

# Dutchess County Universal Response to Domestic Violence

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October 30, 2013

Dutchess County Legislature  
Robert Rolison, Chairman  
22 Market Street  
Poughkeepsie, NY 12601

Dear Chairman Rolison and Members of the Legislature,

On behalf of the Citizens' Advisory Committee on Domestic Violence, I would like to present the Dutchess County Legislature with the 2013 System-Wide Review and Recommendations Report. As you know, Domestic Violence impacts the lives of many Dutchess County community members. These serious crimes occur in every Town, Village and City in our county. At the request of the Legislature, our committee has undertaken a review of the current coordinated community response to domestic violence in Dutchess County. We have provided recommendations on the ways in which the variety of systems in our county can be enhanced to better protect victims and hold offenders accountable. In addition, we have offered recommendations for changes to be made on the New York State level.

Thank you for your continued commitment to keeping victims safe and holding offenders accountable. Please do not hesitate to contact me with any questions you, or other members of the Dutchess County Legislature have regarding this report.

Respectfully,

Whitney Bonura, LMSW

Coordinator, Universal Response to Domestic Violence  
Chair, Citizens' Advisory Committee on Domestic Violence

***DUTCHESS COUNTY LEGISLATIVE  
CITIZENS' ADVISORY COMMITTEE  
ON DOMESTIC VIOLENCE***

**2013 SYSTEM-WIDE REVIEW AND RECOMMENDATIONS**

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*October, 2013*

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## **INTRODUCTION**

*Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.*

*Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.*

*Domestic violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large. Children, who grow up witnessing domestic violence, are among those seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but also teaches them that violence is a normal way of life - therefore, increasing their risk of becoming society's next generation of victims and abusers.*

*Sources: The US Department of Justice Office on Violence Against Women and [womenslaw.org](http://womenslaw.org)*

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. Following the Riccardulli murder and suicide Chairman Rolison asked the members of the Citizens Advisory Committee on Domestic Violence (CACDV), duly appointed by the Legislature, to conduct a system-wide review of the domestic violence services in Dutchess County and provide recommendations on ways that Dutchess County can better protect victims and prosecute offenders of domestic violence. That report was presented to the Legislature in 2010.

Over the past three years, our county's coordinated response to domestic violence has implemented important initiatives that have improved our ability to protect victims and hold offenders accountable. This progress was presented in an update to the Legislature in May 2013. While great progress has been made, domestic violence continues to remain a very serious issue for our community and there is more work to be done.

At Chairman Rolison's request, the Citizens Advisory Committee has once again undertaken a system-wide review of the current state of the Coordinated Community Response to Domestic Violence in Dutchess County. We have also provided recommendations on ways in which the variety of systems in Dutchess County can be enhanced to protect victims and hold offenders accountable for their crimes. In addition, the committee has offered recommendations for changes to be made on the New York State level.

Please note that throughout this report, in keeping with the statistical realities, victims will generally be referenced as females. Offenders, in accord with the same statistical reality, will be referenced as males. The Committee recognizes that although that is the general situation, there are cases in which women are the offenders and men are the victims. There are services for male victims as well as female offenders available in Dutchess County.

The conclusions and recommendations contained in this report 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 as a result of domestic violence are enormous. Absent intervention, domestic violence self perpetuates. That is a fact. Intervention with victims, offenders and the children impacted by violence is the key to ending the cycle, protecting our community's children and keeping families safe.

## **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 Universal Response Steering Committee and the Domestic Violence Service Providers Committee. We also encouraged judges on all County Court levels to provide input on the state of domestic violence response in Dutchess County. The Committee reviewed the services that are available to victims as well as the mechanisms that are in place to deliver those services. We reviewed the criminal justice process it relates to offender accountability and the process by which the system runs a case through its course. We reviewed services available to offenders and thought critically about ways in which programs for batterers could be more effective. Finally, we considered whether or not there are enough services to effectively impact victim safety and offender accountability within our Coordinated Community Response to Domestic Violence.

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 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. In addition, it indicates locations where High Risk Cases have been identified. The three year 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, Appendix A contains an agency by agency description of services. Where possible, Appendix A 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 three significant collaborations that cement the coordination among governmental and not-for-profit organizations. These are the Steering Committee for a Universal Response to Domestic Violence (hereinafter Steering Committee) the Domestic Abuse Response Team Project and the High Risk Case Management Team. These collaborations are discussed in detail below.

#### **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) Project, 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. Additionally, the committee oversees the High Risk Case Management Project, an interdisciplinary team that provides case review to domestic violence cases identified at great risk of lethality.

The Steering Committee consists of the District Attorney's Office, the Office of Probation and Community Corrections, the Public Defender's Office, the Department of Community and Family Services, Family 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 Police Department, the Department of Mental Hygiene, Grace Smith House, Inc., Domestic Violence Services of Family Services (hereinafter DVS), House of Hope Shelter, Domestic Abuse Awareness Classes for Men of Family Services (hereinafter DAAC), 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 Family Services and 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 Project Coordinator also plays a leadership role in the High Risk Case Management project, assisting in bringing a collaborative approach to the most lethal cases of domestic violence in the county.

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.
- Implementation of the Domestic Abuse Response Team in the City of Poughkeepsie, Town of Poughkeepsie, and City of Beacon
- 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 communities).
- Conferences on domestic violence and health care.
- Public awareness campaign on domestic violence targeting the Latino community.
- Securing funding for DV 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).
- High Risk Case Management Program and High Risk Team as well as training for various Dutchess County agencies regarding homicide and assessment of lethality in domestic violence cases.
- High Risk Home Visiting Program through the Dutchess County Sheriff’s Office; funded initially through a Byrne Grant that ended in September 2013 yet will remain funded through a DCJS Legislative grant through March 2014.

## **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 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 Universal Response to Domestic Violence

Project Coordinator. The Steering Committee for a Universal Response to Domestic Violence oversees the project.

DART team members include, the Project Coordinator, four Domestic Violence Outreach Workers in the DA's Office, three DART advocates co-located at each of the three participating jurisdictions, Night/Weekend Hotline Advocates at Family Services Domestic Violence Services, a designated police officer from each of the three DART Police Departments, DART Probation Officers from the Domestic Violence Unit of the Dutchess County Office of Probation and Community Corrections, the Special Victims Bureau of the Dutchess County District Attorney's Office, the High Risk Case Manager and the Project Coordinator of Universal Response to Domestic Violence (who also serves as DART Project Coordinator).

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 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 offenders 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 Domestic Violence Services 24-hour Hotline. 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 DART advocate co-located at the department. The victim is given the option of speaking with an advocate, but does not have to if she does not want to. If she is not interested in speaking with an advocate at that time, she is given the option of having the DART Advocate follow up with her in the next several days.

In 2012, 1944 DART calls were placed to the Domestic Violence Services hotline and 963 victims received follow up services such as advocacy, counseling, obtaining temporary income assistance, and safe housing. In addition, over 300 "walk-in" victims went into one of the three participating police departments and met with an advocate in person.<sup>1</sup>

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 and safety for victims. Team members do not attempt to reach a consensus of how

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<sup>1</sup> These numbers pertain only to DART jurisdictions; other data relating to the work of Domestic Violence Services will be contained in the Appendix A of this report.

a case should be prosecuted. In 2012, 412 cases were conferenced in the three DART jurisdictions. Attendees include: Project Coordinator, DV Outreach Workers, DART Advocates, Police Officers, Probation Officer, High Risk Case Manager, and Assistant District Attorney (as needed).

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. Whenever possible, the Outreach Worker and the Probation Officer 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 2012, 300 arraignment recommendations were provided to the Courts.

The DART Project has been 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.

## **HIGH RISK CASE MANAGEMENT PROJECT**

Dutchess County's High Risk Case Management Project was created in response to five intimate partner homicides over two years in Dutchess County. Following the 2010 recommendation from the Dutchess County Legislature's Citizen's Advisory Committee on Domestic Violence, the Universal Response to Domestic Violence began implementing the project in 2012 in an effort to prevent additional domestic violence homicides. It is essential to the community to have a collaborative understanding of the potential lethality that exists within high risk domestic violence cases.

The High Risk Team is a multidisciplinary group of local professionals that identifies and addresses the most serious and potentially lethal cases of domestic violence in the county. The

team aims to reduce lethality and prevent homicide by early identification of high risk offenders through danger assessments and a multi-disciplinary response to high risk cases. The team is made up of representatives from the Dutchess County District Attorney's Office, Dutchess County Office of Probation and Community Corrections, Dutchess County Sheriff's Office, Dutchess County Department of Mental Hygiene, Dutchess County Department of Health, the New York State Police, Family Services, Grace Smith House and the Universal Response to Domestic Violence. This group meets on a monthly basis to discuss intervention plans for high risk cases. Other relevant agencies are invited to monthly meetings based upon need. Emergency meetings are held as needed. The team has three main goals: 1 - Enhancing the system's response; 2 - Increasing victim safety; 3 - Increasing offender accountability.

Cases begin by a referral to the High Risk Case Manager. Cases are referred based on the score from a full danger assessment, a finding on a shortened assessment, or concerns that have been raised based upon the experience and expertise of the referral source. The full danger assessment (a scientifically validated scoring instrument created through the research of Dr. Jacquelyn Campbell) is administered by the case manager throughout the pendency of the case. The case manager provides comprehensive case management and oversight of high risk cases. The case manager also prepares information to be presented to the team, monitors action steps from team meetings, and tracks team outcomes.

As part of the High Risk Case Management Project, Family Services Domestic Violence Services and the Dutchess County Sheriff's Office (DCSO) partnered to create a High Risk Home Visiting Program in October 2012. This program was initially funded by a small Byrne grant that expired in September 2013 and is currently being funded by a DCJS grant that will expire in March 2014. This program was created to improve the safety of high risk victims of domestic violence as well as to improve their trust in the system.

When a victim identified as high risk is referred to the Home Visiting Program, the DCSO assigns a Detective to the case. The Detective visits the home of the victim periodically while the case is enrolled in the program. During visits the Detective will talk with the victim about their safety and wellbeing. They may interact with the children and discuss any recent events with the victim. The Detective has the option of bringing a victim advocate to the visit if he or

she feels it will be helpful to the victim. The Detective keeps Family Services Domestic Violence Services Program aware of the outcomes of the visits through checklists that are completed before and after each visit. With the victim’s permission, the Detective will return for additional visits as needed. In cases where the offender has exhibited stalking behaviors, the Detective may increase patrol around the residence or assist the victim with other safety issues that are identified. If appropriate, the Detective may discuss a pending criminal case or document and collect additional evidence while visiting. The Home Visiting Program provides an increased layer of safety for victims.

	<b>July - Dec 2012</b>	<b>Jan 2013-Sept 2013</b>
<b>Cases Conferenced by High Risk Team</b>	20	31

	<b>Oct - Dec 2012</b>	<b>Jan 2013-June 2013</b>
<b>Home visits completed by DCSO</b>	28	30

### **DOMESTIC VIOLENCE IN DUTCHESS COUNTY: A STATISTICAL OVERVIEW**

In 2013, domestic violence continues to have a profound effect on the community. Domestic violence occurs in EVERY Town, Village and City in Dutchess County. It knows no jurisdictional boundaries.

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 10 per day in 2012. In 2010, there were 3,686 calls. In 2011, there were 3,661 calls. In 2012, 3,492 calls were placed to 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, may not be captured in this data in any fashion at all.

The law requires police agencies to complete a Domestic Incident Report for each response to a reported incident. Statistics resulting from those reports provide an eye-opening picture of our community. In Dutchess County, police respond to an average of 13.5 domestic incidents per day. While domestic violence incidents reported to law enforcement have remained relatively constant since the report in 2010 (5,158 reported Domestic Incidents in 2010, 5,172 in 2011 and 4,928 in 2012), the number of subsequent arrests has grown significantly. In 2010, law enforcement made arrests resulting in 772 Misdemeanor cases and 306 Felony cases. In 2011, law enforcement made arrests resulting in 884 Misdemeanor cases and 309 Felony cases. In 2012, law enforcement made arrests resulting in 870 Misdemeanor cases and 366 Felony cases. The time spent in the police response to domestic violence represents a significant investment in police resources. Information regarding the number of Domestic Violence Incidents reported to law enforcement in each jurisdiction as well as the number of arrests made by law enforcement in each jurisdiction is presented below.

While the financial costs of responding to domestic violence in the county are significant, those costs are dwarfed by the human and emotional costs to victims and the children exposed to violence. Thankfully, in Dutchess County, there are a number of domestic violence service providers available to provide help to the many victims of domestic violence. These organizations include Grace Smith House, Family Services' Domestic Violence Services, Family Services' Crime Victims Assistance Program and House of Hope. Statistics related to these services are presented with program descriptions in Appendix A.

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

<b>JURISDICTION</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013 (to 9/30)</b>
<b>AMENIA</b>	65	61	56	48
<b>BEACON*</b>	365	360	385	249
<b>BEEKMAN*</b>	111	111	109	91
<b>C/POUGHKEEPSIE*</b>	974	877	1068	737
<b>CLINTON*</b>	38	43	30	14
<b>DOVER*</b>	161	176	151	117
<b>EAST FISHKILL</b>	389	421	347	249
<b>HYDE PARK*</b>	265	300	204	100
<b>LAGRANGE</b>	152	151	213	117
<b>MILAN</b>	16	15	17	11
<b>MILLBROOK</b>	33	16	24	18
<b>NORTHEAST*</b>	27	40	20	28
<b>PINE PLAINS</b>	44	35	33	26
<b>PLEASANT VALLEY</b>	170	159	180	114
<b>STANFORD*</b>	30	22	29	24

T/FISHKILL*	258	277	257	179
T/PAWLING	66	49	69	38
T/POUGHKEEPSIE*	1091	1139	1057	730
T/REDHOOK	49	50	59	28
T/RHINEBECK	41	25	43	18
T/WAPPINGERS*	457	488	263	115
TIVOLI	8	10	9	3
UNION VALE*	27	36	40	25
V/FISHKILL	46	43	21	7
V/PAWLING	10	5	9	6
V/REDHOOK	7	12	17	4
V/RHINEBECK	24	24	21	4
V/WAPPINGERS*	214	219	264	146
WASHINGTON	15	7	25	5
<b>TOTAL</b>	<b>5159</b>	<b>5173</b>	<b>5022</b>	<b>3252</b>

*\*Indicates that a case or cases in this jurisdiction have been determined to be High Risk for lethality by the High Risk Multidisciplinary Team.*

**Number of Domestic Violence Arrests by Jurisdiction (includes arrest rate per total number of incidents)**

<b>JURISDICTION</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013 (to 9/30)</b>
<b>AMENIA</b>	21 (32%)	14 (22%)	12 (21%)	17 (35%)
<b>BEACON*</b>	103 (28%)	86 (23%)	123 (31%)	63 (25%)
<b>BEEKMAN*</b>	28 (25%)	23 (20%)	37 (33%)	25 (27%)
<b>C/POUGHKEEPSIE*</b>	332 (34%)	327 (37%)	321(30%)	195 (26%)
<b>CLINTON*</b>	7 (18%)	15 (34%)	7 (23%)	2 (14%)
<b>DOVER*</b>	31 (19%)	43 (24%)	44 (29%)	22 (18%)
<b>EAST FISHKILL</b>	46 (11%)	60 (14%)	50 (14%)	38 (15%)
<b>HYDE PARK*</b>	130 (49%)	112 (37%)	96 (47%)	63 (63%)
<b>LAGRANGE</b>	29 (19%)	28 (18%)	28 (27%)	27 (23%)
<b>MILAN</b>	9 (56%)	4 (26%)	6 (35%)	5 (45%)
<b>MILLBROOK</b>	3 (9%)	3 (18%)	3 (12%)	3 (16%)
<b>NORTHEAST*</b>	6 (22%)	24 (60%)	9 (45%)	13 (46%)
<b>PINE PLAINS</b>	11 (25%)	15 (42%)	11 (33%)	5 (19%)
<b>PLEASANT VALLEY</b>	25 (14%)	30 (18%)	40 (22%)	21 (18%)
<b>STANFORD*</b>	9 (30%)	3 (13%)	5 (17%)	7 (29%)

<b>T/FISHKILL*</b>	49 (18%)	50 (18%)	70 (27%)	40 (22%)
<b>T/PAWLING</b>	18 (27%)	10 (20%)	19 (27%)	6 (15%)
<b>T/POUGHKEEPSIE*</b>	99 (9%)	177 (15%)	143 (13%)	82 (11%)
<b>T/REDHOOK</b>	11 (22%)	10 (20%)	14 (23%)	10 (35%)
<b>T/RHINEBECK</b>	11 (26%)	4 (16%)	10 (23%)	3 (16%)
<b>T/WAPPINGERS*</b>	56 (12%)	72 (14%)	72 (27%)	55 (47%)
<b>TIVOLI</b>	0 (0%)	0 (0%)	3 (33%)	1 (33%)
<b>UNION VALE*</b>	6 (22%)	12 (33%)	7 (17%)	6 (24%)
<b>V/FISHKILL</b>	17 (36%)	4 (9%)	7 (33%)	5 (71%)
<b>V/PAWLING</b>	6 (60%)	3 (60%)	4 (44%)	3 (50%)
<b>V/REDHOOK</b>	3 (42%)	4 (33%)	9 (0%)	2 (50%)
<b>V/RHINEBECK</b>	10 (41%)	10 (41%)	10 (47%)	2 (50%)
<b>V/WAPPINGERS*</b>	47 (21%)	50 (22%)	69 (26%)	37 (25%)
<b>WASHINGTON</b>	6 (40%)	2 (28%)	7 (28%)	1 (20%)
<b>TOTAL</b>	<b>1129 (22%)</b>	<b>1195 (23%)</b>	<b>1257 (25%)</b>	<b>759 (23%)</b>

*\*Indicates that a case or cases in this jurisdiction have been determined to be High Risk for lethality by the High Risk Multidisciplinary Team.*

**Felony and Misdemeanor Domestic Violence Cases by Year**

	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Felony</b>	306	309	366
<b>Misdemeanor</b>	772	884	870

*\*please note that one arrest may ultimately result in more than one case*

Statistics relating to filings in the Family Court are also enlightening as to the severity of violence in our community’s homes. The following chart contains statistical data for Dutchess County Family Court filings relating to domestic violence for the period between 2010 and September 20, 2013.

**Family Court Domestic Violence Filings<sup>2</sup>**

<b>Case Type</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013 through 9/30/13</b>
<b>Family Offense:</b>				
Original	1401	1362	1508	1078
Supplemental	311	275	316	231
<b>Child Abuse:</b>				
Original	23	12	21	8
Supplemental	65	19	5	3

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<sup>2</sup> 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. An original petition is one that is first filed and considered the base petition. A supplemental docket number can be a Violation/Modification/Enforcement of either a pending or disposed base-docketed case.

<b>Child Neglect:</b> Original Supplemental	371 443	255 388	292 235	347 130
<b>Term Parental Rights:</b> Original Supplemental	57 12	69 3	62 12	39 9
<b>Perm Planning Hrgs:</b>	No data	492	466	391
<b>Totals:</b>	<b>2683</b>	<b>2875</b>	<b>2917</b>	<b>2236</b>

## **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 living with 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 several police stations as a and offer assistance to victims who may or may not become part of the on going process.

The system is generally accessed by one of three ways; a call for emergency assistance through the 911 Emergency Response Center, 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 police agency, 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. She or he is interviewed at the police station and depending on the information provided, 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 Child and Family 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 often 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 occasion, 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 four 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 four 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 appropriate referrals to other agencies including, Domestic Violence Services at Family Services, Grace Smith House (residential and non-residential services), House of Hope Shelter, the Crime Victims Assistance Program at Family Services, and the Forensic Nurse Examiner program.

### **The Family Court System**

A person who seeks a civil Order of Protection files a petition in Family Court pursuant to Article 8 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. In addition, orders of protection issued under Article 3 (PINS),

Article 7 (Juvenile Delinquency) and Article 10 (Abuse/Neglect) are not currently included in the registry.

Each person filing for an Order of Protection through the Court meets with an advocate from Grace Smith House housed in the Family Court building<sup>1</sup>. 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 Family Services Domestic Violence 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 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 offenses and that issuance of a temporary order of protection is warranted. Those offenses are defined by state law and include: disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree (as set forth in subdivision 1 of section 130.60 of the penal law), stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, menacing in the second degree, menacing in the third degree, criminal mischief, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation in the second degree, strangulation in the first degree, assault in the second degree, assault in the third degree or attempted assault between

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<sup>1</sup> 1.5 FTEs are funded through a non-residential grant from the County

spouses or former spouses, parent and child or members of the same household or family. A temporary order of protection, if granted, may include, among other things: language requiring the respondent to stay away from the petitioner, the petitioner's home, school or place of employment; 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. The Court may, under certain circumstances, decline to issue an order of protection ex parte, but will still issue a summons and schedule a further court appearance on the family offense. If the petition does not allege the elements of the listed offenses, 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 cannot 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. However, in a case where the respondent is being vacated from a shared residence and/or a weapons removal is being ordered, the petitioner may be provided with a copy of the order of protection and paperwork to bring to appropriate police agency in order to expedite service and facilitate the respondent being vacated without incident. The 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.

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 cannot 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. In addition, attorneys may be assigned to represent children who are victims or witnesses to the alleged offense. In some circumstances, the Public Defender’s Office may become involved with the case.

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. The Court also handles related matrimonial actions. 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.

From 2007 when IDV Court opened until approximately May 2012, there was a resource coordinator assigned on a full time basis to IDV Court. The IDV Resource Coordinator screened criminal cases originating from throughout the county and compared 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. 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.

In May 2012, the Coordinator position was changed to part-time and the coordinator was then also assigned to other courts in addition to her IDV duties. In September 2013, the

IDV coordinator was transferred to the Dutchess County Judicial Diversion part of County Court on a full time basis. At this time the IDV coordinator position is not being filled. As a result, the tasks previously handled by the IDV coordinator are now being handled by the Chief Clerk's Office, Judge Posner's chambers and family court staff, in addition to their regular duties and responsibilities. This problem is further exacerbated since there is currently a personnel shortage in the Clerk's office, as well as a shortage of court reporters to cover Supreme Court matters.

In the absence of an IDV coordinator, identification of cases eligible for IDV court is primarily through referrals. Referrals from the community and service providers can be made to Michael Thompson, Chief Clerk of the Supreme and County Court and Jennifer LaDue, Associate Clerk of the Supreme and County Court. In addition, Family Court Judges and the Court Attorney Referee continue to self-identify cases for IDV Court eligibility.

Due to the loss of the IDV coordinator fewer cases are able to be identified for eligibility for IDV Court. Additionally, the shortage of personnel negatively impacts the number of cases which can be handled by the IDV Court.

### **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. In addition, service providers regularly network with other community organizations and in hopes of receiving referrals from those organizations. The hope is that victims that have not entered into the system will find information or be made aware of services available to them. 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 Community and Family 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 both local Dutchess County and New York State level Recommendations that we believe, if implemented, can profoundly improve those services, protect victims and assist in the process of holding offenders accountable for their crimes.

### **LOCAL RECOMMENDATIONS:**

#### **1 - Increased Funding for Programs Providing Services to High Risk Victims of Domestic Violence and the Children Impacted by the Violence:**

Throughout recent years, state and local funding cuts to programs that provide services to victims and their children has had an effect 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. Despite these cuts and loss of ongoing funding, programs have found ways to enhance services to victims, particularly victims being identified as "high risk" for lethality. While the committee recognizes that the current state of the county budget is bleak, we respectfully request that the county consider additional funding for the following high risk initiatives and that the coordinated community response to Domestic Violence continue to seek funding in addition to county funding for these important programs.

#### **High Risk Home Visiting Program**

From October 2012 till June of 2013 Family Services Domestic Violence Services and the Dutchess County Sheriff's Office (DCSO) partnered to create a High Risk Home Visiting Program.

This program was funded by a small Byrne grant which reimbursed overtime for DCSO Detectives to conduct home visits for victims identified as high risk by the Dutchess County High Risk Team. This program was created to improve the safety of high risk victims of domestic violence as well as to improve their trust in the system.

When a victim is referred to the Home Visiting Program, the DCSO assigns a Detective to the case. The Detective visits the home of the victim periodically while the case is enrolled in the program. During visits the Detective will talk with the victim about their safety and wellbeing. They may interact with the children and discuss any recent events with the victim. The Detective will make a referral to victim services and at times may bring an advocate to the visit. The Detective keeps Family Services Domestic Violence Services Program aware of the outcomes of the visits through checklists that are completed before and after each visit. The pre-checklists serve as a tool for the detective to gather pertinent information before the visit from systems such as Probation, victim services, and law enforcement. The post-checklist documents any attempted or completed home visit. With the victim's permission, the Detective will return for additional visits as needed. In cases where the offender has exhibited stalking behaviors, the Detective may increase patrol around the residence or assist the victim with other safety issues that are identified. If appropriate, the Detective may discuss a pending criminal case or document and collect additional evidence while visiting.

The Home Visiting Program has been successful in keeping victims connected with advocacy, prosecution, and law enforcement. The visits have resulted in additional evidence collection and system advocacy. This program is the only one of its kind in Dutchess County and has greatly improved law enforcement's interaction with victims of domestic violence as well as increased safety for those victims. Victims have reported increased feelings of safety and trust in law enforcement. In order for the High Risk Team to be successful in preventing homicide, there must be resources available to assist the system in responding to identified high risk cases and reducing lethality factors in those cases. The Home Visiting Program provides an increased layer of safety for victims. The committee strongly believes that this program should be a priority for continued funding.

## **Additional High Risk Case Manager**

In 2012, the High Risk Case Management Project was implemented in response to an increase in domestic violence homicides in Dutchess County. To date, the High Risk Team has managed 53 high risk cases through intense intervention plans and comprehensive case management and tracking. Since the High Risk Case Management Project is a new initiative, the program has undergone many changes during the last year and a half of implementation. This has required a great amount of administrative work by the High Risk Case Manager, Director of Domestic Violence Services, and Universal Response to Domestic Violence Project Coordinator.

The administrative work has largely been supported by the High Risk Case Manager, while also balancing the important and lifesaving case management work with high risk clients. The administrative work includes organizing comprehensive information for High Risk Team meetings, managing action steps from meetings, keeping all team members aware of constantly changing priorities for high risk cases, tracking criminal and civil cases, managing referrals, educating community programs and systems to ensure compliance with program goals, and making continual improvements to program policies and procedures by researching and consulting with national experts to ensure utilization of best practices for homicide reduction programs. The case management work includes, but is not limited to, responding to immediate crisis and safety needs, mitigating high risk factors to reduce lethality, following through with case management goals for client independence and safety, safety planning and reassessment for lethality indicators. The current case load for the High Risk Case Manager is 22. The case manager is forced to continually prioritize cases that present the greatest safety need in the moment, even though all 22 cases have scored in the extreme danger range on the lethality assessment, indicating a potentially lethal situation.

The High Risk Case Management Project is in need of greater resources to support the homicide reduction initiative that is crucial to the safety of Dutchess County citizens. An additional high risk case manager would be responsible for assistance with the coordination of the multi-disciplinary High Risk Team, preparation of case agendas, facilitation of case presentations including client information, criminal history of the offender, and specific

lethality indicators. The High Risk Case Manager will also assure follow-up with action steps proposed in team meetings, provide forensic management and tracking of cases, be responsible for continual reassessment of safety issues and lethality factors, and will ensure compliance with national best practices in domestic violence homicide reduction and community safety.

### **Increased therapeutic services for high risk victims and their children**

Domestic violence is a traumatizing experience for victims and children. The emotional scars can often outlast the physical scars. While safety planning and crisis intervention are absolutely necessary when assisting victims of domestic violence, longer term services, such as therapy with a trained trauma specialist is often a good idea for victims and their children. Domestic violence survivors are at a high risk of developing post-traumatic stress disorder, substance abuse or stress-related mental health conditions. Survivors and the children who witness domestic violence often experience upsetting memories or flashbacks, fear, or a sense of danger that they cannot overcome. Learning to cope with this pain is essential to healing, no matter the age. While all victims of domestic violence can experience the trauma associated with abuse, high risk victims of domestic violence and their children could be at greater risk to develop post traumatic stress disorder due to the nature of the crimes against them.

This committee recognizes the importance of ensuring that Dutchess County provide trauma therapy services, both long and short term, to victims of domestic violence as well as their children. Individuals who provide therapy to victims of domestic violence should have extensive training in trauma therapy provide long- and short-term individual counseling using state of the art techniques such as Eye Movement Desensitization and Reprocessing (EMDR), Advanced Integrative Therapies (AIT), Bio-Feedback, and Play Therapy for children. The Crime Victims Assistance Program of Family Services currently offers free trauma therapy services to victims of domestic violence, whether or not they have sought shelter or reported the violence to law enforcement. These services are funded primarily through NYS Office of Victim Services funding. Recently, the program has been challenged to meet the need of the increased number of referrals for trauma therapy for adult and child victims of domestic violence; many of whom

are at high risk of lethality. An additional trauma therapist would be beneficial to the community.

### **Increased advocacy services for clients in the Family, Criminal and/or Supreme Courts**

Domestic Violence service providers report a substantial need for increased advocacy staff in order to best meet the needs of victims. Grace Smith House, for example, currently has two advocates who are a part of the County's Core Non-Residential Program. These advocates have very large case loads and with the addition of the county's high risk program, and are receiving more and more referrals every week. For the first six months of 2013, one advocate had a case load of 79 and the other's case load was 80. For Grace Smith House, one additional advocate in the core services program would allow more services to be provided. For Domestic Violence Services, the same is true.

Grace Smith House reports that advocates, whether housed in the two shelters, in the Non-Residential Program, or housed in CPS or Family Court, spend a tremendous amount of their time advocating for domestic violence clients in Family, Criminal and/or Supreme Courts. There are times when the program cannot meet all of the court advocacy needs because of the sheer volume of clients in court and the amount of hours it takes. Victim service providers already utilize volunteers and student interns to assist with this task but having an additional staff to focus solely on this would greatly improve what we are able to provide to clients in need. As batterers have become more savvy about using the court system to control their victims, the court advocacy that is provided by victims service agencies becomes more and more important to those we serve. Having additional advocacy staff will allow programs to better service victims of domestic violence and their children.

### **Increased funding for legal representation of victims of domestic violence**

Legal Services of the Hudson Valley (LSHV) represents victims of domestic violence in Dutchess County every day of the working year. From 2010 through 2013, LSHV has represented an average of 329 victims per year, and in 2013 the total is 386 through 9 months. More than half of these victims require two or more cases in Family Court. Those who LSHV represent in divorce require resources tantamount to four or more Family Court cases. Grace

Smith House and Family Services offer counseling and shelter, then refer victims to LSHV for representation so that among the agencies many of the priority needs of the victims are served. Representation in court is an essential step in the safety and recovery of normalcy for victims.

LSHV operates two separate programs to serve victims in Dutchess County Courts: one, Obtaining orders of protection and orders of custody in Family Court as the first steps toward safety and stabilization of the lives and families of these victims; and two: Representation of victims in divorce proceedings to liberate them from abusive spouses and to protect their financial interests. The program has exceeded goals under this contract every year. This is both good and bad. LSHV has worked diligently and overtime to provide the legal help these families need. But domestic violence continues.

Dutchess County receives significant benefits from these services, beyond the knowledge that this project deserves accolades on principle. For every victim that receives an order of protection from domestic violence the County experiences thousands of dollars in taxpayer savings. Further, child support and spousal support orders save money that would otherwise be paid out in cash benefits.

It is essential that the County consider an increase in funding to LSHV. The funding that has gone into these contracts has remained essentially flat since the program began, even with the addition of the High Risk Case Management Project. LSHV desperately needs to expand services to meet the needs of victims in Dutchess County. The program has employed one attorney in each of our two programs over the years, and they find that the funding is insufficient to support the work. Expanded funding to add an additional attorney and one paralegal would expand services significantly. Grace Smith House and Family Services have enough clients now to keep the additional staff busy.

## **2 – Batterer Intervention Program Remodeling and Increased Funding**

Recently, on a national level various established batterer intervention programs as well as researchers in the public health, criminal justice and social work and psychology fields have been examining various approaches to working with these offenders in an effort to move the

field forward to be more effective with this population. Family Services is in the process of utilizing this recent research and practice knowledge to enhance the DAAC program by incorporating emerging promising practices into the program's design. As part of this effort, Family Services received funding through the URDV's NYS Division of Criminal Justice Services grant to bring national expert Casey Cocoran to provide a day-long training on the results of a recent study of 60 batterer intervention programs nationwide to identify emerging promising practices. Mr. Cocoran is a Program Director with Futures Without Violence (formerly Family Violence Prevention Fund), an organization that works to prevent and end violence against women and children around the world. The study was funded by the US DOJ's Office on Violence Against Women and the Woods Foundation. Fifty-two individuals attended the June 18, 2013 training. In addition to Family Services, agencies represented included the Office of Probation and Community Corrections, Department, Department of Community and Family Services, Public Defender's Office, District Attorney's Office, Dutchess County Jail, Family Court/Integrated Domestic Violence Court, private defense bar, Grace Smith House, Mediation Center, Marist, Bard, SUNY-New Paltz, and Dutchess Community Colleges, Senator Gipson's Office, and the DC Dept. of Mental Hygiene. Additionally, representatives from the Albany County Re-Entry Task Force and Orange County Safe Home attended.

The training was intended to serve as the basis for ongoing discussions about what our community needs from DAAC and how to develop the program to meet those needs. DAAC's current service delivery is based on an educational and accountability model, which has been the most common approach in batterer intervention programs since their inception in the 1970s. The program currently does not follow a specific curriculum. Instead, it draws on materials developed by reputable programs and individuals, adapting to the constantly changing dynamics of each class group. The program operates with one full-time Forensic Specialist, a Program Director who oversees multiple Family Services programs in addition to DAAC, and several part-time class facilitators. While staff members make every effort to teach the men ways to change their behavior, following the prevailing model DAAC reports solely on attendance to mandating sources.

More recently, the program has sought to move to a cognitive-behavioral model which focuses on participant change within the context of being held accountable for their behavior, rather than primarily focusing on accountability. Cognitive-behavioral therapy is widely researched and validated for use with a variety of behaviors and populations, but lack of funding for staff trained to deliver this level of intervention (e.g., licensed mental health professionals) has hamper our efforts. The publication "Batterer Intervention: Doing the Work and Measuring Program; A Report on the December 2009 Experts Roundtable," which resulted from work done in the early stages of Mr. Corcoran's project, noted that there is little funding for batterer intervention programs and "As a result, most programs subsist on shoestring budgets with only part-time staff. Some practitioners think it is unfair to hold BIP's efficacy to very high standards when most programs have not had the chance to reach their potential as fully funded enterprises."

The DAAC program has faced funding challenges since its inception. The program currently receives \$42,377 in funding from the Dutchess County Office of Probation and Community Corrections and \$3,880 from the City of Poughkeepsie Community Development Block Grant. In comparison, the RISC program receives \$546,902 in combined funding from the Dutchess County Office of Probation and Community Corrections and the Dutchess County Department of Community and Family Services. In 2012, DAAC served 201 unduplicated male domestic violence offenders and 29 female Personal Empowerment and Conflict Education (PEACE) offenders; in the same time period, RISC served 121 unduplicated offenders and 10 non-offending family members. RISC's funding level has enabled it to provide complex, research-based, state-of-the-art therapeutic services to address sexual violence in our community. Family Services is currently seeking to enhance the DAAC program by utilizing the RISC model including increasing number of full time staff, employing licensed therapists, and developing and implementing a consistent curriculum utilizing emerging promising practices in batterer intervention. However, these improvements necessitate a higher level of funding. It is the recommendation of this committee that the Legislature support DAAC in their envisioning of their enhanced Batterer Intervention Program and consider increasing funding to allow for

an increase of full time, licensed therapeutic staff who can implement emerging promising practices.

### **3 - Enhancement of Supervised Visitation Services and Safe Exchange Services**

Separation often signifies an end to a relationship, but for many victims of domestic violence and their children, separation begins an escalation of the offender's violence and manipulative tactics. Emotional, psychological and physical abuse, stalking, and harassment often continue after separation and may become even more severe. Balancing the need for victim safety and parental access, Courts usually order some level of parent-child contact to the offending parent. Giving custody and / or visitation to the offender often allows for continued contact between the victim and the offender, ensuring an opportunity for abuse to continue.

Supervised visitation and safe exchange programs can assist not only victims but also the court and law enforcement in ensuring safe contact between offenders and their children. However, this safe contact can only occur if visit monitors fully understand the nature of domestic violence, the impact this violence has on victims and children, and the patterns of behavior commonly exhibited by perpetrators. It is the recommendation of this committee that Dutchess County work towards enhancing current Supervised Visitation Programs through training on domestic violence and creating collaborations between Supervised Visitation Programs that allow for some level of information sharing. In addition, this committee recommends that the coordinated community response to domestic violence be enhanced by the addition of a Safe Exchange Program for families in which domestic violence is present. It should be noted that the U.S Department of Justice, Office on Violence Against Women has offered a grant program titled: *Safe Havens: Supervised Visitation and Safe Exchange Grant Program*. If this funding becomes available in the future, this committee recommends that County and non-profit agencies work in collaboration to apply for this funding.

#### **4 - Lethality Assessment for First Responding Law Enforcement Officers**

In 2010, this committee recommended the use of a Lethality Assessment Instrument specifically designed to assess lethality risks in domestic violence situations. As previously reported in the system wide review, the High Risk Case Management Program was established in 2012 and currently utilizes an empirically validated lethality assessment to identify victims of domestic violence who are at high risk for lethality. Given the success of the program over the past year and a half, we feel it is time to take the next steps to ensure that all participants in the county's coordinated community response to domestic violence understand and utilize Lethality Assessments to inform their work, beginning with first responding law enforcement officers.

For this endeavor, the Committee encourages the coordinated community response to domestic violence to adopt The Lethality Assessment Program-Maryland Model (LAP), created by the Maryland Network Against Domestic Violence (MNADV). This program will provide an easy and effective method for law enforcement and victim service providers to identify victims of domestic violence who are at the highest potential for being seriously injured or killed by their intimate partners and immediately connect them to a domestic violence service provider. The LAP is a multi-pronged intervention program that consists of a research-based lethality screening tool, an accompanying referral protocol that provides direction for the screener based on the results of the screening process, and follow-up contact and other best practices and protocols.

It is the suggestion of this committee that the LAP Program be piloted with select police Departments, including County wide policing agencies, DART and non DART jurisdictions. At the end of the pilot program, the program and pilot implementation will be reviewed and protocols should be adjusted accordingly. Further, it is the recommendation of this committee that the LAP program ultimately be adopted by all law enforcement agencies as part of a Coordinated Response to Domestic Violence in Dutchess County in an effort to best keep victims safe and hold offenders accountable.

## **5 – Professional Development Training**

### **Training to attorneys**

Professional Development Training is a key component of a Coordinated System Response in that it has the ability to promote positive social change in institutional response to domestic violence. Legal system focused training in particular can enhance attorney's knowledge about domestic violence and can assist in making improvements to the legal system's response to domestic violence. These changes have the potential to positively impact the experience of victims and children who find themselves part of the Criminal or Civil Justice system.

AEquitas' is a training organization dedicated to improving the quality of justice in interpersonal violence cases by educating attorneys in practices that increase victim safety and offender accountability. Due to the complex dynamics of crimes such as domestic violence, AEquitas trainings include and encourage consideration of the victim's history, experience, and perspective; the impact of the criminal justice process on the victim, and, where relevant, the victim's children and family; and the impact on the victim's workplace and community. Their goal is to provide prosecutors with the support, training, mentorship, and resources necessary to objectively evaluate and constantly reexamine and refine their approach to justice in cases involving violence against women. AEquitas is committed to encouraging attorneys throughout the country to build strong partnerships with their law enforcement, medical, and victim advocacy organizations to achieve justice for victims and the communities they serve. (Source: <http://www.aequitasresource.org>). It is the recommendation of this Committee that the County, through its Universal Response to Domestic Violence, seek funding to bring this valuable training resource to our community in an effort to assist in the professional development of prosecuting attorneys, Family Court attorneys, law Guardians and 18b attorneys. All AEquitas training events are free and the funding needed to bring this valuable resource to Dutchess County will be limited to travel-related expenses for AEquitas staff.

## **Cross training within organizations**

In the summer and fall of 2013, Domestic Violence Service Providers collaborated with the Office of Probation and Community Corrections to hold a series of cross trainings. These trainings included presentation and discussion about services and system response to victims of domestic violence and services available through the Domestic Violence and Sex Crimes Units of Probation. These cross trainings were successful, well attended and well received by both service providers and probation officers. The two hour trainings included presentations by various members of the Coordinated Community Response to Domestic Violence, and included an informal meet and greet portion where disciplines had the opportunity to ask questions of presenters and attendees while enjoying refreshments. Attendees and presenters then gathered together again to discuss common issues and/or questions that arose during the meet and greet portion of the training. This training reinforced knowledge of systems and provided attendees with the opportunity to put names with faces. The result has been increased collaboration between Domestic Violence Service Providers and the Office of Probation and Community Corrections.

It is not feasible for one entity alone to respond to domestic violence – the problem is too complex. Therefore it is important that multiple organizations work together as part of a Coordinated Community Response in order to have the most profound effect on this crime against our community. Given the great success of the cross trainings mentioned above, the Committee recommends that this training model be reproduced with other organizations across the county. Dutchess County is filled with experts in their field and in times where training dollars are in short supply, organizations should share their expertise with other organizations that would benefit from the education and subsequent connections. This will be a cost effective way to share knowledge and resources throughout the county. After gathering suggestions from a variety of disciplines in Dutchess County, our Committee recommends the development and implementation of cross trainings between Domestic Violence Service Providers and Substance Abuse programs, the Department of Mental Hygiene, Legal Services of the Hudson Valley, Law Guardians, The District Attorney's Office, and the Criminal Justice Council.

## **6 - GPS Monitoring for Offenders**

In 2010, the Citizens' Advisory Committee on Domestic Violence urged the legislature to consider GPS monitoring because the committee believed that such monitoring could address actual safety concerns for victims. We found it attractive because the committee believed that it would be possible to keep track of the location of the offender and there would be a mechanism to prevent the offender from going to certain areas. We thought that it would be a way to keep the offender accountable and also keep the victim safe.

As a Committee, we continue to believe that addressing victim safety should be our number one priority, but after conducting an initial assessment in 2011 with one company, we found some concerns having to do with technology and coverage areas. Since that time, we have considered other companies. Although some of our concerns have been addressed, we have identified several overriding concerns and we are not ready at this time to recommend GPS technology. We continue to be concerned about: 1. providing victims and Judges a false sense of security; 2. dead zones in the county where GPS technology will not work; 3. what happens if the perpetrator leaves the county; 4. user responsibility for charging the unit.

One of our main concerns at this time is that GPS monitoring would be very resource intensive, both in money and in time, by police and probation. We are concerned about possible diversion of funds from proven systems and services in order to try GPS, which would be an enhancement and not a substitute for other services. Given the cost of such a program, we believe that GPS for offenders may be more sensible if GPS, in general, is considered as part of a County-wide initiative to use GPS in the criminal justice system. We believe that as county governments meet to discuss issues related to domestic violence, it may be that a multi-county approach to GPS makes sense, even if such a program is not currently feasible for our County at this time.

## **7 - Update to the Dutchess County Bench Manual**

The laws of New York provide for a comprehensive judicial response to domestic violence cases. Criminal courts and the Family Court have concurrent jurisdiction over family

offenses, giving victims who are “family members” the greatest opportunity for relief. Additionally, local magistrates have emergency powers to act for Family Court when Family Court is not in session for purposes of issuing and amending Family Court orders of protection. Arrests for violations of orders of protection or on Family Court warrants are also to be handled by the criminal courts when Family Court is not in session. To assist local magistrates with this somewhat complex area of law and to provide for greater communication and coordination between Family Court and the local criminal courts, the Universal Response to Domestic Violence Project developed and distributed the Dutchess County Domestic Violence Bench Manual. The original manual was published in November 1996. In November 2002, the second edition of the Bench manual was published to reflect numerous changes in statute.

The laws in the area of domestic violence continue to change and have changed significantly since the latest edition of the Bench Manual was published in 2002. It is the recommendation of the Citizens Advisory Committee that the Steering Committee of the Universal Response to Domestic Violence undertake a revision of the Bench Manual in order to reflect the changes in statute that have occurred over the past 11 years.

## **8 - Ensuring a Representative from the Victim Service Community on the Criminal Justice Council**

The mission of the Dutchess County Criminal Justice Council (CJC) is to engage in a collaborative process of information sharing to maximize resources resulting in an enhanced criminal justice process. This work is done through utilizing research based practices to ensure community safety through the promotion and support of: intervention for at-risk youth and adults; addressing victims’ needs; and reduction of recidivism. Currently, no domestic violence service provider holds a seat on the Criminal Justice Council. Because domestic violence is a crime and involves the criminal justice system, what happens on this council is germane to domestic violence victims.

Traditionally, domestic violence service providers were well represented on two of the subcommittees, the Victims Sub-committee and the Women in the Criminal Justice System Sub-

committee. However, work on the committees has been suspended as the County focuses on issues with what to do about the Dutchess County Jail. Decisions that are made about the jail will also have an impact on victims of domestic violence.

It is the recommendation of this committee that a domestic violence service provider hold a seat on the CJC. Preliminary conversations have happened with Mary Ellen Still, Director of the Office of Probation and Community Corrections, who co-chairs the CJC, and she is in support of the idea of a domestic violence service provider sitting on the CJC. This is a simple idea that helps ensure that batterers are held accountable and the needs of victims are taken into account when solving county wide problems. It should be noted that this is a cost free recommendation to implement.

#### **9 - Enhanced Communication between Family and Criminal Proceedings**

The statutory scheme surrounding cases of domestic violence is designed to permit victims to seek relief in Civil or Criminal courts and the victim may proceed in both Courts simultaneously. Additionally, a case can proceed in Criminal Court even if the case is dropped by the victim in Family Court. As a consequence, there may be information available that would assist both Courts, but sometimes the information is not readily available across Court systems. A specific example is that in Family Court cases, criminal histories are not readily available although a criminal history might assist the Judge in making a better, more comprehensive decision. In addition, sometimes there is an active warrant for a respondent who appears in Family Court on a civil order of protection or other case, but there is no mechanism to check for outstanding warrants and or to assist in holding a respondent until police arrive. We recommend that a subcommittee of Universal Response to Domestic Violence be named that includes stakeholders from Courts, police and Court officers that can review and make recommendations to improve communication and provide for information-sharing across systems.

## **10 - Notification to Victims by Police Departments when an Offender is Released on their own Recognizance**

The 2010 Report and Recommendations proposed an Enhanced Victim Notification System. The enhancement to the system has been successfully implemented, giving victims the opportunity to speak with a Family Services Domestic Violence Services advocate for safety planning purposes immediately after they are notified of an offender's release. When an offender is released, the Dutchess County Jail staff attempt to reach the victim for notification. If they cannot reach the victim the information is forwarded to Family Services Domestic Violence Services via the 24-hour hotline. Upon receiving the information an advocate attempts to reach the victim for a 3 hour period of time. If the advocate is unable to reach the victim, the advocate will request a welfare check at the victim's residence by the local police agency. If the Dutchess County Jail staff is able to reach the victim, the information is still forwarded to Family Services Domestic Violence Services via the 24-hour hotline. The advocate who receives the information attempts to contact the victim twice to assist with safety planning, offer services, and referrals.

The Enhanced Victim Notification System becomes active when an offender enters into the jail. The committee has identified a gap for those offenders that never enter into the jail, mainly those that are released on their own recognizance at arraignment. In these cases, even if the victim has signed up for the notification system, the system is not active since the offender has not entered the jail. The committee suggests that all police departments adopt a procedure to notify victims when an offender has been released on their own recognizance at arraignment. This procedure should include referring the victim to the Family Services Domestic Violence Services hotline for safety planning purposes. This additional procedure will address a gap in the system which impacts victim safety.

## **11 –Entry of Orders of Protection into the Domestic Violence Registry**

When an Order of Protection is issued by a court, it is contemplated that the existence of that Order will be reflected by entry of that Order in a New York State Registry. The Registry

is a database containing details of Orders of Protection issued throughout the state so that police officers and others will have access to reliable information relating to the issuance and service of orders of protection in order to more accurately enforce the terms of those orders. More specifically, the system promulgated by the Office of Court Administration requires courts transmit information about Orders to the Registry so that the existence will be accessible to police officers in circumstances when a protected party, cooperative with the process but not in physical possession of an Order, or, a protected party who is uncooperative or unwilling to volunteer or to confirm that such an Order exists, comes to the attention of law enforcement personnel. Unless the Order has been uploaded to the Registry, its existence will be effectively unknown to the officer.

In Dutchess County, many of the Justice Courts in which offenders are arraigned are not staffed full time with clerks. Arraignments may occur during overnight hours without a clerk being present to assist the Town or Village Justice who has come out to conduct the arraignment.<sup>3</sup> On those occasions, the data relating to the Order can be significantly delayed in its upload for inclusion in the Registry. As a result, unless a victim is both cooperative and in possession of a hard copy of the Order, the ability of the police to confirm its existence is severely limited. In addition, if the victim or the offender should go to Family Court to seek assistance, the Family Court would have no way of knowing independently that a town or village court has issued an Order of Protection. The Committee is aware that on some occasions, offenders have gone immediately to the Family Court notwithstanding their own arrests for criminal acts, seeking, in essence, an Order against the person who has been identified as a victim in a criminal matter. In cases when there is a delay in transmittal of the Order to the Registry, the Family Court, even after search of the Registry, will not have access to current data.

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<sup>3</sup> A previous report issued by this Citizens' Advisory Committee was highly critical on the subject of the availability of judges for off hour arraignments. The judiciary has responded to the issues reported and while occasional difficulties remain, on the whole, the situation related in that prior report has improved significantly.

The Committee recommends that process be developed to afford immediate transmittal of relevant data to the Registry so that Orders can be better enforced by those having need of the information. While this issue has been identified as a local issue, it does appear that it may have statewide implications. Victims should not be held responsible for providing a copy of the order of protection as Criminal orders of protection are often mailed to the victim and the victim may not have a hard copy of the order to show law enforcement when the offender first violates the order.

We recognize that the multitude of local justice courts makes centralization of the process difficult; we are concerned that the patchwork of procedures throughout the county results in uneven reporting. That uneven reporting can delay, impede or thwart enforcement of Orders intended to be effective but not properly documented in the Registry. Police officers must have access to accurate information whether they are responding to a call for assistance or addressing a walk-in report in a different jurisdiction than initially involved. Further, the Family Court must have access to current information in order to consider the circumstances of those who appear to seek assistance in that forum.

## **12 – Notification of Firearm Removal to Courts**

The Committee has concerns with respect to two issues relating to firearms in the possession of persons listed as offenders in Orders of Protection.

When an Order of Protection is issued, whether from a criminal court or the Family Court, that Order routinely orders the seizure of guns from the subject of the order. In the case of long guns (rifles and shotguns), there is no licensing requirement. With revolvers and pistols, the law requires that the owner of the firearm be licensed to possess the same. Absent a permit, the person in possession of such a weapon may be guilty of a separate crime defined in the Penal Law.

In addressing the subject of handguns in Dutchess County, the Committee is aware that the Dutchess County Sheriff's Office serves as the repository of information regarding guns legally possessed by those with pistol permits. When the Sheriff's Office is the agency involved

in serving the Order of Protection and seizing weapons, the internal procedures in that agency assure that the Pistol Permit Department is made aware of the seizure and can commence an investigation. That inquiry will reflect whether all the permitted guns have been accounted for. It will also address the merits of whether there is cause for initiating proceedings in the County Court to revoke or suspend the permit.

When a different police agency is involved with seizure of handguns, there is no legal requirement for transmittal of that information to the Sheriff's Office. In accord with practice suggested by the District Attorney's Office and endorsed by the Sheriff's Office, police agencies are requested to notify the Sheriff's Office when they have secured handguns subject to licensing requirements. The Committee applauds that process as a significant first step. Police agencies called upon to seize weapons must have access to accurate data to assure that all the guns are identified and secured. As importantly, the police officers who are serving the Orders should have access to that data for their own protection in the line of duty as they undertake what is potentially a hazardous encounter with significant risk. The Sheriff's Office has been proactive in cooperating with the other agencies to provide data as needed.

The Committee recommends that a more formal procedure be implemented by agreement of the police agencies in Dutchess County. The purpose is two-fold. It is important to verify that all the weapons known to be possessed by the person be accounted for and secured to protect victims. That purpose is as important as assuring the personal safety of responding officers who must have accurate information to safely accomplish the seizure directed by the Order.

Long guns present different issues. While the law requires registration of handguns, there is no such law for long guns. Accordingly, courts issue Orders that direct seizure of guns but there is no way for police officers to actually know whether such guns are in the possession of the named parties. When, especially in the Family Court, such an order is issued, there is no formalized procedure to provide the issuing court with information on whether any guns were located or seized at all.

Effective on December 24, 2012, criminal courts conducting arraignments in domestic violence cases are required to consider, among other issues, a defendant's prior use or possession of a weapon. The law does not specify that such use or possession must have been illegal. In order for courts to make responsible use of that provision, it is important that the courts have access to factual information on the subject. It is suggested that the Steering Committee for a Universal Response to Domestic Violence develop a process to inform courts, both criminal and the Family Court, of the number and nature of weapons that have been secured coincidentally with service of Orders of Protection.<sup>4</sup>

### **13 - Housing for Victims of Domestic Violence**

Housing is one of the greatest obstacles for victims of domestic violence being able to live and stay separate from an abusive situation. Time and time again, victims service providers see victims return to an abusive situation rather than face homelessness for themselves and their children. There is simply not enough safe and affordable housing to go around. In 2012, out of 102 discharges from Grace Smith House's two shelters, only 25 women were able to secure safe housing for themselves post shelter.

#### **Housing for single women leaving shelter**

Single women, particularly women who are not able to work, face great difficulty attempting to find housing at the end of a domestic violence shelter stay. Public benefit income simply does not provide enough to be able to afford even a room in a rooming house, never mind being able to rent a modest studio apartment. A single woman receiving benefits from DCFS (formerly DSS) gets \$399 per month. A room in a rooming house starts at \$500 per month. Development of single room occupancy dwellings utilizing a housing first model would greatly benefit this population.

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<sup>4</sup> While Criminal Court and Family Court are required to direct seizure of weapons in certain situations, the law also provides that only the Supreme Court is authorized to direct return of weapons.

## **Section 8 priority for victims of domestic violence**

Section 8 providers in the localities and the county have the option to grant priority status for certain groups; domestic violence is among those groups. Section 8 providers have resisted the idea of granting this priority on the basis that all groups can make a good argument why their group deserves to be treated in a special way. But this change would make a significant difference in the lives of those literally living in danger and should be given serious consideration. It is the recommendation of the Citizens Advisory Committee the Universal Response to Domestic Violence Steering Committee convene a subcommittee of both local governmental and nonprofit organizations who provide Section 8 housing and advocacy services as well as Domestic Violence Service providers to discuss this important issue and create steps for change.

## **STATE LEGISLATIVE AND ADMINISTRATIVE RECOMMENDATIONS**

In reviewing the subject of domestic violence, the Committee reports 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 state level change. 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 these organizations and individuals might undertake amendments to the statutes as indicated and consider recommendations for the Courts outlined below.

### **1 - 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.

## **2 - 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.

### **3 - Continuation of State Support for the Dutchess County Integrated Domestic Violence Court**

Integrated Domestic Violence (IDV) courts use a "one family-one judge" model to bring the criminal, family and matrimonial disputes for families where domestic violence is present before one judge. IDV courts aim to ensure consistency, improve information flow and enhance services to victims and families. IDV courts are staffed with judges trained in multiple areas of law and the dynamics of domestic violence. (Source: nycourts.gov) As reported previously in this report, the Integrated Domestic Violence Court in Dutchess County was established in 2007 and currently Honorable Joan Posner presides over the Court.

The Dutchess County Integrated Domestic Violence Court received a reduction in funding through the Office of Court Administration, first in May 2012 and most recently in September 2013. This reduction in funding resulted in the loss of the IDV Coordinator position. As a result of this loss, fewer cases are identified for eligibility for IDV Court and fewer cases can be handled by the IDV Court. The Citizens Advisory Committee is concerned about New York State's commitment to the Integrated Domestic Violence Court in Dutchess County and IDV courts as a whole. The Coordinated Community Response to Domestic Violence has witnessed the positive impact that IDV court has had on victims of domestic violence through the years since its inception in Dutchess County. We would be remiss if we did not take this opportunity to address our state domestic violence stakeholders and proclaim our strong support for continuation of IDV court in Dutchess County as well as the reinstatement of funding for the IDV Coordinator position. It is the request of the Committee that a copy of this report be

submitted to the New York State Office of Prevention of Domestic Violence as well as the New York State Unified Court System, Office of Court Administration.

#### **4 - Allowing Judges to Consider Public Safety when Making Bail Determinations**

The issuance of bail is a particularly critical concern for victims of domestic violence because of the unique nature of domestic violence crimes. Domestic violence is not a random crime. Victims have pre-existing relationships with their perpetrators and are specifically targeted by their abusers for the crimes committed against them. Domestic violence is also a pattern of behavior which is likely to repeat and often times escalate. The committee believes that New York State's bail laws must take these factors into consideration and be amended to protect victims of domestic violence.

New York State's standard for judges to make bail determinations is solely based on the defendant's risk of failing to return to court. While last year's addition to the bail law allows judges to consider prior violations of orders of protection and prior history of use or possession of firearms, judges still cannot consider the unique nature of domestic violence when making bail determinations. Therefore, victims are not afforded the most comprehensive protection from the court during the pre-trial phase after an incident. The pre-trial phase is known to be a very dangerous time for victims of domestic violence due to the proximity to an incident of violence and victim's separation from the abuser and can greatly increase the risk to the victim. Bail can increase accountability for offenders and safety for victims during this time.

Due to the increased risk factors and danger of pre-trial misconduct by offenders, the committee believes that judges must be able to consider public safety when making bail decisions. Under New York State law, judges cannot consider the safety of the crime victim or public when determining if an offender should be released on their own recognizance or if the court should issue bail. This is a very dangerous gap in the system which must be addressed. Chief Judge Lippman has made a proposal to reform bail which would authorize judges to consider public safety as well as the risk of failure to appear for court when making bail decisions. If New York State were to adopt this revision to the bail laws, the statute would be

aligned with 46 other states, the District of Columbia and the Federal Government. The committee urges the State to strongly consider these factors to support and protect victims of domestic violence.

#### **5 - Order of Protection Available in Spanish and Other Languages**

Currently, orders of protection are available only in English. According to the US Bureau of the Census, 10.8 percent of the population of Dutchess County is men and women of Hispanic or Latino origin. For many of these individuals, English is not their primary language. This presents great difficulty to both victims and offenders with respect to being knowledgeable about this crucial and legally binding document. Not only does the victim need to know how they are being protected, but the offender needs to fully understand the behaviors that they must refrain from. These are detailed and complex forms. Even if they are explained by a translator, the victim and offender need to be able to refer back to the document when they cannot remember all of the details. It is the recommendation of this committee that Orders of Protection be made available in other languages, beginning with Spanish.

It has been argued that if an order of protection is in Spanish, how does the responding police officer know what information the document contains. Clearly, a system needs to be developed where the document is in both languages so that all parties as well as the coordinated systems involved with the parties are able to ascertain the information in the order of protection. Progress on this issue has stalled at the state level and the problem needs to be solved. This committee requests that the Dutchess County Criminal Justice Council provide advocacy to the state with regards to this issue.

#### **6 - Office of Court Administration to Mandate Judicial Training And Accountability in Domestic Violence.**

The 2010 report to the Legislature cited four specific areas where lack of training for Judges leads to gaps in the system that can embolden abusers and bolster victims' beliefs that

the system is not able or willing to protect them. At the writing of this report in 2013, each of these areas remains a significant problem and can contribute to safety concerns for victims. These areas include: 1. Some judges do not recognize the serious nature of domestic violence and the danger posed to victims; 2. Some batterers use the courts to further abuse victims; 3. There are insignificant penalties for abusers who repeatedly violate orders of protection; 4. There appear to be pressures to settle cases in Court, without a finding of fact or determination on the allegation of domestic violence<sup>1</sup>, which can later create a problem because documenting a history of domestic violence can become critical for victims.

Locally, the domestic violence community has attempted to train judges to alleviate some of the problems that we identified in the 2010 report; however local attempts to train have not been successful. Most recently, a Division of Criminal Justice Services grant enabled Family Services to bring a nationally recognized speaker to Dutchess to educate local judges on the scientifically validated high risk initiative that the community has embraced. The Committee believes that judicial understanding of the tool will benefit the Judges and will also create a safer system for victims. This high risk tool allows identification of some cases as high risk and judges can use this information to make better decisions about bail, sentencing and other issues. It will provide them a scientifically validated way to identify cases in which the risk of domestic violence homicides is high.

Unfortunately, this training was poorly attended by judges in our community, despite efforts to make the training available at a convenient time and the offer of Continuing Legal Education Credits. We have not given up on efforts to educate judges. We believe that as the high risk tool becomes used more widely in our community, judges will recognize their need to better understand this tool. However, as a result of this experience and past training efforts,

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<sup>1</sup>The Committee is aware that there are many different reasons that a party may settle a case and that there may be strategic and system-wide issues that affect the likelihood that a case will be resolved without a finding of fact or determination of guilt or innocence. Nevertheless, settlement of cases without a finding of fact on the allegation relating to domestic violence can particularly undermine a victim's confidence in the system.

this Committee recommends that judicial training and accountability move from a locally driven initiative to a state mandated change. We request 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. Furthermore, this committee recommends that the Dutchess County Legislature provide advocacy on a state level to ensure that domestic violence training and training on high risk cases be mandated by the Office of Court Administration as part of the educational obligation of all judges.

## **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. These words were reiterated again in 2010 and they ring true today in 2013. Much like in 1991 and 2010, the fiscal climate of Dutchess County in 2013 is dire and some would question whether significant change is possible given limited resources. The Citizens Advisory Committee was given a task by the Dutchess County Legislature and that task was to objectively evaluate the current system of response to domestic violence in our community and to make recommendations on ways in which our response can be improved upon locally and at the state level. We have addressed our task and completed this system review and provided recommendations to the best of our collective ability. As was written in 1991, "The recommendations contained within this report are made ever mindful of the economic times. Those which are contained within this report, the result of the evaluation of priorities, require financial commitment".*

Over the past two and a half decades since the first system wide review and recommendation was completed in 1991, Dutchess County has created and maintained a Universal Response to Domestic Violence. This Coordinated Response has made great strides in the fight against domestic violence and has implemented important initiatives that have

improved our ability to protect victims and hold offenders accountable. While great progress has been made, domestic violence continues to remain a very serious issue for our community and there is more work to be done. We are united in our desire to end the effects of violence against our county's citizens and we feel the recommendations contained in this report will be the most effective response that Dutchess County can make in the face of domestic violence.

## **APPENDIX A**

### **OVERVIEW OF DOMESTIC VIOLENCE SERVICES IN DUTCHESS COUNTY IN 2013**

#### **GRACE SMITH HOUSE**

Founded in 1981, Grace Smith House has a 32- 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. In 2012 we received 2,007 calls to the confidential hotline. Counselors and advocates provide trauma-informed counseling, goal planning, domestic violence education, support groups, advocacy, housing advocacy, and case management. Both shelters have a trauma-informed children's program to assist in healing the wounds from exposure to domestic violence and set the stage to break the cycle of violence in families. In an effort to increase support for victims we have partnered with the Dutchess County SPCA to provide safety for pets when families need to come into our shelter. In the past, New York State regulations permitted a maximum length of shelter stay of ninety days. Recent legislation has allowed for extensions to a maximum of 180 days in shelter when needed. In 2012 both shelters served 109 women and 83 children. Sadly, during this same year Grace Smith House had to turn away 475 women and 471 children due to space limitation. On average we are forced to turn away 8 victims for every one we can take into shelter. Safety planning and risk assessments are offered to every caller.

Brookhaven, a 15-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, men and children in Dutchess County. Two full-time counselors provide counseling, support groups and advocacy to victims of domestic violence. In 2012, these two counselors served 223 victims of domestic violence. One of these two counselors also provides Latina Outreach. Specialized services are also provided for the children through the Non-Residential Program. For younger children this involves play activities focused on non-violent conflict resolution and offering a nurturing environment. For teens it means peer support group and advocacy opportunities in the community.

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 1,595 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. Grace Smith House also sub-contracts with Legal Services of the Hudson Valley to provide free legal advice and representation to victims of domestic violence in matters of divorce and custody.

In 2012 Grace Smith House began an initiative to provide education and prevention programs on teen dating violence throughout the Dutchess County school system. Within the first year of implementation we spoke with over 5,000 youth. This year we have grown the capacity of the education/prevention program from one education coordinator to two and a

half educators and a counselor to work with teens who are impacted by family and/or dating violence. In October 2013 we launched a social media campaign developed specifically for teens in Dutchess County. Future directions will include community-wide outreach especially focusing on the issues of domestic violence in the workplace and the role of the healthcare provider. These prevention education services are supported by growing research that shows an urgent need for increased awareness, conversation and education around domestic violence and sexual assault, with an emphasis on what bystanders can do to prevent violence and help victims before it is too late.

**Grace Smith House Statistics**

	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Hotline Calls</b>	1235	1121	1254	1054	1871	2007
<b>Adults in Shelters</b>	117	127	129	100	114	109
<b>Children in Shelters</b>	118	116	120	66	97	83
<b>Individuals in Non-Residential</b>	141	189	265	278	165	223
<b>Family Court Contacts</b>	1143	1138	1503	914	1350	1595

**HOUSE OF HOPE SHELTER**

The Hudson Valley House of Hope was founded in 2008 by Luader Smith, who operates the 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.

House of Hope provides services that are culturally and group specific and operate from an understanding of the women’s diverse backgrounds, so our clients are a reflection of our community. Our primary goal is to offer clients and their children a safe but a temporary haven in which to pick up the pieces of their shattered lives. The second goal of the House of Hope is to prepare families for independent living, assist them in locating permanent housing and to offer a host of on- and off-site supportive services that will help empower survivors and minimize the root causes of domestic abuse.

House of Hope continues to evaluate its program effectiveness by utilizing a monthly independent living evaluation assessment; a program designed to monitor and assist in the growth and self-sufficiency of our participants. This program provides survivors a sense of wellbeing, such as ability to make decisions that affect their daily lives in society. Positive results have been reported since the development of this program. We have observed clients take independence from a dream to a reality-and maintain it.

The House of Hope Aftercare Program was established for our post shelter residents and their children. Ultimately, the goal of the Aftercare Program is to prepare families for independent living, leading to economic stability and decrease their chances of returning to the shelter. The Aftercare Program assisted during the year 2010 to 2012: 52 adults, 41 children and 15 adults have completed our 4 week life skills training.

**House of Hope Statistics**

	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Hotline Calls</b>	138	289	525	556	665
<b>Women Sheltered</b>	18	45	41	52	59
<b>Children Sheltered</b>	29	63	44	49	64

## **House of Hope Statistics Continued: From 7/15/2008 – 12/31/2012**

Total Crisis Hotline Calls: 2173

Sheltered: 464

Denied shelter because program was over capacity: 1175

Total number denied shelter: 1845

### **FAMILY SERVICES**

For 130 years Family Services has sought to meet the changing needs of individuals and families in Dutchess County and currently provides services via 13 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: Domestic Violence Services of Dutchess County, Supervised Visitation, and Crime Victims Assistance Program. In addition, they oversee two programs, DAAC and PEACE that provide an educational response and consequence for offenders.

### **FAMILY SERVICES DOMESTIC VIOLENCE SERVICES OF DUTCHESS COUNTY**

Domestic Violence Services of Dutchess County (formerly 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 since 2004. Services through the program include the County’s Domestic Abuse Response Team (DART), the County’s High Risk Team, 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. Domestic Violence 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, lethality assessment, 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 to reduce lethality.

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. 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 12 Staff Members of Family Services Domestic Violence Services, which include:

- The Core Non-Residential Services staff members are instrumental in providing coverage for the 24 hour hotline, counseling, and advocacy to victims reaching out for services and include a Counselor/Advocate and a Bilingual Counselor/Advocate

- Several members of the County's DART team:

- The DART coordinator, who serves as Project Coordinator and 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 departments, courts, Department of Community and Family Services and Department of Probation and Community Corrections.
- Two full-time DART Domestic Violence Outreach Workers, located in the District Attorney's Office.
- Three full-time DART Advocates who are co-located at the City of Poughkeepsie, Town of Poughkeepsie, and City of Beacon police departments and provide 24 hour coverage on the hotline for officers from these jurisdictions reporting incidents.

- The Domestic Violence Victim Advocate for the Dutchess County Sheriff's Office who is located at the Dutchess County Sheriff's Office. This advocate provides assistance to domestic violence victims at the Sheriff's Office. The advocate also provides education through in-service training and assistance to the officers.

- The High Risk Case Manager who provides case management to high risk victims of domestic violence and reports cases and plans intervention strategies with the High Risk Team.

- A Program Director and Program Coordinator train and supervise volunteers, ensure hotline and client coverage, prepare grants and reports, and provide outreach and education in the community.

- Volunteers are integrated into all aspects of the services provided by Domestic Violence Services.

**Domestic Violence Services Statistics**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>01/2013-09/2013</b>
<b>Clients Served</b>	2580	3382	3500	2950	2153

## **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, four (4) Domestic Violence Outreach Workers in the DA's Office, three (3) DART advocates, Night/Weekend Hotline Advocates at Domestic Violence 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 and Community Corrections, the facilitator of the Domestic Abuse Awareness Classes for Men (DAAC) and the Special Victims Bureau of the Dutchess County District Attorney's Office.

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 Domestic Violence Services 24-hour Hotline. 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.

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. Attendees include: Project Coordinator, Outreach Workers, DART Advocates, Police Officers, High Risk Case Manager, 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 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.

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Calls by PDs to DVS hotline</b>	1580	1742	1875	1944
<b>Victims receiving on-going follow up services after a police involved incident</b>	818	664	900	763

### **High Risk Case Management Project**

Dutchess County's High Risk Team was created in response to 5 intimate partner homicides over two years in Dutchess County. Following a recommendation from the Dutchess County Legislature's Citizen's Advisory Committee on Domestic Violence, the Universal Response to Domestic Violence began implementing the project in 2010 in an effort to reduce lethality in domestic violence cases with the goal of preventing homicide. It is essential to the community to have a collaborative understanding of the potential lethality that exists within high risk domestic violence cases.

The High Risk Team is a multidisciplinary group of local professionals that identifies and addresses the most serious and potentially lethal cases of domestic violence in the county. The team aims to reduce lethality and prevent homicide by early identification of high risk offenders through danger assessments and a multi-disciplinary response to high risk cases. The team is made up of representatives from the Dutchess County District Attorney's Office, Dutchess County Office of Probation and Community Corrections, Dutchess County Sheriff's Office, Dutchess County Department of Mental Hygiene, Dutchess County Department of Health, the New York State Police, Family Services, and Grace Smith House. This group meets on a monthly basis to discuss intervention plans for high risk cases. Other relevant agencies are invited to monthly meetings based upon need. The team has three main goals: 1 - Enhancing the system's response; 2 - Increasing victim safety; 3 - Increasing offender accountability.

The model for this team is based off of the Greater Newburyport High Risk Response Team founded by the Jeanne Geiger Crisis Center in Newburyport, Massachusetts. The model is based on the research of Dr. Jacquelyn Campbell a leader in the study of intimate partner homicides. Dr. Campbell's work produced a method to measuring the level of lethality for domestic violence victims by identifying risk factors for intimate partner homicide. Using the information as the foundation, the team develops specific intervention plans with the goal of interrupting the cycle of violence, reducing lethality, and the risk of further abuse. By increasing the monitoring of high risk offenders and sharing information with the multi-disciplinary team, cases that are identified to be potentially lethal are comprehensively and strategically addressed within the system.

Cases begin by a referral to the High Risk Case Manager. Cases are referred based on the score from a full danger assessment, a finding on a shortened assessment, or concerns that have been raised based upon the experience and expertise of the referral source. The full danger assessment is administered by the case manager frequently throughout the pendency of the case. The case manager provides comprehensive case management and oversight of high risk cases. The case manager also prepares information to be presented to the team, monitors action steps from team meetings, and tracks team outcomes.

As part of the High Risk Case Management Project, from October 2012 till June of 2013 Family Services Domestic Violence Services and the Dutchess County Sheriff's Office (DCSO) partnered to create a High Risk Home Visiting Program. This program was funded by a small Byrne grant and the committee is suggesting continued funding for this project. This program was created to improve the safety of high risk victims of domestic violence as well as to improve their trust in the system.

When a victim identified as high risk is referred to the Home Visiting Program, the DCSO assigns a Detective to the case. The Detective visits the home of the victim periodically while the case is enrolled in the program. During visits the Detective will talk with the victim about their safety and wellbeing. They may interact with the children and discuss any recent events with the victim. The Detective will make a referral to victim services and at times may bring an advocate to the visit. The Detective keeps Family Services Domestic Violence Services Program aware of the outcomes of the visits through checklists that are completed before and after each visit. With the victim's permission, the Detective will return for additional visits as needed. In cases where the offender has exhibited stalking behaviors, the Detective may increase patrol around the residence or assist the victim with other safety issues that are identified. If appropriate, the Detective may discuss a pending criminal case or document and collect additional evidence while visiting. The Home Visiting Program provides an increased layer of safety for victims.

**High Risk Project Statistics:**

	<b>July - Dec 2012</b>	<b>Jan 2013-Sept 2013</b>
<b>Cases Conferenced by High Risk Team</b>	20	31

	<b>Oct - Dec 2012</b>	<b>Jan 2013-June 2013</b>
<b>Home Visits Completed by DCSO</b>	28	30

## **FAMILY SERVICES CRIME VICTIMS ASSISTANCE PROGRAM**

Family Services' Crime Victims Assistance (CVAP) 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 2012, CVAP served a total of 1,068 victims and provided 11,613 units of services. Of the 2012 clients, 257 were child and adult victims of domestic violence; as of the end of September, the number of child and domestic violence victims served to date in 2013 reached 347, clearly indicating that we will significantly exceed the number of domestic violence victims seen annually over the past three years (see statistical chart below). CVAP shares space with Family Services' Domestic Violence Services in the agency's Annex building, situated next to the Family Partnership Center. Co-location of the two victim service programs has proven to be invaluable in strengthening collaboration and providing for comprehensive wrap-around services for domestic violence victims. Proximity to the Partnership Center allows victims to easily access a variety of essential services for themselves and their children.

Crime Victims Specialists provide advocacy for victims in a variety of areas including court, medical, criminal justice system, basic needs, and NYS Office of Victim Services Compensation assistance. Licensed therapists with extensive training in trauma therapy provide long- and short-term individual counseling using state of the art techniques such as Eye Movement Desensitization and Reprocessing (EMDR), Advanced Integrative Therapies (AIT), Bio-Feedback, and Play Therapy for children. The program also offers an ongoing support group for survivors of homicide victims and a therapeutic group for women survivors of sexual assault and abuse. CVAP is the only program in Dutchess County offering free trauma therapy services to victims of domestic violence and other crimes. Recently, the program has been challenged to meet the need of the increased number of referrals for trauma therapy for adult and child victims of domestic violence; many of these clients come to CVAP through Family Services' Domestic Violence Services.

In addition to intervention services for victims, CVAP offers primary prevention of interpersonal violence (sexual assault and domestic and dating violence) through the Mentors

in Violence Prevention (MVP) Program. The MVP program, founded in 1993 at Northeastern University, motivates student leaders to play a central role in solving crucial problems including sexual assault, relationship violence and harassment. Utilizing a unique bystander approach to prevention, the highly interactive curriculum sparks discussions among participants that convey concrete options for both males and females to interrupt, confront and prevent violence by their friends, peers, colleagues, or teammates. Program participants also develop leadership skills and learn to serve as role models to mentor and educate others on these issues. The approach does not involve finger-pointing or blame – instead it sounds a positive call for proactive, preventative behavior and leadership. CVAP has offered MVP for three years at Marist College through a NYS Department of Health grant. CVAP’s primary prevention program expanded in 2011 when CVAP received a grant from the US Department of Justice’s Office on Violence Against Women which enabled the expansion of MVP to Poughkeepsie teens in Family Services’ Teen Resource and Activity Center (TRAC). More recently, Family Services, in collaboration with Grace Smith House and Orange County Safe Homes, was awarded a grant from the United Way of the Dutchess Orange Region to further implement the MVP curriculum to teens and college age youth in the two counties.

**FAMILY SERVICES SAFE/FNE (SEXUAL ASSAULT FORENSIC NURSE EXMINE / 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. The Forensic Nurse may be the only medical person who sees a domestic violence victim as many victims do not seek standard medical care. Additionally, SAFE/FNE(s) provide expert witness testimony in Criminal and Family Court. In 2012, CVAP provided 38 Forensic Nurse Examinations to victims of domestic violence

Mid-year 2013, the Dutchess County Department of Health, Dutchess County Medical Examiner’s Office, and Dutchess County Department of Community and Family Services met

with Family Services administration to discuss a plan for providing increased access to SAFE and FNE services for sexual assault and domestic violence victims. This plan included shifting the coordination of these services to the Department of Health and Medical Examiner’s Office and potential moving of the program in its entirety to those departments. The intended outcome is to have access to these services be as close to 24 hours a day/seven days a week as possible so that all victims have the opportunity to be seen by an examiner specifically trained to perform exams in these cases; it was determined that locating the program within existing medical and forensic services with more resources, including personnel, than available to Family Services would facilitate this outcome. To date, the program’s coordination has been transferred and discussion continues regarding the remainder of the program, with the intention that the full transfer be accomplished by the end of 2013. Currently, CVAP continues to provide SAFE/FNE coverage through part-time on-call nurses employed by Family Services during non-business hours, including weekends. Access to the service is through CVAP’s 24-hour hotline, and CVAP advocates provide hospital accompaniment to victims, which includes emotional support, information and referral, and contacting the on-call nurse if the victim wishes to have an exam. CVAP advocacy and hotline services, including being the venue through which SAFEs and FNEs are contacted when needed, will continue under the new structure.

**Crime Victims Assistance Program Statistics**

	<b>2013 (Jan-Sept)</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
<b>Victims Served</b>	1110	1,068	1,268	1,419
<b>Units of Services</b>	15992	11,613	17,001	19,305
<b>DV Victims (Adult and Child)</b>	347	257	295	289
<b>FNE’s</b>	43	38	38	60
<b>Forensic Accompaniment</b>	33	22	No Data*	No Data*

<b># of DV Child Victims Receiving Trauma Therapy</b>	12	1	11	4
<b># of DV Adult Victims Receiving Trauma Therapy</b>	40	33	56	24

\*New coding procedure for this service implemented in 2012

**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 Court 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 unserved. 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.

**FAMILY SERVICES DOMESTIC ABUSE AWARENESS CLASSES FOR MEN (DAAC) AND PERSONAL EMPLOYMENT AND CONFLICT EDUCATION FOR WOMEN (PEACE)**

Effective intervention with domestic violence offenders is an essential element in addressing domestic violence in our community. Family Services has been operating its Domestic Abuse Awareness Classes for Men (DAAC) for over 17 years as part of Dutchess County's multi-disciplinary collaborative response to the crime of domestic violence. While there is conflicting or inconclusive research on effective interventions for individual change of battering behavior, all research indicates that batterers programs must exist as a component of a strong community and criminal justice response to the crime. DAAC exists fully embedded in that response in Dutchess County and is part of a collaborative effort involving the Dutchess County Office of Probation and Community Corrections, Dutchess County Department of Community and Family Services, Dutchess County District Attorney's Office, Domestic Violence Services of Family Services, Supervised Visitation Program of Family Services, Crime Victims

Assistance Program of Family Services, and Grace Smith House. Additionally, DAAC's program director serves on the Universal Response to Domestic Violence Steering Committee. The combination of abuser intervention and accountability within the criminal and civil justice systems along with a coordinated community response of zero tolerance for abusive behavior is intended to create an environment in which men will be motivated to stop their abuse against their partners. The goal of DAAC is to provide intervention with men who commit the crime of domestic violence and, therefore, contribute to enhancing the safety of women and children. DAAC participants attend 26 classes; there is also an option for referral sources to mandate clients to attend 52 weeks. In addition to classes held in the community, DAAC provides a weekly class for men in the Dutchess County Jail. The jail provides a Corrections Officer who works with the DAAC staff in the group. Arrangements have been made to give the men credit for the hours spent in the jail program if they enroll in the community based program upon release. This collaboration has made it possible for more men at high risk to receive education about domestic violence that they would have not received otherwise. Jail staff have voiced the belief that DAAC classes in the jail have had a positive influence on the inmate culture there.

In addition to classes for male domestic violence offenders, DAAC offers the Personal Empowerment and Conflict Education (PEACE) program, a psycho-educational 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. 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. PEACE has operated for over twelve years, and in 2010 became a component of the DAAC program.

**In reviewing the statistics presented below, it is important to note that while enrollment for 2013 appears to be significantly lower than in previous years, this difference is the result of our changing how we do the initial registration procedure.** Prior to 2013, we did

not see clients individually for registration/intake, but rather had a group registration once a month. On average, some 25 clients would be scheduled to attend each registration. However, of those 25, the majority would subsequently fail to appear on the date they were scheduled to begin their class. As a result, most of those clients would be re-referred by their mandating source, with a high proportion of them repeating this process more than once before entering the program; each registration was included in the annual enrollment count. In an effort to prevent this cycle and to reduce participant dropout rates, we implemented an individual registration process, with each client being seen one-on-one and having more of an opportunity to engage with program staff. The intended outcome of reducing clients enrolling multiple times before actually entering the program was achieved in that the number of clients who begin attending classes on the date they are scheduled to begin has significantly increased.

**DAAC:**

	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
<b>Enrollment*</b>	162**	283	342	368
<b>Jail enrollment</b>	55	58	57	51

\*Enrollment includes individuals who may have enrolled more than once during the year. These figures are through 9/30/13.

\*\*Please see explanation in paragraph above as to why this number is lower than previous years.

**PEACE:**

	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
<b>Enrollment*</b>	44	47	53	34

\*Enrollment includes individuals who may have enrolled more than once during the year. These figures are through 9/30/13.

### **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.

Legal Services of the Hudson Valley ("LSHV") represents victims of domestic violence in Dutchess County Family Court on custody, visitation, family offense, child support, spousal support, and violation petitions. In Dutchess County Supreme Court, the office represents domestic violence victims in uncontested and contested matrimonial actions. Since 2007, Legal Services has opened 1,605 cases for victims of domestic violence in Dutchess County.

LSHV provides free civil legal services to those who cannot otherwise afford a lawyer. Although some of the grants that support the work of LSHV restrict representation to those who are below 200% of the federal poverty income guideline, for domestic violence victims LSHV does not count as income any household income or assets that are not readily accessible to the victim. Although LSHV is generally restricted from representing undocumented individuals, LSHV can and does represent undocumented domestic violence victims when their case relates to the domestic violence.

The underlying goal of legal 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. LSHV represents heterosexual and LGBT male and female victims of domestic violence; roughly 95% of LSHV's domestic violence clients are women. LSHV's budget for domestic violence services was cut in 2009 by approximately 25%; funding comes solely from Dutchess County for this work<sup>[1]</sup>.

LSHV saw a significant increase in demand in Dutchess County for domestic violence legal services in 2013 without a commensurate increase in funding thus resulting in having to turn some victims of domestic violence away after simply supplying them with advice, rather than representation in litigation. From January 1, 2013 through June 30, 2013, LSHV handled 396 cases for Dutchess County domestic violence victims. LSHV's services remain a more cost effective alternative to Assigned Counsel in Family Court, and are offered by attorneys trained in the unique complexity of domestic violence matters.

### **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

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<sup>[1]</sup> 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 the control of an abusive marriage but without the financial means to do so.

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 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.

### **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 six 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 three 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. In 2012, the CAC referred 7 cases to DCWBS and 22 cases to Grace Smith House.

## **THE MEDIATION CENTER OF DUTCHESS COUNTY**

**THE DOMESTIC VIOLENCE AND MEDIATION SAFETY PROJECT:** *A Partnership between the Mediation Center of Dutchess County and Dutchess County Domestic Violence Services of Family Services, Inc., (formerly Battered Women's Services) 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 (DCDVS). A seven month process between the Mediation Center and Dutchess County 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.

**THE COALITION ON ELDER ABUSE IN DUTCHESS COUNTY:** *more than 30 organizations and individuals committed to ending elder abuse in Dutchess County*

How did the Mediation Center of Dutchess County come to convene the Coalition on Elder Abuse in Dutchess County (CoEADC)? The Coalition was created in response to safety concerns that emerged in elder mediation cases. A committee including Adult Protective Services was convened to develop a safety protocol for elder mediation clients. After meeting for a year, the group identified gaps in services for elder abuse victims and the Center organized the first World Elder Abuse Awareness Day in June, 2009. More than 45 people attended representing agencies who agreed to meet over the summer to discuss the creation of a coalition focused solely on elder abuse. CoEADC held the first meeting in September 2009 and has been meeting monthly since. The Coalition's mission states that it is a group of individuals and private and public agencies working together to protect elders from abuse, neglect and exploitation and to preserve the quality of their lives. The Coalition's values include safety, education, collaboration, empowerment, prevention and advocacy. The mission and values were created in a strategic planning process in the Spring, 2011. The Coalition meets on the 3<sup>rd</sup> Wednesday at the Mediation Center.

In 2013, the Coalition's work expanded significantly. A grant from the New York State Division of Criminal Justice Services through the Dutchess County Department of Community and Family Services allowed for six trainings on various facets of elder abuse to be held from April-September. Trainers from JASA, an agency in New York City that serves elder abuse victims, provided the training. The Coalition also received a Dutchess County Agency Partner Grant to provide educational outreach presentations, consultation and referral in partnership with Legal Services of the Hudson Valley. The CoEADC held its 5th World Elder Abuse Awareness Day *Take a Stand Against Elder Abuse in the Year of Elder Abuse Prevention*, which focused on the various agency responses to elder abuse, with a specific focus on financial exploitation. More than 90 people attended. The Coalition's coordinator, with partner agencies, conducts outreach presentations

to community members, senior housing staff, financial services professionals, and others to increase understanding of elder abuse. The Coalition is connected to state and national leaders in the field including holding membership in the National Committee for the Prevention of Elder Abuse. Technical assistance is provided through the Center for Excellence on Elder Abuse and Neglect, University of California-Irvine and the Coalition coordinator participates in a monthly conference call meeting with the Multi-disciplinary Team Peer Leadership group of the New York City Elder Abuse Center.

### **COALITION AGAINST SEXUAL AND DOMESTIC ABUSE**

The Coalition Against Sexual and Domestic Abuse (CASADA) 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 Victims Outreach Committee** works to increase awareness and to raise funds to help Latina victims.

**The Fundraising Committee** plans and coordinates the Spring Luncheon Program and the Annual Full Membership/Breakfast Meeting. The goal of fundraising is to contribute to CASADA's emergency funds for victims of domestic violence and sexual assault.

**The Membership Committee** is responsible for generating new CASADA memberships.

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

**The Programs Committee** manages outreach activities including the Interagency Forum, Clothesline Project, Faith, Health, Legislative, and Bylaws Committees.

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

## **DUTCHESS COUNTY OFFICE 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.

**DUTCHESS COUNTY DEPARTMENT OF COMMUNITY AND FAMILY 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.

- In 2012, 408 families were referred to Domestic Violence Liaisons.
- In 2013 (through 6/30/13), 213 families were referred to Domestic Violence Liaisons.
- In 2012, there were 36 preventive services cases w/ identified domestic violence issues.
- In 2012, there were 30 foster care cases with identified domestic violence issues.

**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.

- In 2011, Adult Services Domestic Violence Liaison completed 149 assessments and 87 reassessments.

- In 2012, Adult Services Domestic Violence Liaison completed 171 assessments and 73 reassessments.

**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.

- In 2011, DCFS provided residential DV services to 70 families/individuals at cost of \$703,336.06.
- In 2012, DCFS provided residential DV services to 91 families / individuals at a cost of \$801,282.71.

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

**Grace Smith House 2013 Non residential contracted services with Department of Community and Family Services**

Core Services	\$77,994.68
Family Advocacy/Latina Outreach	\$49,406.25
Dutchess County Family Court Advocate	\$80,875.83
Family Court Project	\$78,085.00
Domestic Violence Divorce Project	\$102,534.00
Child Protective Services Domestic Violence liaisons	\$102,049.50
Youth Education and Outreach Services	\$50,518.75
<b>Total</b>	<b>\$541,464.01</b>

**Family Services 2013 contracted services with Department of Community and Family Services**

Crime Victims Assistance Program	\$75,000.
Domestic Violence Services DART program	\$255,915.
Domestic Violence Services Core services program	\$316,666
Domestic Violence Services High Risk Case Management	\$50,000.
<b>Total</b>	<b>\$697,581.</b>

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

Other costs expended by the Dutchess County Department of Community and Family 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.

## **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. Currently, there are twelve members that have been appointed by the County Legislature in addition to the Liaison to the Legislature. These members include the Project Coordinator of Universal Response to Domestic Violence and representatives from many groups including Law Enforcement, Advocacy Groups, the Office of Probation and Community Corrections, the District Attorney's Office, private industry, educational institutions and private citizens. In keeping with its mandate, this Committee seeks inputs from all groups who deal with domestic violence within the community.