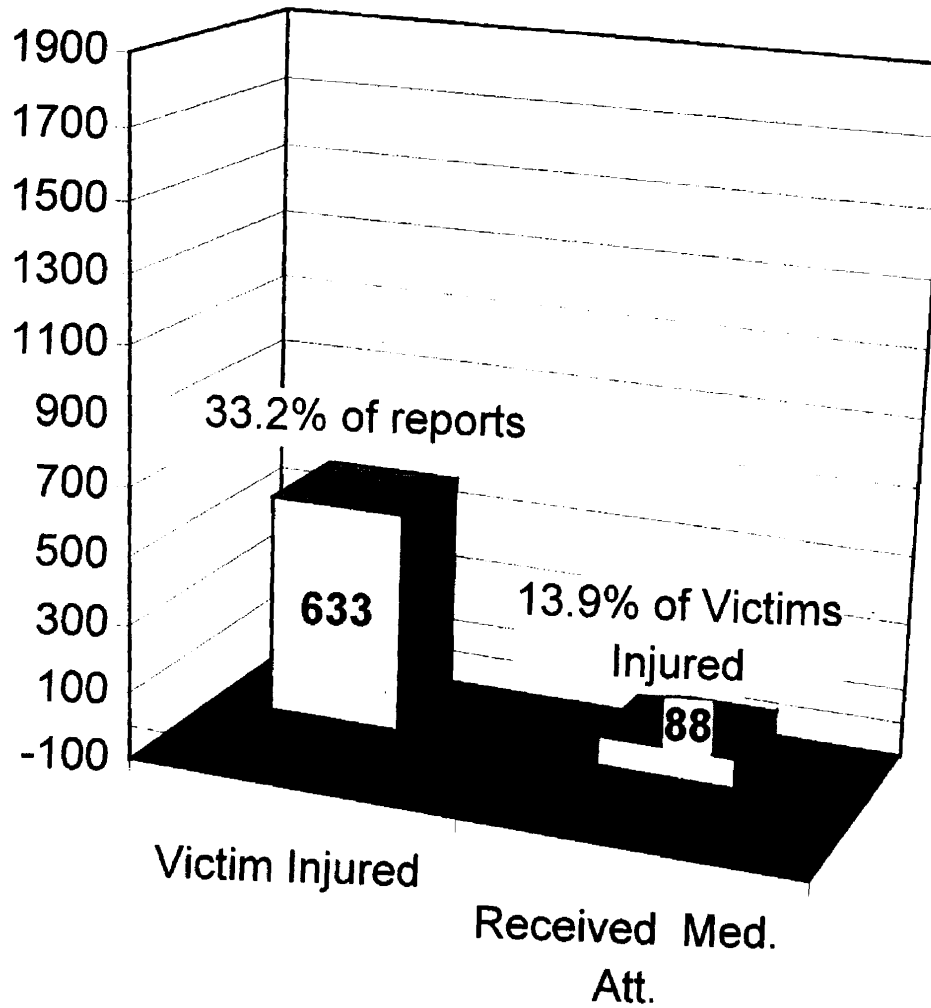
### Chesterfield 7/97 - 6/98 Weapons Used



# Chesterfield 7/97 - 6/98 Drug & Alcohol Involvement

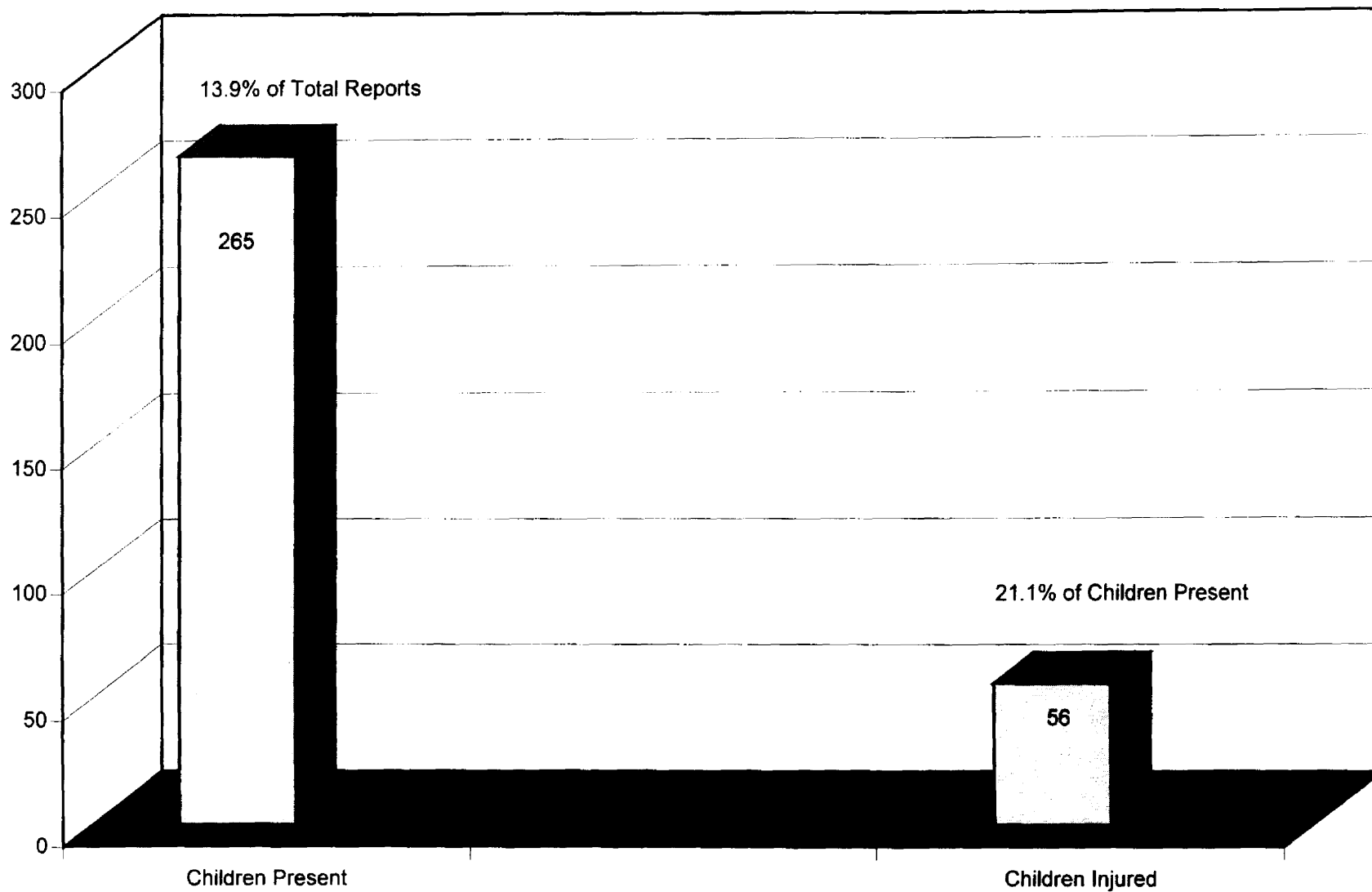


## Chesterfield 7/97 - 6/98 Victim Injuries



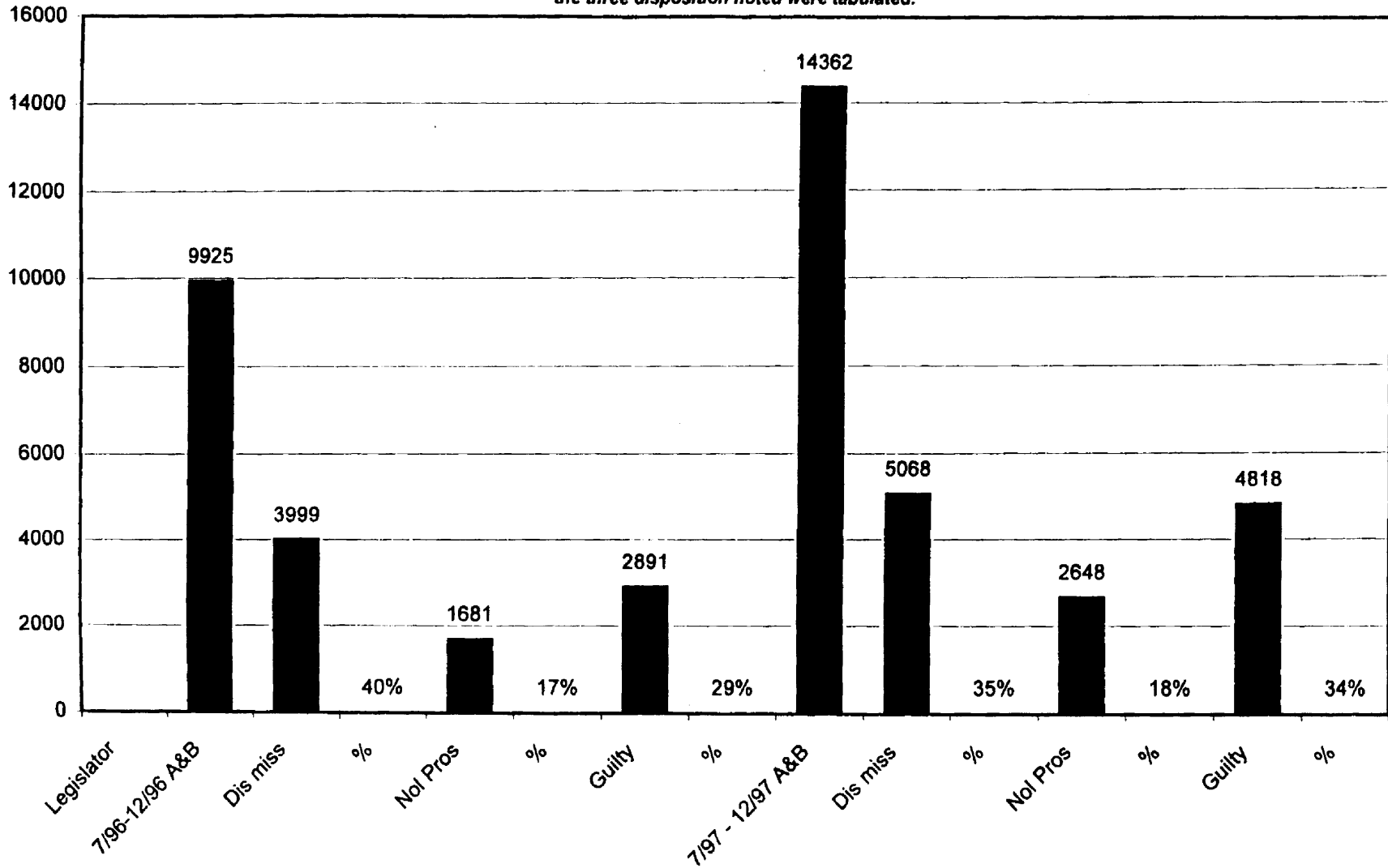


### Chesterfield 7/97 - 6/98 Children Involved



### Assault & Battery Cases in J&DR Courts 96 vs. 97

*This data reflects only cases entered as an "Assault and Battery", not all cases charged under 18.2-57.2. There are 22 possible dispositions that can be assigned to a case; only the three disposition noted were tabulated.*



125 localities

#### Comparison 96 vs 97 Assault Battery Cases in J D R Courts

Locality/Code	7/96-12/96 A&B	Dis miss	%	Nol Pros	%	Guilty	%	7/97 - 12/97 A&B	Dis miss	%	Nol Pros	%	Guilty	%	% Increase A&B
<b>TOTALS</b>	<b>9925</b>	<b>3999</b>	<b>40%</b>	<b>1681</b>	<b>17%</b>	<b>2891</b>	<b>29%</b>	<b>14362</b>	<b>5068</b>	<b>35%</b>	<b>2648</b>	<b>18%</b>	<b>4818</b>	<b>34%</b>	<b>45%</b>

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APPENDIX F. *BUSINESS COMMUNITY PACKET*  
*TABLE OF CONTENTS*

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# packet contents

- Why should businesses care? **FACTS**
- What is family violence?
- Liability Concerns: Questions your business needs to answer
- How do you recognize a victim or a perpetrator in your workplace?
- What are others doing to address domestic violence in the workplace?
- Success Stories: Highlights from other companies' efforts
- Workplace Policy Checklist
- Guidelines for Supervisors/Managers
- Guidelines for Co-workers
- Brown Bag Step-By-Step
  
- Sample Newsletter Article **COPY AND USE**
- Sample Email Script **COPY AND USE**
- Together Against Violence Information Cards **COPY/DISTRIBUTE**
- Workplace Safety Plan **COPY AND POST**
- Ten principles for the workplace **COPY AND POST**
- Paycheck Inserts **COPY TO USE IN PAYCHECK ENVELOPES**
- Resources/ Help is available 24 hours a day **COPY AND POST**

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**APPENDIX G. *FAMILY VIOLENCE PROGRAM CHART***

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# Family Violence Grant Programs \*

## APPENDIX G.

December 4, 1998

Locality	Spouse Abuse Programs			Sexual Assault Programs	Victim/Witness Programs		Child Abuse Programs	
	State DV	VOCA DV	FV PSA	SA	V-STOP	V/W	VFVPP CBFRS	VOCA CA
Accomack			1	1		1	1	
Albermarle				1	1 pr, vs	1		
Alexandria		1		1	1 pr, vs, oth	1	1	1
Alleghany		1				1		
Amelia						1	1	
Amherst			1	1	1 vs, oth	1	1	
Appomattox				1	1 vs, oth	1	1	
Arlington			1	1	1 pr, vs, oth	1		
Attorney General						1		
Augusta						1	1	
Bath								
Bedford		1		1	1 vs, oth	1	1	
Bedford City							1	
Bland					1 vs	1		
Botetourt		1		1	1 vs, le, oth			
Bristol		1		1	1 vs, le	1		1
Bristol, TN								1
Brunswick						1		
Buchanan			1	1		1	1	2
Buckingham					1 vs		1	
Buena Vista					1 vs	1		
Campbell				1	1 vs, oth	1	1	
Caroline					1 vs		1	
Carroll					1 vs	1		
CFVP					1 oth			
Charles City		1			1 vs	1		
Charlotte						1	1	
Charlottesville		1		1	1 pr, vs, oth	1		1
Chesapeake				1	1 pr, vs, oth	1	1	
Chesterfield	1			1	1 le, pr, vs, oth	1	1	1
Clarke				1	1 vs		1	
Clifton Forge								
Colonial Beach							1	

Locality	Spouse Abuse Programs			Sexual Assault Programs	Victim/Witness Programs		Child Abuse Programs	
	State DV	VOCA DV	FV PSA	SA	V-STOP	V/W	VFVPP CBFRS	VOCA CA
Colonial Heights					1 oth	1		
Craig		1			1 vs			
Culpeper	1				1 pr, vs, oth	1	1	
Cumberland						1	1	
Danville			1	1		1		1
DCJS						1		
Dept of Corrections						1		
Dickenson							1	
Dinwiddie				1		1		
Emporia		1				1		
Essex				1	1 vs, le	1		
Fairfax				1	1 vs, le, oth	1		1
Falls Church		1		1	1 p, vs, oth	1		2
Fauquier					1 vs, le, oth	1		
Floyd				1	1 vs	1		
Fluvanna				1	1 vs	1		
Franklin City						1		
Franklin Co			1		1 le			1
Frederick					1 vs	1	1	1
Fredericksburg	1			1	1 vs	1	1	
Galax				1	1 vs	1		
Giles				1	1 vs	1	1	
Gloucester			1		1 pr, vs	1		
Goochland					1 vs	1	1	
Grayson			1		1 vs	1		
Greene				1	1 vs	1		
Greensville						1		
Halifax			1	1		1		
Hampton			1	1	1 pr, le, vs, oth	1	1	2
Hanover					1 vs, le, oth	1	1	1
Harrisonburg			1	1	1 pr, vs	1		
Henrico				1	1 vs, le	1	1	1
Henry				1	1 vs	1		1
Highland							1	
Hopewell	1			1	1 oth	1		
Isle of Wight					1 pr, vs	1		

Locality	Spouse Abuse Programs			Sexual Assault Programs	Victim/Witness Programs		Child Abuse Programs	
	State DV	VOCA DV	FV PSA	SA	V-STOP	V/W	VFVPP CBFRS	VOCA CA
James City				1	1	le, pr, vs	1	1
King & Queen					1	vs		1
King George					1	vs		1
King William					1	vs		1
Lancaster				1	1	vs	1	
Lee					1	vs	1	1
Lexington			1	1	1	le, vs	1	
Loudon	1			1	1	pr, vs	1	1
Louisa				1	1	pr, vs	1	
Lunenburg							1	1
Lynchburg		1		1	1	vs, oth	1	1 3
Madison					1	vs		
Manassas				1	1	vs, oth	1	
Martinsville			1	1	1	vs	1	1
Mathews					1	vs		
Mecklenburg							1	
Middlesex					1	vs		1
Montgomery				1	1	vs, le	1	1
Nelson				1	1	vs, oth	1	
New Kent					1	vs, le	1	1
Newport News				1	1	pr, vs, oth	1	1 1
Norfolk		1		1	1	pr, le, vs, oth	1	1 3
Northampton				1			1	1
Northumberland				1	1	vs, oth	1	
Norton			1		1	vs	1	1
Nottoway							1	
Orange					1	vs, le	1	1
Page			1		1	vs	1	
Patrick			1	1			1	
Petersburg					1	oth	1	1
Pittsylvania				1	1	oth, le	1	
Poquoson				1	1	pr, vs	1	1
Portsmouth		1		1	1	pr, vs, oth	1	1 1
Powhatan					1	vs	1	1
Prince Edward							1	1
Prince George				1				

Locality	Spouse Abuse Programs			Sexual Assault Programs		Victim/Witness Programs	Child Abuse Programs	
	State DV	VOCA DV	FV PSA	SA	V-STOP	V/W	VFVPP CBFRS	VOCA CA
Prince William		1		1	1 vs, oth	1	1	1
Pulaski				1	1 vs, le	1	1	
Radford	1			1	1 vs	1	1	1
Rappahannock					1 vs, oth			
Richmond City	1			1	1 pr, vs	1	1	2
Richmond Co			1	1	1 vs	1		
Roanoke City		2	1	1	1 vs, le, oth	1	1	2
Roanoke Co				1	1 vs, le, oth	1		
Rockbridge				1	1 vs, le	1		
Rockingham				1	1 pr, vs	1		
Russell			1				1	1
Salem				1	1 vs, oth	1		
Scott		1			1 vs	1		
Shenandoah	1				1 vs	1	1	
Smyth				1	1 vs, le	1		
South Boston				1		1		
Southampton						1		
Spotsylvania				1	1 vs	1	1	1
Stafford				1	1 vs	1	1	
Staunton		1		1		1	1	
Suffolk				1	1 pr, oth	1	1	1
Surry			1			1		
Sussex						1		
Tazewell			1	1	1 vs, le	1		
VA Poverty Law Ctr					1 oth			
VA Tech					1 oth			
VADV	1				1 oth			
VCU					1 oth			
Virginia Beach		1		1	1 pr, le, vs, oth	1	1	1
Warren		1				1		
Washington Co				1	1 vs, le	1	1	
Waynesboro				1		1	1	1
Westmoreland				1	1 vs, oth	1	1	
Williamsburg		1		1	1 pr, le, vs	1	1	2
Winchester	1			1	1 vs	1	1	
Wise					1 vs	1	1	1



Locality	Spouse Abuse Programs			Sexual Assault Programs	V-STOP	Victim/Witness Programs	Child Abuse Programs	
	State DV	VOCA DV	FV PSA	SA		V/W	VFVPP CBFPS	VOCA CA
Wythe			1	1	1 pr, le, vs	1		1
York				1	1 pr, vs	1	1	
<b>Grand Total</b>	<b>10</b>	<b>21</b>	<b>22</b>	<b>76</b>	<b>107</b>	<b>99</b>	<b>66</b>	<b>45</b>
<b>Dollars (Summary)</b>	<b>\$1,326,098</b>	<b>\$940,369</b>	<b>\$1,355,964</b>	<b>\$3,103,893</b>	<b>\$3,008,016</b>	<b>\$6,829,701</b>	<b>\$1,199,793</b>	<b>\$1,093,698</b>

**\* Key - Definitions of Acronyms and Fiscal/Calendar Years Represented**

- State DV = State Domestic Violence, FY98
- VOCA DV = Victims of Crime Act Domestic Violence, FY98
- FVPSA = Family Violence Prevention and Services Act, FY98
- SA = Sexual Assault, FY99 (Consists of PHHS-General, VAWA, VOCA, State, & PHHS-Set Aside)
- V-STOP = Virginia - Services, Training, Officers, Prosecution, CY98
- VW = Victim Witness, FY99 (All VW receive state funds and some receive both state and VOCA funds)
- VFVPP = Virginia Family Violence Prevention Program, FY99 (state and federal funds)
- CBFRS = Community Based Family Resource Support, FY 99 (federal funds)

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**APPENDIX H. LETTER OF RESPONSE FROM  
DEPARTMENT OF SOCIAL SERVICES, DECEMBER 1997**

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THEATER ROW BUILDING  
730 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-1849

(804) 692-1944

FOR HEARING IMPAIRED  
VOICE TDD  
1-800-828-1120

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF SOCIAL SERVICES**

Clarence H. Carter  
Commissioner

December 3, 1997

Ms. Harriet Russell, Executive Director  
Commission on Family Violence Prevention  
100 North 9th Street, 5th Floor  
Richmond, Virginia 23219

Dear Harriet:

Thank you for meeting with me last week to discuss family violence issues as they relate to welfare reform. I believe that we had some good dialogue on several points and I trust that the following adjustments to our policy will satisfy both the Department's and the Commission's desire that the special circumstances of victims of family violence be taken into account.

1. In the definition section of the VIEW and TANF policy manuals, the Department will include the term "family abuse" as defined in Virginia Code §16.1-228. Because "family violence" is not defined, we will replace it with "family abuse," the defined term.
2. Part B of the VIEW Assessment Instrument (Vol. VII, Sec. II, Chapter C, Part III, Appendix A, p. 11) will be amended to include family abuse as a check-off option for barriers to employment. In the instructions for preparing the form (p. 13 of the same appendix) under Section B, include a statement which says that if a participant acknowledges family abuse, the worker should immediately refer them to the family violence hotline (include hotline number).
3. At our meeting, we discussed options for language specifying that inactive status is available to victims of family abuse. Upon checking with our policy staff, I learned that we have already issued new policy in this area (Vol. VII, Sec. II, Chapter C, Part III, 13(b)(4), p. 52). The language now states (see also attached): "The participant will be assigned to inactive if . . . the participant has a family crisis or change in individual or family circumstances, such as the death or illness of a spouse, parent or child, family violence situations, or other limited circumstances not of the participant's own making. In these circumstances, the ESW may continue to offer supportive services including day care and transportation (in order to assist the participant in returning to active status)."

4. **The Commission suggested a change in TANF policy pertaining to good cause for non-cooperation with paternity establishment. In current policy (201.10, p. 4b, F3), there is a list of evidence which substantiates good cause for non-cooperation due to fear of physical or emotional harm which includes "court, medical, criminal, child protective services, psychological, or law enforcement records indicating that the putative father or noncustodial parent might inflict physical or emotional harm on the child or caretaker-relative." The Commission would like to add to this list a statement from a domestic violence or sexual assault center.**

**While the Department would like to ensure that no family abuse situations are aggravated due to establishment of paternity, we believe that formal documentation from the entities cited in policy are the best verification. However, in cases for which such documentation does not exist, the Department proposes to amend policy so that notice from a domestic violence or sexual assault center may serve as temporary substantiation for good cause while one of the other verifications are sought by the client. The Department will work on developing more specific policy in this area.**

5. **With regard to release of information contained in a child support order, the Department has put in place policy which assures that the location information is not released in situations of family abuse. In Chapter 2 of the Child Support manual (see also attached), there are two statements related to this issue. If the parent states that he/she has a protective order in place, location information is not released. Additionally, a recent amendment to the policy manual included the following language: "Do not release a parent's address or any other location information to the other party when a parent indicates that they are at risk of physical or emotional harm from the other party. Refer to Chapter 12, Case Initiation."**

**With this addition, any person in fear of harm can be assured that their location information will not be released. Chapter 12 of the manual (attached) goes into more detail regarding this procedure, describing the form to be filled out by the person in fear (attached) and even giving direction as to how the location information will be blacked out. Currently, this must be done manually because the computer system is not programmed to delete the information in the cases of protective orders and other nondisclosure cases. This modification is on the list of changes to be made to the system. For now, workers are directed to black out the location information and then forward a copy of the blacked-out paper to the other parent. (The imprint of the location information on the paper could be deciphered on an original, but not on a copy.)**

**This process has been developed for the purpose of protecting parents suffering from or in fear of family abuse. Further efforts have been made to continue to improve communication between TANF and Child Support staff to ensure that these protections are in place.**

There is one instance in which we prefer to let our current policy stand:

- In Vol. VII, Sec. II, Chapter C, p. 44, good cause for non-compliance with the VIEW program is described. The Commission suggested that we change this policy to include a list of examples of "circumstances outside [the clients'] control." I understand the Commission's desire that family abuse be specifically listed as good cause for non-compliance. However, program staff have asserted, and I agree, that providing a list of examples limits the application of the policy. As it currently stands, the policy is broad enough to include a much larger range of examples than we could list. However, if we were to provide an example list, caseworkers may interpret the list literally and not understand that they have flexibility to apply the policy beyond the list. It is for this reason that we would like to retain the policy as it currently is written.

Please note the attached policy broadcast that was sent to each local agency in August. The broadcast includes the following statement: "Department policy provides that there is no penalty for someone who loses a job through no fault of their own. Accordingly, a domestic violence victim who loses her job as a result of being harassed or stalked at the work site will not face any sanction."

I hope that this clarifies the Department's position with regard to protection and allowances for victims of family abuse. Of course, I would be willing to discuss any of these points with you or provide any additional information that you may find useful. Please feel free to contact me at 692-1900.

Sincerely,



W. Douglas Moran  
Deputy Commissioner for Operations

- c: David Olds, VIEW Program Manager  
Betsy Riopelle, Director of Planning and Policy  
Marsha Sharpe, TANF Program Manager

A signed copy of the "Notice of Cooperation and Good Cause" shall be filed in the case record and a duplicate copy will be given to the applicant/recipient. If the applicant/recipient wishes to change the claim subsequent to signing one "Notice of Cooperation and Good Cause" then he must sign another form indicating the change of claim. Otherwise, only one "Notice of Cooperation and Good Cause" is necessary per case record unless the case is closed and another application is made subsequently. Because the notice outlines the rights and responsibilities of the applicant/recipient, the eligibility worker shall review each condition with the applicant/recipient to assure a complete understanding. The agency must also advise the applicant/recipient that if a finding is made that no good cause for not cooperating exists, cooperation will be required.

Note: When a minor parent is receiving assistance for her child in the unit with her parent, the good cause provision may also apply to the minor parent. The minor parent must sign a separate "Notice of Cooperation and Good Cause."

- F. ACCEPTABLE EVIDENCE TO SUBSTANTIATE GOOD CAUSE CLAIM - Each applicant or recipient who claims to have a good cause for not cooperating must provide acceptable evidence, or provide sufficient information to permit an investigation to determine if good cause exists. The applicant/recipient must provide the evidence within twenty (20) days from the day he makes the good cause claim or the agency will determine that good cause does not exist. The agency must base the determination of good cause on evidence provided by the applicant or recipient and/or through an investigation by the agency.

The agency will determine that good cause exists when the information obtained provides clear and convincing evidence of good cause for not cooperating. The following specified evidence will be sufficient to determine the existence of the good cause claimed circumstance.

1. Incest Or Forcible Rape - Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;
2. Adoption - Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction or a public or licensed private social agency is currently assisting the applicant/recipient to place the child for adoption and such discussions have not gone on for more than three months. The agency must obtain a written statement from the social agency.
3. Physical Or Emotional Harm - Court, medical, criminal, child protective services, psychological, or law enforcement records or a written statement from a domestic violence services program or sexual assault crisis center professional indicating that the putative father or noncustodial parent might inflict physical or emotional harm on the child or caretaker-relative.

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**APPENDIX I**

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**DRAFT**

**The following standards are in rough draft form. They are intended to provide the Commission on Family Violence Prevention's Batterer Intervention Task Group a foundation upon which to build. It is expected and desired that members of the task group will modify, delete, add to and otherwise improve portions of these standards. This version of the standards in no way represents members' consensus on the standards or their final product.**

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**Virginia Standards for Batterer Intervention Programs**  
**1998**

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**I. Background and History (of Council, Commission & Formulation of Standards)**

The Commission on Family Violence Prevention (Commission) was established pursuant to House Joint Resolution 279 in 1994. The Commission builds on the work of the Domestic Violence Coordinating Council convened in July 1993 by Chief Justice Carrico. 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 is designed in the following manner: Task Groups meet between Commission Meetings and report to Subcommittees; Subcommittees meet at least quarterly, in conjunction with the Commission; the Commission meets quarterly to hear the reports of the Subcommittees, act on business as necessary, and hold public hearings.

In 1997, Senate Joint Resolution 272 requested the Commission to develop standards of practice for batterer intervention programs. This work was assigned to the Batterer Intervention Task Group. The composition of this group reflects a commitment to a cooperative and collaborative interagency approach batterer intervention. Its membership includes 1) members with expertise in the treatment of batterers; 2) centers/shelters which provide services to domestic violence victims and their children; 3) Commonwealth's Attorney designee; 4)

3/30/98

certified/licensed addictions treatment professional; 5) Public Defender designee; 6) Department of Corrections designee (Adult Probation and Parole); 7) Department of Social Services designee; 8) Department of Mental Health, Mental Retardation, and Substance Abuse Services designee; 9) law enforcement professional; 10) Department of Criminal Justice Services designee; and 11) an attorney in private practice.

These standards were drafted for programs that desire certification by the Commonwealth of Virginia. Both Virginia and national statistics confirm that the majority of batterers are men who commit violent acts against women. Additionally, the causes of abusive behavior and intervention techniques best suited for homosexual men and women who batter remain unsettled, and little research has addressed these populations. It is for these reasons that the standards are written for the certification of programs that provide services to heterosexual men who abuse women with whom they are or have been intimate. The drafters of these standards acknowledge the need for programs for homosexual men and women. Such programs should exist, but they will not be certified by these standards at this time. Separate standards for programs designed to address homosexual men and women who batter will likely be developed in the future.

## **II. Rationale for Standards**

The development of minimum certification standards for batterer intervention programs providing court-ordered services is designed to:

1. Maximize the safety of victims and their children;
2. Assure that batterers will receive services that hold them accountable for their behavior;
3. Reduce and eliminate domestic violence by providing standards for effective and accountable intervention programs to change the behavior of batterers, while protecting their victims; (Wayne County 1.0).
4. Establish minimum program elements for the approach to abusive partners that could be made uniform throughout the state;
5. Provide criteria against which the performance and efficacy of a program can be measured and the need for programmatic changes assessed;
6. Promote inter-agency communication and collaboration regarding batterer intervention and victim safety;
7. Provide stimulation for data collection and research, the results of which may be used to improve treatment methods. (Colorado p. 4 (2.5))

## **III. Definitions**

*Assessor*

*Batterer:* Refers to a person who commits an act of family abuse.

*Domestic Violence:*

*Family Abuse:* means any act of violence, including any forceful detention, which results



in physical injury or places one in reasonable apprehension of serious bodily injury and which is committed by a person against such person's family or household member (Va. Code §16.1-228).

**Family or Household Member:** means (i) the person's spouse, whether or nor he or she resides in the same home with the person, (ii) the person's former spouse, whether or nor he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, step children, brothers, sisters, grandparents and grandchildren who reside in the same home with the person , (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in- law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or nor the person and that individual have been married or have resided together at any time or (vi) any individual who cohabits or who, within the previous twelve months, cohabited with the person, and any children of either of them then residing in the same home with the person (Va. Code §16.1-228)

**Program:** Refers to a Batterer Intervention Program (Florida p. 4)

**Supervisor:** Refers to one who meets all facilitator requirement and supervisor criteria established by these standards and provides oversight, guidance, and evaluation to a trainee. (Florida p.4)

**Program Contract:** A written agreement between the batterer and the program that details the batterer's obligations to the program and consequences for noncompliance. The agreement should also state the obligations of the program to the batterer. (Texas p19)

**Victim:** Means the family or household member against whom the batterer committed, or is committing, domestic violence (Florida p.4)

#### IV. Program Elements

##### A. Program Principles

1. Family abuse is a crime rather than a result of or response to a failing relationship. It is no less a crime than an assault on a stranger. (Wayne County 2.1)
2. Domestic Violence cannot be condoned, and batterers must be held accountable for their behavior. (Wayne County 2.2)
3. The safety of victims must be of the highest priority. Their concerns and the potential for further harm to them must always be of utmost consideration when making policy/program decisions. (Wayne County 2.3)
4. Batterers should be educated that the abuse victimizes not only the identified victim but the children as well.
5. Any treatment provider who blames the victim or places the victim in a position of danger is in violation of these standards. (Colorado p.3)
6. Programs shall not focus on saving relationships, but on ending violence. (Wayne County 2.5)
7. There should be separate intervention programs for men, women and homosexual relationships were battery occurs. This first set of standards

is for programs for male batterers since they constitute the vast majority of batterers. (Wayne County 2.6)

8. Upon a thorough assessment, it may be determined that not all batterers will be appropriate for a batterer intervention program or for a specific program.
9. A program's standard of successful completion should be defined on an individual basis. (Refer to the Completion section of the Program Characteristics)
10. The individual differences and rights of the perpetrator should be respected. (Colorado p. 3)
11. A batterer's race, ethnicity, sexual orientation, and physical or mental disability shall not preclude him from participating in the program. Providers shall make every reasonable effort to provide for individual needs. (Wayne County 2.7)
12. No person shall be denied from participating in a program solely because of inability to pay for services.
13. Program providers shall cooperate with interrelated agencies, such as law enforcement, domestic violence programs, victim advocates, the courts, Commonwealth's attorneys, probation, social services, substance abuse and mental health services. (Wayne County 2.8)
14. Batterer intervention is just one of a number of possible responses to domestic violence. Batterer intervention programs represent one link in the chain of a comprehensive community response to end domestic violence and are most effective in a collaboration within the larger intervention system. (Texas p.5).
15. As knowledge about current, effective intervention methods are discovered, philosophical and programmatic changes may be necessary to improve programs. (Wayne County 2.11)
16. Standards are designed to allow each program to address its jurisdiction's unique needs. Programs should make every attempt to respond to these needs.

## **B. Administrative Guidelines**

1. **Fair Employment Laws**
  - a. Programs shall comply with all applicable state and federal employment and antidiscrimination laws when making hiring and personnel decisions.
2. **Record keeping**
  - a. **Batterers' Files**
    - (1) Each program shall maintain a case record management system on batterers receiving program services. Each file

shall contain a standardized assessment form, a signed program contract, a signed statement of the nature and limits of confidentiality, and signed release forms. Each file shall also document all significant actions, decisions, and services rendered. The program shall document in writing all noncompliance with the intervention contract between the participant and the program, relevant court order or group rules. **(Texas p. 9)**

**(2)** Batterers' files shall be kept separate from the victims' information. **(Texas p. 9)**

**b. Victims' Files**

**(1)** Victim information shall be kept confidential and separate from batterer files.

**(2)** Information on the victim or information given by the victim/partner, including verification of progress or continued abuse, shall not be disclosed to the batterer without documentation of the victim's oral or written permission. **(Texas p. 9)**

**(3)** Each file shall contain any applicable release of information forms, documentation of referrals, and documentation of any victim contact. **(Refer to Section B8 - Victim Contact)**

**3. Fees**

**a.** Taking responsibility for the payment for services is an important part of the participant's accountability for the violent behavior. Programs must be financially structured to allow for delivery of a quality program. A fee for services, no matter how minimal, shall be assessed and paid by the batterer. **(Florida p19)**

**b.** Participant fees shall be based on a sliding scale. Each program shall have a clearly defined payment policy including provisions for assurances for indigent batterers. **(Wayne 6.0)**

**c.** Participants in the program shall be required to pay their fees either weekly or in advance, however exceptions may be made at the discretion of the program director. **(Florida p. 19)**

**d.** Fees for the assessment are to be paid at the time of the assessment. **(Florida p.19)** Fees for assessment may be based on a sliding scale. Each program shall have a clearly defined payment policy including provisions for assurances for indigent batterers. If the participant is determined to be indigent, fees for the assessment may be waived by order of the Court.

**e.** The payment of fees may be made a condition of the completion of the program.

**4. Fiscal Records**

- a. Any program seeking certification shall submit to the Office of Certification copies of the program's most recent annual report, most recent budget, proposed budget for the certification period and a copy of the most recent financial audit performed by a certified public accountant.
- b. If the provider has not been in operation for one year prior to the application, an audited statement of financial viability shall be required. (Florida p 9)

**5. Confidentiality**

- a. All programs shall develop a policy regarding the programs confidentiality and notify all participants, observers of direct services, and those with access to client records of this policy. All employees and contract workers shall sign a written agreement of confidentiality, and that agreement shall be kept in their file for at least four years.(Texas p. 9)
- b. Batterers shall sign a Consent for Release of Information which permits information to be released to the victim/partner and/or her designated representative, law enforcement, the courts and probation. (Texas p9) Release of information shall be restricted to attendance record, compliance, criminal behavior including violent behavior or threats of violent behavior that may be dangerous to the lives of others, and violation of intervention contract.
- c. Program staff have the duty to warn potential victims of imminent danger if the treatment provider believes that the victim may be at risk from a client because of a threat made or behavior exhibited. (Cross-Reference Victim Contact 8g) (Colorado p6) OR Program staff have the duty to protect third parties from violent behavior or other serious harm. Va. Code §54.1-2400.1 outlines the scope of this duty, actions which discharge this duty and applicable civil liability protections for proper discharge of this duty.
- d. Programs shall assess for possible incidents of child, elder or disabled adult abuse or neglect by the batterer. If the intake evaluation or subsequent contact reveals the possibility of actual incidents of child, elder, or disabled adult abuse or neglect, it must be reported to Child Protective Services or Adult Protective Services, respectively. (Texas p9) Mental health professionals are required under Va. Code § 63.1-248.3 to report suspected child abuse or neglect; and are required under Va Code §63.1-55.3 to report suspected abuse, neglect or exploitation of an aged or

incapacitated adult. All program staff, including clerical staff, should report any suspected abuse or neglect.

- e. Program staff shall not disclose, without the consent of the client, any confidential communications made by the client to the program staff during the course of the program; nor shall program staff, whether clerical or professional, disclose any confidential information acquired through that individual's work capacity. **(Colorado p6)**
- f. Any person who has participated in any therapy conducted under the supervision of a program provider, including, but not limited to, group therapy sessions, shall not disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates. **(Colorado p 6)**
- g. These prohibition shall not apply when said records are subject to disclosure pursuant to court order or subpoena consistent with applicable statutes governing production of records by a court of competent jurisdiction; or when a review of services of a program is conducted by the Office of Certification or by a state or federal agency for the purposes of evaluating program services or funding.
- h. Any information given by the victim/partner, including verification of progress or continued abuse, shall not be disclosed to the batterer without documentation of the victims oral or written permission. **(Texas p9)**
- i. ??? Programs "should require that participants sign a written waiver to any right to this information about the victim... that the program may acquire. The participant should explicitly agree that he will not seek to have any information about the victim disclosed or discovered in any judicial or administrative proceeding." **(Guidelines 6)?????**

## 6. Policy and Procedure

### a. Manual

- (1) Each program shall develop an administrative manual that incorporates all written policies and procedures. **(Texas p 9)**
- (2) The manual shall contain all internal policies and procedures governing operation of the program and personnel including but not be limited to the following items: **(Texas p8)**
  - (a) Batterer Intervention Program Standards;
  - (b) Written job descriptions for all employees;
  - (c) Employee hiring, retention and termination;

- (d) Confidentiality policy;
  - (e) Duty to Warn policy
  - (f) Organizational chart;
  - (g) Code of ethical conduct for staff;(Florida p.10)
  - (h) Sexual harassment policy;(Florida p10)
  - (i) Emergency plan for facilitators (i.e. disruptive or dangerous participants);(Florida p10)
  - (j) Evaluation policy
- b. Training**
- (1) All program employees shall receive a copy of the policy and procedure manual.
  - (2) All program employees shall receive training on the materials included in the policy and procedure manual as a part of their employee orientation. (See C2 below entitled "Orientation Training").
- 7. Cooperation with Other Agencies and Community**
- a.** Each program shall maintain open, cooperative, working relationships with battered women's shelters, victim advocacy programs, criminal justice agencies as well as with social services, mental health and substance abuse service providers who are involved in the court case, who are working with the victim, the batterer's family members, or otherwise providing services as a part of the batterer's treatment plan. **OR** Texas p12-13 - much more specific.
  - b.** Require specific collaborative agreements?
- 8. Victim Contact**
- a.** Each program shall contact or attempt to contact the victim/partner. The program may contract with a local domestic violence service provider to provide victim contact services.
  - b.** The victim has the right to refuse to participate and may ask that there be no further contact. **Florida p.23** Programs shall advise victims of their right to refuse contact. If a victim/partner chooses to not provide information, that decision must be respected. If the victim refuses, such refusal shall be recorded on the victim contact form and maintained in the victim's file.
  - c.** Victims shall be contacted within four days of the batterers enrollment. The program or designated contact agency shall make at least three documented attempts by telephone. If telephone contact is unsuccessful, the provider shall use first class mail to send a letter, retaining a copy for the victim file. The letter shall express concern for the victim and the children and will provide

general information about the batterers intervention program, the local domestic violence center, and other related advocacy services. If the letter is returned unopened, the letter and envelope shall be retained in the file. **Florida p. 23**

- d. The Victim Contact Form shall be completed to the extent the victim is willing or has time to share. **Florida p. 23** Completed forms shall be maintained in the victim's file. (Reference IV, B, 2 Victim Files)
  - e. Follow-up contact shall be made monthly. The Victim Follow-up Form shall be used to document the contact and maintained in the victim's file.
  - f. The program or designated contact agency shall notify the victim by telephone within two working days after the batterer is involuntarily terminated from the program. All attempts at victim notification shall be documented in the victim's file. If after three attempts, contact is not made a letter of notification may be sent via first class and a copy of the letter retained in the victim's file. If returned unopened, both the letter and envelope will be kept in the file.
  - g. The program must immediately report to the victim any threat of violence from a batterer to a prior victim or potential victim. (Cross-reference: Confidentiality 5c) A report also shall be made to the referral source (Reference 9b below). If unable to reach the victim, the program shall immediately contact local law enforcement. These actions shall be documented in both the batterer's file and the victim's file. **Florida p 24**
9. **Communication with referral source**
- a. **Acceptance of referral**
  - b. **Reports of noncompliance**
10. **Program evaluation**
- a. Programs shall develop an evaluation policy. This policy shall provide for both an internal program evaluation and an external evaluation of services. **(Texas 14)**
  - b. The requirements of program evaluation are set out Section F.

C. **Staff/Personnel Issues**

1. **Staff Qualifications**

- a. **Supervisors:** All staff supervisors employed by certified programs must meet the following educational/work experience requirements:

(1)

3/30/98

- (a) A master's degree plus one year of equivalent experience involving direct contact work with victims and/or batterers; AND
- (b) 78 hours of direct face-to-face contact facilitating or co-facilitating batterers groups using the power and control model; AND
- (c) 40 hours of victim-centered training which can include providing advocacy to battered women and their children, conducting women's and children's groups, attending victim panels or presentations at which victims discuss their victimization and any other programs or training where victim issues are taught.

**OR, in lieu of a master's degree**

(2)

- (a) A bachelors degree plus two years of equivalent experience involving direct contact work with victims and batterers; AND
- (b) 78 hours of direct face-to-face contact facilitating or co-facilitating batterers groups using the power and control model; AND
- (c) 40 hours of victim-centered training which can include providing advocacy to battered women and their children, conducting women's and children's groups, attending victim panels or presentations at which victims discuss their victimization and any other programs or training where victim issues are taught.

**OR, in lieu of a master's or bachelor's degree**

(3)

- (a) Three years of equivalent experience involving direct contact work with victims and batterers; AND
- (b) 78 hours of direct face-to-face contact facilitating or co-facilitating batterers groups using the power and control model; AND
- (c) 40 hours of victim-centered training which can include providing advocacy to battered women and their children, conducting women's and children's groups, attending victim panels or presentations at



which victims discuss their victimization and any other programs or training where victim issues are taught. **Florida pp. 13 & 14**

- (4) Staff in supervisory positions are further required to have three or more years of domestic violence experience, which may include the following areas:
  - (a) Domestic violence training;
  - (b) Teaching domestic violence in high school or post secondary settings;
  - (c) Domestic violence program development, implementation, monitoring, or evaluation;
  - (d) Documented research conducted in the field of domestic violence; and authorship of publications in the field of domestic violence. **Florida p. 14**

**b. Group Leaders/Facilitators:** All facilitators employed by certified programs must meet the following educational/work experience requirements:

- (1)
  - (a) A bachelor's degree AND
  - (b) 78 hours of direct face-to-face contact facilitating or co-facilitating batterers' groups using the power and control wheel; AND
  - (c) 40 hours of victim-centered training which can include providing advocacy to battered women and their children, conducting women's and children's groups, attending victim panels or presentations at which victims discuss their victimization and any other programs or training where victim issues are taught.

**OR, in lieu of a bachelor's degree,**

- (2)
  - (a) Two years of equivalent experience involving direct contact work with victims and batterers; AND
  - (b) 78 hours of direct face-to-face contact facilitating or co-facilitating batterers' groups using the power and control wheel; AND
  - (c) 40 hours of victim-centered training which can include providing advocacy to battered women and their children, conducting women's and children's

groups, attending victim panels or presentations at which victims discuss their victimization and any other programs or training where victim issues are taught. **Florida p. 11**

- (3) **Knowledge and Skills of Facilitators:** Staff in facilitator positions must have a minimum of 25 hours of courses on batterer intervention which include the following:
- (a) The dynamics of domestic violence within the context of power and control (3 hours);
  - (b) The effects of domestic violence on victims and their children and the critical nature of victim contacts and safety planning (2 hours);
  - (c) The understanding that domestic violence is historically rooted in attitudes towards women and is intergenerational (3 hours);
  - (d) Lethality assessment for risks of homicide, suicide, further domestic violence, or other violent aggressive behaviors, and access to or use of weapons (2.5 hours);
  - (e) Information on state and federal laws and procedures pertaining to domestic violence, including the policies affecting treatment of court-ordered program participants, child abuse, divorce and custody matters (1.5 hours);
  - (f) The role of the facilitator within the group and within the context of a coordinated community response to domestic violence (2.5 hours);
  - (g) Teaching non-controlling alternatives to violent and controlling behaviors (3 hours);
  - (h) Understanding and preventing collusion (1.5 hours);
  - (i) Substance abuse training specific to domestic violence (4 hours);
  - (j) Riding along with local law enforcement OR court attendance during domestic violence cases OR a combination of both (2 hours). **Florida p 12**
- (4) **Facilitator Trainees**
- (a) If an apprenticeship or trainee period is necessary to fulfill any of the pre-requisite credentials for facilitators requirement, a trainee must work under the direction of a trained facilitator and a supervisor

at a certified batterers intervention program. Experience and required face to face contact as described above may be voluntary or part of a university internship program, paid or unpaid, but must be documented by a program supervisor.

**Florida p. 11**

- c. **Assessors**
  - (1) **Education**
  - (2) **Experience**
  - (3) **Licensure**
- 2. **Orientation Training**
  - a. All staff, student interns, and volunteers must complete 20 hours of orientation training before they work unsupervised with batterers. **(Texas p. 11)**
  - b. Orientation training shall include, but not be limited to, the following:
    - (1) Agency mission, philosophy, program curriculum, and organizational structure;
    - (2) Agency policies and procedures, including personnel policies and client rights;
    - (3) Battered women's programs relationship to the batterer program;
    - (4) Safety planning for victims/partners
    - (5) Information on state domestic violence laws; protective orders; local law enforcement; prosecution and court policies regarding domestic violence. **Texas p. 11**
- 3. **Ethical Standards**
  - a. Program personnel working with perpetrators of domestic violence must meet the ethical standards outlined by their professional groups, e.g. American Psychological Association, National Association of Social Workers, American Association of Pastoral Counselors, Marriage and Family Counselors, Licensed Professional Counselor, or the American Medical Association. Unaffiliated and unlicensed practitioners must adopt one of these standards. **Colorado p 5**
  - b. In addition to the above standards, program personnel must meet and maintain the following standards:
    - (1) Program personnel must be violence-free in their own lives.
      - (a) No program shall hire a perpetrator of domestic violence unless that individual has successfully completed a certified batterer's intervention

program and has remained violence-free for a period of at least 5 years.

- (2) Program personnel must be free of an ongoing substance abuse problem or involvement in substance abuse treatment. Current use of drugs/alcohol must not impair the provider's ability to function as a responsible and competent professional.
- (3) Program personnel shall not engage in sexual conduct with program participants.
- (4) Program personnel shall report child abuse or neglect or suspected child abuse or neglect by a client pursuant to Va. Code §63.1-248.3.

#### 4. **Criminal History**

- a. Potential staff shall not have engaged in conduct resulting in a criminal conviction deemed to impair the individual's ability to provide services. Potential staff with criminal convictions (felony or misdemeanor) may be hired if the program director is satisfied that the potential staff member can function as a professional **and** has remained crime-free for a period of at least 5 years.
- b. No program personnel shall be under any form of community supervision, administrative or otherwise, by any law enforcement agency or county, state, or federal authority. This includes, but is not limited to, any form of misdemeanor or felony probation, community control, pre-trial diversion, or parole.
- c. No program personnel may be the subject of a protective order or any other judicial restraint within the last five years.
- d. Program personnel shall be free of criminal convictions while providing domestic violence intervention and treatment.
- e. All personnel shall undergo a local criminal background check and a VCIN check

#### 5. **Employee Files**

- a. Personnel records must contain the following information regarding each staff member and all contract workers: a) Name, address, home phone number, social security number, date of birth, and a recent clear photograph or a photocopy of a Virginia drivers license ; b) Name and contact information of closest relative and emergency contact; c) Proof of a local criminal background check; d) Proof of a VCIN check; e) A signed job description; f) Completed resume and /or application for employment; g) Official transcript or certified documentation of level of required education, training and experience; h) Written verification of previous

employment and previous experience; i) A signed drug-free workplace policy; j) A signed sexual harassment policy; k) A signed violence-free lifestyle statement l) A signed privacy act statement (acknowledging confidentiality of information received) (Florida p.10)

**6. Racial, Ethnic and Gender Composition**

- a. In order to provide culturally, racially, linguistically and gender appropriate services, intervention programs, to the extent possible, should hire staff/personnel whose cultural/racial backgrounds and gender reflect those of the individuals within the community served.

**7. Continuing Education**

- a. All facilitators and supervisors shall complete 12 hours of continuing education annually in any of the following areas as they pertain to batterers' intervention:
- (1) Domestic violence and substance abuse;
  - (2) Domestic violence and the law;
  - (3) Other issues which pertain to domestic violence such as medication, arrest procedures or its affect on children.

**OR, in lieu of education only,**

- b. Eight hours of education as described above and four hours of documented supplemental experience in the area of family violence such as:
- (1) Court attendance during domestic violence hearings or trials;
  - (2) Riding along with local police;
  - (3) Work with a domestic violence service provider, including attendance at volunteer training; and observation of their hotline.
  - (4) Evaluation and intervention with families where domestic violence is present.

**D. Intake Procedures**

The program must obtain necessary preliminary information prior to engaging in an evaluation process to determine the suitability of the batterer for their program. The batterer intervention program is responsible for performing intake procedures. The assessment may be performed by either the local community corrections program or the batterer intervention program. The determination of who will collect the assessment information and perform the evaluation should be based on the presence of a local community corrections program in the locality, its involvement with the supervision of

batterers and its ability and willingness to conduct assessments. Local community corrections programs may perform their own intake procedures in addition to those performed by the program.

**1. Identifying Information**

a. The following information shall be collected and included in the batterer's file:

- (1) Name, address and telephone number of batterer
- (2) Social security number
- (3) Employer
- (4) Partner and /or victim's name, address and telephone number
- (5) If applicable, the name of the local community corrections officer to whom the batterer has been assigned.

**2. Assessment**

a. An assessment of the batterer shall be performed prior to participation in the program to screen and assess batterers in order to determine the appropriateness for program participation. (*A standardized/uniform assessment instrument??*) At a minimum, the assessment should include the following:

- (1) Assessment of risk/dangerousness/**lethality**, including an evaluation of the batterer's:
  - (a) Most recent violent episode;
  - (b) Reason for referral, including details of the violent episode and precipitating events;
  - (c) Compliance with and presence of protective orders;
  - (d) Responsibility, remorse, or justification for the violent behavior;
  - (e) Perception of control over actions, behaviors, emotions as being internally or externally controlled;
  - (f) History of abuse, including: violence in his family of origin and against partner(s), a generalized violence history, frequency and severity of abuse;
  - (g) Criminal history;
  - (h) Current social network/social connectedness - isolation;
  - (i) History of depression;
  - (j) Dependency assessment;
  - (k) Proximity and access to the victim;
  - (l) Degree of possessiveness towards the victim including if possible any forced periods of isolation;

- (m) History of injury to pets or animals; **(Oregon p71)**
- (n) Possession of, access to, or a history of using weapons; and
- (o) Suicide and/or homicide ideation.
- (2) Assessment of the batterer's **substance use/abuse**, including its relationship to violent behavior. If necessary, referrals should be made for further chemical dependency evaluations and treatment prior to entry into a group.
- (3) Assessment for severe **mental health** problems or disruptive behaviors. If necessary, referrals should be made for further evaluations and appropriate treatment.
- (4) A copy of the assessment of the batterer shall also be kept on file with the batterer intervention program in which the batterer is enrolled.

**Wisconsin p. 4, Wayne County p. 5.4, Florida p.6**

**3. Program Contract**

- a. At intake, the program must require that a batterer, who is found to be appropriate for program participation, enter into a contract for services. The contract must be signed by the batterer and kept in the batterer's file. (See IV, B, 2). The program should carefully review the contract with the batterer. By signing the contract, the batterer agrees to comply with the terms of the contract.
- b. The contract must contain the following information:
  - (1) The length of the program, attendance policies and consequences for inadequate attendance;
  - (2) Specified fees, methods of payment and the consequences of failure to comply with payment agreements;
  - (3) Expectations of active participation;
  - (4) A copy of the program's drug and alcohol policy; and
  - (5) Other program rules and expectations.
- c. The contract must also include the following participant obligations:
  - (Texas p19)**
  - (1) Compliance with the program's attendance policy;
  - (2) Compliance with program rules and regulations;
  - (3) Compliance with program expectations including participation and homework;

- (4) Cessation of violent, abusive, threatening, and controlling behaviors, including stalking;
  - (5) Exhibit non-abusive and non-controlling behavior toward other group members, group facilitators, and program staff;
  - (6) Development of and adherence to a safety plan as outlined in the curriculum;
  - (7) Compliance with all court orders and protective orders;
  - (8) Agreement that the batterer will not seek the disclosure of any information about the victim or partner, either directly from the participant or in any judicial or administrative proceeding.
  - (9) Agreement to be drug and alcohol free while attending program services; and
  - (10) Compliance with financial agreements made with the program.
- d. The contract must also include the following program's obligations to:
- (Texas p20)**
- (1) Provide services in a manner that the batterer can understand;
  - (2) Provide a copy of all written agreements;
  - (3) Notify the batterer of changes in group time and schedules;
  - (4) Report to the court, local community corrections program or other appropriate authority regarding his progress and compliance with the court order and program rules;
  - (5) Report to the appropriate person(s) including the victim, courts or local community corrections:
    - (a) any bodily harm or threats of bodily harm to the victim or any other person;
    - (b) any threats or attempts to commit suicide; or
    - (c) any belief that child abuse or neglect is present or has occurred **(Florida p. 20)**
  - (6) Report regularly to the batterer regarding his progress; and
  - (7) Provide fair and humane treatment.
4. **Consent for Release of Information**
- a. At intake, the batterer shall sign a consent for release of information. The signed release shall be kept in the batterer's file.  
(See IV, B. 5)
5. **Statement of Confidentiality**



- a. At intake, the batterer shall sign a statement of confidentiality which notifies the batterer of the program's policy. (See IV, B. 5)

**6. Timeliness of Intake**

- a. The batterer shall be required to contact and be present for an appointment with either the local community corrections program (if applicable in that locality) or the batterer intervention program within seven (7) days of the court's order to participate in a batterer intervention program.
- b. If the batterer does not report in seven (7) days, the batterer intervention program or local community corrections program shall contact the court and report the noncompliance.
- c. The local community corrections program (if applicable in that locality) or the batterer intervention program shall begin intake and assessment procedures within fourteen (14) days of the initial contact from the batterer.

**7. Rejection from Program**

- a. The program must not discriminate against any batterer based on race, class, age, physical handicap, religion, educational attainment, ethnicity or national origin.
- b. If a program or local community corrections (if applicable) concludes that the batterer is at high risk for lethality, the batterer may be denied admission into the program.
- c. If the program rejects a court-mandated batterer for intervention services, it must advise the court or the local community corrections program (if applicable) of the basis for rejection and, where appropriate, may make recommendations for other intervention, treatment services, or criminal justice action. Notification must occur within three (3) working days of the rejection. **(Oregon p71)**

**8. Orientation Session**

**9. Attendance Policy**

**10. Group Size**

**11. Group Composition**

**12. Program Duration**

**13. Curriculum**

**14. Termination (Wayne County 8.3)**

- a. **Noncompliance**

**15. Completion**

**E. Program Monitoring and Evaluation**

- 1. Programs shall develop an evaluation policy. This policy shall provide for

both an internal program evaluation and an external evaluation of services.  
**(Texas 14)**

2. The internal evaluation of services shall include the review of internal data that offers an indication of program effectiveness for the public. Internal data includes referral, dropout, and completion rates. Internal evaluation also shall include feedback, from former program participants and with sufficient protection, from their victims/partners. **(Texas 14)**
3. The external evaluation of services shall include an assessment from domestic violence programs and other related agencies. Evaluation may include the observation of group sessions or tapes of sessions by battered women's advocates. **(Texas 14)**

**F. Transfer to Another Jurisdiction**

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*APPENDIX J. JUDICIAL SURVEY RESULTS:  
OFFENDER SUPERVISION*

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## Offender Supervision J&DR Court Judges Survey Results

49 Surveys received representing to 84 Jurisdictions

### Responses from jurisdictions with probation services

- 25 Judges indicated that probation services are available in their court as an option for adults convicted of assault & battery of a family or household member . Of these:
  - 1 Indicated that adults convicted of assault & battery are always placed on supervised probation.
  - 24 Indicated that they are sometimes placed on supervised probation depending on the facts of the case.
  - 19 Indicated that supervision is provided by the local Community Corrections Program
  - 4 Indicated that supervision is provided by the local Court Service Unit (*NOTE: some responders indicated services were offered by both Community Corrections and CSUs, one respondent said they wished that the same agency provided the service in all counties.*)
  - 5 Indicated that supervision is provided by a variety of other agencies including VASAP, LOTs program, Adult Court Services, and the local Offender Program, OCJS.
  - 1 Indicated that supervision is “sometimes” available and indicated that the local community corrections program does not have sufficient funds to be consistently available to the court.

### Responses from jurisdictions without probation services

- 19 Judges indicated that probation services are **NOT** available in their court as an option for adults convicted of assault & battery of a family or household member. Of these:
  - 18 Indicated that they would like to have supervised probation available in their jurisdiction.
  - 1 Indicated that they would NOT like to have supervised probation available in their jurisdiction because they had other options available.
- 16 Indicated they would like to see local Community Corrections Programs provide the supervision.
- 4 Indicated they would like to see local Court Service Unit provide the supervision. (*NOTE: some responders indicated they would like to see both Community Corrections and CSUs provide the supervision.*)
- 4 Indicated they would like see other agencies provide the supervision; 3 of these indicated adult probation through the Department of Corrections.

### Other Methods of Offender Monitoring

- 27 Judges indicated that if they do not use supervised probation they do use other methods to monitor offender compliance:
  - 14 Schedule routine return dates to court
  - 23 Review reports from programs in which the offender is ordered to participate, and
  - 7 Use other methods but did not specify what they were.

Jurisdiction: \_\_\_\_\_

**Survey of J&DR District Court Judges**  
**Subject: OFFENDER SUPERVISION**

1. Is local probation supervision available in your court as an option for adults convicted of assault and battery of a family or household member?

\_\_\_\_\_ Yes (please go to question # 2)      \_\_\_\_\_ No (please go to question #4)

2. Do you place adults convicted of assault and battery of a family or household member on supervised probation?

\_\_\_\_\_ Always      \_\_\_\_\_ Sometimes, based on the facts of the case

\_\_\_\_\_ Never, because

\_\_\_\_\_ local probation supervision of adult misdemeanants found guilty in this J&DR court is not available.

\_\_\_\_\_ Although local probation supervision is available, I choose not to use it. Please explain:

\_\_\_\_\_  
\_\_\_\_\_

3. Who provides this supervision?

\_\_\_\_\_ Court Service Unit      \_\_\_\_\_ Local Community Corrections

\_\_\_\_\_ Other (please elaborate): \_\_\_\_\_

4. (A) If local probation supervision is not available, would you like to have it available in your jurisdiction?

\_\_\_\_\_ Yes (go to 4 (B) )      \_\_\_\_\_ No. Please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) Who would you like to see provide this supervision?

\_\_\_\_\_ Court Service Unit      \_\_\_\_\_ Local Community Corrections

\_\_\_\_\_ Other: \_\_\_\_\_

5. If you do not use supervised probation or it is not available to you, do you use other methods to ensure offender compliance with the terms of probation?

\_\_\_\_\_ No

\_\_\_\_\_ Yes

\_\_\_\_\_ Routine (for example: monthly) return dates

\_\_\_\_\_ Reports from programs in which the offender is ordered to participate

\_\_\_\_\_ Other, please explain: \_\_\_\_\_

***APPENDIX K. FATALITY REVIEW LEGISLATION IN OTHER STATES***

LEGISLATION

State	Mandatory Reporting		Mandatory DV Statistics		Fatality Review	
	All DV Incidents	DV Deaths	DV Incidents	DV Deaths	Mandates	Authorizes
Alabama						
Alaska						
Arizona						
Arkansas						
California				X		X
Colorado			X			
Connecticut						
Delaware				X	X	
District of Columbia	X					
Florida	X					
Georgia						
Hawaii	X					
Idaho						
Illinois						
Indiana						
Iowa						
Kansas						
Kentucky						
Louisiana						
Maine						
Maryland						
Massachusetts						
Michigan	X					
Minnesota						
Mississippi						
Missouri						
Montana						
Nebraska						
Nevada						
New Hampshire						
New Jersey	X		X			
New Mexico						
New York						
North Carolina						
North Dakota						
Ohio	X					
Oklahoma						
Oregon			X			
Pennsylvania	X					
Rhode Island						
South Carolina						
South Dakota						
Tennessee						
Texas						
Utah						
Vermont						
Virginia						
Washington			X			
West Virginia	X		X			
Wisconsin	X		X			
Wyoming						
<b>TOTAL</b>	10	0	6	2	1	1
Other:						
MO - sets up a system of voluntary reporting and data compilation and release for DV incidents						
Definitions						
Mandatory Reporting - statute mandates that detailed information about domestic violence incidents (generally with or without arrest) be collected and maintained by the police						
Mandatory Statistics - statute mandates that a public report be made about domestic violence incidents, ranges to reporting the number of incidents to detailed statistics						
Fatality Review - statute mandates or authorizes systematic review of all domestic violence deaths by a domestic violence fatality review team						

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**APPENDIX L. *FATALITY REVIEW TEAMS NATIONWIDE***

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FATALITY REVIEW TEAMS NATIONWIDE								
STATE	CREATED BY:	YEAR	LOCAL vs. STATEWIDE	TEMPORARY vs. PERMANENT	COORDINATING AGENCY	CASES REVIEWED/ YEAR	RESOURCES BUDGET/YEAR	FTE
<b>STATE EFFORTS</b>								
<b>ACTIVE</b>								
California	Statute	1995	Local	Permanent	determined locally	ex. Santa Clara, 14		
Delaware	Statute	1996	Statewide	Permanent	DV Coordinating Council	10-15*	no additional funds	0.5
Washington	Grant-State	1997	Hybrid	Permanent	Dept. Social & Health Services	30*	\$46,667	0.5
<b>PLANNING STAGE</b>								
Florida	Grant - State	1998	Hybrid	Permanent	State - Governor's Task Force Local - determined locally	none to date	\$200,000 (\$65,000**)	0.1(1**)
New Jersey	Grant/Executive Order	1998	Statewide	1 year	NJ Division on Women	none to date (50*)	\$75,000	2.5
Washington, DC	Local Interest	1997	Districtwide	Permanent	U.S. Attorney's Office	none to date		
<b>ON HOLD DUE TO LACK OF RESOURCES</b>								
<b>INACTIVE</b>								
New York	Executive Order	1996-97	Statewide	1 year	NY State Office for the Prevention of Domestic Violence	57		4+
<b>DID NOT RECOMMEND CREATION OF ONGOING DVFRT</b>								
<b>LOCAL EFFORTS</b>								
Colorado (Denver)	Grant - Local	1997	Local	Permanent	Project Safeguard (Legal Advocacy/Support)	17	\$21,333	0.5
Hawaii	Local Interest		Local	Permanent	determined locally			
Nevada	Local Interest		Local	Permanent	determined locally			
Ohio (Cincinnati area)	Local Interest		Local	Permanent	DV Coordinating Council			
Pennsylvania	Local Interest		Local	Permanent	determined locally			
* expected numbers, are currently lower because are in the process of establishing programs								
** associated research project								

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**APPENDIX M. COMMON ISSUES/POTENTIAL SOLUTIONS  
AMONG STATE FATALITY REVIEW TEAMS**

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## COMMON ISSUES/POTENTIAL SOLUTIONS

<b>CONFIDENTIALITY</b>	<ul style="list-style-type: none"><li>-Statutory protection of the confidentiality of proceedings and documents (DE, CA)</li><li>-Confidentiality agreements (All)</li><li>-Use synopsis of sensitive documents and coded information rather than distributing originals (Santa Clara Co., CA)</li><li>-Only use public information in reviews (WA)</li><li>-Add clause to victims' groups' intake forms allowing release of information to the DVFRT in the event of the victim's death (CO)</li></ul>
<b>LIABILITY*</b>	<ul style="list-style-type: none"><li>-statutory protection of team members from liability (DE)</li></ul>
<b>INTERFERENCE WITH ONGOING INVESTIGATION</b>	<ul style="list-style-type: none"><li>-only investigate closed cases (DE, NY, FL)</li><li>-delay review contingent on authorization from the commonwealth attorney (DE)</li></ul>
<b>RESOURCES</b>	<ul style="list-style-type: none"><li>-rely on generosity of participating agencies and individuals (All)</li><li>-obtain grants (FL, NJ, CO, WA)</li><li>-utilize local structure to spread burden (FL, CA)</li><li>-temporary fatality review team (NY)</li></ul>
<b>RELUCTANCE OF AGENCIES TO FULLY PARTICIPATE</b>	<ul style="list-style-type: none"><li>-statutory authority and confidentiality/liability protection (CA, DE)</li><li>-start from Domestic Violence Coordinating Council so there already exists a basis for trust between agencies (DE, Santa Clara Co., CA)</li><li>-hold meetings with individuals or groups (prosecutors, advocates, etc.) prior to convening team in order to explain process and allay fears (WA)</li></ul>

\*To date there has been no litigation as the result of the work of DVFRTs

## CALIFORNIA

**Creation:** Statute, 1995 (Some counties have had teams in place since 1994)

**Cases Reviewed:**

*-Type of cases*

-Homicide and suicide cases which resulted from domestic violence  
-“Domestic violence” is defined broadly and includes violence between current and former spouses, current and former cohabitants, current and former dating partners, gay and lesbian partners, and family members.

*-Average number of cases/year*

-varies from county to county  
-for example, Santa Clara County averages 14/year

**Organizational Structure:**

*-Local* - Organized by county

*-Coordinating agency* - Determined by individual county, possibilities include the County Domestic Violence Council, the Commission on the Status of Women, the Department of Health, the Coroner’s office, or other appropriate county agencies.

*-Membership-*

Core group is described by statute:

- Forensic pathology experts
- Medical personnel with expertise in domestic violence abuse
- Coroners and medical examiners
- Criminologists
- District attorneys and city attorneys
- Domestic violence shelter staff and battered women’s advocates
- Law enforcement personnel
- Representatives of local agencies involved with DV reporting
- County health department staff who deal with DV health issues
- Representatives from child abuse agencies

Membership is not limited so as to allow each county to create a team suited to its unique interests and needs.

Individuals with relevant expertise can be asked to participate in the review of specific cases.

**Resources:** no state resources, relies entirely on generosity of participating agencies and individuals

**Features:**

- Death Review teams are authorized, not mandated by statute. The decision whether or not to create one is left to the individual county.
- By statute, the communications and documents produced both for and within the review team are confidential and not subject to disclosure or discovery.

**Output:** Varies from county to county, includes statistics and recommendations that the team votes to release.

## DELAWARE

**Creation:** Domestic Violence Fatal Incidents Review Act, 1996

**Cases Reviewed:**

-*Type of case*

- Homicides and suicides resulting from domestic violence
- “Domestic violence” is broadly defined by the Department of Justice definition and includes physical, sexual, and emotional abuse, threats of abuse, and destruction of property by current or former spouses, current or former cohabitants, current or former dating partners, or family members.
- If a criminal investigation is involved, the review will be delayed pending authorization from the Attorney General’s office.

-*Average number of cases/year*

- 4 cases reviewed in 1st year, expected to rise to 10-15/year as cases begin to close

**Organizational Structure:**

-*State-wide*

-*Coordinating Agency:* Domestic Violence Coordinating Council, responsibilities include identifying cases, coordinating reviews, and ensuring implementation of recommendations

-*Membership:*

8 core members:

- 2 members of Domestic Violence Coordinating Council (co-chairs)
  - the Attorney General
  - the Director of the Division of Family Services
  - the Chair of the Domestic Violence Task Force
  - the Chief Judge of the Family Court
  - the Chief Magistrate of the Justice of the Peace Courts
  - a law enforcement officer appointed by the Chiefs of Police Council
- (Each of these individuals may appoint a designee to represent him or her.)

Case-specific members:

- investigating officers
- representatives from organizations that had contact with or provided services to the victim prior to their death
- individuals that provide specific expertise needed in a case (i.e. medical examiner)

**Resources:** Coordinating council was given no additional state funds, but is de facto part-time staff position

**Features:**

- By statute, records and proceedings of the Review Panel are exempt from the provisions of the Freedom of Information Act and protected from disclosure and discovery.
- By statute, Review Panel Members are protected from civil and criminal liability.
- By statute, the Review Panel has the authority to administer oaths and issue subpoenas through the Office of the Attorney General.

**Output:** Annual report summarizing findings and recommendations in an aggregate fashion and describing any systemic changes implemented.

## FLORIDA

**Creation:** Grant, 1998 - still in planning stages

**Cases Reviewed:**

*-Type of cases*

-Homicides and suicides resulting from domestic violence.

-Only closed cases will be reviewed.

-Locally will decide whether to review all cases in depth or to conduct a limited review of all cases and chose a random sampling for in depth review

*-Average number of cases/year*

-None to date

**Organizational Structure:**

*-Hybrid*

- Local teams organized by judicial district, currently 4 out of the 20 districts have teams

-Statewide coordination through the Governor's Task Force on Domestic Violence. To date, the Governor's Task Force has been responsible for generating start-up materials and data collection instruments, coordinating training, and planning a national conference. The ongoing level of statewide involvement has yet to be decided and could range from a low level of technical support to a statewide multidisciplinary team charged with formulating policy and legislative recommendations.

*-Coordinating agency* - at state level-Governor's Task Force, at local level-determined locally

*-Membership* - determined locally, teams have 10-20 members representing a wide variety of agencies

**Resources:**

- \$200,000 to start first 4 teams and co-host a national conference in Florida

- additional funds for research project that reviewed 300 past DV homicide cases in search of lethality indicators - \$130,000 over 2 years

-staff - 2 researchers (criminologists) work part time on the research project

- 10% FTE at Governor's Task Force

**Features:**

-Currently is no legislation on fatality review teams and therefore no statutory confidentiality and liability provisions. The expectation is that teams will develop legislative recommendations as they develop their policies and procedures.

**Output:** yet to be determined

## **COLORADO-DENVER**

**Creation:** Grant, 1997

**Cases Reviewed:**

*-Type of cases*

-Homicides and suicides resulting from domestic violence. Domestic violence is defined by the Colorado state statute as “an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship,” with intimate relationship being broadly interpreted

-Primarily closed cases

*-Average number of cases/year-17*

**Organizational Structure:**

*-Local* - City of Denver

*-Coordinating Agency* - Project Safeguard, non-profit agency that provides legal advocacy and court support to battered women

*-Membership* - 31 member committee with representatives from a wide variety of groups including: shelters, social services, advocacy groups, coroner’s office, police, district attorney’s office, therapists, forensic psychologists, perpetrator treatment professionals

-Entire team reviews cases, working subcommittees (Executive, Research/Threat Assessment, Confidentiality, and Case Review) address specific issues

**Resources:**

-Received \$32,000 community policing grant from the Denver Police Department, provided funding for 18 months

-Staff requirements

-short term - researcher to develop data collection instrument, materials

-ongoing - part-time coordinator

**Features:**

- Do not have enabling legislation and is not a perceived need

- As part of their development of a threat assessment tool, are planning on conducting collateral interviews of family and friends

- Several involved victim’s groups have added clauses to their intake forms that allow the agency to share information with the DV Death Review Team in the event of the victim’s death.

- There has been some talk of expanding the program statewide. If this is done, it will probably involve the preservation of the local structure and the establishment of satellite programs across the state. This structure would allow the teams to take advantage of local contacts and would avoid the difficulties associated with a single team covering a large area with multiple jurisdictions and very diverse environments.

**Output:** annual report, threat assessment tool

## NEW JERSEY

### **Creation:**

- Grant followed by Executive Order, 1998
- Both the grant and executive order establish a DVFRT for 1 year. At year's end, an evaluation will take place to determine whether or not the DVFRT should be continued on an ongoing basis.

### **Cases Reviewed:**

- Type of cases* - Prior year homicides and suicides resulting from domestic violence, primarily closed cases
- Average number of cases/year* - none to date (expected to be 40-60 cases)

### **Organizational Structure:**

- Statewide*
- Coordinating Agency* - New Jersey Division on Women
- Membership* - 24 member committee including victims' advocates, judges, police officers, prosecution and defense attorneys, physicians, social workers, multicultural specialists, and 2 members recommended by each of the houses of the New Jersey legislature

### **Resources:**

- Received \$75,000 Violence Against Women grant, providing funding for 12 months
- Staff requirements - approximately 2 1/2 full time equivalents
  - researcher
  - project support specialist
  - additional staff support provided by Division on Women

### **Features:**

- Committee will be broken down into 3-4 operational panels which will carry out case review. The cases will be distributed among these panels in an effort to limit the individual workload of committee members.
- A consultant has been hired to help facilitate group dynamics in the early stages. This is an attempt to head off territoriality and maximize trust.

**Output:** report to Governor



## NEW YORK

**Creation:** Executive Order, 1996, created a 1 year Commission on Domestic Violence Fatalities

**Cases Reviewed:**

- Type of cases* - Homicides resulting from domestic violence. Cases were referred by District Attorney's offices or came to the attention of the Commission through public hearings. Only closed cases were reviewed.
- Number of cases/year* - 57

**Organizational Structure:**

- Statewide*
- Coordinating Agency* - NY State Office for the Prevention of Domestic Violence
- Membership* -The 15 member commission was appointed by name by the Governor. It was chaired by a District Attorney and vice-chaired by a Supreme Court Justice, the Director of the Office for the Prevention of Domestic Violence, and a retired Police Commissioner. Other members included police officers, judges, victims' advocates, Medical Examiners, physicians, and the deputy Attorney General.

**Resources:**

- Staff - The Commission staff included a general counsel, 2 investigators, 2 general staff members, and 3 legal interns.

**Features:**

- The Commission was appointed in response to a series of highly publicized domestic violence homicide cases and a public perception that there were major failings in the system.
- Along with reviewing domestic violence homicide cases, the Commission held a series of public hearings in which they heard testimony from a wide variety of sources including victims, victim's advocates, law enforcement officers, physicians, social services representatives, and women incarcerated for killing abusive partners.
- The Commission did not recommend the establishment of a permanent statewide fatality review team. No reasons were given publicly, but apparently included: logistical problems, resource issues, liability concerns, and a reluctance on the part of law enforcement and the courts to be subject to ongoing oversight by outsiders. The Commission did suggest that ongoing review may be appropriate at the local level, and several counties are in the process of setting up local teams.

**Output:** report to Governor detailing findings and policy and legislative recommendations

## WASHINGTON

**Creation:** Grant, 1997

**Cases Reviewed:**

- Type of cases* - Homicides and suicides resulting from domestic violence. Only closed cases with no pending appeals will be reviewed.
- Average number of cases/year* - expected to reach around 30 once program is fully implemented (are expanding from 3 pilot sites to entire state over the next year)

**Organizational Structure:**

- Hybrid*
  - Community-based reviews by local teams covering 3-4 county region using standardized protocols and data collection instruments
  - Statewide committee that meets once or twice a year to advise on policy and legislative recommendations, issue reports, etc.
- Coordinating Agency* - Department of Social and Health Services
- Membership*
  - Local Teams - law enforcement officers, judges, prosecutors, victims' advocates, batterer treatment professionals, physicians, CPS, etc.
  - Statewide Committee - representatives from local teams plus representatives from statewide organizations that may not have local representation and "policy elites"

**Resources:**

- Received \$70,000 Violence Against Women Act grant providing funding for 18 months - major line items included 1/2 FTE, overhead, supplies and printing, and travel
- In next round of funding, are hoping to increase grant to allow for extension of staff position from 50% to 75% and the development of a computer program to manage information

**Features:**

- There is currently no enabling legislation in Washington which has raised major questions about confidentiality and liability. In the short term, they have gotten around these issues by only using public information in their reviews, but the hope is that enabling legislation will be enacted within the next couple years.
- Public information (police reports, protective orders, trial transcripts), although not ideal, has proven to be surprisingly rich
- Community-based reviews were chosen over statewide reviews because of concerns about resources, logistics, and territoriality and belief that the discussions themselves were incredibly valuable and were best carried out at the local level.

**Output:** annual report

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*APPENDIX N. JUDICIAL SURVEY RESULTS:  
JUVENILES AS PRIMARY AGGRESSORS*

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Juveniles as Primary Aggressors in Family Violence Cases  
Results of Survey of J&DR Court Judges

49 Surveys received related to 84 Jurisdictions

<p>Dispositions used:</p> <ol style="list-style-type: none"> <li>1. Probation, Detention and Anger management classes for juvenile (43)</li> <li>2. Community service (35)</li> <li>3. Defer disposition (33)</li> <li>4. Family conferencing (32)</li> <li>5. Send parent to parenting class (31)</li> <li>6. Transfer custody to a relative (27)</li> <li>7. Group home (26)</li> <li>8. Foster care (24)</li> <li>9. Assault diversion program (7)*</li> <li>10. Family counseling (4)</li> <li>11. Mental health counseling (4)</li> <li>12. Refer to FAPT (2)</li> <li>13. Treat as CHINs</li> </ol> <p>* There are very few such programs available in Virginia</p>	<p>Which is most effective:</p> <ol style="list-style-type: none"> <li>1. Anger management classes for juvenile (2.075)</li> <li>2. Family conferencing (3.0)</li> <li>3. Probation (3.05)</li> <li>4. Detention (3.85)</li> <li>5. Send parent to parenting class (4.3)</li> <li>6. Assault diversion program (4.35)</li> <li>7. Defer disposition (5.6)</li> <li>8. Transfer custody to a relative (5.65)</li> <li>9. Group home (6.0)</li> <li>10. Community service (6.45)</li> <li>11. Foster care (7.6)</li> </ol> <p>13 responded that the effectiveness of the disposition related to the specific case.</p>
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Order Social History:

18 Always    9 Sometimes

Appoint a GAL:

6 Always    9 Sometimes    10 Rarely    2 Never (4 always appoint a defense attorney)

Handle petitions for protective orders naming a juvenile as respondent:

26 say it never happens, have never seen such a petition

14 issue the order

13 order no further abuse

12 order the child & family to services

4 order the child leave home

Survey of J&DR District Court Judges  
Subject: Juveniles as Primary Aggressor

1) When a juvenile is charged with or convicted of an assault and battery of a family or household member, which of the following dispositions do you utilize? (Mark all that apply)

- Assault Diversion Program     Anger Management Classes for Juvenile  
 Send Parent to Parenting Classes or other Programs     Group Home  
 Family Conferencing     Defer Disposition     Probation  
 Detention     Transfer Custody to Relative     Foster Care  
 Community Service     Other: \_\_\_\_\_

If all of the above services were available to you, which do you believe to be the most effective? (Mark all that apply, and rank in priority order, 1 being most effective.)

- Assault Diversion Program     Anger Management Classes for Juvenile  
 Send Parent to Parenting Classes or other Programs     Group Home  
 Family Conferencing     Defer Disposition     Probation  
 Detention     Transfer Custody to Relative     Foster Care  
 Community Service     Other: \_\_\_\_\_

2) Do you order social history reports for juveniles found guilty of Assault and Battery of a family or household member?

- Always     Sometimes     Rarely     Never

3) Do you appoint guardians ad litem for these juveniles?

- Always     Sometimes     Rarely     Never

4) How does your court respond when a parent or family member petitions the court for a protective order the naming a juvenile as the respondent? (Mark all that apply)?

- Issue the protective order  
     with the provision that there be no further acts of abuse  
     with the provision that the child leave or be removed from the home  
 Order the child and/or family to participate in a program/counseling  
 Other: \_\_\_\_\_

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*APPENDIX O. JUVENILES AS PRIMARY AGGRESSORS:  
SURVEY OF OTHER STATES*

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# Juvenile as a Primary Aggressor

## Summary of Survey of Other States

The following survey was conducted via telephone calls to the 49 other states and the District of Columbia in order to determine which states include juveniles within their domestic violence (assault and battery) and protective order statutes. Agencies contacted include state juvenile justice departments, court administrators, district attorneys, state supreme courts and private practice attorneys. A series of questions were asked of each state [see enclosed example].

Virginia's assault and battery against a family or household member statute (Va. Code §18.2-57.2) states that "Any person who commits an assault and battery against a family or household member shall be guilty of a Class 1 misdemeanor." Two issues require clarification. The first is whether juveniles who are abusive to a family or household member fall under this statute. The second is whether criteria for a juvenile to be a respondent of a protective order should be established.

### *A brief overview of all 50 states and the District of Columbia:*

#### A&B statute involving family or household members

30 of the states have an assault and battery statute that applies to a family or household member. 21 (including DC) states do not have an assault and battery statute that applies to a family or household members. These states use general assault and/or battery statutes.

#### If there is an A&B statute involving family or household members, is it applicable to juveniles?

25 of the 30 states that do have the statute are able to apply it towards juveniles.

- 18 of these 25 states have different proceedings and/or penalties for juveniles than for adults charged under this statute.
- However, 9 of these 18 states allow the juveniles to be moved up to adult court.

1 state is unclear on how applicable the statute is towards juveniles.

#### If there is no A&B statute involving family or household members, what is done with juveniles?

20 of the 21 states without household or family statutes hear the cases in juvenile court.

- 4 of these states can move the juveniles up to adult court.
- 1 state starts the juvenile off in adult court, where the juvenile can petition to be moved down to a juvenile court.

### How juveniles are charged for assaulting a family member

29 states and D.C. use the charge of “juvenile delinquency/child in need of assistance/juvenile offense.”

- 13 of these states are able to increase the charge to a misdemeanor depending on juvenile’s history, prosecutor/judges’ discretion, etc.
- 16 of these states fall under those 31 states who do have an assault and battery statute that applies to a family or household member.

21 states use the charge of “misdemeanor.”

1 state describes the charge as an “act of assault.”

### Protective Orders

41 states allow juveniles to be respondents in a protective order.

- 1 state allows it for juveniles over the age of 12.
- 1 state allows it for juveniles over the age of 14.
- 2 states allow it for juveniles over the age of 16.
- 1 state allows it if the petitioner is 16 or older and if they meet the relationship clause.
- 4 states say they allow it but strongly expressed that it is extremely rare.

8 states do not allow juveniles to be respondents in a protective order.

- 1 state (AK) says “no” but some judges issue orders similar to protective orders.

The statutes in Virginia and Missouri are unclear.



State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
AL	Yes	Yes, and cases are heard in the juvenile court		Alleged act of delinquency	Yes
AK	Yes	Yes. State code directs case to be heard in juvenile court. However in practice, with judicial discretion cases can be heard in adult court.		Delinquency but if moved to adult court then it is a Class A Misdemeanor	Law states "No" but there is judicial discretion with similar orders
AZ	Yes	Yes.		Assault is a misdemeanor. Penalty increases with reoccurrence	Yes, but juvenile must be at least 12 years old
AR	Yes	Charge juvenile under juvenile code. Could be charged as an adult if old enough but does not normally happen. Under great changes		Delinquency. 1 <sup>st</sup> degree assault is a Class A misdemeanor	Yes, but not often used.
CA	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Falls under regular battery, stays in juvenile court	Misdemeanor but different treatment than adults receive	Yes-brand new issue. Will be under review during next session.

State	Is there an "assault and battery statute that is specific to family or household member?"	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
CO	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court, but can be moved up if charged with assault	Delinquency but can be charged with misdemeanor (up to prosecutor).	Yes
CT	Yes	Yes		Depends on crime, usually misdemeanor	Criminal restraining orders and civil restraining orders is applied to individuals 17 years +
DE	Yes	Yes		Misdemeanor	Yes
DC	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Handled as an assault case.	No distinction between charges. All are handled as delinquency.	Yes
FL	Yes	Yes, detention procedures followed as with other juvenile offenses.		Domestic charge means that detention is needed (if cause physical injury, etc.). Class 1 Misdemeanor	Yes

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that offense Class B Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
GA	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Case heard in juvenile court. Juveniles maybe treated as adult if 13 or older	Misdemeanor or a felony if repeat offense	Yes
HI	Yes	Yes		Misdemeanor	Yes
ID	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court, but can be moved up	Delinquency or misdemeanor	Yes
IL	Yes	Yes. It is heard in juvenile court		Class A misdemeanor	Yes
IN	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Delinquency	No
IA	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Delinquency	Yes, in civil cases

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
KS	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Depends on situation, usually delinquency	Yes
KY	Yes	No. They are charged with assault-public offense. Not labeled an arrest until court decides the juvenile should be tried in adult court.		Juvenile delinquency. If they violate a domestic violence order then it is a misdemeanor	Yes
LA	Yes	Yes		Misdemeanor	Yes
ME	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Juvenile court handles it but same charge	Class D Misdemeanor	Yes, but unusual and rare
MD	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Juvenile court handles it, but can be moved up to adult court due to past history of juvenile	Assault act	No

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charged a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
MA	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Delinquency	Yes, but rare
MI	Yes	Unclear. The offense may be tried differently depending on child's age, amount of violence, number of past offenses, etc.		Misdemeanor (1 <sup>st</sup> time) or felony. It depends on history of offenses	The law is not yet settled. Current language is broad enough to include juveniles, but case law does not address it. It remains unclear
MN	Yes	Yes. 1 statute (domestic abuse 518-B) allows anyone in the family to apply for protection from anyone else. It ends up in family court.		Child in need of protection and services	Yes
MS	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Juvenile (10 -18 years) handled in youth system if simple assault. If felony assault case maybe in adult court	Delinquent act	Yes

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
MO	Yes	Juvenile statute used as an adult if over 17. Between 14-17 depends on judge. Under 14, case is heard in juvenile court.		1st and 2 <sup>nd</sup> offenses are misdemeanors and 3 <sup>rd</sup> + are felonies	No, must be emancipated or over 18. There is no mention of children
MT	Yes	Yes. Depends on age of child when act was committed (16+ can be). Usually not charged with domestic violence		Delinquency but possibly a misdemeanor	Yes
NE	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Juvenile starts off in district court and can petition to be moved down to juvenile court	Misdemeanor	No
NV	Yes	Yes. If juvenile commits assault, it stays in juvenile court. Juvenile is charged with domestic violence		Delinquent act but actually a misdemeanor (as if an adult committed it)	Yes

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
NH	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Simple assault is a misdemeanor but juvenile court handles it as a "juvenile charge"	Delinquent act	Yes
NJ	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Handled in juvenile court	Juvenile offense	Yes-restraining orders
NM	Yes	No. Juvenile Code says juveniles can be found to be delinquent if they commit any crime that would be a crime if an adult committed it. Always handled in juvenile court		Delinquent acts	No, even if based on a family member petitioning for one
NY	Yes	No. Handled in juvenile court		Juvenile delinquency	Yes
NC	Yes	Yes. Juvenile court handles case. If older than 16, can be handled in adult court.		Delinquency or misdemeanor	Yes, if 16 or older

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
ND	Yes	Yes. Juvenile court handles case (not specific but broad).		Delinquency	Yes
OH	Yes	Yes. It is not a crime but an offense, same adult statute but different terminology		delinquent	Yes
OK	Yes	Yes. It is heard in juvenile court but starts off in district court		Act of delinquency	Yes
OR	No specific Domestic violence statute. But if officer called to private residence, there is a mandatory arrest		Possible that a youth might be charged with an assault IV(simple). Heard in juvenile court	Delinquency	Yes-this law blind to the age of the perpetrator. Although it does not happen often
PA	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Misdemeanor	Yes



State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
RI	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Delinquency	Yes
SC	Yes	Yes. Charged with same offense as adults		Misdemeanor	Yes
SD	Yes	Yes (If older than 16), can be moved up to adult court if committed aggravated assault		simple assault = misdemeanor Aggravated assault = felony	Yes
TN	No. It is enabling statute: warrant for arrest		Juveniles receive same charge, but go through different proceedings and penalties-remain in juvenile court	Simple assault = misdemeanor Aggravated assault = felony	No
TX	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Heard in juvenile court	Misdemeanor	Yes

State	Is there an "assault and battery statute that is specific to family or household member"?	If yes, is it applicable to juveniles who are abusive?	If no, what do you do if a juvenile commits A&B against a family or household member?	Is that charge a Class 1 Misdemeanor?	Do you allow for protective orders to be placed against juveniles?
UT	No, there is no specific statute for family or household members. The general assault &/or battery statute would be applied.		Juveniles are exempt: no minor vs minor, no minor vs adult. Heard in Juvenile court, treated as general crime	Juvenile delinquency	No
VT	Yes	Yes. Juvenile (16 years +) begins in district court and court decides whether to proceed in district or juvenile/family court		Misdemeanor	Yes
VA	Yes	Yes		Yes	Unclear
WA	Yes	Yes (if 16 years +) Starts in juvenile court but can be moved up		Juvenile delinquency, misdemeanor	Yes, if older than 16
WV	Yes, domestic assault and Domestic battery	No. Handled in juvenile court, charges follow adult statutes but juvenile is not tried as one		Delinquency	Yes-civil
WI	Yes	Yes, heard in juvenile		Delinquency	Yes
WY	Yes, domestic violence is called Household abuse	Yes, heard in juvenile		Juvenile delinquency, if adult court then it is a misdemeanor	Yes, but petitioner must be 16+ and meet the relationship clause

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**APPENDIX P. *IMPACT OF FAMILY VIOLENCE ON CHILDREN:*  
*CORRELATION CHART***

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**Correlation of Family Violence and Custody/Visitation Cases in Juvenile Domestic Relations District Courts  
1996 Case Records**

Court	York	Bedford	Spotsylvania	Roanoke City	Richmond	Alexandria	TOTALS
Custody/Visitation Cases	381	561	837	1498	2199	854	6330
Adult Criminal Cases	378	615	627	2378	3256	1113	8367
# CV with Adult Criminal	23	82	136	283	151	150	825
% CV with Adult Criminal	6.0%	14.6%	16.2%	18.9%	6.9%	17.6%	13.0%
# Adult Criminal with CV	28	140	147	464	185	115	1079
% Adult Criminal with CV	7.3%	25.0%	17.6%	31.0%	8.4%	13.5%	17.0%
Protective Order Cases	28	173	107	312	457	208	1285
# CV with Protective Order	5	26	79	81	35	56	282
% CV with Protective Order	1.3%	4.6%	9.4%	5.4%	1.6%	6.6%	4.5%
# Protective Order with CV	8	46	62	81	56	56	309
% Protective Order with CV	28.6%	26.6%	57.9%	26.0%	12.3%	26.9%	24.0%
Adult Criminal & Protective Order	393	788	734	2690	3713	1321	9639
# CV with Adult Crim & Protective Order	28	108	215	364	186	206	1107
% CV with Adult Crim & Protective Order	7.3%	19.3%	25.7%	24.3%	8.5%	24.1%	17.5%
# Adult Crim & Protective Order with CV	36	186	209	545	241	171	1388
% Adult Crim & Protective Order with CV	9.2%	23.6%	28.5%	20.3%	6.5%	12.9%	14.4%

**Child's Case Number** \_\_\_\_\_

Child's gender **M F** **DOB** \_\_\_\_\_ **Race** \_\_\_\_\_  
 # of Siblings \_\_\_\_\_

Y=yes N=no U=unknown Sp=specify

<b>Marital Status of Parents</b>	Y	N	U
Married			
Separated			
Divorced			
Never Married			

**Petitions Filed by:**

Mother			
Father			
Relative M P			
DSS			

Other Sp :

Respondent: \_\_\_\_\_

**Court Procedures**

<b>1. Case Screened for Family Violence</b>	Y	N	U
By: Judge/Law clerk			
Court Service Unit			
Mediator			
DSS			
Medical Services			
Mental Health Services			
Independent Custody Evaluator			

Other Sp:

<b>2. Referred to Mediation</b>	Y	N	U
Requested by: Parties			
Court			
Mediated agreement reached			

<b>3. Guardian ad Litem appointed</b>	Y	N	U

<b>4. Written custody/visit. Evaluation</b>	Y	N	U
By: Court Service Unit			
DSS			
GAL			

Other Sp:

Indicate the # of:	#	Dates:
CV hearings		
Continuances		
Appeals		

Y=yes N=no U=unknown Sp=specify

<b>Evidence of Family Violence</b>	Y	N	U
<b>1. Violence between adults</b>			
Indicated by: Protective order			
Parallel criminal case			
Self report (intake)			
Self report (interview)			

Other Sp:

<b>2. Child Abuse</b>	Y	N	U
Type: Physical abuse			
Sexual assault			
Neglect			

Indicated by Sp:

<b>3. Evidence of Sub. Abuse</b>	Y	N	U

**Court Orders / Referrals**

<b>1. Legal custody</b>	Y	N	U
To: Mother			
Father			
Joint			
Relative M P			
DSS			

Other Sp

<b>2. Residential custody</b>	Y	N	U
To: Mother			
Father			
Joint			
Relative M P			
DSS			

Other Sp:

<b>3. Visitation</b>	Y	N	U
None for non-custodial parent			
Unsupervised			
Supervised			
"Reasonable"			
Specific terms			

Other Sp:

<b>Evidence of FV noted in orders</b>	Y	N	U
<b>4. Other court orders Sp:</b>			

**Directions for use of the Court data forms:**

The master list has the child's name in addition to the case number. Each court's list has an equal number of C/V cases where we found a concurrent (match) adult criminal or protective order case and cases without a match.

On the data sheet – note the case number NOT the child's name.

Race W=white A=African American H=Hispanic AP=Asian Pacific O=other

If you have an Unknown in any category, you don't have to go any further. In the Marital status, Petitions filed and Court procedures categories you will only use the Yes or Unknown boxes

All responses are based on documentation within the case file.

Use Relative M P when the action involves a relative of the child – circle M for a maternal relative and circle P for a paternal relative.

Cases screened for family violence – you are looking for evidence that someone asked if there was a history of family violence or in some other way screened – if yes, then who performed this function.

Custody/ visit. evaluation – you are looking for a written custody or visitation evaluation report in the record – If there is evidence that someone conducted an evaluation but did not submit a report, note that in the "Other" section.

Evidence of Family Violence – you are looking for evidence of violence within the family contained in the file such as reference to protective orders, criminal cases, self report by the adults at intake or in a formal interview. In the case of child abuse reference to or the presence of removal orders or CPS complaints.

Evidence of Sub. Abuse – note if there is any evidence of alcohol or substance abuse by any of the parties in the case file.

Court Orders / Referrals – check as many as apply – in some cases the custody have switched a number of times.

Evidence of FV in orders – Note whether the court orders specifically state that evidence of family violence influenced the order.

Other court orders – you are looking for other orders including such things as substance abuse treatment, parenting classes, batterer intervention programs, etc.

In the court action section – use the # box to tick count the hearings etc. circle the numeric total. In the dates section list the years in which hearings took place.

If you can determine the family's financial status, please include it on the form.

**Good Luck – Don't get frustrated – Remember we will be doing the key informant interviews - Remember to say THANK YOU – especially to the clerks!!!**

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**APPENDIX Q. SURVEY RESULTS: MARITAL SEXUAL ASSAULT**

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REPORT: LAW ENFORCEMENT, COMMONWEALTH'S ATTORNEY AND  
JUDICIAL SURVEYS ON  
MARITAL SEXUAL ASSAULT AND MARITAL RAPE

I. Survey of Law Enforcement, Commonwealth's Attorney and the Judiciary on Marital Rape and Marital Sexual Assault

The Commission designed a survey to answer questions raised by the Task Group studying marital sexual assault. The survey, sent to all sheriff's departments, chiefs of police, Commonwealth's Attorneys' offices, Circuit Court judges, and Juvenile and Domestic Relations District Court (J&DR) judges, requested information regarding the incidence of marital rape and marital sexual assault cases, sentencing practices and compliance monitoring following conviction for these offenses.

II. Law Enforcement & Commonwealth's Attorney Findings

Almost half (45%) of the sheriff's departments surveyed indicated they had specialized sexual assault units or specially trained personnel. Thirteen percent of the police chiefs and 5% of the Commonwealth's Attorney's offices indicated they had specialized units. Both Commonwealth's Attorney's offices and police chiefs report (43% and 52% respectively) that marital sexual assault occurs in less than 5% of their domestic violence cases; 66% of sheriff's offices report that it occurs in 5-35% of the domestic violence cases and 23% of sheriff's report that it occurs in 36-50% of the cases.

There was some confusion in reporting statistics regarding separate sexual assault and domestic violence units. In many departments, especially the smaller ones, these two specialities are housed in one specialized unit instead of two. Many Commonwealth's Attorneys' units combine these responsibilities with the other responsibilities of a prosecutor specialized in the juvenile and domestics relations in general. Where, however, there are two distinct units, marital sexual assault appears to be handled more frequently by the sexual assault unit than by the domestic violence unit.

III. Judicial Findings

The overwhelming response from the judges, both Circuit Court and J&DR, indicated that they seldom see marital rape and marital sexual assault as elements in the domestic violence cases in their courts. The survey allowed the judges to respond if they identified or "suspected" sexual abuse in domestic violence cases. The judges indicated that less than 5% (47% circuit courts and 51% J&DR courts) of the



domestic violence cases before them involved sexual abuse.

The survey also requested the judges to define the standard they used to determine whether a couple was “living separate and apart” and whether “serious bodily injury” was incurred. Many responding stated that the determination varied with the facts and the evidence. A number of judges found separate residences necessary to meet the “separate and apart” standard and medical treatment necessary to establish “serious bodily injury”. The responses related to “serious bodily injury” covered a wide array of definitions from bruises to malicious wounding or broken bones. The questions were not consistently answered which made analysis and compilation difficult. See the *End Notes* for the full range of responses.<sup>1</sup>

Both the Circuit Courts and J&DR courts use counselling services in these cases. The Circuit Courts seem to rely more heavily on sex offender programs and the J&DR courts on Batterer Intervention programs. This may reflect the availability of such programs or the types of cases seen in the different courts. Likewise many courts reported using methods to assure compliance with court orders. The Circuit courts rely heavily on probation services while the J&DR courts rely more heavily on other methods such as “return to court dates” or reports from the program providers. This may reflect the lack of probation services available for adult family violence offenders convicted in the J&DR court. Incarceration followed by supervised probation in conjunction with counselling services were viewed as the most effective dispositions.

#### IV. Recommendations

The sheriff’s and judicial surveys requested recommendations from the participants. The majority response from law enforcement, Commonwealth’s Attorneys and the judiciary recommended increased public education and support for victims. The majority of survey responders appeared to find the current statutes generally adequate. Several members of the judiciary identified a need for adult probation supervision for marital rape and marital sexual assault offenders. Some judges requested statutory clarification of the definitions of “separate and apart” and “serious bodily injury”. Members of both groups recognized a need for more training and personnel. See the *End Notes* related to Recommendations for a complete listing of responses.<sup>2</sup>

#### ENDNOTES

1. “STANDARDS” RESPONSES  
“Living separate and apart”:

Circuit court judges - 1) Evidence; 2) Varies with the facts; 3) Not consistently living under the same roof; 4) Separate quarters with no more than occasional contact; 5) Absence of physical presence; 6) Same as divorce except beyond a reasonable doubt; 7) Same as divorce; 8) Fact driven; 9) Preponderance of evidence; 10) Same as divorce; 11) Statute defines the standard; 12) Living in same dwelling; 13) Separate residences for sustained period of time; 14) Not in same household; 15) Separate residences for a period of time; 16) Under same roof but not cohabiting at minimum; 17) Different residences; 18) Testimony of victim; 19) Evidence; 20) Separate residences; 21) Evidence presented; 22) Not living in the same household; - needs better definition in the statute.

J&DR judges - 1) Separate residence or separate living space; 2) Reasonable person after all the evidence; 3) Formal separation/time between cohabitation; different households - no sex - no marital responsibilities; 4) Evidence; 5) Not under same roof; 6) Not under same roof; 7) Testimony & evidence; 8) Mind set - does EITHER no longer want to live with the other; 9) Facts/evidence; 10) Testimony; 11) Facts; 12) Credible evidence; 13) Testimony; 14) Living in separate residences; 15) Totality of the circumstances; 16) Separate residences; 17) Probable cause ceased cohabiting; 18) Same as divorce - intent to live separate and apart; 19) Cease to cohabit as husband & wife; 20) Preponderance of the evidence; 21) Evidence at trial; 22) Separate residences; 23) Separate residences - if in same house, clear evidence that both believed they were living separate; 24) Testimony of parties & witnesses; 25) Testimony; 26) Separate residence; 27) Beyond a reasonable doubt based on the evidence; 28) Domestic relations divorce definition.

#### “Serious bodily injury”

Circuit court judges - 1) Evidence; 2) Beyond a reasonable doubt; 3) Facts made it plain that there is serious bodily injury; 4) Injury results in permanent damage or requires medical treatment beyond superficial treatment; 5) Health care provider testimony; 6) Varies with the facts; 7) Fact driven; 8) Reasonable doubt; 9) Same as assault & battery & unlawful wounding; 10) Statute defines the standard; 11) Beyond bruising; 12) Medical evidence or clear need for medical care; 13) Normally a jury issue; 14) Medical evidence or clear need for medical services; 15) No standard - facts independent; 16) Bleeding and broken bones; 17) Testimony of victim; 18) Evidence; 19) Serious injury which would support ‘malicious wounding’; 20) Medical evidence; 21) Jury issue - needs better definition in the statute.

J&DR judges - 1) Requiring medical attention; 2) Reasonable person - exceeds simple battery; 3) Medical treatment; 4) Bodily injury - more than simple assault; 5) Evidence; 6) Medical treatment; 7) Case by case; 8) Testimony & evidence; 9) Varies with testimony; 9) Broken skin, swelling; missing brain; 10) Facts/evidence; 11) Facts; 12) “You know it when you see it”; 13) Credible evidence; 14) Testimony; 15) Abrasions; 16) Malicious wounding equivalent; 17) Varies with facts; 18) Varies with facts; 19) Factual question; 20) Preponderance of the evidence; 21) Evidence at trial & expert testimony; 22) Severe bruises; photos; medical treatment; 23) Any injury causing pain or impairment which is sufficient to infer the use of force; 24) Testimony of experts; 25) Testimony; 26) Bodily injury which SHOULD receive medical treatment; 27) Beyond a reasonable doubt based on the evidence; 28) must be beyond simple assault and battery - but not much beyond; 29) bruising, blood, etc..

## 2. “RECOMMENDATIONS” RESPONSES

Chiefs of police - not surveyed

Commonwealth attorneys - not surveyed

Sheriff - 1) More public awareness; 2) Nothing needed; 3) Longer jail time; 4) Each locality needs a family violence program director; 5) Additional funding for sexual assault officers; 6) Training, legal update, information; 7) Legislation limiting victims ability to drop charges; 8) Additional funding sexual assault investigators; 9) More legislation to protect victims; 10) More shelters for victims of marital sexual assault; 11) More Counseling for victims and their children ; 12) Mandatory counseling for

offenders; 13)Public awareness materials; 14)Courts should be firm and commonwealth attorneys should demand stiffer penalties; 15)Documentation of SA when investigating DV; 16)Public awareness; 17)Training, public education, legislative review; 18)Training; 19)no problems with current laws & policies.

Circuit court judges - 1)Funding for Public awareness; 2)Do not have these; 3)Statute should define serious bodily injury; never had but 2 in 7 years; 4)More support for victims; 5)Enforcement of current laws; 6)Public education; 7)No more legislation needed; 8)Do not see these; 9)Statute adequately addresses the problem; 10)Do not see these; 12)Need better definitions in the statute - "separate & apart"; "serious bodily injury"; 13)Need institutional sexual offender programs -court should not have to choose between protecting society & treatment; 14)Nothing needed - we don't see it; 15)Support for victims; 16)Adequate at present time; 17) Lockdown sexual offense programs - judges should not have to choose between protecting society and treatment; 18) More counseling programs convenient to working defendants.

J&DR judges - 1)Need help in getting these to court - court not seeing any; 2)Not getting to court; 3)Locality has adequate procedures but no complaints; 4)Not a problem in this jurisdiction; 5)Statute OK as is; 6)Statute is OK; 7)Specialized docketing procedures; resources available to victim & offender needing help; training for police; community resources to address compliance issues; 8)Public awareness- simplified statutory penalties; 9)Leave it as is; 10)More judges; 11)Use of adult probation officer in J&DR court for certain suspected offenses; 12)Cases not seen; "living separate & apart" and "serious bodily injury" are vague terms; 13)Do not see a lot of these; 14)Lack of reporting and follow through; 15)Adult probation officers needed in juvenile court; 16)Do not see these; 17)Public education - it's wrong; 18)Public education; 19)Don't see these; 20)Don't see these; 21) Law is fine the way it is - the law is not the problem.

MARITAL SEXUAL ASSAULT AND MARITAL RAPE SURVEY AND REPORT

LAW ENFORCEMENT/COMMONWEALTH'S ATTORNEY SURVEY

	Chiefs of Police					Sheriffs Departments					Commonwealth's Attorneys							
<b>Unit specializing in DV?</b>	Yes	No				Total	Yes	No	N/Ans.				Total	Yes	No	Total		
	12 (14%)	71				83	13 (25%)	38	2				53	15 (19%)	68	81		
<b>Unit Specializing in Sexual Assault?</b>	Yes	No					Yes	No	N/Ans.					Yes	No			
	11 (13%)	72				83	24 (45%)	28	1				53	4 (5%)	77	81		
<b>Separate Units specializing in each?</b>																		
<b>Separate Units specializing in each?</b>																		
<b>If both; who handles marital rape?</b>	DV Unit	SA Unit	Other *				DV Unit	SA Unit	Other *				DV Unit	SA Unit	Other *	Total		
	4	7	72				2	9	42				8	0	73	81		
<b>If both, do they share information</b>	Yes	No	N/A				Yes	No	N/A				Yes	No	N/A	Total		
	7	1	75				22		31				8	1	72	81		
<b>If two units, same chain of command</b>	Yes	No	N/A				Yes	No	N/A							Total		
	4	4	75				23	2	28							53		
<b>How often in DV cases do you see sexual assault?</b>	<5%	5-35%	36-50%	+	N/Ans		<5%	5-35%	36-50%	51-75%	+	<5%	5-35%	36-50%	51-75%	+	Total	
	43 (52%)	21 (25%)	3 (4%)	2	14	83	6 (11%)	35 (66%)	12 (23%)	0	0	53	35 (43%)	41 (51%)	4 (5%)	1 (1%)	0	81
<b>Is sexual assault brought separately in DV case?</b>	Yes	No	Some times				Yes	No	N/Ans.				Yes	No	Some times	Total		
	60 (72%)	5	2				49 (92%)	3	1				70 (86%)	6	5	81		

\* Responses in this category are more appropriately called not applicable because none of the respondents had both a DV and a SA unit.

MARITAL SEXUAL ASSAULT AND MARITAL RAPE SURVEY AND REPORT

JUDICIAL SURVEY

CIRCUIT COURTS

J&DR DISTRICT COURTS

	Never	<5%	5-35%	36-50%	51-75%	+	N/Ans.	Total	Never	<5%	5-35%	36-50%	51-75%	+	N/Ans.	Total
Sexual abuse IDed in DV cases?	2 (7%)	14 (47%)	8 (27%)	3 (10%)	0	0	3 (10%)	30	2 (4%)	25 (51%)	11 (22%)	3 (6%)	0	0	8	49
Physical & sexual abuse charged separately?	Yes 13 (43%)	No 11 (37%)	N/Ans. 6					30	Yes 34 (69%)	No 10 (20%)	N/Ans. 5					49
Order of counseling after conviction	Never 5 (17%)	<5% 6 (20%)	5-35% 6 (20%)	36-50% 0	51-75% 0	+	N/Ans. 7 (23%)	30	Never 7 (14%)	<5% 13 (26%)	5-35% 6 (12%)	36-50% 4 (8%)	51-75% 1 (2%)	+	N/Ans. 14 (8%)	49
Type of counsel. ordered	Sex Off. 10	Batterer 8	Other 1	N/Ans. 14					Sex Off. 18	Batterer 23	Other 2	N/Ans. 20				
Type of compli. monitor. used	Ret. to court 2	Report of Program 9	Report Sup. P.O. 16	Other 0	N/Ans. 12				Ret. to court 23	Report of Program 29	Report Sup.P.O 14	Other** 2	N/Ans. 13			
Most effective disposit.	Jail 12	Sup.Prob Only 2	Counsel only 1	Sup.Prob. & Counsel 11	Other 1		N/Ans. 8		Jail 18	Sup. Prob Only 0	Counsel only 2	Sup.Prob Counsel 13	Other 5		N/Ans. 19	

\* One circuit court judge refers offenders to local community services counseling and two J&DR judges refer to domestic violence counseling and community based treatment respectively.

\*\* One juvenile court judge required the victim to report non-compliance and one used a local program

\*\*\* One circuit court judge responded that incarceration followed by probation was the most effective. The "other responses from J&DR judges were: 1)Incarceration & counseling; 2) Suspended/active jail; 3) Suspended sentence; 4)Counseling after incarceration; 5)Counseling after release

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## ACKNOWLEDGEMENTS

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Several organizations and individuals assisted the work of the Commission throughout the year. 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	Dr. Sandra Dofflemyer
Virginians Aligned Against Sexual Assault	Marni Langbert Eisner
Virginia Court Appointed Special Advocates	Family Violence Prevention Fund
Prevent Child Abuse, Virginia	Judge J. B. Ferguson
Virginia Coalition for the Prevention of Elder Abuse	Marcella Fierro
Virginia Crime Commission	Sam Fishel
Virginia Department of Health	Christina Frank
Virginia Department of Social Services	Carrie Fried
Family and Children's Trust Fund	Rhonda Gardner
Office of the Executive Secretary, Supreme Court of Virginia	Mary Gilbert
National Council of Juvenile and Family Court Judges	Susan Golston
Senate Committee Operations	Joyce Green
House Committee Operations	Jerry Gross
Legislative Services	Dan Hallinan
Department of Criminal Justice Services	Patti Hargrave
The City of Alexandria	Larry T. Harley
Karen Althoff	Sharon Harris
Betty Bader	Amy Henderson
Robert N. Baldwin	Dick Hickman
Carmella Bills	Sadye Hodges
Anne Brown	Darryl Holt
Patsy Bussey	Donna Hopkins
Marsha Busic	Lelia Hopper
Judith Cash	Marsha Hubbard
Sarah Cooke	Diane Ickes
Cuisine a la Carte	Debbie Jacobs
Julie Cooper	John Jarvis
Susan Curtis	Will Jarvis
Steven DalleMurra	John Jones
Larry Davidson	Ron Jordan
Edna DeChristopher	Judicial Inquiry and Review Commission
Gloria deLuna	Kathleen Kenney
Tom Dertinger	Tom Langhorne
Mary Devine	Bobby Lewis
Virginia Diamond	Judge J. Dean Lewis
Robyn Dillon	Terri Long
	Longwood College
	Maggi Luca
	Patti Lung

Kathy Mays  
Cyril Miller  
Ken Mittendorf  
Kate Morosoff  
Cynthia Murray  
Kathleen Myers  
Ron Neely  
Kate O'Leary  
Susan Painter  
S. Jane Peck  
Glen Peterson  
Arlene Rager  
Geetha Ravindra  
Barbara Regen  
R. Dickon Rapucci  
Carol Resavage  
Judge S. W. Rideout  
Judge Angela Roberts  
Clare Russell  
Ian Russell  
Dave Savage  
Mindy Schmidt  
William Shannon  
Marsha Sharpe  
Denise Smith  
Judge J. H. Smith  
Jackie Smith-Mason  
Porter Smith-Thayer

Peggy Spicer  
Dale Templeman  
Aubrey Thompson  
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Virginia Capitol Police  
Virginia Commonwealth's Attorneys'  
Association & Services Council  
Virginia Community Criminal Justice  
Association  
Virginia Department for the Aging  
Virginia Law Library  
Virginia Magistrates' Association  
Virginia Press Association  
Virginia Sheriffs' Association  
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