

# **Domestic Violence in Massachusetts:**

*Providing Tools to Protect Victims*



**May 2006**

**Senator Jarrett T. Barrios (D-Cambridge)**  
Senate Chair, Joint Committee on Public Safety and Homeland Security

**Report Authors:**

**Rebecca D. Edmondson, Public Safety Policy Director, Senator Jarrett T. Barrios**

**Jason A. Guida, Legislative Director, Senator Jarrett T. Barrios**

**Margaret Levy, Legislative Aide, Senator Jarrett T. Barrios**

## **Acknowledgements & Special Thanks**

David Adams  
Director  
Emerge

Jennifer Meade  
Research Manager  
Jane Doe Inc.

Janice Corrales  
Legal Intern  
Harvard Law School

Diane Rosenfeld  
Lecturer on Law  
Harvard Law School

Mary Lauby  
Executive Director  
Jane Doe Inc.

Sarah Schafer  
Legal Intern  
Harvard Law School

Camille Marcos  
Legal Intern  
Jane Doe Inc.

Natalie Scurry  
Legal Intern  
Harvard Law School

Katrina McCarty  
Policy Analyst  
Jane Doe Inc.

Layla D’Emilia-Shepherd  
Senior Policy Analyst  
Jane Doe Inc.

# **TABLE OF CONTENTS**

<b>I. Acknowledgements and Special Thanks</b>	<b>2</b>
<b>II. Table of Contents</b>	<b>3</b>
<b>III. Executive Summary</b>	<b>4-5</b>
<b>IV. Findings &amp; Recommendations</b>	<b>8-18</b>
• <b>Enhance Safety for Victims by Developing and Implementing Uniform Dangerousness Assessment Procedures</b>	<b>8-9</b>
• <b>Allow for use of Global Positioning Satellite Monitoring</b>	<b>10-11</b>
• <b>Provide for Victim Notification Services</b>	<b>12</b>
• <b>Prohibit “Accord and Satisfaction” Agreements in Domestic Violence Cases</b>	<b>13</b>
• <b>Create Domestic Violence Sessions</b>	<b>14-15</b>
• <b>Develop Comprehensive Domestic Violence Data Collection Tools</b>	<b>16</b>
• <b>Funding for Domestic Violence Programs, Services and Certified Batterer Intervention Programs</b>	<b>17-18</b>
• <b>Enhanced Coordinated Community Responses to Improve Monitoring and Containment of offenders through new sentencing options and alternatives</b>	<b>19-20</b>
<b>V. Addendum A</b>	<b>21</b>
<b>VI. Addendum B</b>	<b>22-23</b>

# **I. Executive Summary**

This report comes out of a public hearing convened by the Joint Committee on Public Safety and Homeland Security and its Co-Chairs, Senator Jarrett T. Barrios and Representative Cheryl Coakley-Rivera. The report's recommendations set forth the most promising initiatives for significantly improving the state's response to the persistent and serious problem of domestic violence.

The following recommendations incorporate the experience and extensive research of victim advocacy groups, law enforcement agencies, and members of the domestic violence legal community.<sup>14</sup> These recommendations shift the burden of domestic violence from victims onto offenders, by holding the offenders accountable for their crimes rather than blaming victims for not escaping said crimes. Furthermore, these recommendations improve victim safety and the expand resources available for healing and breaking the cycle of violence. Specifically, this report encourages the Commonwealth, in conjunction with district attorneys and public safety officials, to:

**A. Enhance Safety for Victims by Developing and Implementing Uniform Dangerousness Assessment Procedures**

Use of a Danger Assessment tool in responding to domestic violence cases is critical to more accurately assessing the level of harm that victims face. A Danger Assessment follows the offender through all aspects of court and probation, so that all parties involved in a domestic violence case can better estimate the offender's likelihood of killing or seriously injuring his or her victim.

**B. Allow for use of Global Position Systems (GPS) Monitoring**

Utilizing GPS systems to augment restraining orders to increase enforcement and reduce the repeat violations of these orders.

**C. Provide for Victim Notification Services**

Maintaining a continuous, up-to-date notification system so that domestic violence victims can check on the status of their convicted batterers and prepare safety plans accordingly.

**D. Prohibit "Accord and Satisfaction" Agreements in Domestic Violence Cases**

Outlawing the use of "accord and satisfaction agreements" in domestic violence cases is necessary to prevent batterers from avoiding prosecution by coercing their victims into signing such agreements.

**E. Creating Domestic Violence Sessions**

Developing dedicated Domestic Violence sessions in district courts will enhance victim safety and offender accountability through uniform and consistent initial response,

---

<sup>14</sup> Please refer to Addendum B for all parties who participated in the Domestic Violence Oversight Hearing.

coordinated victim advocacy and services and strong offender accountability and oversight.

**F. Develop Comprehensive Domestic Violence Data Collection Tools**

Implementing a more comprehensive system of tracking domestic violence statistics is an indispensable prerequisite to accurately depicting the state of domestic violence in Massachusetts.

**G. Funding for Domestic Violence Programs, Services, and Certified Batterer Intervention Programs**

When creating new initiatives it becomes important to stabilize existing programs so that they can respond to the community's current needs and demands before being asked to provide services around new initiatives.

**H. Enhanced Coordinated Community Response to improve monitoring, containment, and accountability of abusers through new sentencing options.** Options are needed to reflect institutionally the legal changes that have taken place since laws were enacted to criminalize domestic abuse. At this point in our knowledge of domestic violence, we can start integrating years of research into new proposals for containment, accountability of batterers, and improved victim safety.

## **II. Introduction**

Sharply rising domestic homicide rates make it tragically clear that domestic violence has woven itself into the fabric of many Massachusetts communities. This report aims to help unravel the extensive tangle of domestic violence, by pushing for statewide adoption of the most promising domestic violence countermeasures, as used by innovators both inside and outside of the Commonwealth.

Specifically, the report recognizes the need to revamp Massachusetts' response to domestic violence from the initial incident report to the final tallying of statistics. The report's eight recommendations entail: use of Dangerousness Assessments, use of GPS monitoring, exploration of batterer detention centers, maintenance of a victim notification system, elimination of satisfaction and accord agreements in domestic violence cases, creation of Domestic Violence courts, development of a uniform system of domestic violence statistics, and additional funding for existing and new domestic violence programs and services. As the Legislature reconvenes its 2006 session, these recommendations will serve as the foundation for a comprehensive legislative package focused on improving the Commonwealth's domestic violence laws and services.

Domestic violence stood an open secret that received little attention. The past few decades have brought improvements. This heightened awareness has led to new victim services, new first-responder procedures for dealing more effectively with domestic violence calls, and new laws addressing the seriousness of domestic violence crimes.<sup>15</sup>

Between October 2004 and September 2005, sixteen women, men, and children died in the Commonwealth as a result of domestic violence.<sup>16</sup> In 2003, approximately 3,900 Massachusetts women and children sought the protection of battered women's shelters, and more than 40,000 domestic violence victims sought restraining orders.<sup>17</sup>

Restraining orders provide protection for the majority of victims however for victims whose partners are the most dangerous an order of protection may not be sufficient because these batterers often violate these orders with inadequate repercussions. Battered women's shelters force victims into hiding rather than forcing batterers to pay for their transgressions. During this hearing testimony was presented on new criminal justice alternatives to augment an order of protection. In addition, the lines of communication between all parties involved in domestic violence cases must be developed and strengthened.

---

15 Improvements include but are not limited to: In 1978 the Massachusetts Legislature passed our abuse prevention statute which is commonly referred to as our 209A law; District Attorney's Office now have Domestic Violence Victim/Witness Advocates and Domestic Violence Units; Police Departments now have Domestic Violence Officers and have since 1988 received training in the academy on Domestic Violence related issues (refer to MGL c. s.??); There are many Domestic Violence Roundtables in the community and there are Domestic Violence focused dockets

16 Available at [www.peaceathome.org/masvfr.html](http://www.peaceathome.org/masvfr.html).

17 Available at [www.janedoe.org](http://www.janedoe.org)

This report responds to the growing need for a more cogent system of dealing with the Commonwealth's widespread and weighty domestic violence problem. The report results from an oversight hearing held by the Joint Committee on Public Safety and Homeland Security, which hearing brought together victims, advocates, legislators, and law enforcement officials to discuss how to improve the Commonwealth's domestic violence response mechanisms.<sup>18</sup>

---

<sup>18</sup> In addition to the findings of this report there was also testimony presented both pro and con regarding Family Justice Centers (FJC). Across the country there are different models of how to better coordinate services for victims. In some places these include the co-location of different services - sometimes governmental services and sometimes a combination of governmental and private services. These are sometimes referred to as Family Justice Centers. The City of Boston received a federal grant to open such a center. Others models of collaboration do not involve co-location but a better system of communication and collaboration between the many agencies that can provide assistance to a victim. Over the coming years, these varying models should be stringently evaluated so that different counties and regions can assess what programs might work in their communities.

### **III. Findings and Recommendations:** ***Providing Tools to Protect Victims***

#### **A. Enhance Safety for Victims by Developing and Implementing Uniform Dangerousness Assessment Procedures**<sup>19</sup>

Law enforcement has a critical role to play in protecting victims and improving their safety. Local police officers are often the first to respond to a domestic dispute. When a police officer intervenes in such a dispute, his or her judgment is critical in determining the dangerousness of the situation. Moreover, the information cited on the police officer's report is vital to assist district attorneys and judges in criminal proceedings against the abuser.

At present, there is no uniform standard governing the amounts and types of information police should collect in a domestic dispute report. Information gathering varies a great deal among police departments and jurisdictions. In many instances, it is even hard to determine from police reports whether domestic violence was involved. Even when domestic violence is identified, police reports often lack key information that would help assist prosecution, and independently whether the case is being prosecuted, assess the true level of danger the suspect poses to the victim. Therefore, the state must develop a standardized danger assessment guidelines and tools that could inform police and court responses to domestic violence.

Currently, only a handful of police departments in Massachusetts include any specific danger assessment questions on their incident reports.<sup>20</sup> Such questions minimally include whether current or past death or suicide threats have been made by the suspect, whether the suspect has used a weapon against the complainant, and whether the suspect has shown signs of extreme jealousy by monitoring or stalking the complainant. Once documented in the police incident report, this information about dangerousness can prompt follow up calls to the victim by specialized domestic violence officers or victim advocates in order to do safety planning and to link the victim to enhanced services. This information also greatly assists prosecutors, probation officers and judges in making decisions about bail conditions, dangerousness hearings, protective orders, sentencing, and conditions of probation.

---

<sup>19</sup> Endorsed by the Massachusetts Chiefs of Police Association

<sup>20</sup> One example of this is the Framingham Police Department

## **Recommendations:**

### *Legislative*

- Legislation should be created to direct the Executive Office of Public Safety to create uniform dangerousness assessment protocols to be utilized by all police departments when responding to a domestic dispute. Such protocols shall include the inclusion of a uniform set of questions about dangerousness on police incident reports involving domestic violence.
- Such legislation shall also include a grant program, which specifically will include as a requirement of a coordinated partnership between the community and the criminal justice system. Grant applications developed by the Executive Office of Public Safety should include clear requirements for how grantees shall document their participation in these partnerships, their use of the danger assessment protocols, and their training of those who participate in these protocols.
- Appropriate funding will be made available to enable procedural training on these new protocols of police cadets as well as veteran officers as well as for law enforcement police to collaborate with local victim advocacy programs and certified batterer intervention programs to conduct this training and to enhance coordinated responses to domestic violence.

### *Training for Law Enforcement and Courts*

- Training should be provided for judges, probation officers and prosecutors to become aware of the new protocols and know how to make use of information about dangerousness in protecting victims and monitoring dangerous offenders.
- Judges should be encouraged to consider information obtained in the danger assessment when making determinations on conditions of release as well as and sentencing of the batterer.
- Dangerousness Assessment should be an ongoing process to be updated by police, prosecutors, victim witness advocates, police-based advocates, probation officers and judges, independently of whether the case is successfully prosecuted. Dangerousness assessment should be accompanied by ongoing risk management, which seeks to protect victims and monitor dangerous offenders.<sup>21</sup>

---

21 Such protocols have been pioneered by the Safety First Program in Brockton and the Domestic Violence Response Program in Newburyport

## **B. Allow for Use of Global Positioning Satellite (GPS) Monitoring**<sup>22</sup>

Currently the Massachusetts Department of Probation utilizes Global Positioning Satellite (GPS) technology to track convicted sex offenders in the Commonwealth. Utilizing the latest technology, these units are small and unobtrusive and very difficult to disable. Lt. Governor Kerry Healey recently proposed the application of this innovative technology to domestic violence cases. Under this and other potential uses, in appropriate cases, batterers can be required to wear a GPS tracking device as a condition of bail, probation, or parole. Dangerous assessment procedures as outlined in Section A of this report will be key in determining such appropriate cases. Thus the availability of GPS in cases of domestic violence will expand the options open to the court to protect victims and hold batterers accountable to terms of bail, probation and parole.

This GPS device will alert probation, law enforcement and the victim if the offender enters a restricted area known as a “Exclusion Zone.” An “Exclusion Zone” shall at a minimum include a victim’s home, workplace, or a child’s school. Depending on the level of dangerousness assessed in a particular case, the offender might be subject to greater restrictions. Victims benefit from being free to continue to work and send their children to school without the fear of confrontation by their batterer. This innovative safety measure would cost the offender about \$10 a day.

The availability of GPS would also be of benefit to victims to other ways. In many cases, incarceration of a defendant can leave a victim in financial straits without support for themselves and their children. This economic pressure can sometimes lead victims to ask for a defendant’s release. Placing a defendant on GPS along with the requirement of continuation of work and payment of support can provide both physical safety and financial security for a victim.

In addition, GPS can provide a real ability to track whether or not a defendant is adhering to stay away orders that are conditions of bail, probation or parole. This can reduce some of the uncertainty suffered by victims. Concerns that a defendant may be lurking in their neighborhoods, spying on them or damaging property can be objectively determined. Conversely defendants who are in compliance with the terms of their bail, probation or parole will be able to prove that fact if a questions arises.

While the use of GPS technology will significantly improve a victim’s safety, probation and law enforcement officials caution that the tracking system is not a fail-safe safety measure. Although notification of a restraining order violation occurs instantly, and victims are notified quickly, local police officers still need time to respond to the scene. The time that elapses between the violation alert and the police response can be enough for a violent offender to seriously injure or kill a victim. A false sense of security created by such devices can be detrimental.

---

<sup>22</sup> Developed in cooperation with Lt. Governor Kerry Healey and Professor Diane Rosenfeld, Harvard Law School

Therefore, GPS systems can only be used in the context of a system that provides and supports a strong system of victim advocates who can work with the victim on the critical issues of safety planning and the other important decisions that must be made in these cases.

Additionally, it much also be emphasized that these systems are only as good as the human element involved. The people who monitor, assess and respond must be well trained, supervised and vigilant.

## **Recommendations**

### **Legislative**

- Enactment of legislation which expands the funding and application of Global Position Satellite (GPS) tracking to all aspects of the criminal justice response to domestic violence (bail, sentencing (probation), parole)
- Funding for training for judges, probations officers and parole board members and officers, on the applicability and use of GPS can be used all stages of the criminal justice system.
- Support for a system of a coordinated response that includes the use of dangerousness assessments to best determine for which cases GPS might be appropriate and for victim advocates to work with the victim on safety planning.

## **C. Provide for Victim Notification Services**

A victim of domestic violence needs a source of continuous, up-to-date information regarding the status of the batterer. If law enforcement does not adequately inform a victim of the release of his or her batterer, then the victim will not be able to take proper precautions to protect him or herself against further violence.

The Massachusetts Department of Corrections provides a free phone notification system that allows victims of violent crimes to check the status of their offenders and notifies the victims when the offenders move correctional facilities, are released, or have escaped. This service bridges the communication gap between victims and the criminal justice system, and helps to protect the victims.

However, the incarceration of most domestic violence offenders is within county correctional facilities and may not be accompanied by a sentence to a state prison. While county correctional facilities have systems in place who work with and notify domestic violence victims upon the release of batterers, there are times when staff can not reach victims in sufficient time for them to prepare themselves. Domestic violence victims should be able to access the status of offenders quickly and receive adequate prior notification of batterers' releases, so that the victims can fully prepare safety plans.

### **Recommendation:**

#### **Legislative**

- Domestic violence victims should have the same access to status and offender information from a county house of correction that is available to victims whose offenders are under the control of the Massachusetts Department of Corrections. Funding should be provided for an expansion of the notification system to county corrections.<sup>23</sup> A prime example of a notification system is The National Victim Notification Network (VINE), which allows crime victims across the country to obtain timely and reliable information about criminal cases and the custody status of offenders at any time - over the telephone, through the internet, or by e-mail.

---

<sup>23</sup> Currently, the Criminal Offender Record Information (CORI) Law (M.G.L. c.6, s.178A) mandates that victims, witnesses, family members of homicide victims, and parents/guardians of minor aged victims (as defined by the Victim Rights Law, M.G.L. c.258B) shall, upon request, be certified to receive CORI from criminal justice agencies regarding the criminal case which pertains to them.

## **D. Prohibit “Accord and Satisfaction” Agreements in Domestic Violence Cases** <sup>24</sup>

Massachusetts General Laws chapter 276, §55 allows for civil resolutions to misdemeanor offenses, which includes minor assaults. This current law allowing for “accord and satisfaction” agreements dates back to the turn of the century and has typically and historically been used to resolve only minor assault and battery cases in non-domestic situations. It provides the courts with the discretion, subject to certain exceptions, to dismiss a charge of assault and battery if the victim acknowledges that he/she has received satisfaction for the injury. This provision is never appropriate in any domestic violence case.

A disturbing trend has evolved in which defendants accused of assault and battery in domestic violence cases induce and/or manipulate their victims into making an acknowledgement of a so-called “accord and satisfaction” agreement. This agreement allows charges against the batterer to be dismissed over the objection of state prosecutors. In many of these cases, further domestic violence results after the dismissal and the parties end up back in the courts.

Batterers use the “accord and satisfaction” provision to avoid prosecution. Defense lawyers often coerce victims into signing agreements because the victims fear retribution by the batterer. Many times, these victims cannot afford adequate counsel and are at a significant disadvantage when negotiating these agreements.

### **Recommendation:**

#### **Legislative**

- Support legislation has been introduced by Senator Cynthia Creem (D-Newton) to address this disturbing trend and prohibit “accord and satisfaction” dismissals in domestic violence cases.<sup>25</sup>

---

<sup>24</sup> Endorsed by the Massachusetts District Attorneys Association

<sup>25</sup> S. 933, An Act Relative to the Punishment of the Crime of Domestic Violence

## **E. Creating Domestic Violence Sessions**

Over the past decade, dedicated Domestic Violence Court Sessions have shown that trained, specialized staff (judges, probation officers, clerks, and prosecutors), increased judicial supervision, a strong system of civil advocates and community collaboration can result in greater compliance with court orders and decreased numbers of violations.

The Dorchester Court recently completed a five-year Judicial Oversight Demonstration Initiative funded by the Department of Justice. One of three funded sites across the country, Dorchester District Court developed a designated “Domestic Violence Docket”. Administered by a federally funded program coordinator, these sessions are based on the core strategies of uniform and consistent initial responses to domestic violence offenders, coordinated victim advocacy and services and strong offender accountability and oversight. A key component of the entire program is the building of a network of community and law enforcement partners to plan and manage the project and a coordinated response to domestic violence. Under this system all complaints for 209A restraining orders and criminal arraignments, pleas and probation supervision resulting from domestic violence were heard in this session. Criminal cases that went to trial were heard in another session. Three rotating judges and as well as specialized assistant district attorneys and probation officers staffed the session. The federal funding allowed for the cases loads of these specialized probation officers to be somewhat reduced to provide for more contact with both offenders and victims. There was also funding for expanded civil advocates in the court including those with cultural competence who could provide services in a range of languages. After convictions, safety and accountability is enhanced through a series of post-conviction hearings to extend the judges role and influence, intensive probation supervision (again with more contact with both offender and victim), mandated attendance at certified batterer’s intervention programs and enhancements to services for victims.

As part of the Dorchester initiative a Men’s Outreach Worker Program was created. Under this program staff meet with respondents in civil restraining orders to assure that they understood each provision of the court order and what actions might violate the order. Referrals are made to certified batterer intervention programs, as well as substance abuse treatment, education and job training programs and assistance in finding shelter. The goal of this program is to enhance victim safety by actively trying to reduce the anger and to promote compliance with orders by increasing the understanding of the provisions and the potential consequences among the respondents. Similar efforts are underway in Hampshire Probate and Family Court and Orange District Court where staff from a certified batterers intervention program provides similar information to defendants.

The results of the Dorchester and other JOD Initiatives are still being evaluated but the above have been identified as promising practices.

In Quincy District Court in Massachusetts, the presiding justice has created a version of a domestic violence session without extra funding. He has still be able to assign one a day in which all pre-trial hearings are held in domestic assault and battery and violation of 209A

restraining order cases as well as reviews of 209A restraining orders. This allows the court to focus its attention on domestic violence and affords community groups the opportunity to provide services on one day in a designated session. Probation reviews are held in separate surrender cases in a different session.

In other parts of the country similar domestic violence courts have been established. For example, Westchester County, New York established specialized Domestic Violence Courts in 1999. This effort has demonstrated that a collaborative approach to dealing with domestic violence cases has decreased the rate of re-assaults and increased batterer compliance with orders of protection and attendance at court mandated batterer intervention programs. In Pittsburg, the increased judicial supervision provided by a domestic violence court resulted in significantly increased compliance with attendance at mandated batterer intervention programs and decreased numbers of re-arrests.<sup>26</sup>

---

<sup>26</sup> The Impact of Mandatory Court Review on Batterer Program Compliance, E. Gondolf, 1998

## **Recommendations**

### *Court*

- The Trial Court should create a broad based task force to development different models of how a domestic violence session could work in different size courts. Such a Task Force can develop steps to implement best practice features and prioritize the funding necessary to best enhance the success of dedicated DV sessions.
- Upon completion of the work of the Task Force, legislation should be filed to fund the additional needs of such sessions including supporting community collaboration, training for court and non-court staff, and addition court and civil advocacy staff.

## **F. Develop Comprehensive Domestic Violence Data Collection Tools**

Accurate, consistent, and complete information on the nature and scope of domestic violence is crucial to targeting resources, refining policies, and evaluating services. While many of the data sources in the Commonwealth provide a wealth of information related to domestic violence, statistical information and reporting varies greatly. Without standardized, accurate statistics, it is impossible to determine which strategies are effective in helping to prevent domestic violence. From arrest, to arraignment, to trial, to disposition, there exists no uniform system of reporting on domestic violence cases.

### **Recommendation:**

#### **Legislative**

- Create a task force to analyze current data collection tools. Representatives from the following agencies should serve on the task force:
  - Office of the Commissioner of Probation,
  - Executive Office of Public Safety,
  - Administrative Office of the Trial Court,
  - Massachusetts State Police, Jane Doe Inc.
  - Massachusetts Chiefs of Police
  - Department of Correction
  - Parole Board
  - Attorney General's Office
  - Massachusetts District Attorney's Association

## **G. Funding for Domestic Violence Programs and Services**

Given that this report highlights and recommends implementation of new initiatives (victim notification, specialized domestic violence court sessions, etc) it becomes even more necessary to ensure that community based programs are stable and able to respond to current community needs and demands before being asked and needed to provide services around new initiatives. The following recommendations for funding would be a tremendous first step in stabilization.

Domestic violence programs are primarily funded through the state Department of Social Services (DSS). Many receive limited local, federal and private funding. State funding for domestic violence programs has remained largely level funded over the past five years which,

**True Story:** In January 2006 a woman and her child were abducted from a Wal-Mart in Framingham and taken to a motel in Plymouth. The woman was repeatedly raped. She was rescued because of the quick thinking and decisive actions of an advocate at South Shore Women's Center who encountered the victim while working part time in a liquor store.

coupled with decreasing federal funding and in many areas increased demand for services, has left many programs in a very fragile place. While programs have done admirable work in continuing to serve victims with limited resources, the current level of need compared to capacity is not sustainable.

### ***Community Based Domestic Violence Programs:***

Community based domestic violence programs provide safety planning, legal advocacy, economic advocacy, and counseling, child witness services, and support groups for victims. Several programs also provide emergency shelter and transitional living which are not only a safe physical space for clients, battered women's programs but also an opportunity to access

an array of support services designed to equip families with the tools they will need to continue to live in safety after they leave shelter including; counseling, legal advocacy, employment assistance, housing advocacy and training designed to assist clients to develop and implement a plan for maintaining safety and economic stability.

### ***Domestic Violence Services for Immigrants and Refugees:***

According to the 2000 Census 12.5% of Massachusetts residents are foreign born, 1 in 4 Massachusetts residents is an immigrant or a child of an immigrant, and over 140 languages are represented.<sup>14</sup> Due to linguistic, institutional and cultural barriers, immigrant and refugee victims are frequently cut off from information about their rights, and are unable to access mainstream domestic violence and sexual assault interventions, such as the police and courts. Understanding the unique dynamics of domestic and sexual violence and the barriers that immigrant survivors face, the Refugee and Immigrant Safety and Empowerment (RISE) programs use a community based approach that provides intensive linguistic and culturally-specific services for victims and their families.

---

14. Census 2000 Supplementary Survey Summary Tables: Massachusetts. QT-02. Profile of Selected Social Characteristics: 2000. US Census Bureau.

***Domestic Violence Services for GLBT victims:***

Currently GLBT specific emergency shelter for victims of domestic violence consists of 5 beds using volunteer homes, cheap hotels and one multi-unit apartment where both safe home guests and staff have witnessed or been victims of violent crimes and there are no options for sexual assault victims. While a handful of mainstream programs provide varying degrees of shelter for GLBT victims, this response is not adequate to meet the needs of this survivor population

***Certified Batterer Intervention Programs:***

Certified Batterer Intervention Programs (CBIP) are educational programs for people who have been abusive or controlling towards an intimate partner. There are currently 18 such programs in Massachusetts. CBIPs must adhere to Department of Public Health (DPH) Guidelines and Standards for operating batterer intervention programs and are subject to site visits and monitoring by DPH. Certified batterer intervention programs:

- Hold batterers accountable for abusing intimate partners and children.
- Provide monthly reports to referring courts and DSS offices about offender's program participation and level of dangerousness.
- Encourage batterers to adopt respectful and non-abusive attitudes and behaviors toward their intimate partners and children.
- Increase victim and child safety through partner contacts and referrals for support services.

State funding enables CBIPs to provide services for abusive men who are indigent, and to maintain programs for non English-speaking clients as well as for teen perpetrators.

**Recommendations:**

**Legislative**

- Support the currently identified state budget priorities to ensure stabilization of the comprehensive network of community based domestic violence programs including specialized services for immigrants and refugees, and GLBT survivors, including current certified batterer intervention programs.

## **H. Enhance Coordinated Community Responses to Improve Monitoring and Containment of Offenders through New Sentencing Options and Alternatives**

Many in the criminal justice system recognize that the options of issuing an order of protection or sending the batterer to jail may not be a sufficient range of alternatives to effectively address domestic violence. More options are needed to reflect institutionally the legal changes that have taken place since laws were enacted to criminalize domestic abuse. At this point in our knowledge of domestic violence, we can start integrating years of research into new proposals for containment, accountability of batterers, and improved victim safety.

Current criminal justice response to intimate partner violence often fails to adequately protect victims and stop the violence. In 2003, approximately 3,900 Massachusetts women and children sought the protection of battered women's shelters, and more than 40,000 domestic violence victims sought restraining orders.<sup>15</sup> Although restraining orders protect many victims, about one quarter of these orders are violated, and the violations are not uniformly addressed. Many battered women and their children must uproot their lives and go into hiding in order to escape further abuse. Such a system is unfair to the crime victim, and fails to hold the offender accountable for the violence.

At this point in our knowledge of domestic violence, we can start integrating years of research into new proposals for containment, accountability of batterers and improved victim safety. Testimony was offered supporting the use of dangerousness assessment and risk management protocols; GPS electronic monitoring of offenders, and new containment initiatives, such as creating batterer detention programs. Expanding the set of options that the criminal justice system has allows for the development of meaningful interventions that are tailored to the particular context of domestic abuse. The use of these initiatives in conjunction with one another will offer a new set of promising tools.

We do know that a truly coordinated community response is essential to effectively, systematically, addressing domestic violence. More than cooperation on funding and public awareness, real coordinated community response between the criminal justice system, law enforcement, local domestic violence service providers, batterer intervention specialists, probation and others are absolutely critical to the success of any new initiative concerning victims safety and offender accountability. Testimony was offered on promising practices such as that in Newburyport.

The Greater Newburyport High Risk Case Response Team provides a model for a highly coordinated community response. The multi disciplinary team approach focuses on assessing high risk domestic violence cases and working together to increase containment and accountability of high risk offenders. The team testified for the need to increase the capacity of the criminal justice system to monitor offenders that pose substantial risk to victims. The team includes victim advocates including legal advocates, probation, batterer intervention specialist, police from three surrounding communities, prosecutors and victim witness advocates. The Sheriff also works cooperatively with the Team.

---

<sup>15</sup> Available at [www.janedoe.org](http://www.janedoe.org)

## **Recommendation:**

### *Legislative*

- Funding for the Greater Newburyport High Risk Case Response Team as a pilot program for replication. The program will explore the use of alternative containment options for high risk offenders including global positioning systems and batterer detention facilities as methods to provide for victim safety. The highly coordinated community response in Greater Newburyport would provide the necessary support and context for the success of such an initiative. The model pilot program would provide information for future initiatives in other areas of Massachusetts. The pilot program would include evaluation criteria.
- Legislation to enable the Massachusetts Department of Public Health, in conjunction with the Massachusetts Department of Correction, to create certification guidelines and standards for batterer intervention programs in county jails and houses of correction. This legislation should call for the creation of a committee to create such Standards. The Committee should be composed of individuals representing community-based certified batterer intervention programs, victim advocacy programs, prosecution, probation and parole, the judicial system, and correctional facilities.

**V. Addendum A**  
**Model Dangerousness Assessment**

Victim's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Perpetrator's Name: \_\_\_\_\_

**\*Risk Indicators**

- Threats to kill you or children
- Threats or use of a weapon against you
- Victim believes the suspect could or might try to kill her/him
- Access or ownership of weapons
- Suspect threatened to commit suicide
- Strangulation
- Sexual violence
- Violence toward children
- Increased severity or frequency of domestic violence
- Stalking behaviors (follow, spy or leave threatening messages)
- Violently jealous
- Suspect controls most of your daily activities
- Child in the home that is not the suspect's
- Drug/alcohol abuse
- Recent separation after living together/married in the past year

**Other Factors to Consider**

- Prior calls to the home
- Hostage taking
- Named as defendant on previous restraining orders
- History of violating restraining orders
- History of domestic violence with others
- Suspect is depressed
- Violence toward animals
- Violence during pregnancy

\*Based on the research of Jacquelyn Campbell PhD, RN, FAAN and the Dangerousness Assessment Tool ©2004 Johns Hopkins University, School of Nursing

**VI. Addendum B**  
**The Joint Committee on Public Safety and Homeland Security: Domestic  
Violence Oversight Hearing Participants**

**Thursday, October 20<sup>th</sup>, 2005**  
**State House, Room B-2**  
**10:00 am – 3:00 pm**

---

**Order of Testimony**

10:00 Victim Panel

Kelly Dunne, Director of Programs, Jeanne Geiger Crisis Center, Inc  
Mardi Chadwick, Esq. Victim Services Coordinator  
Jeanne Geiger, Crisis Center, Inc.

Detective Robert Wile, Amesbury Police Department  
Jennifer Poulin, Victim Services, Amesbury Police Department  
Officer Patricia Gallagher, Newbury Police Department  
Kaitlyn Cotter, victim's daughter  
Claire O'Brien, victim's mother

10:45 Diane Rosenfeld, Lecturer on Law, Harvard Law School

11:15 Sheriff James V. DiPaola, Middlesex County

11:30 Office of Suffolk County District Attorney Dan Conley  
David Deakin, Chief of the Family Protection and Sexual Assault Unit  
Kelly Downes, Deputy Chief, Domestic Violence Team

12:00 Office of the Commissioner of Probation

Commissioner John J. O'Brien  
Liz Tavares, 2<sup>nd</sup> Deputy Commissioner  
Ed Ryan, Legislative Director  
Mark Constable, Sentinel Inc.

12:30 Massachusetts Chiefs of Police Association

Chief Terrance M. Cunningham, Wellesley Police Department  
Chief Paul Porter, Randolph Police Department

1:00 VINE (Victim Information and Notification Everyday)

Tom Seigle, Vice President, Appriss Inc.  
Adam Tatum, Account Executive, Appriss Inc.

1:30 Mary R. Lauby, Executive Director, Jane Doe Inc.

2:00 Lieutenant Governor Kerry Healey

2:30 EMERGE, Cambridge MA  
David Adams, Director Submitted written Testimony

3:00 Public Testimony (time permitting)  
Carole K. Bellew,