

**Vermont
Crime Research Group & Center for Crime Victims Services
Partnership to Enhance Victims Services**

**Final Report on the Crossover between Respondents in Relief from
Abuse Petitions and Defendants in the Criminal Docket and use of the
Victim Compensation Fund**



Submitted to:

Justice Research and Statistics Association

Submitted by:

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Introduction

Crime Research Group, Inc. (CRG), Vermont's Statistical Analysis Center, (SAC), and the Vermont Center for Crime Victim Services (CCVS) partnered on the VOCA-SAC Partnership to Enhance Victim Services RFP to collect and analyze victim-and victim-services related data in Vermont. The purpose of our proposal was to enhance the capacity of CCVS and the local providers to use data and empirical evidence to improve services to crime victims.

The State of Vermont is unique compared to many other states in that CCVS, our state VOCA administrator, oversees a full array of state and federal grants that support victim services while also managing several direct service programs, including the Victims Compensation Program and a special restitution fund that benefits victims of property crime.

CRG is a non-profit criminal and juvenile justice research center that provides SAC services to Vermont. CRG collects and analyzes criminal justice information; produces general information and statistical reports on crime, criminal offenders, victims, and the administration of justice; provides technical assistance to stakeholders; and assists with the development of evidence-based criminal and juvenile justice systems.

The focus of this project was to identify, collect, and analyze data on victims of domestic assaults, to distinguish categories of victims, identify service delivery gaps and best practices for referrals to services, and analyze multi-system data to create a more comprehensive view of victimization trends. The project was informed by outreach that CCVS conducted over the past two years with a variety of stakeholders, (including prosecutors, law enforcement, courts, victims, and community direct-service providers) through its 2016 VOCA strategic planning process and 2017 STOP Implementation Plan.

Problem Statement

Over the past eight years, Vermont courts have continued to experience steady numbers for crimes charged as domestic assault and civil orders granting temporary and final relief from abuse (RFA). Domestic assault (misdemeanor) continues to be one of the top six crimes committed in Vermont. These statistics not only reflect domestic assault conduct but also may reflect concerted efforts on the part of law enforcement, prosecutors, and victim service professionals working collaboratively to improve training, increase awareness, and provide even higher-quality victim services and outreach to historically-underserved populations.

Ultimately, however, the absence of more concrete data and information about domestic violence crime victims, especially specific populations of victims, impedes our ability to identify the victims of domestic violence in Vermont and properly deploy resources. Vermont's domestic assault statutes, for example, broadly define the "domestic" relationship element of the crime without requiring separate charge codes for the various types of domestic relationships. Many different types of relationships between victim and offender could fall under the umbrella of crimes charged as domestic assault, including not only intimate partners, but also adult children and their parents, unrelated roommates, elders and caregivers living in the home, and minor children and their parents.

The absence of victim offender relationship data could be hiding a rise in elder or child abuse, for example, or otherwise tell us something about who we need to engage for services. This complicates not only the data collection on domestic violence victims but creates

categories of people that are potentially referred to the wrong services, unseen by the system, and underserved by the agencies and providers set up to serve them.

In addition, in Vermont we had no way of knowing who is accessing the civil RFA process only, the criminal process only, or both. Analyzing the victim data in the civil and criminal dockets and the overlap between the two would inform us as to any differences in the categories of victims who file a petition for RFA in the civil system versus those who contact the police. We should be able to identify patterns that suggest victims use one system more than the other. We anticipated that we'd have the opportunity to review the RFA filings and determine how many resulted in a future violation of an abuse prevention order (VAPO); how long it took for the VAPO to occur; and what subsequently happened in the criminal case. We would be able to identify which categories of victims tend to use the Victim Compensation Fund and how many more would be eligible if the victims filing RFA petitions (without a concurrent criminal referral pending) were allowed to apply for compensation.

A good example of why this matters is a review of after-hours RFAs in our rural counties. If law enforcement/criminal process is involved, the victim has a safe person with whom to fill out RFA paperwork and get it to the after-hours court clerk. If not, (even our regional Vermont State Police barracks close at 2 a.m.) there's nowhere safe to meet the clerk. Why does this matter overall? We want to honor victim choice in deciding whether or not to report domestic assault crimes and to choose whatever relief, civil or criminal. There are many reasons why civil relief might be the more favorable option in a given situation. Regardless of how the victim of domestic violence comes into the system, civil or criminal, or what type of victim they are, we want to meet these individuals with the resources

they need. We also want to engage prosecution and law enforcement in a conversation about best practices in domestic violence cases, differences in the victims of domestic violence, and the community resources available to meet their specific needs.

The purpose of this collaborative project was to map out the crossover between civil relief from abuse orders, criminal prosecutions for domestic violence, and claims made to Vermont's Victims Compensation Program. Vermont Crime Victims Services (CCVS), the state's victim service agency and VOCA-Compensation administrator, was interested in knowing where Vermonters are seeking judicial intervention for domestic violence victimization, who the victims are, and how the data might inform where CCVS can better meet the needs of the victims through the Victims Compensation Program.

Research Questions

The questions to be answered by this project were:

1. Who are the victims of domestic assault in Vermont? Is there a difference in the categories of victims who file a petition for RFA in the civil system versus those who contact the police?
2. What is the relationship between the civil and criminal dockets? How many discrete criminal cases are filed, how many discrete civil cases are filed. What is the overlap between the protection order and criminal case filings?
3. Are there patterns that suggest that victims may use one system more than another?
4. Of the RFAs, how many resulted in a future violation of an abuse prevention order (VAPO)? How long did it take for the VAPO to occur?
5. Which victims use the Victim Compensation Fund? How many more would be eligible if the victims filing RFA petitions (without a concurrent criminal referral pending) were allowed to apply for compensation?

Ultimately this project collected and analyzed data from both domestic assault cases and protection orders to better understand victims of domestic violence and how they are interfacing with the civil and criminal dockets. This project reviewed applicants for the Victim Compensation Fund and the impact of expansion to filers of protection orders.

To answer these questions, we used data from the courts, criminal histories and Victims Compensation Program claims. Data from the courts included a special extract from the Vermont Superior Court, Family Division, for all Relief from Abuse orders filed from 2012-2016. Data also included the Adjudication Database maintained by Crime Research Group (CRG) of criminal court dispositions statewide. CCVS was able to provide information on claims filed for domestic violence and the amount paid from 2014-2016.

Method

In order to create a more comprehensive view of victimization trends in Vermont, multi-system data from the court's RFA filings, criminal history data from the Vermont Crime Information Center, and data in the Victim Compensation Fund was analyzed. This allowed the project to explore the use of the Victim Compensation Fund for victims in the civil system.

CRG developed an agreement with the Court Administrator's Office to obtain all 2012 - 2016 RFA data. CRG has an ongoing relationship with the Courts that includes a five year data sharing agreement for criminal justice data and receives data on a regular basis which is used for data requests for sentencing information.

Criminal histories of the respondents in the RFAs were obtained from VCIC to determine whether an arrest related to domestic assault was made in close proximity to the

RFA. CRG and the Department of Public Safety which houses VCIC execute an annual data sharing agreement for criminal history data.

CRG organized the RFA data and VCIC data for analysis, matched and analyzed the data.

1. The data included:
 - a. The number of Temporary RFAs from 2012 - 2016
 - b. The number of RFAs granted from 2012 - 2016
 - c. The number of RFAs that resulted in a criminal case; the disposition of the criminal case
 - d. The number of domestic assault crimes crossed with the RFA filings that resulted in claims for victim compensation
 - e. The number of RFAs and criminal cases that were a result of intimate partner violence vs other
 - f. The number of RFAs and criminal cases that include people living in the same household

Question 1: Who are the victims of domestic assault in Vermont? Is there a difference in the categories of victims who file a petition for RFA in the civil system versus those who contact the police?

Who Seeks Civil Relief from Abuse Orders?

Vermont's domestic violence statutes define domestic violence as an assault between household or family members and refers to the RFA statute for definitions.¹ The RFA statute further defines household members to include a dating relationship, even if the parties never lived together.² Because the criminal statutes do not define the precise victim to offender relationship, criminal court dispositions tell us little about the victims in the criminal courts.

¹ 13 Vermont Statutes Annotated § 1041

² 15 Vermont Statutes Annotated §1101

However, the data the court keeps in RFA cases is a little more nuanced because the courts record broad categories of victim to offender relationships. Table 1 depicts the broad categories of victim to offender relationships and the number of cases filed in each category.

Table 1: Number of Relief from Abuse Orders Requested by Relationship 2012-2016

Relationship	
Child	439
Current Spouse	2,942
Family/Household members in the past	3,735
Family/Household members now	4,510
Former Spouse	1,306
Minor with past dating relationship	107
Minor with present dating relationship	70
Other	4,014
Grand Total	17,123

Even with the more nuanced categories, it is still impossible to determine how many victims might be intimate partner victims and how many might be family members or roommates. In Table 1, the “Other” category is largely assumed to be adult dating situations, although how this definition is applied is unknown. Unfortunately, without more carefully defined categories, the data will not help CCVS more effectively target their services based on victim to offender relationship.

Table 2 depicts the gender of the parties involved in the RFA petitions between 2012 and 2016.

Table 2: Gender of Parties Involved

Filing Party Gender	Responding Party Gender				Grand Total
	Missing	Female Respondent	Male Respondent	Neutral	
Missing	2,277	894	3,235	7	6,413
Female Plaintiff	878	718	6,678	13	8,287
Male Plaintiff	344	1,545	520	2	2,411
Neutral	1	2	7	2	12
Grand Total	3,500	3,159	10,440	24	17,123

Notably, in Table 2, the gender of the filing party was missing in 37% of the filings and the gender of the responding party was missing in 20% of the filings.³ Female plaintiffs filing against a male respondent accounted for 39% of the filings between 2012 and 2016. The court data also do not include a category for trans individuals, making it difficult to track domestic violence for this vulnerable population.

What are the Outcomes in Relief from Abuse Cases?

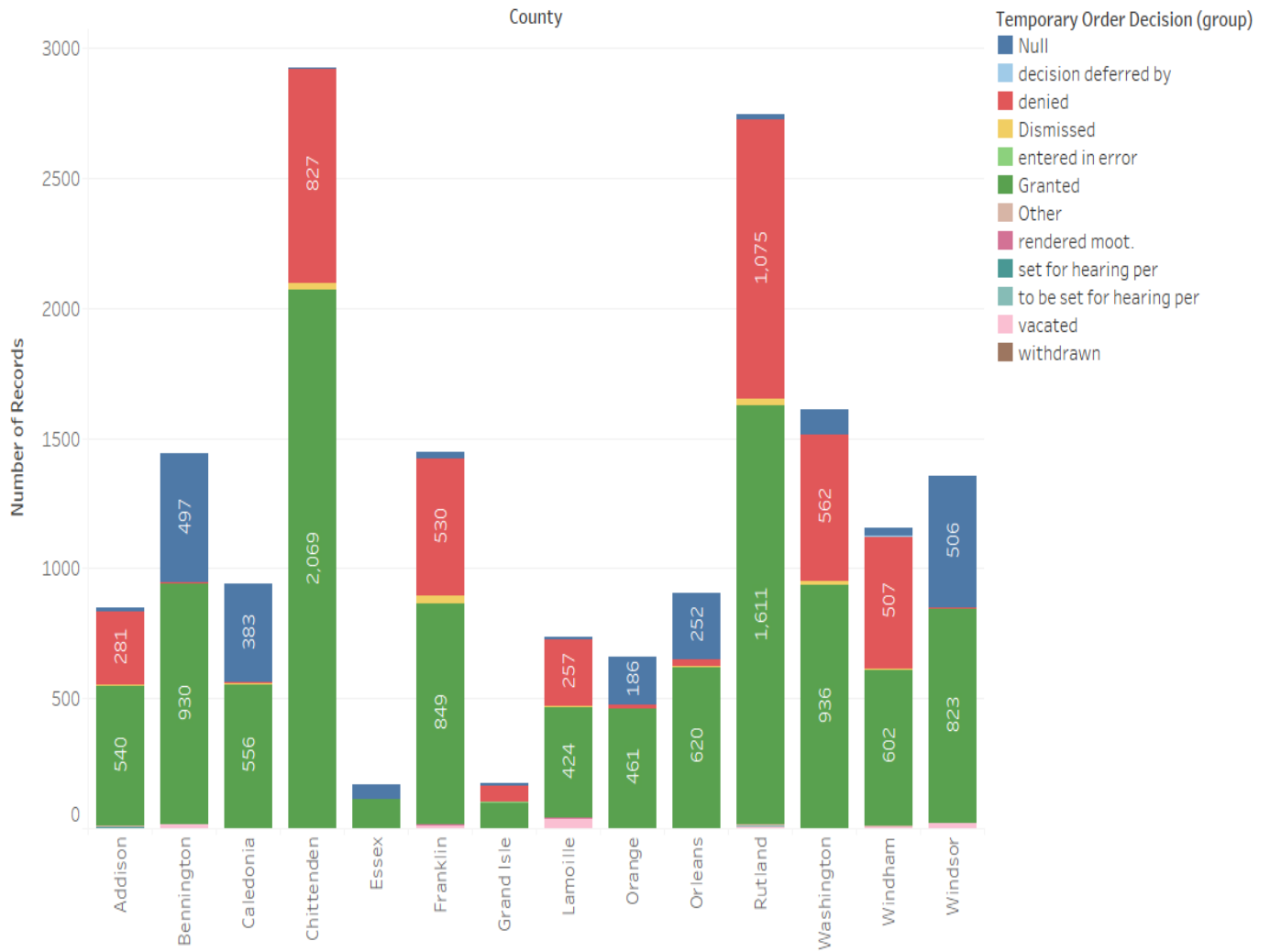
Temporary Orders for Relief from Abuse

Petitions that were granted by a court order are represented by the green bar in Table 3 and petitions denied are represented by the red bar. The blue bar represents a missing value. That is, the court did not record anything in the temporary order decision field. Because missing data is more prevalent in some counties than others, it becomes impossible to determine the true outcomes. In those counties with few missing data points, it appears that temporary

³ When the data was reviewed with the Court Administrator’s Office, they made an immediate effort to remediate the data.

orders are more likely to be granted than not. It also appears that the missing data shown in blue could be petitions that were denied/red since there were very few, if any, denied petitions in those counties.

Table 3
 Temporary Order Decision



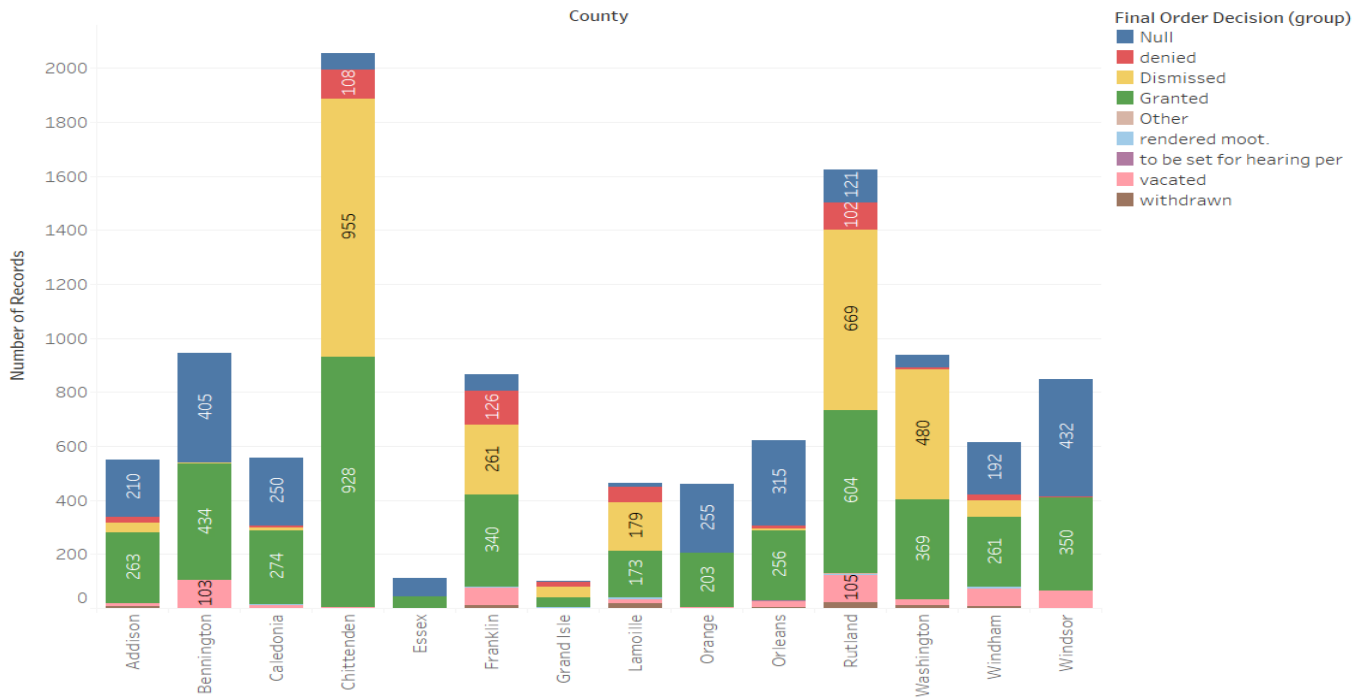
Final Orders for Relief from Abuse

The same data quality issues present themselves with the final order decisions. Table 4 excludes cases where the temporary order decision was recorded as denied, missing, or dismissed because in those cases a final order would not be issued. The same counties with a

large number of missing values in the temporary order decision field, also had a large number of missing values in the final order decision field.

In Table 5, final orders in counties with low missing values are granted (green) or dismissed (yellow) at almost equal rates. A petition that is dismissed indicates that either the plaintiff requested the dismissal, or the plaintiff or both parties failed to appear. Anecdotally, dismissal or denial may also occur when the defendant could not be served. The difference between a dismissal without prejudice and denial on the merits (or dismissal with prejudice) is a legally significant distinction with important practical implications for the plaintiff seeking protection. If the petition is denied, the plaintiff cannot successfully refile the petition on the same factual grounds asserted in the initial petition. Dismissal without prejudice, however, could allow the plaintiff to refile without alleging a new incident of harm.

Table 4
 Final Order Decision

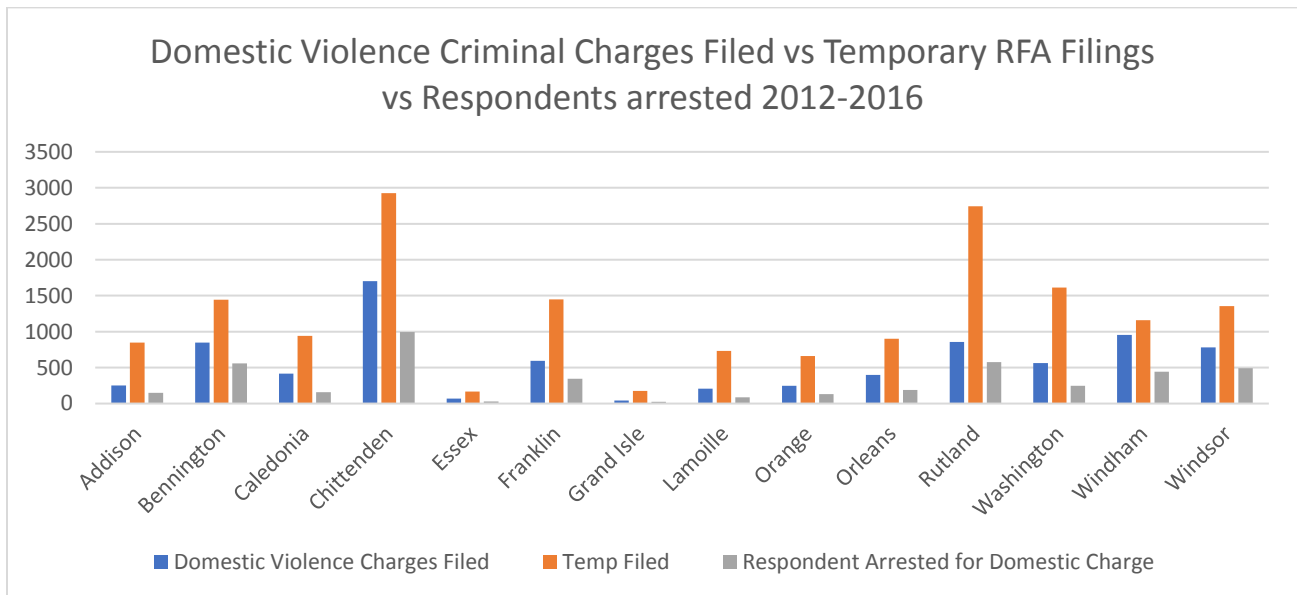


Question 2: What is the relationship between the civil and criminal dockets? How many discrete criminal cases are filed, how many discrete civil cases are filed? What is the overlap between the protection order and criminal case filings?

How Many Relief from Abuse Filings also had a Report to the Police?

To answer this question, the names and dates of birth of the responding party were sent to Vermont Crime Information Center to obtain their Vermont rap sheets. We then looked for an arrest within a few days of the filing of the petition for the request for relief from abuse. There were 16,491 unique respondents in the 17,123 filings for an RFA. Only 11%⁴ were found to have had an arrest around the time of the request for an RFA. This indicates that victims are not seeking law enforcement assistance and pursuing criminal justice remedies, or alternately that some are pursuing the civil protection order remedy as an initial attempt to end the abuse.

Table 5



⁴ Not all arrests were for domestic violence, some arrests were for disorderly conduct or other non-domestic labeled crimes but could have been the result of the incident that led the victim to seek an RFA.

We know from matching arrest records that there is little overlap between the civil and criminal processes. Table 5 illustrates how wide that gap might be. The blue represents all domestic violence criminal charges filed during the study period. The orange is how many requests for RFAs were filed and the grey represents those respondents arrested for domestic violence around the time of the request for the RFA.

Question 3: Are there patterns that suggest that victims may use one system more than another?

Table 5 illustrates that there are two groups of victims: one that participates in the criminal domestic violence process, and one that uses the civil process, with a limited amount of overlap and which varies by county. The reasons for the variations by county in the degree of overlap between civil protection order and criminal cases could be explained by differences in access to victim advocacy (either within the prosecutor's office or in a community-based setting) and prevailing practices regarding recommendations to pursue relief in either or both settings; differences in access to law enforcement and emergency services; differences in law enforcement and prosecution practices and/or advice to victims; and perceived and/or actual access to the courts.

Question 4: Of the RFAs, how many resulted in a future violation of an abuse prevention order (VAPO)? How long did it take for the VAPO to occur?

To answer this question, rap sheets were reviewed to determine if there was an arrest for violating the order while it was in effect. These data do not reflect cases where the victim didn't report the violation, the police did not arrest on a violation, or prosecutors elected not to charge the violation. Of the 10,609 temporary orders granted, only 237 (2.2%) were arrested

for violating the abuse prevention order. The average number of days to violation was three days from the order date, with an average of approximately three violations per incident. Of the 4,478 final orders granted, 424 (9.4%) had an arrest for violating the final order for relief from abuse, the average number of days to violation was 120 from the final order date, with an average of three violations per incident.

Question 5: Which victims use the Victim Compensation Fund? How many more would be eligible if the victims filing RFA petitions (without a concurrent criminal referral pending) were allowed to apply for compensation?

Which Victims are Accessing the Victims Compensation Program?

The Center for Crime Victims Services (CCVS) provided information on claims received from domestic violence victims for 2014-2016. CCVS received claims from 169 victims in 2014, 178 victims in 2015 and 155 victims in 2016. Thus, a total of 502 victims requested compensation. The average amount paid on a claim for the period 2014-2016 was \$1,320.

There were 4,688 criminal charges for domestic violence filed in 2014-2016. Using charges as a proxy for the number of victims, only 10.7% of victims requested compensation.

All victims, regardless of income, are entitled to relief if there has been physical harm.

However, many victims may need medical care and be on Medicaid, which covers the cost.

Data Challenges

1. The Family Court data were missing many entries on gender where the filing party was missing in 37% of the filings and the gender of the responding party was missing in 20% of the filings. The data from the Vermont Superior Court Family Division were also missing order dispositions in both temporary and final RFAs. These missing entries tended to be specific to certain counties. CRG met with the Vermont Judiciary to review the missing

data and confirm that it was missing in the court records (rather than when it was transferred or extracted). The Judiciary made immediate efforts to remediate the data by contacting the local courts and require that the data be corrected.

2. A challenge during the project was extracting the necessary data from the Victims Compensation Program for the full study period. The data extracts were extremely labor intensive, so the team chose to narrow the timeframe to 2014-2016. Fortunately, C CVS upgraded the Victims Compensation Program database software in 2017, which should improve access to data for any future follow-ups to this study.
3. Because missing data is more prevalent in some counties than others, it becomes impossible to determine the true outcomes. In those counties with few missing data points, it appears that temporary orders are more likely to be granted than not. For temporary orders it also appears that the missing data shown in blue could be petitions that were denied/red since there were very few, if any, denied petitions in those counties. Final orders are missing disposition data but it is less clear what those decisions could be.

Key Findings

1. Because the criminal statutes do not define the precise victim to offender relationship, criminal court dispositions tell us little about the victims in the criminal courts. The data the court keeps in RFA cases is a little more nuanced because the courts record broad categories of victim to offender relationships.
2. Victims of domestic violence overwhelming use the civil side for protection and not the criminal courts. There is very little overlap in the categories of victims between the two processes. Further research into why and if there is a difference in the type of victim who prefers one system over the other is needed. In a prior study, CRG learned that when there is a high potential for serious violence, victims will use the criminal system and rely on conditions of release to keep the defendant away, as opposed to the relief from abuse order. Victims seemed to choose this route because the court imposed the conditions, rather than the victim requesting relief. Other possible reasons for use of the civil

protection process may be the lack of police coverage in a particular jurisdiction, advocate relationships with the community, or local court culture.

3. There are two groups of victims: one that participates in the criminal domestic violence process, and one that uses the civil process, with a limited amount of overlap and which varies by county. The data show that 11%⁵ of the RFA cases were found to have had an arrest of the respondent around the time of the request for the RFA. This indicates that victims are not seeking law enforcement assistance and pursuing criminal justice remedies, or alternately that some are pursuing the civil protection order remedy as an initial attempt to end the abuse.
4. Few respondents were arrested for violating the abuse prevention order. Of the 10,609 temporary orders granted, only 237 (2.2%) were arrested for violating the abuse prevention order. The average number of days to violation was three days from the order date, with an average of approximately three violations per incident. Of the 4,478 final orders granted, 424 (9.4%) had an arrest for violating the final order for relief from abuse, the average number of days to a violation was 120 from the final order date, with an average of three violations per incident. This does not mean respondents are not violating orders. In Vermont, police coverage can be an issue in rural areas which may result in more petitions being filed for relief from abuse. In a prior study, CRG found that some victims do not call the police when a defendant violates an order because it takes so long for the police to get there the victims fear for their safety while waiting. Further research is needed to understand how the low violation arrest rate compares to actual violations.
5. Very few victims accessed the Victim Compensation Program. Approximately 10% of victims applied for funds during 2014-2016. A needs assessment should be conducted to determine why victims do not apply for funding. Further study could also be done to isolate violations of conditions of release (VAPOs) on both sides and see if the data looks different. Many VAPOs would not be eligible for compensation if no physical harm is present. This would be an interesting question to study more deeply.

⁵ Not all arrests were for domestic violence, some arrests were for disorderly conduct or other non-domestic labeled crimes but could have been the result of the incident that led the victim to seek an RFA.

Next Steps

1. As part of this project, CRG created an interactive website for stakeholders to work with Relief from Abuse data. CRG will review the website with CCVS and the Judiciary:

<https://public.tableau.com/profile/robin.adler.weber#!/vizhome/RFA/Story2>

2. CRG and CCVS will present the findings of this study at the quarterly task force on Domestic Violence. In addition, CCVS will do a press release and will share the report with their subgrantees, the Chairs of the Committees of Jurisdiction, the STOP Advisory Committee, the Governor's Office, and various law enforcement representatives.
3. CRG will work with the Court Administrator's Office to improve data quality issues.

Policy Implications

Additional victim-related research will allow CCVS to determine existing gaps in services, inform victim service organization program planning and implementation, incorporate evidence-based practices into referrals and programs, and ensure that victims' needs are met. The final report will be disseminated to prosecutors, community direct-service providers, the court, and the Legislature to inform and educate them on who is engaged in the civil and criminal systems and to consider how to best deploy court- and community-based resources. Currently the House of Representatives Judiciary Committee is reviewing the criminal code to organize and reclassify crimes. Identifying categories of victims in domestic assault cases will educate both the House and Senate Judiciary Committees on the importance of reviewing the statutes on domestic violence. The results of this project could potentially lead to statutory changes for the types of domestic assault charges in Vermont.

Partnership between C CVS and CRG

C CVS and CRG have an ongoing relationship. CRG provides information on domestic and sexual violence cases from the court database to C CVS. In 2015, C CVS engaged CRG to develop a statewide crime victim needs assessment that directly engaged victims and survivors from historically-underserved populations. Currently, C CVS and CRG are on the Advisory Team for the National Criminal Justice Reform Project (sponsored by the National Criminal Justice Association and the National Governor's Association) working on bail reform and pretrial services planning. The partnership encouraged through this grant project has strengthened an already strong relationship. Since this project began C CVS has engaged CRG as a research partner on a Human Trafficking grant that was awarded to C CVS and the Vermont State Police this year. C CVS and CRG have also collaborated on the second JRSA/VOCA partnership grant and were successful in being awarded that grant. We expect the relationship to continue and strengthen and provide a model and encouragement for other states in the work between SACs and VOCA agencies.