

DUTCHESS COUNTY LEGISLATIVE CITIZENS' ADVISORY COMMITTEE

ON

DOMESTIC VIOLENCE

SYSTEM-WIDE REVIEW AND RECOMMENDATIONS

MEMBERS

Legislator Donna Bolner

Elaine Andersen

Susie Balutis-Mallory

Leah Feldman

Kathryn Graham

Brittany Lee

Judith Lombardi

Det. Sgt. Jason Mark

Michael Reed

Lisa Rubenstein

Catherine Poluzzi

Marjorie Smith

Janice Weinstein

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Introduction

**The leading cause of death among women is domestic violence
Battering is the largest single cause of injury to women in the United States**

Source: United States Surgeon General's Report, 1984¹

-One in four women (25%) has experienced domestic violence in her lifetime.

Abusers cause more injuries to women than car accidents, muggings, and rapes combined.

Source: The Center for Disease Control and Prevention and The National Institute of Justice, Extent, Nature, and Consequences of Intimate Partner Violence, 2000

On July 29, 2010, Linda Riccardulli was murdered by her estranged husband Anthony Riccardulli. He then killed himself. At the time, he was the subject of a full Order of Protection that had been issued following his arrest for an incident that occurred on June 27 in which he committed a series of criminal acts that included striking Linda with a metal bar and threatening her with a gun. Linda was notified when he was released from custody. When he murdered her, he had been out of jail for 32 hours.

Subsequent to the murder of Linda Riccardulli, Maria DelaPaz Ruiz Alvarez was allegedly killed by her intimate partner. At that time, she was the protected party in a full Order of Protection issued by the Family Court against her intimate partner following the filing of a Family Offense petition. Violation of that Order, as well as her murder, is the subject of a pending criminal investigation and prosecution and therefore details will not be discussed in this document. Two Dutchess County women are dead, and seven (7) children have been affected by the horrific deaths of their mothers. Our community has lost women who were gainfully employed and contributing to the welfare of their children and to the betterment of the community.

Following the Riccardulli murder and suicide but prior to death of Ms. Ruiz, Chairman Rolison asked the members of the Citizens Advisory Committee on Domestic Violence

¹ *First Report and Recommendations of the Dutchess County Legislative Citizen's Advisory on Domestic Violence, October 1991*

(CACDV), duly appointed by the Legislature, to conduct a system-wide review of the domestic violence services in Dutchess County. He also requested recommendations on ways that Dutchess County can better protect victims and prosecute offenders of domestic violence.

This report is intended to constitute documentation of that review. In accord with the terms of the Chairman's request, the Committee has considered the circumstances of the system's involvement with the Riccardulli case. However, the product of this system review will address the entirety of the current state of the Coordinated Community Response to Domestic Violence that is in place in Dutchess County and will not focus on the isolated details of the Riccardulli case. ***Throughout this report, in keeping with the statistical realities, victims will generally be referenced as females and offenders, in accord with the same statistical reality, will be referenced as males. The Committee specifically recognizes and acknowledges that although that is the general situation, there are cases in which women are the offenders and men are the victims.***

The conclusions and recommendations herein are those of this Committee as a result of its review of the facts and circumstances as they present themselves in Dutchess County. The Committee fully recognizes that the current economic climate is difficult at best. Nonetheless, the emotional and economic costs to the community of violence in the home are enormous. Absent intervention, domestic violence self perpetuates. That is a fact. Intervention is the key to ending violence, protecting children and keeping families safe.

Basic to the recommendations in this report is the clear finding that services for victims of domestic violence are fundamentally issues of public safety. Domestic violence is a crime veiled in the privacy of the home; on many levels, it is more difficult to comprehend and combat than crimes committed by strangers.

Committee Process

The Citizens Advisory Committee on Domestic Violence undertook a full review of the agencies that are involved with the Coordinated Community Response to Domestic Violence in Dutchess County. We solicited input from the Steering Committee and the Domestic Violence Service Providers Committee. The Committee reviewed the services that are available to victims and the mechanisms that are in place to deliver those services. We explored the issues critically with an eye to establishing whether there is duplication of services and whether consolidation of systems could provide greater efficiencies. We also examined whether or not there were enough services and if these services were operating effectively.

Within the review, the Committee investigated the locations of offenses and the numbers of incidents that are reported. The statistical data reveals that the incidence of domestic violence knows no boundaries of age, ethnicity or socio-economic status and covers every part of this county. This Report contains a breakdown of the numbers of cases reported to law enforcement during the most recent three (3) years. The data includes the number of arrests per year and the number of domestic incidents reported to law enforcement, whether or not an arrest was made. The timeframe was selected because it permits the Committee to report accurately on each jurisdiction within Dutchess County. The Report provides data on the number of reported incidents per town, village and city. Separate statistical information has been included from the records of the Family Court system. In considering this information, the Legislature should be mindful that by state law, the records of the Family Court are confidential so no case-by-case comparison can be made.

In reviewing the systems, this report will describe both the Criminal Court process and the Family Court process. Following the general description, information will be provided regarding the support systems and related processes. This will include the involvement of community partners and related government services.

In an effort to provide specific data and other general information regarding the work of each of the individual participating entities, the Appendix contains an agency by agency

description of services. Where possible, the Appendix will also outline how each entity coordinates with other agencies and entities.

COMMUNITY COLLABORATION

To properly understand the system in place in Dutchess County, there are two significant collaborations that cement the coordination among governmental and not-for-profits. These are the Steering Committee for a Universal Response to Domestic Violence (hereinafter Steering Committee) and the DART Project which are discussed in detail in the main body of this report.

STEERING COMMITTEE FOR A UNIVERSAL RESPONSE TO DOMESTIC VIOLENCE

The Steering Committee for a Universal Response to Domestic Violence was created in 1994 to develop and maintain a coordinated community response to domestic violence in Dutchess County. Toward this end, the Committee works to create, implement, and monitor formal protocols for case management among criminal justice, civil justice, law enforcement, and human service agencies that work with victims and perpetrators of domestic violence. The Steering Committee meets monthly to discuss system problems and gaps in services that are identified by the agencies as they do their work. Additionally, the committee oversees the Domestic Abuse Response Team (DART) Project², an interdisciplinary team that coordinates domestic violence cases that touch the criminal justice system in the City and Town of Poughkeepsie and the City of Beacon.

The Steering Committee consists of the District Attorney, the Director of the Office of Probation and Community Corrections, and representatives from the Public Defender's Office, the Department of Social Services, Family Court, Integrated Domestic Violence (IDV) Court, the City of Poughkeepsie Police Department, the City of Beacon Police Department, the Dutchess County Sheriff's Office, the New York State Police, the Town of Poughkeepsie

² Described in greater detail below.

Police Department, the Department of Mental Hygiene, Grace Smith House, Inc., Battered Women's Services of Family Services, Inc. (hereinafter BWS), House of Hope Shelter, Domestic Abuse Awareness Classes for Men of Family Services, Inc. (hereinafter DAAC), Vassar Brothers Medical Center, Dutchess County SPCA and Legal Services of the Hudson Valley. The Project Coordinator acts as a liaison and coordinator among the various agencies and systems that deal with domestic violence to facilitate collaboration and is supported by the in-kind assistance of the District Attorney's Office. The Project Coordinator's Office is located at the District Attorney's Office.

The Steering Committee meets monthly. The Project Coordinator reports to the Committee on current and future County-wide projects and the status of project funding. The Coordinator also reports on the effectiveness of collaborative projects such as DART and identifies areas for improvement. The Committee members guide the Project Coordinator in her work and help to problem-solve around specific systems issues that arise. The Project Coordinator also works to unite the domestic violence community by holding a Domestic Violence Service Providers meeting monthly and also a Domestic Violence Police Liaison meeting quarterly.

The Steering Committee has worked on many projects since its inception including:

- A comprehensive review of policies and protocols in various county agencies as they pertained to domestic violence, including hospitals and police agencies.
- Domestic violence training for all police agencies in Dutchess County, Probation Officers, prosecutors, attorneys for children, judges, physical and mental health care professionals, human service providers, Animal Control Officers and animal welfare workers.
- Victim notification program to alert victims who wish to be notified when an offender is released from custody.
- Cellular phone program to give victims added safety through the ability to initiate an emergency police response.
- Implementation of the Domestic Abuse Response Team in the City of Poughkeepsie, Town of Poughkeepsie, and City of Beacon funded in part by a Violence Against Women Act S.T.O.P. Grant.

- Domestic Violence Bench Manual for all criminal court judges to assist them in handling domestic violence cases (first of its kind to be approved by the State Office of Court Administration and currently a model for other counties and states).
- Directory of services for children affected by domestic violence in Dutchess County distributed to all service providers.
- Conferences on domestic violence and health care as well as psychological trauma.
- Public awareness campaign on domestic violence targeting the Latino community.
- Collaborative cross training with Children’s Services at DSS and domestic violence service providers.
- Securing funding for Domestic Violence Liaisons physically located at the City of Poughkeepsie Police Department, and a Children’s Resource Advocate through the U.S. Department of Justice “Grants to Encourage Arrest” (Grant ended in 2004).

DART PROJECT

The Domestic Abuse Response Team (DART) Project was established in January of 1998 in the City of Poughkeepsie. As a result of its success in that jurisdiction, it has been expanded into three (3) DART jurisdictions in Dutchess County: the City of Poughkeepsie, the Town of Poughkeepsie and the City of Beacon. It is an interdisciplinary team consisting of Prosecution, Victim Services, Law Enforcement, Probation and the Domestic Abuse Awareness Classes for Men (DAAC) of Family Services, Inc. The Steering Committee for a Universal Response to Domestic Violence oversees the project.

DART team members include, the Project Coordinator, three (3) Domestic Violence Outreach Workers in the DA’s Office³, three (3) DART advocates⁴, Night/Weekend Hotline Advocates at Battered Women’s Services, a designated police officer from each of the three (3) DART Police Departments, DART Probation Officers from the Domestic Violence Unit of the Dutchess County Office of Probation, the facilitator of the Domestic Abuse Awareness

³ Until budget cuts resulting from the adoption of the 2010 budget, there had been a total of four (4) Domestic Violence Outreach Workers in the District Attorney’s Office.

⁴ One DART Advocate is co-located at Police Headquarters for each of the three (3) participating jurisdictions.

Classes for Men (DAAC) and the Special Victims Bureau of the Dutchess County District Attorney's Office.

The Project Coordinator position was originally funded through a grant from the United Way and then later by a grant from the Dyson Foundation. In 1998, Dutchess County was awarded a grant from the Federal Violence Against Women Act (VAWA) to implement the DART project in the City of Poughkeepsie; that project, has been re-funded annually since then. This project initially funded the Project Coordinator position as well as members of DART. In 2000, the Citizen's Advisory Committee appealed to the Dutchess County Legislature for funds to expand the highly successful DART project into the Town of Poughkeepsie and City of Beacon over the next three years. The Legislature and the County Executive approved the request and began allocating funding for the expansion in 2001.

The goals of the project are:

- To restructure and enhance the criminal justice response to domestic violence in order to improve the ability of the system to monitor compliance of defendants and shift the responsibility of monitoring away from the victim and onto the justice system.
- To increase accountability of batterers with the goal of reducing case attrition and increase safety of women.
- To enhance safety and coordination of services to women who are victims of domestic violence. It is believed that victims will feel safer and thus be more willing to pursue prosecution when they see the system's immediate and coordinated response.

To achieve those goals, DART works as follows:

As a part of the regular police procedure when there is a police call involving intimate partner violence, the responding officer places a call to the Battered Women's Services 24-hour Hotline for Domestic Violence victims. The intent is to connect the victim with immediate advocacy and to assure that she is connected with confidential assistance for safety planning as needed and to address the human consequences of the violence. If a victim walks in to the police department, an officer will immediately connect the victim with the advocate co-located at the department. The victim is given the option of speaking with a counselor (but does not have to if she does not want to). If she is not interested in speaking

with a counselor at that time, she is given the option of having the DART Advocate follow up with her in the next several days.

In 2009, 1,590 DART calls were placed to the Battered Women's Services hotline and 696 victims received follow up services such as advocacy, counseling, obtaining temporary income assistance, and safe housing. In addition, 361 "walk-in" victims went into one of the three participating police departments and met with an advocate in person.⁵

The DART Project has been recognized as a model program throughout New York State. Project IMPACT is an initiative of the New York State Division of Criminal Justice Services that assists communities with funding, crime analysis and response. Members of the DART Project have presented information on this innovative and effective collaboration to the other counties which obtain state funding through the IMPACT initiative. More recently, given the reality that serious domestic violence assaults significantly contribute to the crime statistics of the community, DART was recognized as an innovation that is successful at keeping victims connected with the system and cooperative with the criminal justice process; the net result is that those victims are safer and more secure as a result of this collaboration.

The basic DART procedure follows:

- A team conferences every DART case involving an arrest at least once. The purpose of the case conferencing is to allow the Project Coordinator to ensure compliance with program tasks, check the NYS Order of Protection Registry to confirm all requested orders of protection were granted, and to allow team members to exchange information. Team members discuss a direction for the case, troubleshoot problems and discuss ideas to increase accountability of defendants. Team members do not attempt to reach a consensus of how a case should be prosecuted. In 2009, 469 cases were conferenced in the 3 DART jurisdictions. Attendees include: Project Coordinator, Outreach Workers, DART Advocates, Police Officers, Probation Officer, DAAC Facilitator, Assistant District Attorney (as needed).
- The Dutchess County Department of Social Services Preventive Services Unit takes referrals from the DART team. Clients to be referred are victims of domestic violence who are in need of assistance with parenting, or otherwise caring for their children. Referrals to Preventive Services are made only in cases that do not

⁵ These numbers pertain only to DART jurisdictions; other data relating to the work of BWS will be contained in the Appendices of this report.

require a CPS report to the State Central Registry because of the abuse or neglect of a child. If a referral is made to Preventive Services by the DART team, the worker assigned to the case may be asked to attend one or more case conferencing meetings.

- DART team members attempt to compile pre-arraignment information to be provided to the Court at arraignment. Domestic Incident Reports (DIR) from the previous night are faxed to the DA's Office every day by the respective police agencies. Using these reports, an Outreach Worker contacts the victim to discuss the case, document their input and make appropriate referrals for services. The DART Probation Officer (PO) runs a criminal background check and domestic violence history on the defendant and conducts a pre-arraignment interview whenever possible. Prior to arraignment, the Outreach Worker and the Probation Officer communicate to discuss the case, including possible recommendations for bail or otherwise. The DART PO provides a recommendation to the court either in person or via fax regarding release and/or pre-trial options. In 2009, 143 arraignment recommendations were provided to the Courts.

DOMESTIC VIOLENCE IN DUTCHESS COUNTY

A STATISTICAL OVERVIEW

In 2010, domestic violence continues to have a profound effect on the community.

Records of the Dutchess County Department of Emergency Response, the 911 Call center, reveal that Dutchess County emergency calls classified as Domestic Violence averaged almost 9 per day in 2009. In 2007, there were 2664 calls. In 2008, there were 2873 calls. In 2009, 3213 calls were placed to E-911 and through mid-September in 2010, 2596 such calls had been placed to E-911. Each of those calls necessitated an emergency response. Walk-in reports made directly to a police department are not counted in these statistics nor are calls made directly to local police agencies, the Sheriff's Department or the New York State Police. In reality, many incidents are not reported to any agency. Cases filed directly in the Family Court without any emergency response are most likely not captured in this data in any fashion at all. **Domestic violence occurs in EVERY Town, Village and City in Dutchess County. It knows no jurisdictional boundaries.**

The law requires police agencies to complete a Domestic Incident Report for each response to a reported incident. Statistics resulting from those reports, forwarded to the District Attorney's Office, provide an even more disturbing picture; in 2009, police responded to an average of 13 domestic incidents per day in Dutchess County. Domestic violence incidents reported to law enforcement have seen an increase from 4125 in 2007, to 4183 in 2008, to 4764 in 2009, with 2747 in 2010 to date. The time spent in the police response to domestic violence represents a significant investment in police resources. Chronic offenders and escalating violence multiply that cost to community resources. The financial costs are dwarfed by the human and emotional costs to victims and the children exposed to violence.

**Number of Domestic Violence Incidents Reported to Law Enforcement by Jurisdiction
as Classified by Law Enforcement**

JURISDICTION	2007	2008	2009	2010 (to 8/25)
AMENIA	52	57	55	41
BEACON	382	356	471	170
BEEKMAN	92	109	85	69
C/POUGHKEEPSIE	836	785	868	666
CLINTON	40	27	30	22
DOVER	151	133	157	82
EAST FISHKILL	348	365	422	213
HYDE PARK	136	156	186	97
LAGRANGE	112	145	170	79
MILAN	17	9	17	8
MILLBROOK	32	41	20	19
NORTHEAST	39	38	33	17
PINE PLAINS	25	23	19	27
PLEASANT VALLEY	132	138	163	106
STANFORD	29	28	35	18
T/FISHKILL	202	231	144	51
T/PAWLING	40	48	66	45
T/POUGHKEEPSIE	865	817	1047	582
T/REDHOOK	48	32	34	31
T/RHINEBECK	37	17	26	29

T/WAPPINGERS	330	396	434	185
TIVOLI	12	11	2	3
UNION VALE	11	23	29	14
V/FISHKILL	20	38	28	23
V/PAWLING	8	17	14	8
V/REDHOOK	1	9	8	2
V/RHINEBECK	10	14	18	13
V/WAPPINGERS	105	111	164	117
WASHINGTON	4	7	10	9
TOTAL	4125	4183	4764	2747

Number of Domestic Violence Arrests by Jurisdiction

JURISDICTION	2007	2008	2009	2010
AMENIA	14	15	17	16
BEACON	97	119	143	72
BEEKMAN	25	23	14	17
C/POUGHKEEPSIE	336	295	302	195
CLINTON	14	5	4	6
DOVER	38	15	19	19
EAST FISHKILL	69	57	60	35
HYDE PARK	72	69	96	78
LAGRANGE	29	25	36	14
MILAN	10	4	6	4

MILLBROOK	8	15	7	3
NORTHEAST	8	14	16	5
PINE PLAINS	8	7	7	6
PLEASANT VALLEY	24	31	33	16
STANFORD	7	9	11	7
T/FISHKILL	29	35	48	25
T/PAWLING	14	15	12	14
T/POUGHKEEPSIE	123	97	121	59
T/REDHOOK	16	9	9	8
T/RHINEBECK	13	5	10	8
T/WAPPINGERS	72	53	51	27
TIVOLI	1	3	0	0
UNION VALE	6	10	10	2
V/FISHKILL	3	8	5	10
V/PAWLING	3	5	5	4
V/REDHOOK	1	3	4	2
V/RHINEBECK	2	1	5	6
V/WAPPINGERS	30	33	45	31
WASHINGTON	4	2	2	5
TOTAL	1077	982	1102	691

Felony Domestic Violence Arrests by Year

2007	Arrest	234
2008	Arrest	230
2009	Arrest	251
2010	Arrest	182

Statistics relating to filings in the Family Court are also enlightening as to the dimensions of the situation. The following chart contains statistical data for Dutchess County Family Court filings relating to domestic violence for the period between 2007 and September 15, 2010.

Family Court Domestic Violence Filings⁶

Case Type	2007	2008	2009	2010 through 9/15
Family Offense	1361	1435	1721	1250
Child Abuse	63	62	103	83
Child Neglect	716	703	907	609
TOTAL	2140	2200	2731	1942

⁶ Child Abuse and Child Neglect are listed although not all of those matters involve domestic violence. Given the manner in which records are maintained, it is not possible to separate out the abuse and neglect cases solely involving domestic violence. There is overlap with other circumstances that might give rise to the filing of a petition alleging abuse or neglect.

A Systems Overview

A victim of domestic violence may find herself in contact with two systems, the criminal system and the civil system. Sometimes, the victim will be involved in both systems at the same time. Other times, victims are not involved in either of the systems but, in leaving a domestic violence situation use advocacy and support services of the various agencies to assist them in creating a safer environment for themselves and their children.

The Criminal Justice System

The historical aim of the Criminal Justice system is to secure the accountability of offenders. The process is essentially bifurcated; the beginning revolves around the response of police/investigators/emergency responders and collection of evidence, the later portion is oriented to the adjudicative process of prosecution which may be followed by a term of probation supervision or incarceration.

The governmental agencies generally involved in the criminal justice response to domestic violence in Dutchess County include the Department of Emergency Response, all police agencies, the District Attorney's Office, the Department of Probation and Community Corrections, the Courts (Justice Courts, City Courts and County Court) and, the Dutchess County Sheriff's Corrections Division. By virtue of Dutchess County's Universal Response to Domestic Violence, certain employees of Not-For-Profit agencies work from police stations as a part of the initial phases of the process.

The system is generally accessed by one of three (3) ways; a call for emergency assistance through the 911 Emergency Response Center, or by a direct call to a local police agency or by a walk-in report to a police agency.

When a call is made to the 911 Emergency Response Center or directly to a number of the local agencies, a police officer is dispatched to the scene. The 911 dispatchers provide the first line of communication and their work product often includes tangible evidence in the form of recorded conversations. Police officers investigate what happened

and when the circumstances provide reasonable cause to believe that person has committed a crime, the officer arrests the offender.

When the system is accessed by walk-in report, a person, usually the victim/complainant, goes to the police station to report that an incident has occurred. S/He is interviewed at the police station and depending on the information imparted, the process that follows will include the same steps as those involved with a 911 response.

The police secure and collect evidence and photographs, obtain statements from witnesses and prepare appropriate criminal complaints and police investigative reports. One of the reports is known as a Domestic Incident Report (DIR). The law requires completion of a DIR any time there is a police response to an incident that is defined as a Domestic Incident whether or not an arrest is made. The police may also prepare a form that enables Victim Notification when an offender is released from custody. (Those forms ultimately follow the offender to arraignment and to the Jail so that when the offender posts bail or is otherwise released, there is a procedure in place to provide notice of that fact to the victim). When a child has been present and the circumstances warrant, the police are required to make a report of suspected child abuse or maltreatment to the New York State Office of Children and Family Services' State Central Registry. That report is referred to the local Department of Social Services Child Protective Services for investigation and follow-up.

Following an arrest, the completed criminal complaints are filed with the Justice Courts or the City or Village Courts. A Judge is summoned to conduct an arraignment and to consider the issue of bail. In keeping with the Criminal Procedure Law, the Court must have a copy of an offender's criminal history report at the time of arraignment. In most cases, the Court will issue an Order of Protection at the time of arraignment and will order that if the offender has guns, they must be secured by the police. Arraignments can take place at any hour of the day or night.

Outside of regularly scheduled Court appearances, the ability to have an offender arraigned by a local Judge is dependent on the willingness of the local Judges to respond. If the local Judge fails to answer an officer's call, the police must continue to make calls for a judge of the same court or of an expanding circumference of adjoining town, city or village courts until a judge who is willing to respond can be located. Absent an arraignment in the

presence of a judge, an Order of Protection cannot be issued. On not infrequent occasions, local judges will not answer their telephones, will refuse to respond or will direct the arresting police agencies to issue an Appearance Ticket that is the essential equivalent of a traffic summons directing the offender to appear in Court on a particular date at some specified time in the future. Long delays occasioned by the effort to locate a judge for arraignment have the additional consequence of keeping the officer away from his or her primary patrol function. Other police efficiency issues relate to the need to adequately supervise arrestees from when they are taken into custody until when they are either remanded to the Jail or released after arraignment. The only agencies authorized to hold offenders in a "lock-up" situation are the City and Town of Poughkeepsie Police Department and the City of Beacon Police Department. Although the Sheriff's Department oversees the Dutchess County Jail, the rules relating to pre-arraignment custody do not permit the holding of offenders by the Sheriff in the jail until they have appeared before a judge.

After an arraignment, the offender may be committed to the custody of the Sheriff at the Dutchess County Jail in lieu of bail, released on his or her own recognizance, placed on electronic monitoring (either with or without the fixing of bail) or released subject to the supervision of the Department of Probation and Community Corrections.

Copies of the paperwork are sent to the Special Victims Bureau of the District Attorney's Office so that the criminal prosecution can take place.

The Special Victims Bureau is comprised of a Bureau Chief and three (3) Senior Assistant District Attorneys who are responsible for prosecuting Domestic Violence cases, Child Abuse (physical and sexual), Sexual Assault, Child Pornography and Child Homicide. There are currently also three (3) Domestic Violence Outreach Workers. This structure is in keeping with the recommendations contained in the first report of the Citizens Advisory Committee in 1991. The Outreach Workers log all of the information into the District Attorney's Domestic Violence database which was established as a result of the 1991 report. Immediate efforts are made to contact the victims and to obtain additional information regarding the incident and the history of the parties. The Outreach Workers provide referrals to other agencies including, as appropriate, Battered Women's Services at Family Services, Inc., Grace Smith House (residential and non-residential services), House of Hope Shelter,

the Crime Victims Assistance Program at Family Services, the SAFE/FNE program for documentation of injuries and collection of evidence and the Crime Victims Board.

The Family Court System

A person who seeks a civil Order of Protection files a petition in Family Court pursuant to Article 6 of the Family Court Act. A person may come to Family Court as a result of a referral, the police or on his/her own initiative.

New York State law provides for the Court to hear these applications *ex parte* (with only the petitioner present). Any application for an order of protection is reviewed and is scheduled before a Judge or Court Attorney referee the same day or the next morning, if the petition is filed too late in the day to be heard. Before the Judge/Court Attorney Referee hears the petition, the statewide Domestic Violence registry is checked to see if any prior orders have been issued. This tool could be more effective if all orders of protection were entered into the system expeditiously. Town justice courts fax the orders to the registry and there are occasional delays that occur in some courts.

Each person filing for an Order of Protection through the Court meets with an advocate from Grace Smith House housed in the Family Court building⁷. The advocate takes a history and assists the person in filing the petition. In addition to assisting in filling out petitions, the advocate provides referral information. That assistance includes assuring actual contact for victims with other agencies including the non-residential services provided by Grace Smith House and Battered Women's Services. The aim is to provide direct services and individualized safety planning.

The matter is brought in to Court as expeditiously as possible since these matters are heard in addition to the Judges' already full calendars. The Judge / Court Attorney Referee reviews the petition in the court room with the petitioner, who is sworn in and whose testimony is recorded. The Judge/ Court Attorney Referee advises the individual

⁷ Funded through a non-residential grant from the County

of his/her rights and advises the individual that he or she may also file a criminal complaint and proceed in Criminal Court as well as in Family Court.

The Judge/Court Attorney Referee may grant a temporary order of protection if the petition makes out the elements of certain enumerated crimes. Those crimes are defined by state law and include: aggravated harassment, assault, criminal mischief, disorderly conduct, menacing, reckless endangerment, stalking, forcible touching, sexual abuse, sexual misconduct, and criminal contempt. A temporary order of protection, if granted, may include, among other things: language requiring the respondent to stay away from the petitioner; to refrain from contacting petitioner; removal of weapons; suspension of child visitation; grant of child custody to petitioner; and vacating someone from his/her home. In the event that the temporary order of protection suspends visits, addresses custody or vacates someone from his home, the Court schedules the matter for another Court appearance within a few days. If the petition does not allege the elements of the listed crimes, the Judge may dismiss the petition, without further Court appearances.

If the Judge grants a temporary order of protection, New York State law requires the police to serve the respondent the petition and the temporary order of protection. The victim can not be required to serve the respondent. Formerly, a private process server was used by the Court (funded through the Probation Dept.) to serve orders of protection. The police served only those petitions and temporary orders that involved vacating someone from the residence and removal of weapons.

The funding for the process server through the Probation Department was eliminated from the county budget after 2009. In the absence of the private process server, the Court identifies the applicable police jurisdiction and the Court Clerk transmits the necessary paperwork to the police agency by facsimile. Dutchess County Sheriff's Department serves all Temporary Orders of Protection and petitions in areas of the County that are not served by a local police department.

Increases in Filings

Filings have increased **between 20 and 25%** since mid-2007, the effective date of a state law that modified the definition of parties who can obtain Family Court orders of protection. Before 2007, a petitioner had to be related to the respondent by blood, marriage

or have children in common. Under the state law known as “Fair Access,” the definitions were modified to permit parties who are intimate partners to file. The statute was intended to assist dating couples or same gender couples who are in intimate relationships but did not fit the definition of those who could file petitions in Family Court.

These kinds of couples are taking advantage of the change in the law. The Family Court has also received a substantial number of petitions that involve people who have no intimate relationship and do not qualify to file in Family Court, even under the expanded definition. For example, the Court has had cases filed with parties who have merely a landlord-tenant relationship.

The result of this increase in filing is that the system’s resources are strained at the present time. Every person who seeks to file a petition must be afforded that opportunity, even those who do not have standing to seek a Family Court Order of Protection. This affects Advocates’ time and Court time and results in longer hours spent waiting for a court appearance.

Generally, Family Court Judges err on the side of caution in granting orders of protection (as anticipated in the statutory scheme). If an order of protection is issued, police resources will be required to serve the petition and orders. If the individuals can not afford counsel, the Court will assign attorneys, which affects the county’s budget because counties are required to pay the assigned counsel fees. These fees (\$75 per hour) are significantly lower than those charged by privately retained attorneys but can accumulate, given the number of cases that come before the Court.

Domestic violence cases in Family Court are frequently connected to custody and/or neglect/abuse cases involving children. As these cases work their way through the system, families may access services including Supervised Visitation, a batterers accountability program (DAAC), probation, or substance abuse and counseling services that are funded through the county.

SPECIALIZED COURTS

Integrated Domestic Violence Court

Beginning in 2007, an Integrated Domestic Violence Court opened in Dutchess County. Hon. Gerald V. Hayes, Dutchess County Court Judge and Acting Justice of the Supreme Court, presided over the Court until 2009. Hon. Joan S. Posner, Family Court Judge and Acting Justice of the Supreme Court, now presides over the Dutchess County Integrated Domestic Violence (IDV) Court, which now convenes in Family Court.

The IDV Court adjudicates criminal charges arising from domestic violence and also related family issues such as custody, support, child neglect or abuse. Before the IDV Court became operational, victims of domestic violence often had to appear in several different courts to obtain relief because of the court system's traditionally divided jurisdiction over the different types of matters. The IDV court affords the opportunity for one judge to preside over all aspects of the case. In addition, because of staff allocation through the New York State Office of Court Administration the Court can ensure compliance with its directives.

The IDV Resource Coordinator screens criminal cases originating from throughout the county and compares those cases with Family Court filings to find eligible cases with the same parties involved. If the case appears to be amenable to IDV jurisdiction, the presiding judge will determine to transfer it to IDV and the matter proceeds in IDV. Most of the cases adopted by IDV Court are misdemeanor level offenses but some are felony level crimes. The number of cases that can be heard in IDV is limited because the Judge handles the IDV caseload in addition to her regular Family Court case load.

Beacon Domestic Violence Court

Beacon DV Court is dedicated to enhancing victim safety and increasing offender accountability by facilitating victim access to needed services, providing judicial monitoring and promoting coordination between the justice system, community stakeholders and social service providers.

Beacon DV Court promotes:

- ▶ justice and the protection of the due process rights of defendants;
- ▶ informed judicial decision-making based on comprehensive and current information;
- ▶ victim safety and greater access to supportive services;
- ▶ a coordinated response and collaboration among criminal justice agencies and community-based groups offering social services; and increased confidence in the court system.

Victims Without Connection to Either Criminal or Family Court

When victims enter the criminal justice or family court systems they are easily identified for services and are given information to connect with local agencies when appropriate. Some victims do not ever enter the court system or choose, after experiences with the court system, not to use it. Some have found that they do not trust the system and feel that rather than protecting them from their batterer the system will actually cause retaliation and greater harm by their batterer. In other cases, victims have felt further victimized by the system due to the lack of understanding of domestic violence. Other victims feel lost or confused by the system and in cases such as with family court, they do not feel safe having to appear several times before a judge with their batterer in the same room. For victims who never enter the system, there are many different ways of gaining access to services and information. Local service provider agencies do a great amount of community outreach and education so that victims can gather information such as domestic violence facts and hotline numbers. This outreach and education includes but is not limited to presentations in schools and faith based groups, distribution of brochures and other items in doctor's and dentist offices, posting of billboards, media outreach, etc. The hope is that victims that have not entered into the system will find this information. Victims have the option of calling several 24 hour emergency hotline numbers and seeking safety in one of three shelters in the county. Services through these agencies include domestic violence education, counseling, and therapy for victims and their children, safety planning, assistance with the Department of Social Services, donations of food and clothing, support groups,

specific Latina community outreach, safe housing, transportation, etc. Victims may access these services at any point in their journey. Some use these services to help identify their situation as abusive, to help escape the abuse or safely survive in a current situation, and to assist in creating normalcy for themselves and their children after leaving. The goal of these services is to ultimately assist a victim in leaving an abusive situation and creating a life free of violence.

Recommendations and Justifications

Consistent with our charge to conduct a system-wide review, we have endeavored to critically evaluate the services available to address Domestic Violence in Dutchess County. What follows is an outline of the Recommendations that we believe that, if implemented, can profoundly improve those services, protect victims and assist in the process of holding offenders accountable for their crimes.

A. Restoration of Lost Services By Reinstating Funding for Domestic Violence Services.

Funding cuts to domestic violence programs and services have a widespread and negative impact on Dutchess County's ability to protect children and families from the devastating impact of domestic violence. Given the unique collaborations in place, this has had a domino effect throughout the system.

This County has been a model statewide for the coordinated community response to domestic violence and is considered a model for other jurisdictions. In 2009 in New York State, domestic homicides increased 7.3% but not in Dutchess County. It is our belief that our deviation from the statewide statistic is directly attributable to the multi-disciplinary nature of this County's approach to domestic violence. Since the 2010 funding cuts, there have been 2 domestic violence homicides in Dutchess County. If the County does not reinstate funding for the domestic violence programs, the loss is more than a few jobs and service providers. The loss is human lives.

District Attorney's Office-Funding Cuts from 2009 budget

Through 2009, the Special Victims Bureau was staffed by a Bureau Chief, three (3) Senior Assistant District Attorneys, four (4) Domestic Violence Outreach Workers and a Legal Secretary. In addition, a Program Assistant devoted most of her time to administrative tasks relating to the Bureau's work doing such tasks as opening and closing the files so that the Domestic Violence records would reflect current case information and dispositions. Of the four Outreach Workers, two (2) are employees of Dutchess County. The other two

Outreach Workers were on the payroll of Battered Women's Services at Family Services however, job titles, their place of employment and the tasks associated with their employment were identical to the two County employees. There is no functional distinction between and among the employees; the financial distinction in the salaries results in a savings to the County insofar as the Battered Women's Services salary is less than the County salary.⁸

As a result of the 2010 Budget process, the budget approved for Family Services/Battered Women's Services for Domestic Violence services did not include funding to continue the long-standing fourth (4th) Outreach Worker. Accordingly, the person who had been in that position was let go. Loss of the fourth Outreach Worker has caused an enormous effect on the processing of cases. Without the position, the ability to maintain the case conferencing that is among the strengths of the DART Project has suffered significantly. Factored into the effect has been the aftermath of the Riccardulli murder/suicide. The remaining three Outreach Workers, the front line of the prosecutorial staff, are inundated with victims, many of whom envision themselves to be the next homicide at the hands of their batterers. Referrals and the goals of safety planning are taking longer, the victims are calling more frequently and there are now only three Outreach Workers. In addition, the District Attorney's Office maintains the Domestic Violence database that contains data, now spanning approximately fifteen (15) years for each police response in the County. That database, regularly mined for the valuable historical data contained, must be current if it is to be of continued value. Given the heightened intensity of the work as well as the lost staff, the Outreach Workers are not able to keep the data current. The District Attorney has had to hire temporary help to assist in reducing the backlog.

Loss of the Program Assistant has also effected the operation of the Special Victims Bureau. That Program Assistant opened and closed Domestic Violence cases for the most significant part of her job. Having timely access to information regarding a domestic violence offender's history is crucial. Her responsibilities in file management contributed significantly to the operation of the Special Victims Bureau. Her loss has resulted in delay and backlog;

⁸ Restoration of the 4th Outreach Worker can be accomplished by making it a County position or by expressly funding the position as it had been for years with allocation of funds to Battered Women's Services.

neither of those conditions is acceptable but there is no one available to absorb that work given the other responsibilities of the District Attorney's staff.

Members of the District Attorney's Office, including Outreach Workers and prosecutors, recently attended training on use of Lethality Assessment tools; that training was sponsored by the Office of Court Administration. Given the potential benefits of using such a tool, the District Attorney would like to start using the same but is limited by the time available to the staff members who would be using it; the Outreach Workers. Clearly stated, it is not possible to maintain the current caseload and utilize Lethality Assessment with the current staffing levels.

The Committee has made a number of significant recommendations for system enhancement that can better protect victims and prosecute offenders of domestic violence. It is not possible to implement changes in the work at the District Attorney's Office without restoration of funding. The existing resources are already stretched.

Grace Smith House funding cuts in 2010

In the budget process for 2010, Grace Smith House lost \$80,320 in funding from Dutchess County. This shortfall in funding from 2009 accounted for two separate programs that were eliminated due to this funding loss.

One internal Grace Smith House program was lost, the Family Violence Prevention Case Manager. This position provided intensive case management to families experiencing domestic violence. Family self sufficiency through housing and court services were the main goals. This also resulted in the loss of one staff position.

The other program lost was the Pro Bono Program through Legal Services. Through this program, a coordinator connected *pro bono* attorneys with victims of domestic violence who needed legal services.

Ironically, the programs at Legal Services for victims of domestic violence were all implemented based on the recommendations of the Citizens Advisory Committee to the Dutchess County Legislature some years ago.

Battered Women's Services Funding Cuts in 2010

\$74,825 was lost in the 2010 budget for the Domestic Abuse Response Team and Battered Women's Services. The losses included, one Outreach Worker housed at the District Attorney's Office as part of the DART project, one full time counselor/advocate position at the Battered Women's Services office, and money for client needs including but not limited to taxi fares, food, clothing, and hotel vouchers. These losses have impacted the ability to help victims of domestic violence greatly. Money for client needs assists in helping women with transportation to court, shelter, counseling, etc. Also, in emergency situations money for client needs is used to purchase hotel vouchers, food, and gas. The loss of a full time Counselor Advocate has also made it difficult for the staff of Battered Women's Services to address the increasing numbers of victims reaching out for counseling and advocacy. The Counselor Advocate positions at Battered Women's Services provide core support and allow other specialized position such as the DART advocates and youth educator to focus on their projects. Counselor Advocates assist in court advocacy, counseling, and answering the 24 hour hotline. Removing one of these positions has made it difficult to provide coverage for the emergency hotline and required staff members to assist several victims at a time in court, removing the empowering support of having an individual advocate dedicated to just their case. The loss of the Outreach Worker has resulted in decrease of weekly DART case conferencing meetings due to time restraints in preparing for the meetings. These case conferencing meetings are very crucial to the cohesiveness of the DART teams in case management and ensuing victim safety. Overall domestic violence services are found to be extremely cost effective. When services are available, victims have greater resources and the much needed support to leave their abusive situations.

Mediation Center funding losses

In the 2010 budget process that took place in November/December of 2009, the Mediation Center lost significant funding that impacted services to victims of domestic

violence under their Family Mediation Program. The full amount of the contract that was lost was \$49,097 of which approx. 20% went toward DV services (consultation, mediator training and supervision, staff, etc.). As a result of the funding loss, staff was reduced from full time to part time, supervision time was reduced and the specialized training to add mediators to this program was not held this year.

Given the economical costs of mediators versus the costs of attorneys, judges, etc. this funding cut is not a significant savings and, in fact, may be costing more.

Conclusion

Lost funding has already meant reduction in resources available for safety and assistance for victims of domestic violence. Additional losses in funding will effectively overwhelm an already stressed system that does exist now in the form of coordinated domestic violence teams. Victims will be left to navigate the criminal and civil justice systems without help and may never get connected to the services that provide safety. If the County funds are not reinstated, crucial positions are gone. Even with the support of the other agencies and the individual police departments, the County is losing the single most important component that connects the teams to each other, the police to the District Attorney and most importantly, the victims to the services they need. The loss of funding for domestic violence services is causing the coordinated community response to fall apart. If there is additional lost funding, staff will not be available to provide comprehensive services to the most vulnerable citizens in our community. Victims would no longer be provided immediate crisis response, information throughout the pendency of a case, or have someone to assist with basic human needs that demand attention during a traumatic event. Given the documented nature of the cycle of violence, prompt intervention has resulted in a greater and more effective system response on all levels.

Development of the DART program and Dutchess County's coordinated response have been crucial to the County's having received significant State and Federal grants to expand and implement protections for victims of domestic violence. If the County's contribution to these programs is cut further, the County can expect to lose leveraged funding from a variety of other sources that are used to serve victims of domestic violence. The Committee recognizes that the important work in the field of domestic violence cannot be

effective without every player on the team. Simply put, the cuts to local programs have begun to unravel our teams. Anymore cuts will effectively destroy any Universal Response to Domestic Violence throughout the County.

B. Utilization of Lethality Assessment Instrument in Conjunction with Recommendations for Bail, Electronic Monitoring, and/or GPS Monitoring and Welfare Home Visits

Over time, professionals have developed assessment instruments specifically designed to assess lethality risks in domestic violence situations. These lethality assessment instruments use past history and current circumstances to identify the risk to the victim and have been validated over time. For example, there is research that shows correlation between certain behaviors and situations (for example, physical abuse during pregnancy) and the level of danger a victim may face.

These tools can be used to assist the victim in identifying her own level of risk and this Committee believes that the tools can be used to assist courts, law enforcement and probations officers in dealing with the victim and the offender.

The Committee believes that use of a properly validated lethality assessment instrument may be appropriate for use when participants in the system consider whether an offender should have bail set and/or to provide a basis for a court to impose additional conditions for release such as Electronic Monitoring or a GPS Alert System. Use of an assessment can also provide the police, probation and advocates with some valid means of setting priorities. Given the limitations on resources, it is important to properly prioritize cases based upon the risks that are identifiable. For example, a victim who is at a higher risk may be a higher priority for a home visit to determine if an offender is present (a “welfare check” visit).

The Committee recognizes that the number of Outreach Workers in the District Attorney’s Office is not currently sufficient to allow the use of these tools. We recommend that the staffing levels be returned to the level in 2009.

C. Enhanced Victim Notification System: *Follow-Up Contacts with Victims by Advocates Following Offenders' Release from Custody to Confirm Existence of Safety Plan and to Encourage Exercise of Safety Plan*

Dutchess County's Victim Notification System ensures that a victim of domestic violence will receive notification when an offender has been released from jail so that he/she may safety plan accordingly.

When an offender is arrested, the victim currently has the option of registering for this system by filing out a form with the arresting police agency or by calling the jail and registering over the phone at any time. The victim is asked for a number where he/she can be reached and for a password to ensure that the notification is going to the correct person.

Each victim reached by the Dutchess County Victim Notification system has human contact, unlike the V.I.N.E. system used in other locations throughout the country. An employee of the Jail calls a victim upon release of an offender to ensure the victim is aware of the release. If, after several attempts, the Jail staff cannot reach the victim the Jail staff forwards the information by facsimile to Battered Women's Services and the Jail provides the counselor at the Hotline with the information and the counselor continues to attempt to reach the victim. In some situations, Battered Women's Services has additional contact information for the victim.

If the Battered Women's Services counselor reaches the victim and notification occurs, the counselor will also assist the victim in creating or implementing an existing safety plan. For those victims that cannot be reached, the Battered Women's Services will notify the District Attorney's office, which will send a certified letter to the victim⁹. Our review of the system has identified the problem that some victims are being notified by a counselor who encourages implementation of a safety plan and other victims are not receiving the same attention from a counselor.

The Committee recommends that this system be enhanced to increase victim safety and all release notifications, even those successfully completed by Jail Staff, should

⁹ Review of the process reveals that the overwhelming majority of notifications are completed by either the staff at the Jail or by Battered Women's Services. It is extremely rare for a notification to be necessary by the District Attorney's Office.

be referred contemporaneously to Battered Women's Services for immediate follow-up by a Counselor Advocate. This contact by a counselor will ensure that the Counselor Advocate and the victim can review the safety plan, and the Counselor Advocate can encourage application of the plan and arrange assistance if there is some immediate impediment to use of that plan.

The Committee also recommends that if Battered Women's Services is unable to reach the victim within a reasonable time of the offender's known release, that Battered Women's Services should call the police agency having jurisdiction over the victim's residence so that the police can perform a welfare check to be certain that the offender is not in the presence of the victim in violation of an Order of Protection. Historically, the system has had success in connecting with victims for the notification, so it is not anticipated that this modification would cause an unworkable burden on the police agencies.

The Committee recommends that the procedure should be modified presume that all victims will be notified of an offender's release. The appropriate form should be completed by the police at the outset of all cases unless the victim specifically opts out of the system.

These proposed changes to the Victim Notification procedure can be made if levels are restored to 2009 levels. Battered Women's Services does not presently have sufficient staff to make the additional contacts in every case to counsel and assess safety plans.

Based upon the information available to the Committee, the Committee has concluded that the Jail staff properly and timely notified Linda Riccardulli that her husband had been released from the Jail. She had prepared a safety plan prior to that date. The actual reason that she did not follow that plan is not known. We cannot know what, if any impediment existed to her activation of that plan. If she had spoken with a Counselor Advocate at the time of this notification, it is possible that she might have activated her safety plan.

D. Implementation of GPS Alert System for High Risk Cases.

The most vital role of a system addressing domestic violence must be to prioritize victim safety. All other issues pale in comparison to the need to keep victims alive and safe. That task must be balanced with the legalities attendant to the Criminal Justice System. The Committee believes that the substance of this recommendation, were it implemented, could have changed the tragic outcome in the Riccardulli homicide.

In keeping with the requirements of the United States Constitution and the New York State Criminal Procedure Law and absent particularized circumstances¹⁰, a person who is charged with committing a crime is entitled to bail. Under the current law, the dollar amount set by the Court must be reasonably related to what is necessary to assure that the offender will return to Court as directed. When the particular amount of money is posted with the Court, the offender is entitled to be released from custody. Courts may also place other conditions on bail such as submission to drug/alcohol testing, periodic reporting to the Probation Department or supervision by the Probation Department's electronic monitoring program.

Along with setting bail, a Court may issue an Order of Protection; an Order of Protection is a paper document that orders the offender not to have contact with the victim/protected party. The Committee recognizes that in the Riccardullil murder/suicide that generated the Chairman's request for this report as well as in the subsequent homicide, the paper documents issued by the Courts did nothing to save those victims' lives.

In the face of that reality, this Committee has explored alternatives that could be of use in the real need to protect the lives and safety of victims of domestic violence. It is a given that in cases of domestic violence, as in few other sorts of cases, the likely victims of future criminal conduct by an offender are readily identifiable. Contrasted with offenders of sex offenses or property crimes who may prey upon any number of people within the

¹⁰ Courts must set specific dollar bail, recognizance or other conditions for any person accused of committing a crime unless that person is accused of Murder or another Class A felony or that person has previously been convicted of two felonies. The Committee's recommendation for state legislative change to permit consideration of victim safety issues is set forth elsewhere in this report.

population, domestic violence offenders are focused on a readily identifiable person and/or that person's home. The Committee has identified this as an area in which Dutchess County can, within reasonable financial limitations and with the use of effective screening tools, profoundly improve the safety of victims of domestic violence and monitor offenders who might otherwise be at liberty on bail in accordance with their rights as guaranteed by the law.

The Committee strongly urges the Legislature to direct implementation of a Global Positioning Satellite (GPS) Monitoring and Alerting system for high risk domestic violence offenders.

It is important to distinguish GPS Monitoring from Electronic Monitoring (EM) which is a very successful alternative to incarceration long utilized by Dutchess County and many other jurisdictions.

A brief description of EM is necessary to underscore the distinction between the two methods of technology.

When a person is placed on EM, a transmitter is physically attached to his or her ankle. The technology requires that the person reside in a location with a hard-wired telephone, the residence must be within Dutchess County's borders. A monitoring instrument is attached to the telephone system by the Probation Department. The transmitter communicates with the monitor to confirm that the transmitter is within the approved range of distance from the monitor. The system sends a signal from the Probation Department to the house approximately every 25 seconds to verify that the defendant is at the residence. If the defendant is scheduled to be at home and the signal is not received, or if the defendant leaves the home without permission or if the transmitter is cut off of the defendant, the system alerts the Probation Department which can then respond.¹¹ In a practical sense, the weakness with EM in domestic violence cases relates to the occasions in which an offender is permitted to be away from his premises ostensibly for a legitimate purpose such as employment, court appearance or another pre-approved activity. When a

¹¹ In practice, this can work and has worked in many instances in that the Probation Department's staff has a demonstrated practice of aggressive notification of victims who may be at risk when an offender has blatantly broken the terms of EM.

person is “out” or away from the monitoring equipment, the system does not monitor where that person is physically located; only that he or she is away from his or her monitored presence and that schedule is set in advance. The Department does utilize portable equipment that enables the officers to drive by where an offender is supposed to be while away from the home to confirm their presence at the location where they have been authorized to go. However, that is equipment for which there is significant labor involvement as it requires an officer to physically drive to the location and is generally done on a random basis. **There is no practically feasible way for the existing EM system to alert a victim, the police or the Probation Department if the offender chooses to go the victim’s home instead of where he is permitted to be. There is also no way to utilize the existing EM system for offenders who reside outside of Dutchess County.**

In contrast to EM, GPS Monitoring has strengths that can address actual safety concerns for victims in real time. The Committee has reviewed a number of GPS Monitoring Systems that, if implemented in appropriate cases, could provide for timely and meaningful reactions to identifiable risks. A brief description of some of the features that distinguish GPS Monitoring from EM will illustrate this point.

Like EM, GPS Monitoring requires that a device be physically attached to an offender who is the subject of an Order of Protection. Contrasted with EM, the GPS device provides a signal to the system that provides the location of the offender. Zones can be established electronically for places where the offender is not permitted to go. GPS systems exist that require no connection to a hard-wired telephone and can be used with offenders who do not reside in Dutchess County. In some of the systems reviewed, a GPS activated monitor is installed at the residence of the protected party. In the event that the offender’s signal approaches proximity to the protected residence or a restricted “zone” or if the transmitter is removed from the offender, the system is programmed to respond. The Alert can be programmed to notify 911 Emergency Response and to dispatch law enforcement, alert the victim so that she can immediately leave, and alert the Probation Department so that they can respond to a violation of the conditions upon which the offender was permitted to be at liberty in the community. The Committee notes with significant interest that such a system has been operational in Madrid, Spain since 2006. Literature reports that there has not been a single attack on a user of the system since that system’s inception there.

The Committee undertook a limited review of the technology in order to explore viable options that can provide practical solutions to very difficult situations. We believe that implementation of GPS monitoring warrants exploration. When utilized in conjunction with lethality assessment, and as a judicial supplement to the posting of bail for an offender, GPS can provide meaningful assistance to victims in a manner that can be fully compatible with the realities of the Criminal Justice System and law that requires the setting of bail in essentially all but cases of intentional murder. It is the Committee's belief that had such a system been in place and Anthony Riccardulli subject to its monitoring and alerting capabilities, Linda Riccardulli could have been warned of his impending arrival and officers dispatched to the location. This recommendation could have changed the outcome.

We strongly urge the Legislature to undertake such steps as are necessary to fund and implement GPS monitoring for appropriate domestic violence offenders. In so doing, it is understood that staffing levels at the Probation Department and the District Attorney's Office will need adjustment for the additional responsibilities attendant to the process. The Probation Department cannot undertake a new program with current staff. Funding for staff and equipment is dependent upon the projected number of defendants that will be ordered on to GPS during the initial year of operation. The District Attorney's Office would need to be restored to the level of staffing in the 2009 with the return of the fourth (4th) Domestic Violence Outreach Worker in order to undertake meaningful use of standard lethality assessment tools to make effective recommendations for use of the system.

E. Explore Options for Temporary Sheltering of Companion Animals Displaced by Domestic Violence Issues or Exercise of Safety Plans

When domestic violence victims with pets consider fleeing abusive homes and there is no safe place to house their pets, they have little choice but to remain in their homes and subject themselves, their children and their pets to continued violence, or to flee and leave their pets behind.

Because victims understand the extent of the harm that their abusers may inflict upon their pets, many victims remain in violent relationships. Currently, numerous programs provide procedures for housing family pets off-site at animal shelters or with animal rescue groups, and many shelters are following such a plan. According to the National Coalition Against Domestic Violence's 2004 National Directory of Domestic Violence Programs, more than 700 shelters across the country provide assistance or referrals for placement of pets; however, at the start of the PAWS Program in February 2008, American Humane Society was aware of only four shelters that actually provide [on-site housing for pets](#).

Recognizing both the urgent need to protect domestic violence victims from further abuse and the comfort that pets provide people, especially in times of stress and trauma, American Humane is leading a national program to guide domestic and family violence emergency housing shelters toward permitting residents to bring their pets with them. The American Humane Society's Pets and Women's Shelters (PAWS) Program acknowledges the richness of the bond between people and their pets, which often provide unconditional love and comfort to adult domestic violence victims and their children. For that reason -- as well as for the safety of the pets -- American Humane Society strongly advocates keeping domestic violence victims and their pets together whenever possible.

The Committee recommends that the County's Domestic Violence Steering Committee engage in dialog with the Dutchess County SPCA to explore options for Emergency Response, temporary sheltering/foster care for pets and for mutual assistance to assure that pets are not pawns nor is concern for their wellbeing an impediment to a victim's ability to escape violence.

F. Improve Availability of Judges for Purposes of Arraignments in order to Assure Consideration of Orders of Protection and Bail Status

The ability to protect victims, ultimately, depends on the active participation of every cog in the criminal justice system.

The police must respond to calls, they must properly interview witnesses, document and collect evidence and arrest offenders when they have cause to do so. Overall, the Committee appreciates the significant efforts that are being made regularly by the men and women employed as police officers in Dutchess County. These officers respond to the worst of situations and by in large, make decisions and take actions that have served to protect victims and their children.

The Committee has grave concerns regarding the adequacy of the judicial response at the local court level that currently follows arrests in domestic violence cases. We want the Legislature, and anyone else who may read this report, to know that we have no criticism whatsoever with the judicial response that occurred in the Riccardulli case. Unfortunately, the experience of those in the criminal justice system is that the judicial response in that tragic case was a rare but positive example.

The ability of a victim to obtain an Order of Protection is directly dependent on the availability of a town, village or city judge to arraign an accused offender. When a local judge is not willing to respond to a request for an arraignment, a victim is left unprotected that victim may become frustrated with the system and distrust the system's willingness to protect her. Over the years, repeated instances in which offenders are arrested by the police and taken into custody to await the arrival of a judge to even consider bail or to issue an Order of Protection conclude with the police being unable, even after repeated documented efforts, to locate a town, village or city judge who will appear for that purpose. Committee members are unanimous in their belief that when there is an arrest of a person for a crime relating to domestic violence, the system's initial response must include the appearance of a judge to consider the crucial issues of Orders of Protection, bail or other condition of release. The lack of such a response is a failure in the system.

Domestic violence service providers have provided members of the Committee with very troublesome anecdotal information on this topic. Victims have reported that they are no

longer willing to call for police assistance because it has been their experience that even when the offender is arrested, the local judge does not appear for an arraignment but will order the police to issue an appearance ticket to the offender directing him to come to court on a date in the future. The result: no Order of Protection and the offender returns to the residence angrier than he was when he was arrested by the police a few short hours earlier.

Histories have been provided documenting repeated efforts of a police agency to locate any judge. Aside from the message given to an offender when no judge appears, i.e., that the event isn't all that serious, the time the officers devote to the task of locating a judge is time lost to their other responsibilities in enforcing the law and keeping the community safe.

Case histories have disclosed circumstances when repeated violations of Protective Orders, even those witnessed by police officers themselves, have resulted in a Court's decision to release the offender without any bail or other social constraint such as Pre-trial Supervision of the Probation Department, Electronic Monitoring or other alternative to incarceration. Orders of Protection are not personal to victims' or offenders' personal desires. Orders of Protection, when violated, are offenses against the Courts themselves.

In making these findings and the related Recommendation, the Committee recognizes the reality that the Dutchess County Legislature is a branch of government separate from the judicial branch and has little, if any, ability to effect the necessary change. Nonetheless, we make this finding because we believe that without public airing of this disturbing situation, there can be no effective remedy. When the judiciary fails to respond, the entire system suffers. In making this public statement, the Committee does not intend it to be criticism of the entire judiciary.

Many judges are dedicated public servants who appreciate the responsibility that they have to administer justice fairly, even when the scheduling interferes with other parts of their lives. There are a number of judges throughout Dutchess County who repeatedly rise to their responsibilities, even for matters outside of their local jurisdictions because they recognize the importance of the judicial response. The criminal justice system does not operate on a schedule of 9 to 5 between Monday and Friday. A number of judges sacrifice time from their private lives, including inconvenient times in the middle of the night, because they

understand that is a part of the job that they undertook. Unfortunately, others do not have that same willingness.

While we make this Recommendation to the Dutchess County Legislature, we are asking the Legislature to forward the same to the Dutchess County Magistrates' Association and to the Office of Court Administration. The Committee hopes that those bodies will address this serious deficiency. Given the serious issue presented, we would respectfully recommend that the judiciary give consideration to dividing the county into segments and that an "on call" rotation might be implemented so that a reliable judicial response is not dependent on the willingness of a judge to answer his or her telephone or to be inconvenienced in the middle of the night.

There is no cost involved in implementing this recommendation. Indeed, enhanced efficiencies and savings in manpower hours can result from the ability to free officers sooner so that they can return to patrol and their other functions.

G. State Legislative and Administrative Changes

In reviewing the subject of domestic violence, the Committee feels constrained to note that many of our concerns involve changes that would be required at the State level and are not within the power of the Dutchess County Legislature to address. Nonetheless, a complete report on the subject cannot be made without reference to the need for legislative change. There is also a need for State level review of experiences reported by those working with victims in the Courts. We ask the Dutchess County Legislature to consider these recommendations and to forward copies of this report to the New York State Office for the Prevention of Domestic Violence (OPDV), to all of the locally elected State representatives and to the Office of Court Administration so that they might undertake to seek amendments to the statutes as indicated and review other options relating to training and enactment of Court rules.

a. CPL Amendment to Permit Arraigning Magistrates to Consider Victim Safety Concerns When Setting Bail or other Release Conditions

Articles 510 and 530 of the Criminal Procedure Law (CPL) control Courts' decisions in bail issues. More specifically, §510.30 contains the rules of law and criteria controlling a bail determination by a Court. None of the enumerated factors permits an arraigning Court to consider public safety issues in setting an appropriate bail amount. Likewise, subdivision 3 of that statute provides that a Court shall inform an offender who is charged with the commission of a felony and has posted bail or is released from custody by order of the Court that the release is conditional and that the bail can be revoked if the offender commits a subsequent felony while at liberty. While there is statutory authority allowing a Court to revoke bail when an offender has failed to obey the terms of an Order of Protection, the process remains discretionary and does not contain any provisions for victims' safety or public safety per se. The Committee recommends that the CPL be amended to permit an arraignment Court to consider public safety and victim safety in setting bail and imposing related bail conditions.

b. Legal Amendment to Provide Arraigning Magistrates with Access to Historical Order of Protection Data and Domestic Incident Report (DIR) History; This Information Should Be Readily Available at Arraignment as Relevant to Bail Considerations and the Terms of Orders of Protection.

Family Court is a tribunal with significant statutory confidentiality. If a domestic violence victim has never reported the violence to a police agency, that history will never be reported on a criminal history report. That is so even if the acts that she has reported to the Family Court within the context of filing a Family Offense petition constitute crimes. Theoretically, a person could appear in the Family Court on a regular basis for new Family Offense petitions and when/if a neighbor or witness to an act should call 911, the police would have no indication of other pre-existing history through review of traditional criminal history reports.

During the past several years, New York State has created a Registry for filing Orders of Protection. That Registry contains information not only about current Orders of Protection but also includes information about Orders of Protection that have been in place in the past. Unfortunately, access to the information contained in that Registry is not widely available to the criminal justice system's participants. For a local magistrate conducting an arraignment late at night or over a weekend, information about a history of Family Court Orders of Protection could provide important insight regarding the dynamics of the situation that is presented.

The Committee recommends that there should be increased access to records of the Family Court system, to the extent that they contain historical data about Orders of Protection, even those that are no longer in effect, and should be readily available to law enforcement and local judges even during the hours when the Family Court is not open for business.

c. Searchable statewide DIR database available to Criminal Justice System

In 1991, this Committee recommended the establishment of a database to track domestic violence offenses. That recommendation resulted in what has developed into over fifteen (15) years worth of information. By means of that database, the District Attorney's Staff can search for histories of offenders and victims and establish the existence of prior events that involved a police response. That data has proved invaluable in evaluating the histories of the parties, both with each other and with others with whom they may have shared an intimate relationship over those years.

In the years following the creation of the Dutchess County database, the State of New York has created its own form that is completed by a police officer. That form, known as a Domestic Incident Report (DIR) has been substituted for the local form initially created after the 1991 Report. Local data has continued to be entered into the local Domestic Violence Database and that information provides a very valuable source of background information. Unfortunately, there is no current mechanism to access data for DIRs filed other than in Dutchess County. For those intimate partners who have re-located to Dutchess County after a history of violence elsewhere, the data is not available to inform law enforcement, the Courts and the District Attorney's Office of the extent of prior law enforcement contacts with either party in the context of domestic incidents. Given the great value of those records, it is recommended that statewide data be entered into a searchable database accessible for purposes of understanding the history of violence present.

d. Amendment of Article 730 of CPL to Require Mental Health Evaluation Of Homicidal/Suicidal Considerations And Report Thereon In Examinations With Domestic Violence Connections

Article 730 of the CPL concerns offenders who are mentally ill. Specifically, a Court can order an examination of an offender to determine whether an offender has the capacity to understand the nature of the criminal proceeding pending against him and can assist in his own defense. The law limits the issues subject of the examination to those pertinent to the issue of competency. While more generalized mental health examinations

are authorized in the Family Court realm, Criminal Courts do not have authority to direct such examinations.

The Committee recognizes that there are considerations relating to the right against self-incrimination but recommends that the New York State Legislature consider legislation that would permit a court having jurisdiction over a criminal case involving allegations of domestic violence to direct a defendant's examination to address issues such as homicidal or suicidal thoughts and dangerousness in conjunction with a mental competency examination. Such legislation must contain appropriate safeguards to protect the rights of offenders but, given the issues attendant to domestic violence, ultimately save the lives of both victims and offenders when there is a question regarding an offender's understanding of the proceedings and of his ability to meaningfully participate in those proceedings.

e. Department of Mental Health Notifications to Crime Victims When Offenders (Previously Hospitalized as Result of Mental Incapacity) are Released from Hospital Custody.

As indicated in the recommendation above, Article 730 of the CPL concerns offenders who are mentally ill. Specifically, a Court can order an examination of an offender to determine whether an offender has the capacity to understand the nature of the criminal proceeding pending against him and can assist in his own defense. When mental health examinations conducted pursuant to the law reveal that an offender lacks capacity, the law requires the charge to be dismissed and the offender to be transferred to the custody of the New York State Office of Mental Health. Victim notification procedures such as the Dutchess County system and VINE effectively provide that notification on a regular basis to victims when offenders are released from correctional facilities. Unfortunately, such protections do not exist once a person is transferred into the custody of the mental health system.

The Committee recommends that the New York State Legislature should enact legislation that requires the mental health system to develop and implement a system that effectively notifies victims of crimes when an offender is released from the custody of the state mental health system. That an offender may lack criminal culpability because of a

mental condition does not diminish the system's obligation to ensure that a victim is aware of the offender's release, especially so when the criminal acts are committed within an intimate relationship.

f. Amend CPL to REQUIRE arrest when police have reasonable cause to believe Criminal Contempt in the second degree has been committed even when contrary to the express wishes of protected party in the Order of Protection.

CPL §140.10, subdivision 4, contains the Mandatory Arrest provisions applicable to domestic violence cases and other cases involving violation of the "Stay Away" provisions of valid Orders of Protection. The law does not require an arrest for disobedience of any other provisions of an Order of Protection. For example, if an offender is ordered to refrain from communicating with a protect party yet violates that order by sending letters or text messages or even flowers and gifts, the law does not require an arrest even though the acts of the communication would constitute the Class A misdemeanor of Criminal Contempt in the second degree. In the experience of the members of the Committee, such violations are, in many instances, precursors to more blatant and potentially dangerous violations of the Orders of Protection. Some police officers do not routinely arrest offenders for violations of Orders of Protection.

The Committee recommends that the CPL should be amended to require arrests for all cases involving violations of Orders of Protection, even in cases where the violation does not involve "Stay Away" provisions or when the victim expressly opposes the arrest. The crime committed is committed against the Court. Offenders should be arrested and brought before a Court for arraignment.

The Committee is aware that many violations of Orders of Protection would constitute the misdemeanor level crime of Criminal Contempt in the second degree. That is true, even when the existing Order of Protection was issued in connection with a felony level crime and that criminal prosecution is still pending. When Orders of Protection are violated during the time frame when local judges retain jurisdiction over felony level crimes, before the felony has been removed to County Court, these misdemeanor offenses should result in new

arrests and brought to the attention to the local judge, who will have access to complete information to use his or her discretion to set, change or revoke bail.

g. Require Arraignment in Domestic Violence Cases and Prohibit Issuance of Desk Appearance Tickets or Stationhouse Bail.

The Committee recommends that the law be amended to require that an offender appear before a judge for arraignment and that issuance of appearance tickets shall be forbidden in any case in which a crime is charged against an offender. Judges should be required to physically appear for arraignment in all cases of domestic violence.

It is a given that most cases of domestic violence occur within the privacy of the home. The dynamics of power and control that surround the violence deter discovery of the abuse. Police intervention disrupts that dynamic. Systemic intervention cannot be complete by law enforcement alone. Police officers in the State of New York have no authority to issue Orders of Protection; that can only happen with judicial intervention.

When the police arrest an offender, that person's liberty is threatened. It is important that the system's response include the appearance of a magistrate for the purpose of arraigning the offender and of determining what, if any conditions will be set on that person's liberty. The arraigning judge will be required to set bail that effectively remands the offender to the custody of the Jail, release the offender on recognizance or other condition or place him/her subject to Electronic Monitoring. Only judicial action can address the need for issuance of an Order of Protection. The judge can make inquiry to assure that there are no guns in the offender's possession. For those cases in which an offender is already subject of an Order of Protection, arraignment can trigger the inquiry that can also review the bail status of any pending unresolved matters. While the practice is to summon a judge for arraignment, historically, there have been situations in which local magistrates have directed police officers simply to issue an Appearance Ticket.

h. Judicial Training And Accountability

In preparing this Report, members of the Committee consulted and met with a number of people working with victims of domestic violence in various capacities. The substance of the concerns raised by the Domestic Violence service providers reflect their experience that many victims of domestic violence do not have confidence in the criminal justice system's ability to protect them. These victims are the ones who see the limitations of our current laws and systems daily. Given the purpose and scope of this report, the Committee believes it important to reflect the concerns of the service providers. All of the recommendations found in this report are designed to improve both the laws and systems to make it easier and safer for victims to leave the violence and live in safety.

The Committee as a whole knows that there are many hard working and dedicated police officers and judges who take domestic violence very seriously. Some, however, do not and, as expressed by the domestic violence service providers, are significant reasons that victims do not have confidence in the system. The following list highlights some concerns related to this significant problem. These are issues that have been brought to our attention by those who provide direct service to domestic violence victims. We believe it would be important for those involved at the state level to study these issues and to take legislative action on them. We are aware that these issues are not isolated to Dutchess County.

- There are numerous examples of judges not recognizing the seriousness of domestic violence and the danger posed to victims. Aside from the example already mentioned about judges not coming out for arraignments, some additional examples of this include repeatedly setting low or no bail for offenders and failure to issue orders of protection.
- Repeat offenders for violations of Orders of Protection often do not face significant penalties or jail time for these offenses. This problem can lead to defendants feeling emboldened, leading to more violence.
- The Family Court system involves litigation driven by the parties themselves with Family Offense matters often associated with other types of proceedings such as custody and support. Judicial economy and calendar control often contribute significantly to this problem. As a result, most Orders of Protection are granted as a Settlement without any finding of fact or admission of guilt. Judicial findings of domestic violence are rare. This process of settlement effectively eviscerates domestic violence as the crux of the situation

and eliminates consideration of the issue of domestic violence in future proceedings relating to custody and divorce.

- There is a growing concern expressed that batterers have become more manipulative about using the court system to further abuse their partners. They seek and sometimes are awarded custody over a non-offending parent by using debunked theories such as Parental Alienation Syndrome.

Based upon the concerns expressed, the Committee recommends that this Report be forwarded to the Office of Court Administration and the Center for Court Innovation and the Office for the Prevention of Domestic Violence so that these bodies may further explore the issues raised by the Service Providers and take such action, administrative or otherwise, to improve the judicial response to domestic violence.

Conclusion

The costs of domestic violence within this community are manifold. Those costs are measured in terms of death, injury, emotional turmoil and, indeed, dollars. In 1991, this Committee concluded its report to the Legislature with these very words. In 1991, this Committee listed the names of twenty (20) people who were all Dutchess County residents, adults, children, and infants, whose lives had been claimed between 1988 and 1991 within a family unit.

Ironically, the fiscal climate in 1991 was also dire. The Committee wrote in 1991: "Difficult economic times exist within the Dutchess County infra-structure. The Committee recognizes this to be of paramount concern. However, this Committee was given a task by the Dutchess County Legislature and we have addressed that task.... The recommendations contained within this...report are made ever mindful of the economic times.... Many recommendations have been considered. Those which are contained within this report, the result of the evaluation of priorities, require financial commitment."

As a community, Dutchess County has made great strides in its efforts to combat domestic violence. Notwithstanding those efforts, two (2) women have died within a narrow window of time. Each of those women had sought the protection of the judicial system. The Committee knows that there are those who would suggest that an obsessed person with the mission to kill cannot be thwarted to that end. We decline to accept that as a reason to suspend the important progress made in this County since 1991. We are resolute in our desire to end the effects of domestic violence. We firmly believe that the generational cycle of violence can be broken only when intervention restores victims to their rightful dignity. The recommendations contained in this report reflect our best judgment and conclusions as to the most effective response that this community can make to the tragedies defined as the deaths of Linda Riccardulli and Maria DelaPaz Ruiz Alvarez.

APPENDIX A

OVERVIEW OF DOMESTIC VIOLENCE SERVICES IN DUTCHESS COUNTY IN 2010

Grace Smith House

Founded in 1981, Grace Smith House has an almost 30 year history of providing shelter and services to victims of domestic violence and their children. Starting as one shelter, the programs offered by Grace Smith House have grown over the years based on the needs and voices of the clients it serves.

Grace Smith House operates two emergency shelters, a 20 bed facility in Poughkeepsie and a 10 bed facility in the northeastern part of the county. Both facilities provide a 24 hour hotline, are staffed around the clock and are ready to meet the needs of their residents in a variety of ways. Counselors provide crisis counseling, goal planning, supportive counseling, domestic violence education, support groups, advocacy, housing advocacy, case management, intakes and discharges. Both shelters have an active children's program to assist in service provision and set the stage to break the cycle of violence in families. By New York State regulations, shelter stay can be up to ninety days. In 2009, both shelters served 129 women and 120 children. Sadly, 384 people were turned away during 2009 mainly because of space limitations.

Brookhaven, a fifteen unit second stage housing program, is offered for families who want and need a longer amount of time to work on their safety, healing and goals. Brookhaven is subsidized by Section 8 and HUD funding and offers a two year opportunity for families to work towards living lives without violence. As one might expect, much more of this type of housing is needed. While families live at Brookhaven, they receive services from the Grace Smith House Non-Residential Program. In 2009, Brookhaven served 21 women and 22 children.

The Grace Smith House Non-Residential Program provides a wide variety of services to families experiencing domestic violence. This program began as a Follow-Up Program, providing much needed services to women leaving the shelters. Often, there was much work

that needed to continue once the 90 day shelter stay was up. Now this program serves a broad spectrum of women and children in Dutchess County. Two full-time counselors provide counseling, support groups and advocacy to women who are victims of domestic violence. In 2009, these two counselors served 186 women. One of these two counselors also provides Latina Outreach. Services are also provided for the children through the Non-Residential Program. Four off site staff provide unique services to victims in Dutchess County. Two staff members work in the Family Court/Probation building to take walk-ins for orders of protection and violations. Last year they served 1,503 clients. Two other staff members work at the Dutchess County Department of Social Services Children’s Services Unit to provide consultation and direct services to victims of domestic violence who enter the system through Child Protective Services. As one might imagine, there is a large overlap between child abuse and domestic violence and this is a crucial way to introduce victims to the services that are available to them.

Year	2007	2008	2009	2010
Hotline calls	1235	1121	1254	1054
Women in Shelters	117	127	129	100
Children in Shelters	118	116	120	66
Women in Non-Residential	141	189	265	278
Children in Non – Residential	246	301	355	378
Women in Brookhaven	28	30	21	18
Children in Brookhaven	56	45	22	17
Family Court Contacts	1143	1138	1503	914

HOUSE OF HOPE SHELTER

House of Hope operates a (14) bed residential shelter, which provides 24 hour emergency shelter, crisis intervention and counseling services for victims of domestic violence and their children. Other services include advocacy, public education, children services, crisis hot line, Non-Residential support services and job skills training. The mission of the facility is to eliminate sexual assault and domestic abuse through sensitive prevention, intervention, and treatment. Their fundamental philosophy is: "*We believe 'There is Hope' for every person.*"

Opened Doors: July 15, 2008

July 15, 2008 through December 2008

Hotline calls-138

Sheltered (18) Women and (29) Children.

Denied shelter due to lack of bed space: (45) Adults and (65) Children

January through December, 2009

Hotline calls-289

Sheltered (45) Women and (63) Children

Denied shelter: due to lack of bed space: (74) Adults and (91) Children

January through August 2010

Hotline calls-239

Sheltered (31) Adults and (32) Children

To date, it's been the aspiration of the House of Hope to assist as many families in crisis as possible; however, they have reluctantly declined (116) Adults and (97) Children due to lack of bed space.

Family Services- Agency Overview

For 130 years Family Services has sought to meet the changing needs of individuals and families in Dutchess County and currently provides services via 17 programs. The organizational mission is “to help families and individuals help themselves through direct services, collaboration and advocacy.” Family Services serves as the umbrella agency for a number of the programs that provide services for victims of domestic violence. As will be reported below, those programs include: Battered Women’s Services and its related components, Supervised Visitation, Crime Victims Assistance Program, and the SAFE/FNE (Sexual Assault Forensic Examiner/Forensic Nurse Examiner) Program. In addition, they oversee two programs, DAAC and PEACE, that provide an educational response and consequence for offenders.

BATTERED WOMEN’S SERVICES

Battered Women’s Services has been serving victims of domestic violence with a 24-hour, 7-days per week crisis intervention and advocacy program since 1978. Formerly part of the YWCA, the program has been part of Family Services, Inc. since 2004. Services through the program include the County’s Domestic Abuse Response Team (DART), a 24-hour emergency hotline, crisis intervention, counseling, advocacy, support groups, childcare, emergency transportation, youth domestic violence prevention education, community outreach, and education. All program services are confidential and free of charge. Battered Women’s Services believes that domestic violence has no boundaries, and services are accessible to all victims of domestic violence in Dutchess County regardless of age, gender, economic status, race, ethnicity, religion, disability, or sexual orientation.

The program provides services in five major areas:

- 1) Immediate crisis intervention, counseling, information, and referral services via the 24-hour emergency telephone hotline
- 2) Information and referral services to other community agencies.

3) Advocacy services including liaison services and/or active intervention with community services and programs on behalf of victims of domestic violence.

4) Counseling services, including support for victims to address their individual needs and the needs of their children, domestic violence education, and safety planning.

5) Community education, youth domestic violence prevention education and outreach activities including, domestic violence awareness-raising events and education through presentations and the media.

Other services offered to victims of domestic violence include: Children's services including, arranging for child care while parents participate in domestic violence activities, and counseling for children affected by domestic violence. Services for victims also include, support groups, transportation services to victims who require access to legal, medical, housing, employment, or public assistance systems, and services for non-English speaking victims through bilingual staff.

There are 13.52 Staff Members of Family Services Battered Women's Services, which include:

1. The Core Non-Residential Services staff includes, but is not limited to, Counselor/Advocates, a Latina Outreach Coordinator, and Director which are instrumental in providing coverage for the 24 hour hotline, counseling, and advocacy to the increasing number of victims reaching out for services.

2. Several members of the County's DART team.

A. The DART coordinator, who chairs the County's Steering Committee for Universal Response to Domestic Violence and is located in the District Attorney's office to ensure smooth communication and integration among the police, probation, courts, and department of social services.

B. One full-time DART Domestic Violence Outreach Worker, located in the District Attorney's Office. In previous years there have been two Outreach Workers employed through the program but the loss of funding in the 2010 budget resulted in the loss of this very crucial position.

C. Three full-time DART Advocates who are co-located at the City of Poughkeepsie, Town of Poughkeepsie, and City of Beacon police departments.

3. The Jessica Gonzales Victim Assistant who is located at the Dutchess County Sheriff's Office. This advocate provides assistance to domestic violence victims at the Sheriff's Office, in particular those that are requesting the service of an order of protection. The advocate also provides education and assistance to the officers.

4. The Integrated Domestic Violence Court Advocate who provides court advocacy and supplemental services to victims using the services of the Integrated Domestic Violence Court.

5. Two positions through the Domestic Violence Education Prevention Program which is a school-based comprehensive prevention-education program with a focus on providing youth between the ages of 5 years and 21 years with domestic violence and teen dating violence education, information on services available, basic rights, and options available and accessible to youth. The program also provides crisis counseling for youth affected by domestic violence and/or teen dating violence. Community education services focus largely on informing school personnel, police agencies, clergy, Court personnel, hospital staff and social services personnel about the dynamics of domestic violence and the local services available. Raising community awareness about domestic violence is an integral component of services offered and necessary to create a safe and supportive community environment.

A. The Youth Education Coordinator designs and implements the school-based education and youth counseling portions of the program.

B. The Volunteer Coordinator is responsible for the training, supervision, and on-going support of community volunteers and student interns.

6. Volunteers are integrated into all aspects of the services provided by Battered Women's Services of Family Services, Inc.

BATTERED WOMEN'S SERVICES STATISTICS

Year	2007	2008	2009
Hotline Calls	11,775	11,637	12,783
Clients Served	2,338	2,451	2,580
Youth Served	2,394	1,911	2,860

CRIME VICTIMS' ASSISTANCE PROGRAM

Family Services' Crime Victims Assistance program provides comprehensive services for victims of all types of crime. Domestic violence and sexual assault victims are the two groups with the highest representation. In 2009, CVAP served a total of 1,282 victims (a 16% increase over 2008; 2008 n=1,107) and provided 25,271 units of services (a 33% increase over 2008; 2008 n=19,197). Of the 2009 clients, 223 were victims of domestic violence.

Crime Victims Specialists provide advocacy for victims in a variety of areas including court, medical, criminal justice system, basic needs, and Crime Victims Board Compensation assistance. Licensed therapists with extensive training in trauma therapy provide long and short term counseling.

SAFE/FNE (SEXUAL ASSAULT FORENSIC NURSE EXAMINER/FORENSIC NURSE EXAMINER) PROGRAM

The Crime Victims Assistance Program's SAFE/FNE (Sexual Assault Forensic Examiner/Forensic Nurse Examiner) component provides evaluation and forensic documentation in sexual assault cases and the evaluation and documentation of injury due to physical violence in domestic violence cases. In many cases, the Forensic Nurse may be the only medical person who sees domestic violence victim; many victims do not seek standard

medical care. Additionally, SAFE/FNE(s) provide expert witness testimony in Criminal and Family Court, and Parole Violation Hearings. In 2009, CVAP provided 52 Forensic Nurse Examinations to victims of domestic violence; as of 9/23/10 they have already provided 52 FNEs to domestic violence victims this year.

	# of CVAP DV Cases	# of CVAP FNE exams
2009	223	52
2008		50
2007		49

SUPERVISED VISITATION PROGRAM OF FAMILY SERVICES

The Supervised Visitation Program of Family Services, Inc. provides monitored visitation services at the Dutchess County Family Court. The program gives children from families affected by domestic violence, child abuse/neglect, substance abuse and mental illness the opportunity to visit with their non-custodial parents in a safe, nurturing environment.

Over this past year Supervised Visitation has served 56 families and 88 children. Their profiles include 85% cases involving domestic violence, 71% involving child abuse/neglect and 55% involving substance abuse.

The program provides one-on-one supervision where the non-custodial parent and his/her children are supervised by a Visitation Monitor who is present in the room at all times. The Visitation Monitor can directly observe the activities of the visit and hear all conversations. The facility also includes a two-way mirror to allow the Program Associate Director the ability to observe the visit from another room. The Visitation Monitors write reports of their observations and submit the reports to the referring Family Court Judge. The program is located at the Dutchess County Family Court where all people entering the building pass through extensive security screening. There are comprehensive safety

protocols in place to stagger drop-off and pick-up times in an effort to avoid confrontation and/or risk of harm to either the custodial parent or the non-custodial parent during the exchange of the children for visitation.

The Supervised Visitation Program currently serves 10 families utilizing 10 visits per week. Visits can involve anywhere from 1 to 6 children per family at a time. There have been up to 7 families on the waiting list. The current level of service is inadequate to the needs of the community and represents a decline from the 18 families that had been previously served but could not be fiscally sustained because of the \$30,000 reduction in aid from Dutchess County. Families have voiced their concerns about the lack of services made available by the Supervised Visitation Program. The safety and security offered by the Dutchess County Family Court building and its officers provide reassurance to the families where violence and/or possible abductions are possibilities. Families also report to prefer the Supervised Visitation Program because many lack the resources for costly independent providers and some are unable to select unbiased third party observers (friends/family members).

An Access and Visitation grant for \$41,565.32 from the New York State Office of Temporary Disability Assistance (through the Federal Office of Child Support and Enforcement (OSCE)) is the sole funding source for the Supervised Visitation Program. The program receives a significant in-kind contribution from the New York State Unified Court System, which absorbs all costs for occupancy and over-time pay for Court Officers to assure the safety of staff and families utilizing program services.

Dutchess County has developed an Integrated Domestic Violence (IDV) Court. This Court serves families from Dutchess County who have cases in both the Criminal and Family Court systems. It was anticipated that this Court would need access to the Supervised Visitation Program. It was estimated that the IDV Court would need a minimum of 2 visits per week.

The Supervised Visitation Program began in 1998 as a program of the YWCA of Dutchess County. In 2003, the program experienced a significant loss in funding from the Temporary Assistance to Needy Families (TANF) Parents Count Program. A resolution for emergency funding was proposed to the Dutchess County Legislature at that time and passed, allowing the program to continue to function at a reduced capacity. Throughout

2004, the YWCA continued to experience the effects of decreasing resources from the previous year. The Program Director was instructed to devise a way to manage the Court referrals, while also maintaining safe staffing levels to adequately serve families, with a considerably reduced budget. The result was a restructured visitation schedule removing more visitation timeslots. On February 4, 2005, the YWCA suspended all operations leaving approximately 37 families utilizing program services un-served. The Supervised Visitation Program's contract with the New York State Office of Temporary Disability Assistance was transferred to Family Services, Inc. and the program resumed operation in July 2005.

Funding sources for the program have included:

- New York State of Temporary Disability Assistance Access and Visitation Grant (through the Federal Office of Child Support and Enforcement) – current funder
- Considerable in-kind support from NYUS Unified Court System and Dutchess County Family Court for occupancy and security costs

It is clear that the Supervised Visitation Program of Family Services, Inc. is an important and valuable resource for Dutchess County families.

LEGAL SERVICES OF THE HUDSON VALLEY

Legal Services of the Hudson Valley represents low income clients on civil legal matters in seven counties in the Hudson Valley. Services provided are free of charge to eligible clients. Representation is given in the following areas: eviction proceedings, Section 8 terminations, public benefits denials including unemployment insurance, Medicaid, food stamps, and DSS cash assistance denials; Social Security disability hearings; foreclosures; bankruptcies to preserve the home; children's rights issues including assisting parents in securing an appropriate education for their special needs children; health care proxies, powers of attorney, and wills for senior citizens; elder abuse cases; and representation of victims of domestic violence in Family Court and on matrimonial cases. Legal Services of the Hudson Valley offers pro se divorce clinics for uncontested divorces and for Chapter 7 bankruptcies. The agency has several specialized grants to assist disabled clients with a myriad of civil legal needs.

Representation of Victims of Domestic Violence

Legal Services of the Hudson Valley represents victims of domestic violence in Dutchess County Family Court on custody, visitation, family offense, child support, spousal support, and violation petitions. In Supreme Court, the office represents domestic violence victims in contested matrimonial actions. It should be noted that the other services listed above also are available to victims of domestic violence, if they meet the eligibility criteria. Since 2007, Legal Services has opened 823 cases for victims of domestic violence in Dutchess County. Currently, the office has 156 such cases open.

As their services are free of charge, they assist only clients who cannot afford to hire an attorney. Some of their grants have income limitations which restrict representation to those clients who are below 200% of the federal poverty income guideline. In representing domestic violence victims, they do not count as income any household income or assets which are not readily accessible by the victim. In every area with the exception of representation on domestic violence matters, they are restricted from representing undocumented residents. A VAWA exception exists which allows them to represent undocumented domestic violence victims when their case relates to the domestic violence.

The purpose of their representation in the case of domestic violence is to free the victim from the abuse, empower her/him to make a fresh start, and to create a plan whereby the client and the children will be able to secure a stable home life for the future. They do represent men as victims of domestic violence; however, roughly 95% of our domestic violence clients are women. They have experienced a surge in requests for assistance since their client, Linda Riccardulli, was murdered. Their budget for domestic violence services was cut in 2009 by approximately 25%; funding comes solely from Dutchess County for this work¹². Due to the decline in resources, coupled with the increase in requests for assistance, they have had to turn some victims of domestic violence away after simply supplying them with advice, rather than representation in litigation. Their services remain a more cost effective alternative to Assigned Counsel in Family Court, and are offered by attorneys trained in the unique intricacies that domestic violence situations present.

CRIME VICTIM SPECIALISTS NEW YORK STATE POLICE

The New York State Police employ eight (8) full time Crime Victim Specialists (CVS) throughout the state. One of the Specialists is assigned to work from Troop K; the geographic area she covers is Westchester, Putnam, Dutchess and Columbia Counties. The role of the CVS is to act as a resource to both law enforcement and victims of crime to ensure victims are advised of their rights, as well as to provide assistance and comfort for victims. Also to ensure that members of law enforcement are provided with adequate information regarding services to victims. The CVS is on call 7 days a week, 24 hours a day.

A single CVS is responsible for providing the NYSP within each Troop with information to facilitate the awareness of service providers and other emergency services available to meet the needs of crime victims. The CVS is responsible for supplying or arranging for an

¹² Funding for this project initially resulted from a recommendation made by this Committee on the heels of a criminal matter involving a child homicide with domestic violence present. The child's mother was financially unable to divorce the man who had killed their child; he contested divorce and she lacked the resources to pursue that litigation. That example was but one instance of a person desiring to remove herself from an the control of an abusive marriage but without the financial means to do so.

adequate supply of brochures and other written information about services available to victims at each station. Referrals come from NYSP and other police agencies, the DC District Attorney's Office, Attorneys, Counselor's, family or friends and self-referral. The CVS's will do outreach to victims (provided it is safe to do so).

Additionally, the CVS provides direct services to victims such as; Crisis Intervention, Crisis Counseling, Information and Referral, Home/Hospital visits, Court Accompaniment, Transportation to Court/DA, Compensation Claims Assistance with NYS Office for Victims of Crime and Personal Advocacy.

The CVS collaborates and cooperates with other service providers to facilitate assistance to victims and reduce duplication of services when possible. The CVS attends meetings and events related to the provision of direct services for victims as well as for the purposes of identifying gaps in and the improvement of services for victims community wide. The CVS conducts training alone or in conjunction with other agencies relative to the needs of victims and or the provision of services to same.

Statistics (victims of domestic violence only)

2007 72 victims served 61 referred by police

2008 86 victims served 77 referred by police

2009 57 victims served 50 referred by police

Jan-June 2010 37 victims served 22 referred by police

**Domestic Violence Specialist and Liaison Dutchess County Sheriff's Department-
JESSICA GONZALES VICTIM ASSISTANT**

Purpose and Scope The Domestic Violence Liaison's duties are primarily associated with victims. Duties include but are not limited to; review and management of domestic violence incident reports (DIRs), contact with victims for safety planning, counseling, referrals, court appearances, advocacy, shelter placement, explanation of police and judicial procedures, assistance with child care and support issues. The Domestic Violence Liaison Specialist may respond for on scene support as needed. She can provide recommendations in cases with repeat offenders and assess need for additional resources. Domestic Violence Liaison Specialist also confers with the District Attorney's Office, Probation, CPS, Social Services, County Housing, Battered Women's Services, Grace Smith House, Crime Victims Board, Dutchess County Department of Mental Hygiene, Adult Protective Services, Hudson Valley Legal Services and the Public Defender. The position is also called "Jessica Gonzales Victim Assistant" because the funding for the position was obtained for 2010 through a Federal grant by that title.

Work Location The Specialist works from the Sheriff's Headquarters in Poughkeepsie. Most duties are carried out from this location but can be done in homes, or other locations. The Specialist is available 24 hours a day 7 days a week by cell phone. Police Officers can call and get advice, provide updated information on repeat victims or offenders. The Communications Bureau can transfer calls from victims directly to the Specialist.

Advantages and Benefits During the 2010 year, the first year of the position, the Domestic Violence Liaison has acted as a "check and balance" system for the Sheriff's Office. Situations where crimes should have been charged have been brought to the attention of the law enforcement division. The Child Advocacy Center has been made aware of family offense situations and domestic violence incident reports have been updated. In-service training has been provided to members to increase sensitivity to victims' issues. The Liaison, together with the Sheriff's training staff are implementing plans for more detailed and

intense training component at the Basic Police Academy; the purpose is to provide new police officers with better understanding of domestic violence and family court matters.

DCSO Statistics for 2010

Violation's of orders of protection	157 plus
Orders of protection served	253
Arrests related to domestic violence	74
Domestic Violence incident reports	523
Domestic Violence walk in complaints	17 plus
Liaison safety counseling and referrals	139
Contact with victims of order of protection violation	29
Domestic violence related homicide in Dutchess	2
Domestic violence related attempted homicide	1

Summary Police response to domestic violence in Dutchess County has seen a steady rise in the past 10 years. Service of orders of protection and mandatory arrests in domestic violence have created a complex reporting and record keeping challenge. The typical time spent at a domestic violence call for a deputy can easily exceed an hour when no arrest is made; with an arrest necessitating an order of protection with required arraignment, four hours can be consumed. Domestic violence numbers exceed burglaries and larcenies.

Each domestic violence incident report reflects a deputy's response to an incident involving a victim. The Domestic Violence Liaison Specialist responds to that victim's needs. Typically the Specialist reads and responds to every DIR within 24 hours. Before this Specialist was in place, the domestic violence incident report was filed by a deputy sheriff who responded to a call with no follow-up unless an arrest occurred. With the Specialist at the Dutchess County Sheriff's Department in place, the report results in meaningful assistance to that victim and helps her to be connected with the services that can help her live safely.

Along with assisting victims, the Liaison a key role is developing a working relationship between police personnel and the domestic violence community. The Liaison works on

policies and procedures for serving and enforcing orders of protection as well as ongoing education and training.

Addition of the Liaison as proven to be a cost effective innovation that assists in providing needed assistance to victims, guidance to the deputy sheriffs and has facilitated efficiency of the police response by addressing victims' needs so that the officers can return to their primary law enforcement duties more quickly.

Specific responsibilities of the Liaison include;

- Assisting victims wishing to file complaints by providing information about the justice system (including criminal and Family Court options) and preparing supporting depositions.
- Assisting victims in filing a Family Court petition if they choose.
- Providing crisis and non-crisis counseling, safety planning and domestic violence education to victims.
- Providing referrals to services including shelter, medical care, mental health care, social services, etc.
- Interfacing with police officers, providing information as needed and consultation regarding domestic violence cases.
- Acting as a resource and consultant regarding domestic violence education for community agencies with a specific emphasis on law enforcement.
- Participating in domestic violence training for the police department.

Child Advocacy Center

The Child Advocacy Center (CAC) is a community collaboration model involving a private/ public agency partnership to affect a county-wide response to child abuse victims. It serves children of all ages who are victims of sexual abuse and extreme physical abuse. Team members include four CPS Case Manager II workers, a CPS Supervisor, a law enforcement supervisor from the Dutchess County District Attorney's office, one Dutchess County Sheriff's Deputy, one New York State Police officer, one City of Poughkeepsie Investigator and two staff members from the Child Abuse Prevention Center.

Underpinning the work of the onsite CAC team of forensic interviewers and support professionals is a county-wide multidisciplinary team involving representatives from CPS, CAC, law enforcement, prosecutors, medical, mental health and victim advocacy. The CAC/MDT conducts specific case reviews to ensure the child's safety and efforts are made to minimize the trauma to the child victim; to ensure the needs of the family are met; and to work cooperatively to ensure positive legal outcomes that prevent the perpetrator from re-victimizing the child.

The CAC provides a child-friendly atmosphere and trained professionals to work supportively with the child victim and his/her family while meeting their needs and gathering needed evidence during the investigative phase of a child abuse investigation. All cases are referred to the Crime Victim's Assistance Program to have a victim advocate meet with the child and family while at the CAC. CPS/LE investigators also make any other referrals to the family that they deem necessary. This includes making referrals to Dutchess County Battered Women's Services. Whenever there is subject of domestic violence in a report it is protocol to make a referral. Since 2009, the CAC has referred 9 cases to DCWBS and 11 cases to Grace Smith House. When needed CPS/LE complete a Domestic Violence Liaison Referral Form and submit it to Grace Smith House.

THE DOMESTIC VIOLENCE AND MEDIATION SAFETY PROJECT: A Partnership between the Mediation Center of Dutchess County and Battered Women's Services of Family Services, Inc., with Dutchess County Family Court

Since its creation in 2003, the Domestic Violence and Mediation Safety Project's purpose has been to increase safety for victims of domestic violence who are referred to mediation to discuss civil matters such as the custody and visitation of children. The Project provides a comprehensive process that helps victims assess the risks associated with mediation when there has been a history of domestic violence, decide whether or not to mediate, and create a safety plan for the process. This unique and cutting edge Project is the first of its kind to thread a domestic violence safety assessment protocol throughout a mediation process, thereby supporting a victim's "voice and choice" to mediate safely or to

choose another dispute resolution option. The need for the Project became clear when victims who were in mediation felt unsafe and later disclosed the experience to counselors at Battered Women's Services. A seven month process between the Mediation Center and Battered Women's Services ensued, with the cooperation of the Family Court so that each participant could understand each other's work more fully and develop a safety protocol that would identify and support victims, including their choice to mediate. All intimate partners referred to mediation, regardless of the referral source, go through the Project. With an understanding of how the dynamics of domestic violence impact victims and that domestic violence is rarely detectable in a mediation session by anyone other than the victim, the Mediation Center and Battered Women's Services created The Project to safely identify, assess and plan with victims in order to honor their voices whenever mediation is offered.

The Project has helped hundreds of clients identify and name their experience of domestic violence, connect to services offered by Battered Women's Services, and decide whether mediation, legal advocacy or a combination of both would best meet their needs, all within a structure designed to increase safety. Because a domestic violence counselor is co-located at the Mediation Center up to 5 hours per week, clients can receive assessment on-site which increases efficiency in providing services. When mediation is not a viable choice, victims can be referred to Legal Services of the Hudson Valley for legal representation by attorneys who specialize in advocating for victims. Another system efficiency is created since no additional domestic violence assessment for Legal Services is necessary due to the Project's assessment.

The unique nature of the Project has earned it awards from the Coalition for Domestic Violence and Sexual Assault as well as the 2009 ADR Achievement Award from the Association for Conflict Resolution of Greater New York (ACRGNY). The Project has been the subject of a 2006 conference entitled "Domestic Violence and Mediation: Building Bridges, Building Partnerships: Ignorance is Not Bliss," and has been sought after for conference workshops and consultations by other mediation programs throughout the Country.

Domestic Abuse Awareness Classes for Men (DAAC) at Family Services

Overview:

Domestic Abuse Awareness Classes for Men (DAAC) is an educational program for men to address the crime of domestic abuse. The primary intervention approach best suited to this population, as established by the NYS Office for the Prevention of Domestic Violence, is group educational classes. DAAC is part of a collaborative effort involving the Dutchess County Office of Probation and Community Corrections, Dutchess County Department of Social Services, Dutchess County District Attorney's Office, Battered Women's Services of Family Services, Inc., Supervised Visitation Program of Family Services, Inc., Crime Victims' Assistance Program of Family Services, Inc., and Grace Smith House. The combination of abuser accountability within the criminal and civil justice systems and a coordinated community response of zero tolerance for abusive behavior is the recommended strategy for creating an environment in which men will be motivated to stop their abuse against their partners. The goal of the program is to improve the possibility that there will be consequences to men who commit the crime of domestic violence and, therefore, contribute to increasing the safety of women and children.

Methodology:

DAAC is designed to provide the criminal justice system with a consequence to impose on a batterer to hold him accountable for his abusive and violent behavior. The method used with batterers in DAAC is through educational classes identifying the different forms of domestic abuse; teaching participants the significant role their belief systems play in domestic abuse; communicating without violence; holding participants accountable for their acts of violence and learning how to end domestic violence in the community.

After group registration and orientation, participants attend either 26 or 52 weekly classes. Classes are held on a number of regularly scheduled days and evenings and in both Poughkeepsie and Beacon as well as in the Dutchess County Jail. The class is also offered in Spanish. The offender is held accountable for his behavior as a program participant – toward instructors, other program staff and other participants – and for complying with the program participation contract signed at registration (for the community

program). DAAC also tracks compliance of participants with their mandate and reports to the referral source.

Current Enrollment:

2010 year-to-date registrants total one hundred fifty-seven (157) compared with one hundred twenty-one (121) for the first nine months of last year, demonstrating a continued trend of overall growth. Current enrollment is eighty-four (84), compared with seventy-two (72) at this time last year.

DAAC classes continue in Dutchess County Jail. Thirty six classes have been held so far this year. Fifty-five (55) (unduplicated) participants have attended between one (1) and twenty-five (25) classes in this time. Attendance at each class averaged ten (10) participants, with a maximum set at twelve.

Completions/Failures to Comply:

So far in 2010, fifty-one men have completed DAAC. DAAC has reported one hundred and twenty-four Failures to Comply by notifying the referring Court.. It should be noted that this number reflects multiple failures on the part of some clients- the most common court response for a Failure to Comply is a new referral to DAAC. The most common reason for Failure is non-attendance of registration. The second most common reason is excessive absences (all clients are allowed a maximum of three absences during the required twenty-six weeks of attendance).

Fees for Services:

All referred clients are required to pay for each class they attend. Fees collected partially defray the cost of administering the program. The cost for both registration and orientation is fixed at \$30.00 each. The cost for classes is set according to the following sliding fee scale:

<u>Gross Salary</u>	DAAC Fee Scale	
	<u>Weekly Fee</u> <u>Dutchess County</u>	<u>Weekly Fee</u> <u>Out of County</u>

	<u>Residents</u>	<u>Residents</u>
0 – 5,000	\$ 5.00*	\$ 5.00*
5,001 – 10,000	\$10.00	\$15.00
10,001 – 15,000	\$15.00	\$20.00
15,001 – 20,000	\$20.00	\$25.00
20,001 – 25,000	\$25.00	\$30.00
25,001 – 30,000	\$30.00	\$35.00
30,001 – 35,000	\$35.00	\$40.00
35,001 – 40,000	\$40.00	\$45.00
40,001 – 45,000	\$45.00	\$50.00
45,001 – 50,000	\$50.00	\$55.00
50,001 – 55,000	\$55.00	\$60.00
55,001 and up	\$60.00	\$65.00

*\$5.00 fee is offered to indigent clients, to those referred by an inpatient treatment program, or to those referred by DSS with an accompanying payment voucher.

In order to receive sliding scale assistance, a client must provide acceptable documentation of income.

Payment is due at the beginning of each session. Every participant is expected to follow his payment plan. When a payment is missed, a double payment will be expected for admission to the next session. No participant will be allowed to go more than two weeks without paying. Failure to abide by this policy will result in classes being added to the 26 or 52 week mandate or in discharge from the program, at the discretion of the program coordinator. If the fee is to be paid by Social Services or another provider, the voucher needs to be received prior to the start of the group. Participants who do not complete the course will be billed for classes attended but unpaid. If a participant has a balance due, he will not be re-enrolled until the balance is paid.

A participant's case will not be closed, nor will a notice of completion be sent out, until all monies owed are paid in full.

The current average client fee is approximately \$20.00/class.

Enrollment, Discharge and Completion Totals, 2007-2009

In 2007, DAAC provided services for one hundred eighty-four (184) men, including one hundred twenty-five (125) new registrants. Of the 125 new registrants, only nine (9) attended no classes following their registration, a significant decrease from the prior year. Of the remaining one hundred sixteen (116), sixty-eight (68) were carried over into 2008. During 2007, sixty-five (65) men completed the program. The percentage of completion in 2007 was 51%, which is consistent with the national average and the trend recorded through the last five years of DAAC data. Ninety-one (91) men were discharged, though many of them were re-referred, the majority following a failure to appear following an initial referral. In 2007 in the Dutchess County Jail DAAC class (DCJ), eighty-seven (87) men attended between one (1) and twenty-eight (28) classes.

In 2008, DAAC provided services for two hundred forty-five (245) men, including one hundred seventy-seven (177) new registrants.

In 2009, DAAC provided services for two hundred thirty-seven (237) men, including one hundred sixty-four (164) new registrants.

Totals (Jail not included)	2007	2008	2009
Total Enrolled	184	245	237
Completed	65	92	95
Discharged*	91	122	114
Carried Over	68	77	61

***This number includes some clients who were re-referred**

Summary:

The DAAC program continues to provide an important piece of Dutchess County's Coordinated Community Response to domestic violence as the only program of its kind in the County. The program has received praise from colleagues in the courts, the District Attorney's Office, the Dutchess County Jail, the Department of Social Services, and providers

of victims' services. In keeping with guidelines developed by the New York State Office for the Prevention of Domestic Violence, DAAC remains committed to promoting safety for victims and holding offenders accountable.

PEACE PROGRAM

Family Services' Personal Empowerment and Conflict Education (PEACE) program is a psycho-education program for women who have issues with anger and/or utilize inappropriate aggressive behaviors and violence. Participants include women who have acted out in intimate partner relationships, as well as those who have behaved violently toward children and other family members, neighbors and acquaintances, co-workers, and others. Following an orientation session, participants attend 16 classes which focus on topics such as understanding how beliefs systems affect behavior and perpetuate the cycle of violence, taking responsibility for one's behavior, and how to break the cycle of violence. While many PEACE clients are mandated, the program also accepts self-referrals. PEACE has operated for over ten years, and in 2010 became a component of the DAAC program. As part of DAAC, PEACE has enrolled 21 women to date.

COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Coalition Against Domestic Violence and Sexual Assault (CADVSA) is a grassroots coalition of agencies and individuals committed to ending abuse in Dutchess County through advocacy, collaboration, education and political action.

The Coalition asserts the fundamental right of every individual to live free from violence. The Coalition strives to be a diverse organization which acknowledges that domestic violence and sexual assault know no boundaries with regard to ability, age, class, gender, religion or sexual orientation, although the primary victims are women and children.

At monthly meetings, the Board pursues its goals:

- Create greater sensitivity to the needs of victims.
- Promote public awareness through crime prevention and education programs.

- Ensure availability and accessibility of local services.
- Provide a communication system within the movement
- Advocate for public policies which address the needs and rights of victims
- Encourage members to share their views, ideas and suggestions.

The Coalition has a number of Standing Committees which address specific issues and/or populations.

The Latina Committee works to increase awareness and to raise funds to help Latina victims. Their spring fundraising dance is a high point of the CADVSA calendar. For Latina victims of domestic violence, the Committee makes emergency funds available from the money raised at their events,

The Program Committee plans and coordinates the Spring Luncheon Program and the Annual Full Membership/Breakfast Meeting, traditionally held in October, usually at Vassar College.

The Interagency Forum Committee brings together professionals from this and surrounding communities for Friday afternoon discussions on significant topics of common interest.

The Faith Committee works to open conversations with faith groups and leaders about sexism and violence.

The Clothesline Project committee oversees and makes available the Clothesline Project, a powerful collection of words and images from survivors and the families of victims of domestic violence on t-shirts for public display.

The Health Care Committee works on issues that affect or are affected by concerns around domestic violence and sexual assault and health care.

The Newsletter Committee produces the yearly CADVSA newsletter. Writers and editors are welcome, as are submissions and story ideas.

The Membership/Fundraising Committee is responsible for generating new

CADVSA memberships and raising Coalition funds.

The Public Relations Committee identifies current issues and events that require participation or input from CADVSA. This committee prepares and distributes Coalition media releases. Representatives from the Public Relations Committee may attend public events and speak on behalf of the Coalition.

Men Against Domestic Violence meets regularly to discuss and determine ways that men can be more proactive in ending men's violence toward women.

www.cadvsa.org Website committee develops and maintains the content of the Coalition website.

Dutchess County Department of Social Services - Domestic Violence Services and Interventions

Child Protective Services/Children’s Services case managers investigate reports of domestic violence that has led to neglect or abuse of children, and offers or arranges for follow up services.

Examples of interventions include filing family court petitions on behalf of clients to obtain orders of protection for children and adult victims, arranging other safety interventions for children, foster care, and preventive services. Case managers work cooperatively with the District Attorney, police and community service providers and are available in case of emergencies 24 hours per day, 7 days per week.

Two Domestic Violence Liaisons from Grace Smith House are co-located in CPS to work directly with victims on CPS/Children’s Services cases and provide consultation for CPS.

Number of families referred to DV liaisons:

2009	205
2010 (through 8/31/10)	145

Preventive services cases w/ identified domestic violence issues (as of Sept 2010): **42**

Foster care cases with identified domestic violence issues (as of Sept 2010): **29**

Adult Protective Services case managers investigate referrals of domestic violence and provide follow up services when the victim is an adult with a disability who does not have capacity to protect him/herself. This can include the elderly, or those with mental or physical disabilities.

There is a case manager who is a domestic violence liaison located in Adult Services whose services are available to those who apply for temporary assistance. Examples of

services provided by the domestic violence liaison include granting waivers of mandatory eligibility requirements, safety planning and arrangements for shelter when needed. The liaison is also available for consultation for other case managers when available.

Assessments completed by DV liaison:

2009	Assessments	203
	Reassessments	233
2010	Assessments	131
	Reassessments	87

Temporary Assistance screens individuals for DV history and offers the services of the DV liaison and waivers when appropriate. Temporary Assistance also authorizes payments for Domestic Violence shelters on behalf of victims when such housing is needed. Once the time limit at a domestic violence shelter is reached (generally 90 days), if continued emergency housing is needed, or if there is no room at a domestic violence shelter, temporary assistance workers also authorize housing payments at homeless shelters for domestic violence victims.

2009 Number of unduplicated cases that received DV shelter payments: **101**

2009 Domestic Violence Shelter Costs: **\$573,974.**

2010 Number of unduplicated cases that received DV shelter payments
(through 9/13/10): **54**

2010 Domestic Violence Shelter Costs (through 9/13/10): **\$499,586.**

The Department of Social Services also contracts to pay for domestic violence services with community agencies as follows:

Family Services 2010 contracted services

Crime Victims program	\$80,000.
Battered Women’s Services Youth program	\$75,003.
Battered Women’s Services DART program	\$255,915.
Battered Women’s Services Core services program	<u>\$316,666.</u>
Total	\$727,584.

Grace Smith House 2010 contracted services

Core Services	\$64,403.
Family Advocacy/Latina Outreach	\$52,653.
Dutchess County Family Court Advocate	\$80,848.
Family Court Project	\$107,753.
Domestic Violence Divorce Project	\$83,304.
Child Protective Services Domestic Violence liaisons	<u>\$87,771.</u>
Total	\$467,732.

Dutchess County is able to recoup portions of this funding by reimbursement through the State.

Other costs expended by the Dutchess County Department of Social Services in relation to domestic violence include the salaries of case managers assigned to investigate and provide services to the families impacted by domestic violence. Because there are no “domestic violence specific” caseloads, a specific dollar amount cannot be easily determined.

Dutchess County Department of Probation and Community Corrections

The following is a brief description of the various programs and services provided by the Office of Probation and Community Corrections for domestic violence offenders and victims. The primary goals of all the programs are **victim safety and offender accountability**.

D.A.R.T. (Domestic Abuse Response Team)—The Office of Probation is a co-founder and member of D.A.R.T. The probation officers provide pertinent information to the courts regarding newly arrested defendants, attend DART meetings in order to share information and discuss cases and supervise offenders placed under probation supervision.

Pretrial Services—The Office of Probation operates a pretrial services program. Eligible defendants are screened, using an evidence-based assessment instrument, for suitability for pretrial release. When a probation officer determines that the underlying charge is domestic violence, additional screening occurs. Issues involving victim safety are addressed prior to making a recommendation to the court. If placed under the supervision of the department, probation officers monitor the defendant and insure that court orders are followed.

Investigations—The Office of Probation provides pre-sentence reports to the courts. These reports include a description of the offense, legal and social history, victim information, an evaluation and a recommendation for sentencing.

Supervision—Individuals placed on formal probation are supervised by a special Domestic Violence team located within the “highest risk” unit of the department. These officers follow departmental policy and procedures regarding domestic violence. The unit is also responsible for reviewing all DIR’s submitted by law enforcement agencies and forwarding this information to the supervising officer if the subject of the DIR is on probation. Probationers may be supervised in this unit if they have been convicted of a domestic violence offense or have a history of domestic violence. Probation Officers routinely interact with facilitators for the Domestic Violence Awareness Classes (DAAC) and domestic violence service providers.

Some individuals may be placed on electronic monitoring and are mandated to follow the rules and regulations of this program

Victims' Services Unit—This unit directly interacts with victims to assist them with preparing Victim Impact Statements, communicates information regarding the status of a supervision case and provides referral information.

The department monitors an average of 50-55 pretrial domestic violence defendants and 150 probationers placed on supervision for domestic violence offenses.

BUDGETARY RECOMMENDATIONS

District Attorney's Office

Restoration of the fourth Outreach Worker can be accomplished in one of two ways: creation of a County position that would appear in the District Attorney's personnel budget or restoration of funding to Battered Women's Services for the purpose of funding that position to be co-located in the District Attorney's Office. It has historically been more economical to Dutchess County to fund the position through contract with Battered Women's Services, a program of Family Services, Inc. The funding requirement that would be necessary to restore the position through contract with Battered Women's Services is contained in the Family Services/BWS portion of this Appendix.

Consistent with the recommendation above, calculation of the cost of restoring the Program Assistant eliminated by the 2010 budget would be a computed salary of \$33, 392 with added taxes and benefits for a total of \$52, 065.00.

Family Services, Inc.

	<u>2009 Allocation</u>	<u>2010 Allocation</u>	<u>Difference</u>
Battered Women's Services*	790,825	717,580	-38,046
Crime Victims Assistance	118,046	80,000	-73,245
Supervised Visitation	34,015	0	-34,015
BWS-Breakdown of programs			
CORE-Federal Requirement	316,666	316,666	0
DART	330,740	255,915	-74,825
Youth	75,003	75,003	0
DCJS- Pass Through Funding	68,416	69,996	1,580

Battered Women's Services – more specifically

\$74, 825 was lost in the 2010 budget for the Battered Women's Services Domestic Abuse Response Team. The losses included:

- One outreach worker housed at the District Attorney's Office. This loss has made it difficult to continue weekly DART case conferencing meetings due to time restraints in preparing for the meetings. These case conferencing meetings are very crucial to the cohesiveness of the DART teams in addressing gaps in cases and ensuring victim safety.
- One counselor/advocate position at the Battered Women's Services office. The loss of a full time counselor advocate has made it difficult for the staff of Battered Women's Services to address the increasing number of victims reaching out for services.

- The loss of funding for emergency client needs. This assists in helping women with transportation to court, shelter, counseling, etc. Also, in emergency situations money for client needs is used to purchase hotel vouchers, food, and gas.

ANTICIPATED 2011 LOSSES

- The Jessica Gonzalez Victim Assistant (at Sheriff's Department)
- The Integrated Domestic Violence Court Advocate

Grace Smith House

In 2009 Grace Smith House contracted with Dutchess County for \$555,303 to fund the Non-Residential Program. That sum included funding the Legal Services of the Hudson Valley.

In 2010 the Non-Residential contract is for \$474,983, and also includes the Legal Services programs.

Restoration of the 2009 sum would enable restoration of significant lost services.

Mediation Center funding losses

In the 2010 budget process that took place in November/December of 2009, the Mediation Center lost significant funding that impacted services to victims of domestic violence under their Family Mediation Program. The full amount of the contract that was lost was \$49,097 of which approx. 20% went toward DV services (consultation, mediator training and supervision, staff, etc.). As a result of the funding loss, staff was reduced from full time to part time, supervision time was reduced and the specialized training to add mediators to this program was not held this year.

Given the economical costs of mediators versus the costs of attorneys, judges, etc. this decrease in funding is not a significant savings and, in fact, may be costing more.

Appendix B

HISTORY OF THE DUTCHESS COUNTY CITIZENS' ADVISORY COMMITTEE ON DOMESTIC VIOLENCE

The Dutchess County Legislature established the Citizens' Advisory Committee on Domestic Violence in 1990 following a series of public hearings and presentations relating to the issue of domestic violence within the community. The County Legislature noted the profound effect that violence has within families and, as a result, within the community. The hearings conducted by the Legislature revealed the cumulative and cyclical nature of domestic violence. The problem was found to be of such nature and magnitude as to warrant the establishment of a committee whose function and purpose was to recommend practical measures which might be undertaken to promote safety within the homes in this community and to periodically report to the Legislature on those recommendations.

This Committee has met on a regular basis since July of 1990. The members, appointed by the County Legislature, include representatives from many groups. These groups include Law Enforcement, Advocacy Groups, Family Courts, the District Attorney's Office, private industry, and public and private schools. In keeping with its mandate, this Committee seeks inputs from all groups who deal with domestic violence within the community.