
The Windham County Integrated Domestic Violence Docket

A Process Evaluation of Vermont's Second Domestic Violence Court

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The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily represent the positions or policies of U.S. Department of Justice. For correspondence, please contact Amanda Cissner, Center for Court Innovation, 520 8th Avenue, New York, NY 10018 (acissner@nycourts.gov).

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Project Overview

With support from the Court Training and Improvement Grant (now Justice for Families), award #2014-TA-AX-K019, a three-person team from the Center for Court Innovation (hereafter, the Center) conducted a site visit to the Windham County, Vermont Integrated Domestic Violence Docket (IDVD) on November 17-18, 2015. The goals of the site visit were to: (1) document the planning and implementation of the Windham IDVD, and (2) develop a report detailing strengths, challenges, and recommendations for the current court as well as recommendations for future statewide adaptation or replication.

In consultation with the Vermont Office of the Court Administrator, the Center conducted a site visit that included court observations and a series of individual and group interviews with key IDVD stakeholders. Stakeholders were asked to reflect on their experiences in the IDVD, including planning, collaboration, case processing and outcomes, court goals, the litigant experience, sustainability, and recommendations. The interview protocol is included as Appendix A. Additionally, Center staff reviewed the IDVD Planning Document, IDVD Probation Conditions, court data, and the initial outcome data provided by the Vermont Crime Research Group. Finally, follow-up telephone interviews were conducted with representatives from the Office of the Court Administrator.

This process evaluation includes an overview of the Windham County IDVD planning process and operations, including court goals and key principles, and a summary of stakeholder insights as they pertain to each of the key principles. The report concludes with recommendations both to enhance the Windham IDVD and to assist the Vermont Court Administration in potential statewide adaptation of the IDVD model.

Brattleboro, Vermont

Located in the far southeastern corner of the state bordering New Hampshire and Massachusetts, Windham County has a population of 44,513. Brattleboro, where the IDVD is located, is the largest municipality in the county (and the fourth largest municipality in the state). The population of the county, like that of the state, is predominately white (95%). Just over 6% of families in the county fall below the poverty level; the median household income is \$46,714 (slightly lower than the national median, \$51,914).¹

¹ U.S. Census Bureau, 2010 American Community Survey.

The Windham County courthouse is located in Brattleboro and houses the criminal and family court divisions as well as the probate division. In Vermont, Superior Court judges are qualified to hear both criminal and family court cases and rotate regularly (generally every one to three years), transferring not only to new jurisdictions, but between criminal and family divisions. There is currently one criminal court judge, one family court judge, and one probate judge assigned to the court in Windham County.

Prior to the creation of the Windham County IDVD, the county already had an active coordinated community response to domestic violence. Frontline, a multi-disciplinary group that includes representatives from the State's Attorney's Office, the local probation department, victim advocacy organization, and the batterer program provider, has been meeting regularly to discuss domestic violence cases for several years prior to the IDVD's creation. There was some feedback during stakeholder interviews that the original IDVD judge came into the planning process with a clear agenda and neither learned about nor drew upon this pre-existing network, which may have resulted in some resentment among local stakeholders.

Planning the Windham County IDVD

Based upon the promising outcomes of the Bennington IDVD (established in 2007),² the State of Vermont judiciary applied for and received a grant from the U.S. Department of Justice, Office on Violence Against Women (OVW) to plan and implement an IDVD program in Windham County. This two-year grant was awarded effective October 1, 2013. In January 2014, the court hired a program coordinator and began a nine-month planning process that included weekly meetings with the Vermont Court Administrator's Office and Center technical assistance staff, the IDVD coordinator, IDVD judge, chief clerk, and other court staff as needed.

In addition, the IDVD judge and coordinator scheduled regular meetings with a larger planning committee to delineate the IDVD mission and to flesh out the day-to-day workings

² See The Vermont Center for Justice Research. 2011. *Bennington County Integrated Domestic Violence Docket Project: Outcome Evaluation*. Final report submitted to Vermont Court Administrator's Office and Vermont Center for Crime Victim Services. See also The Vermont Center for Justice Research. 2013. *Bennington County Integrated Domestic Violence Docket Project: Process Evaluation*. Final report submitted to Vermont Court Administrator's Office and Vermont Center for Crime Victim Services.

of the program. The planning meetings included stakeholders from across relevant agencies, including representatives from:

- Windham County Court (i.e., the dedicated IDVD judge and coordinator, Superior Court Clerk, and head of court security);
- Vermont Court Administrator's Office (CAO);
- Attorneys:
 - Windham County State's Attorney staff (criminal prosecution);
 - Windham County Public Defender staff and other private (criminal) defense attorneys;
 - Vermont Legal Aid staff, who provide civil legal services for victims;
- Have Justice-Will Travel attorneys (HJWT), who provide pro bono legal assistance to plaintiffs in the family court Relief from Abuse docket;
- Brattleboro Probation and Parole staff;
- Local service providers, including:
 - The community mental health and substance abuse agency, Health Care and Rehabilitation Services (HCRS);
 - The local domestic violence victims' advocacy group, Women's Freedom Center;
 - The local provider of the certified domestic violence accountability program, "Taking Responsibility;" and
- A technical assistance advisor from the Center for Court Innovation.

The planning committee met twice per month during the six-month planning phase. Once the court became operational, the committee continued to meet periodically to assess programmatic goals and needs and to revise procedures accordingly.

During the planning period, court staff and stakeholders had the opportunity to attend grant-funded national trainings on justice system responses to domestic violence and to observe three dedicated domestic violence court dockets: the Dallas County (TX) Domestic Violence Court, and the Tompkins County (NY) and New York County (NY) Integrated Domestic Violence Courts. Finally, the coordinator and the chief clerk planned domestic violence trainings for clerks and court officers.

The IDVD Program Model

IDVD Eligible Cases

The Windham IDVD began hearing cases on September 3, 2014 and operated under the original program model until October 2015 (more on the revised model below). Under the original program model, the court operated one full day a week and was initially created to hear both criminal and civil cases involving domestic violence. To that end, a single, dedicated judge had jurisdiction over all civil Relief from Abuse (RFA) petitions in the morning and all misdemeanor domestic violence cases that same afternoon. Families did not need to have overlapping criminal and civil cases to be IDVD eligible; when a litigant *did* have overlapping cases, those cases did not need to involve the same parties. For instance, a respondent to an RFA petition involving children in common with an ex-wife might also have a criminal assault charge with a current girlfriend in the IDVD during early court operations. A total of 151 RFAs involving a total of 274 individuals representing 135 families have been heard in the IDVD since it opened. Select characteristics of litigants involved in IDVD cases are presented in the table below.

Participation in the IDVD is voluntary on criminal matters; criminal defendants who do not wish to have their case heard in the IDVD are processed according to standard practice, although several stakeholders indicated that the timeline for these cases is typically expedited (further discussion below). Family court orders in other types of cases (e.g., divorce, separation, parentage, support) will be identified and reviewed by the coordinator to ensure that they are consistent with IDVD court orders, but these other family court matters are not heard in the IDVD.

In October 2015, coinciding with the retirement of the original IDVD judge and the appointment of a new dedicated judge, the court revised its operations and eligibility criteria. Rather than operating as a full-day calendar, the docket was condensed to a half-day calendar, with the IDVD coordinator position becoming part-time. In part, the decision to reformat the docket was made due to concerns from attorneys that the IDVD was taking too much of their time at the expense of their other cases. In addition, these reductions resulted in cost savings as the grant funding the IDVD neared completion. In order to facilitate the shorter day, the court simultaneously limited eligibility criteria. While previously *all* misdemeanor criminal domestic violence cases were IDVD eligible, now only those criminal cases with a concurrent RFA petition are eligible for the specialized docket. In addition to requiring an overlapping RFA for new IDVD criminal cases, the court also introduced a temporal requirement that the criminal charge and RFA stem from the same event.

IDVD Litigant Characteristics

RFA Filings	151
Total Petitioners ¹	141
% Female	83%
Average Age	36
Total Respondents ¹	139
% Female	17%
Average Age	37
Relationship	
Current/Former Spouse/Dating Partner	66%
Child in Common	17%
Cohabitant	5%
Other Family/Household Member	11%
Criminal Cases	59
Total Defendants ²	50
% Female	34%
Average Age	36
Average Age, Males	40
Average Age, Females	30
Race	
White	92%
Black	2%
Unknown	6%

¹ Some individuals had RFA filing with multiple partners. A total of eight litigants filed cross-complaints against one another and are counted in both petitioner and respondent totals.

² Some defendants had multiple criminal cases in the IDVD.

According to stakeholders, these changes have dramatically reduced the number of criminal cases heard in the IDVD. This belief is confirmed by court data, which indicates that a total of 59 criminal cases entered the IDVD from inception; only one of these cases was arraigned after October 1, 2015, when changes to IDVD eligibility were made.³

³ An additional 68 criminal cases were screened for the IDVD but rejected (either at the prosecutor or judge's discretion or due to defendant refusal).

Select characteristics of criminal defendants in the IDVD are presented in the table below. During stakeholder interviews, we heard anecdotally that a relatively high proportion of alleged abusers in the IDVD are females. Court data bears out this claim, with over one-third of criminal defendants in IDVD cases being women. Asked to hypothesize why females were particularly likely to enter the IDVD, one attorney suggested that male defendants in domestic violence cases are more likely to be charged with felonies, which are generally not eligible for the IDVD.

IDVD eligible criminal cases include misdemeanor assault between spouses, former spouses, parents and children, or family or household members; misdemeanor violations of abuse prevention orders; and violations of conditions of release on a domestic assault or violation of an abuse prevention order. Felony-level domestic violence charges may be determined to be IDVD eligible with the consent of prosecution, defense, and the IDVD judge. The vast majority (95%) of cases heard in the IDVD since inception were misdemeanors.⁴ The most common charges were domestic assault (64%), violation of the abuse prevention order (18%), and violations of the conditions of release (7%).⁵

In addition to criminal cases originating at the same time as an RFA, criminal probation violations resulting from cases originally sentenced in the IDVD were returned to the IDVD prior to October 2015. A total of 35 hearings for probation violations committed by 20 defendants have been heard in the IDVD. Of the probation violators, 47% resulted in probation revocations, 47% resulted in modifications, and the remaining defendant was returned to probation.⁶ The recent policy changes also eliminated this return to the IDVD for probation violators; those defendants who violate their IDVD probation conditions and do not have a new RFA hearing as part of that violation are now heard by the criminal court judge rather than the IDVD judge. The extreme limitations placed on the IDVD by the recent modifications to eligibility criteria, which have resulted in few criminal cases qualifying for the dedicated docket and *no* return to the IDVD judge to promote accountability among

⁴ Charge level was not available for three criminal IDVD cases. The remaining three IDVD cases (5%) were felonies.

⁵ Other charges include attempt to cause serious bodily injury, burglary, disorderly conduct, driving on a suspended license, false report to law enforcement, and unlawful trespass. Each of these charges were present in one IDVD case. Four additional cases had no charge information available in the IDVD database.

⁶ One case had no case resolution information entered.

noncompliant offenders, underlie the question of whether an *integrated* calendar is still a worthwhile effort in this jurisdiction. That is, given that stakeholder reluctance renders an expanded scope—in which a single judge really is able to hear a family’s overlapping cases—infeasible, might resources be better allocated in developing a dedicated RFA calendar, promoting universal domestic violence training for all judges, and developing protocols for coordinating court orders without the use of the integrated docket?

Litigant Services

One of the innovations of the IDVD model as implemented previously in Bennington and duplicated in Windham County is partnering with local attorneys to provide legal representation for all litigants. While indigent criminal defendants qualify for legal counsel through the public defender’s office, the same is not true for litigants in civil matters. Civil legal services for victims/petitioners are provided by the statewide organization Have Justice-Will Travel (HJWT) and by Vermont Legal Aid. HJWT provided comparable services in the Bennington IDVD and there was some early tension when this outside organization was brought in by the presiding IDVD judge. Some stakeholders felt that the local Legal Aid representatives, who were already well-known in the Windham County domestic violence/advocacy community, should have been given preference. The issue was ultimately resolved by having HJWT receive direct referrals from the IDVD and Legal Aid representing those clients with whom they had already established a relationship.⁷ In addition to civil legal service providers, the community-based Women’s Freedom Center provides on-site victim advocacy and the State’s Attorney’s advocate keeps victims updated on criminal cases.

Using grant funds, the court has recruited a number of private attorneys to serve as on-site legal consultants available to respondents in RFA cases. One RFA attorney is present in court during each IDVD calendar to represent respondents during conferences in judge’s chambers (hereafter “chambers conferences”) and in court, to provide legal advice, and to generally explain the court process to respondents who wish to utilize them. Litigants whose cases are continued to the next IDVD calendar will continue to have access to an RFA attorney, though the specific attorney will likely be different from one appearance to the

⁷ While both HJWT and Legal Aid provide civil legal services to some IDVD petitioners, in reality, HJWT handles the bulk of these cases. According to court data, HJWT represented petitioners in 77% of RFA hearings, Legal Aid represented petitioners in 5% of cases, and the remainder of petitioners retained a private attorney (10%) or had no legal counsel (8%).

next. While the funding for these RFA attorneys will expire at the end of the grant period, at least one RFA attorney we spoke to plans to continue to serve in this capacity on a pro bono basis. Stakeholders universally noted the RFA attorneys as a program strength during interviews, noting that universal representation promotes procedural justice and speedier case resolutions.

In addition to legal advocacy, the IDVD was (until grant funding was expended) staffed by a representative from HCRS, the community mental health and substance abuse agency. HCRS was available to provide immediate assessments for both defendants and victims and to link litigants to appropriate services. Again, stakeholders universally mentioned the in-court presence of HCRS as a program strength. Grant funding to maintain the onsite presence ended shortly before the research team's site visit and several stakeholders expressed concern that litigants who might benefit from substance abuse or mental health services would be less likely to receive them now that they would have to travel from court to the HCRS offices (approximately 1.5 miles away). HCRS has arranged for a direct call-in line to be available for IDVD litigants who wish to access services, but it is anticipated that assessments and referrals will decline without the immediacy of the onsite presence.

The IDVD coordinator provides case management and coordinates service referrals for litigants. In collaboration with service providers, the coordinator identifies resources for victims, refers defendants to appropriate assessments and services, and maintains linkages with victim assistance programs.

Program Goals

As of November 2015, the official Windham County IDVD Planning Document has not been approved by the Court Administrator nor shared with the IDVD stakeholders, despite being under review for more than a year.⁸ The 87-page document contains a comprehensive description of the IDVD, fully describing planning, operations, and underlying principles of the model. Such information could have been useful in helping the IDVD staff and stakeholders to better understand the goals of the IDVD. It also could have served as a basis for discussion and buy-in from the stakeholders regarding process and goals. The theme of top-down decision-making of this nature arose several times in stakeholder interviews, as discussed further below. Given this feedback, as well as some ambiguity among stakeholders

⁸ Center staff reviewed the planning document as part of this evaluation.

with regard to program goals, future projects may benefit from exploring a more inclusive process when developing such documents.

The planning document identifies twelve goals informing the IDVD program model:

1. Promote informed judicial decision-making by obtaining comprehensive and up-to-date information on all issues involving the family;
2. Protect the rights of all litigants, including legal representation or advice available for all parties in order to achieve procedural fairness and ensure informed consent regarding the pending cases;⁹
3. Promote procedural fairness;
4. Promote victim safety and increased offender compliance through the elimination of conflicting orders and diligent monitoring of offender compliance with court orders;
5. Protect children from the trauma of domestic violence and decrease any child's exposure to any form of violence upon or by a parent;
6. Focus on offender accountability and swift and certain sanctions for violations of probation orders;
7. Ensure consistent handling of all matters relating to the same family by a single judge;
8. Achieve efficient use of court resources, with reduced numbers of court appearances and speedier dispositions due to the greater availability of information and consolidation of court operations;
9. Encourage a coordinated response and greater collaboration among criminal justice and community-based groups offering assistance and services to domestic violence victims and the children in these families as well as the offenders;
10. Increase confidence in the court system by reducing inefficiencies for litigants and duplication within the court system;

⁹ Sources of legal representation for cases in the IDVD come from the Windham County States Attorney's office, the Windham County Public Defender, assigned conflict defense counsel, Have Justice Will Travel for plaintiffs, and other attorneys who enter their appearance as private counsel. Current methods for assigning counsel to parties statutorily and constitutionally entitled to representation are continued in the IDVD. Legal representation for defendants in RFAs where there are no criminal cases involving the same victim has been accomplished through volunteer/low bono attorneys from the local family bar.

11. Provide for safer and healthier relationships where both parties desire to remain together; and
12. Provide for safer and healthier separation when either party desires it.

Beyond these goals, the document maintains that the Windham County IDVD is dedicated to the idea of “one family-one judge.” However, as described previously, the model implemented in Windham County frequently does *not* result in all a family’s cases being seen by a single judge in the integrated court; for instance, family court cases beyond RFA’s are not heard in the IDVD, and neither are criminal matters that do not involve an overlapping RFA petition.¹⁰ While the one family-one judge language is somewhat standard among integrated programs of this nature (e.g., see the Center for Court Innovation’s Integrated Domestic Violence Court fact sheet¹¹), other jurisdictions may want to carefully consider placing emphasis on this priority where the structure of the program will not support it.

As noted above, stakeholder interviews revealed some ambiguity about program goals. None of the stakeholders beyond those who authored the planning document cited it as a resource for identifying IDVD goals. While no stakeholders were able to identify all twelve of the goals listed above, there was a good deal of uniformity in the goals that were mentioned during interviews. First and foremost, stakeholders stressed the importance of consistency in court orders, particularly as it promotes victim safety, litigant comprehension, and compliance. In addition, stakeholders emphasized providing counsel to all litigants in order to facilitate procedural justice and compliance; enhanced court security to promote victim safety; offender accountability established through strict probation conditions developed specifically for the IDVD; and a coordinated community response with access to services for

¹⁰ Under the original IDVD judge, those cases removed from/opting out of the IDVD were still heard by the IDVD judge, as he was the sole criminal court judge in Windham County. This ensured some consistency across domestic violence cases in and out of the IDVD. The new IDVD judge is the county’s acting family court judge and will not hear criminal cases that are removed from the IDVD, nor subsequent cases between the same parties where there is not a concurrent RFA. Some interviewees expressed concern about the lack of domestic violence training for all judges and the potential lack of consistency, where the IDVD judge does not hear the rest of the county’s criminal domestic violence cases.

¹¹ Available at http://www.courtinnovation.org/sites/default/files/documents/IDV_FACT_SHEET.pdf

litigants. Multiple stakeholders also mentioned that the specialized docket was designed to facilitate speedier case resolutions.

Toward the end of achieving the above goals, the planning document also establishes five key principles: (1) A holistic approach, with resolution by collaboration, not litigation; (2) Early case resolution; (3) Early access to appropriate services; (4) Compliance and supervision; and (5) Procedural justice. The remainder of this section will be organized according to these underlying principles.

IDVD Key Principle 1: A Holistic Approach to Resolving Cases

As noted above, the IDVD coordinator gathers all relevant available information and schedules RFA hearings and overlapping misdemeanor domestic violence cases on the same day in front of the same judge. Participating attorneys are provided access to full case information and are thus able to counsel their clients about the options available to settle cases. Counsel for both parties then meet with the dedicated IDVD judge—typically in chambers—to review relevant information and discuss potential outcomes that are best suited to the needs of the victim, defendant, and the family. Other involved parties (e.g., probation, parole, HCRS, victim advocates, and the coordinator) are also present during these conferences in order to offer insight and assistance on a given case as appropriate.

In an effort to resolve cases quickly and promote offender accountability, the IDVD model requires a guilty plea from defendants who wish to enter the court. Neither “no contest” pleas (where the defendant acknowledges only that there is sufficient evidence to convict) nor *Alford* pleas (where the defendant continues to fully deny responsibility while still accepting a conviction) are accepted in IDVD. Defendants who decide not to accept a plea for any reason are returned to the traditional criminal docket for trial.

Collaborative Planning

Many stakeholders voiced confusion or concerns about the collaborative model. Some stakeholders, familiar with the Bennington IDVD, were concerned in general about the IDVD model. The Bennington IDVD did face significant challenges, including staff turnover and a now-inoperative IDVD court. Several of the key Windham County stakeholders—including the original presiding judge and Have Justice-Will Travel—were heavily involved in the Bennington IDVD. Others spoke with their colleagues in the neighboring county and brought expectations and concerns to the planning of the Windham IDVD.

The presiding judge and HJWT staff were happy to draw upon their previous experience in Bennington rather than start over from scratch. While some stakeholders agreed that it was helpful to have a model and goals already in place, others felt this stifled conversation and discussion about what the IDVD could look like in Windham. Specifically, interviewees mentioned that both Bennington and Windham were very judge-driven projects and that, with judges rotating regularly, the program might benefit from relying less on the personality and enthusiasm of a single judge. In fact, the Bennington court dissolved when the same presiding judge left for a new posting in Windham. One specific area of concern raised during stakeholder interviews was the key role that chambers conferences played in the model under the initial IDVD judge. These conferences were seen as a key feature of the holistic approach, but several stakeholders mentioned that the founding judge was comfortable using these conferences to push cases to resolve, whereas other judges may not feel that is an appropriate role for the IDVD judge.

From the onset, some stakeholders indicated that the collaboration between the court and stakeholders in Windham was less open than in Bennington. Some suggested that one challenge was the different cultures between the two counties. Working in such small communities can be particularly hard, since any endeavor can be subject to strong personalities within a limited domestic violence community. Stakeholders in the Windham court were well aware that the Bennington project was terminated after Judge Suntag's departure. One stakeholder noted, "I'd hoped that we could build something that was not dependent on personalities and could survive change [when judges rotate]. I'm not sure we did that." Several stakeholders also mentioned that those initiating the IDVD project failed to acknowledge the long history and strength of the Frontline collaboration in Windham County. While stakeholders agreed that the IDVD court strengthened their collaboration with the court, the existing collaborative practices and expertise among other stakeholders was not acknowledged in planning meetings. Despite criticism about what some viewed as a top-down planning process, several stakeholders felt more optimistic about the new IDVD judge and her perceived receptiveness towards stakeholder feedback on IDVD operations. Judge Carroll herself prioritizes stakeholder buy-in and hopes to hold more stakeholder meetings in order to facilitate an open atmosphere.

Developing Program Goals

As noted above, stakeholders were uncertain of the driving goal behind the IDVD; moreover, it was noted during interviews that many felt that there was not room during planning meetings to address questions or concerns. However, our interview with the original IDVD

judge, Judge Suntag, made it clear that his intention was to plan each meeting around one of the (already identified) key principles and to discuss relevant court procedures. Early on in the planning process, Judge Suntag held a large community meeting to discuss the IDVD goals and key principles in detail, despite having no weigh-in from the local domestic violence community. Such decisions left many stakeholders feeling that the judge clearly envisioned what he wanted the IDVD to be with little flexibility to adapt to the existing collaboration and structure in Windham County. Several stakeholders indicated that planning meetings felt “scripted” and “top-down” and that feedback or suggestions offered to the court were left out from final IDVD operations. Some court staff did acknowledge that they sensed resistance during planning meetings and that opportunities may have been missed to obtain full buy-in from the stakeholders.

While the IDVD coordinator and judge began writing a planning document in early 2015, as of this writing, the document has yet to be approved by Office of the Court Administrator nor has it been shared with IDVD stakeholders. The document, which outlines program goals, key principles, and processes in great detail, may have been helpful in fostering discussion and understanding about the IDVD goals.

The IDVD Coordinator

One way in which the court did attempt to enhance collaboration and a holistic approach was to hire a full-time coordinator. As mentioned previously, the coordinator helped plan and facilitate planning meetings. She also met with many programs and service providers in the Windham County area to identify resources and services for IDVD litigants. On IDVD days, the coordinator also meets with litigants prior to the IDVD calendar to explain the court process and available services. Interviewees agreed that the coordinator had done an exemplary job of identifying resources and bringing in relevant service providers.

However, some stakeholders also felt that the role of the coordinator during the IDVD calendar was ambiguous: Was the position supposed to be a resource coordinator for the court and litigants or a court coordinator involved in the processing of cases? State’s attorneys, the defense bar, and advocates voiced concerns that some litigants were uncertain about the role of the coordinator, were unsure if she was another party to the case, and didn’t know what information to share with her. In part, this may stem from the coordinator’s personal history; for years, she worked as a private attorney and may have found it challenging to refrain from advising litigants on legal issues. However, given her new role as an agent of the court, some interviewees felt that this type of legal advice was a tricky area

and might lead to complications for their clients, should they divulge details of their cases to the coordinator.

Litigant Services and Other Enhancements

Despite mixed feelings about the planning process, stakeholders were unanimous in their support of the IDVD's collaborative and holistic approach as applied to enhanced services for litigants. The availability of attorneys for both petitioners and respondents; the enhanced courthouse security; the increased education for litigants on court procedure and rights provided through an orientation session before each IDVD calendar; and having HCRS on-site for immediate assessment and referral were universally viewed as strengths of the model. For example, defense attorneys indicated that HCRS was such a benefit for their clients in the IDVD that they wished HCRS was available to all litigants on all cases.

In addition, every stakeholder we spoke with mentioned the enhanced work of the court officers to ensure litigant safety on IDVD day and the court officer's calming demeanor. Grant funds were used to hire additional court security to monitor the courthouse parking lot and surrounding grounds. Additionally, court officers speak with both defendants and petitioners during the morning orientation to explain the importance of courthouse safety. (More about court security is mentioned in the procedural fairness section below.)

Another benefit of the collaborative approach is increased information-sharing across agencies. The defense bar indicated that it is helpful to have information about the RFA; such information would not have been immediately accessible to defense prior to the IDVD. The State's attorney, defense bar, and probation all indicated that having continuity between conditions of release and the RFA was an enormous benefit of the IDVD—both from their own perspective and in terms of clarity and safety for their clients.

Case Conferencing

A key feature of the collaborative IDVD model in Windham County is the chambers conferences. Rather than having the RFA and criminal cases called separately in front of the judge in open court, attorneys meet privately with their clients on the day of the IDVD calendar to seek possible resolution. The Coordinator then checks in regularly with attorneys to get status updates. Once all parties are ready, the judge meets with all attorneys in chambers to discuss the cases. These discussions are on the record, but allow litigants to avoid appearing in court and seeing the other party. Attorneys can discuss challenges to resolution, resolutions that are amenable to their client, and, when necessary, the judge can

assist attorneys in identifying possible resolutions, drawing on attorneys' reports of litigants' wishes to inform case outcomes.

Interviewees noted that these conferences differ depending on the presiding judge. While the original IDVD judge would make suggestions for resolution and actively work to resolve the cases, the new IDVD judge uses conferences primarily to share information between attorneys and get status updates on likely outcomes: resolution, continuance, or a hearing in open court.

According to the court staff and other stakeholders, chambers conferences have both positive and negative aspects. As previously mentioned, having more information about cases through discussion is helpful. One stakeholder said it allowed their office to work with other agencies and "think outside the box" to come up with a better disposition. However, some stakeholders felt that conferences were disruptive to and took time away from the conversations attorneys were having with their clients and each other. Also, advocates and some attorneys worried that litigants did not always understand what was happening in chambers and that such conferences run the risk of silencing litigants' voices and right to have their day in court. Some stakeholders also felt pushed to resolve cases during chambers conferences. If they were resistant to an early resolution on the criminal case, they felt punished by having their cases removed from the IDVD and placed on the regular trial docket. The next section includes more discussion of the chambers conferences as they impacted case processing.

IDVD Key Principle 2: Early Case Resolution

The IDVD seeks to have full case resolution within one to two weeks following the event that brings parties to the court. Indeed, according to court data, the median time to disposition on criminal cases is 14 days; median time to disposition on RFAs is eight days. To ensure that early resolution is designed to address appropriate concerns, early assessments are available to determine service needs for mental health, substance abuse, further risk of violence, types of abuse, and children's needs (especially for safe parent-child contact with the offender).

Attorneys identified a few strategies implemented in the IDVD to improve court efficiency and lessen the burden of litigants taking time off of work:

- Attempt to expedite RFAs and the criminal matters through case conferencing in judicial chambers;
- Obtain stipulations to RFAs; and/or
- Obtain a deferment of the criminal case with specialized IDVD probation conditions for misdemeanor cases.

Our own observation of the IDVD calendar illustrated both the court's ability to resolve issues without unnecessary delays and its holistic handling of cases. For example, in one case when the respondent was not present for the RFA hearing and there was a motion by the petitioner to vacate, the judge explained to the petitioner the impact that decision might have on other open cases (not heard in front of the same judge). The petitioner's attorney was then able to have a more fully informed discussion with the petitioner about possible legal remedies to address safety concerns. The issues were resolved that day, without the need to adjourn to another date. In another RFA case, the judge was able to inform the petitioner about the availability of free legal counsel and clearly explained the RFA process to the petitioner.

Stakeholders were divided on the value of early case resolution. While the goals of the early resolution are to have defendants linked with services, to defer sentences, and reduce recidivism (as the previous evaluation of the Bennington IDVD suggested¹²), Windham County stakeholders suggested that efficiency sometimes conflicts with other key principles, such as access to services and a collaborative approach.

During interviews, stakeholders discussed the challenge of balancing the "carrot" and the "stick" with litigants who have both criminal and civil cases. Often, defendants are motivated by the desire to see their children; early dispositions enable for quicker visits with children. One stakeholder noted that the early resolution allowed families to keep co-parenting intact, which may serve as a very real incentive for some litigants. However, stakeholders felt that the rigid IDVD probation conditions (discussed further below) frequently act as a deterrent for defendants whose participation in the IDVD is voluntary and for whom plea deals are unlikely. In such instances, more time might be useful for defendants who are not ready to agree to the terms and conditions of probation; with additional time, defendants could meet

¹² Ibid, 2 (2011).

to discuss the ins and outs with legal counsel and avoid agreeing to something they will be unable to achieve.

Interviewees generally felt that quicker case resolutions benefit victims. First, speedy calendaring may illustrate to victims/petitioners that their case is being taken seriously and that progress is being made. Often, a quick resolution is what the victim wants in these cases. On the family court side, the IDVD focus on collaboration and having fewer contested hearings as a result of early resolutions benefits victims who may not want to have to see the defendant in court. However, some stakeholders did raise the issue that resolving cases primarily through chambers conferences may take away victims' right to have their day in court—to have their voices heard and ask the judge directly for specific conditions.

The focus on a quicker disposition often means that the attorneys have less time with clients, which may mean they are unable to get sufficient information, assess for risk, or seek alternative dispositions. Some attorneys indicated that when chambers conferences are disruptive or premature, they may actually be a *hindrance* to reaching a speedy resolution. Some stakeholders also felt that, at times, early resolution is prioritized over the needs of the litigants. For example, cases that are not ready for disposition or for those in which a plea agreement cannot be reached are removed from the IDVD and returned to the general court calendar, where they cannot benefit from HCRS services, enhanced probation conditions, or attorney support available to them in the IDVD. In addition, rather than scheduling cases to return to the general court calendar according to standard practices (i.e., approximately three months to prepare for trial), attorneys noted that cases opting out of the IDVD are subject to expedited calendaring, effectively penalizing defendants and attorneys who then have less time (i.e., often within one month) to effectively prepare for trial.

Originally, as noted above, all RFA cases were heard in the morning and all criminal cases were heard in the afternoon. As of October 2015, the court transitioned to a half-day schedule, with RFA cases heard in the morning along with only those criminal cases with an overlapping RFA. In part, the decision to reduce the caseload was made with the goal of enhanced efficiency, particularly with the pending end to grant funding. In fact, many stakeholders felt that while there was a benefit to having all cases on the same day, there was also a lot of time spent waiting. Regardless of the number of IDVD cases scheduled each week, stakeholders were in court all day—the chambers discussions had a way of expanding to fill the available time. Despite frustration at the pace of the full-day IDVD, stakeholders also saw some benefits. One interviewee, who works with petitioners/victims, noted:

Other courts may be faster, but often the plaintiff leaves without what she needs because she doesn't have an attorney or know what she can ask for. Here, they may not always leave with what they want, but [they] have more information about what they can ask for and what the next steps are.

Reducing the calendar was seen as the best way to reduce the time burden on stakeholders while preserving at least some of the benefits of the IDVD. With the new calendaring in place, however, some stakeholders worry that the efficiency may be at the expense of having cases that would benefit from the IDVD being heard in the dedicated docket. Probation representatives indicated that there has not been a new IDVD case in seven weeks. Many suggested that the new eligibility criteria is *too* narrow; with so few cases benefitting from the IDVD that the program has lost its significance. With so few criminal cases, some stakeholders indicated that it is hard to hold the offender accountable. When all criminal domestic violence cases were IDVD eligible, there were more options for sanctioning and programming. For example, IDVD criminal cases include the condition that any probation violation results in an immediate overnight jail sanction. The new restricted focus on RFA cases also limits what the court can do to in terms of programming and services for the defendant.

To that end, some stakeholders proposed not reducing but expanding IDVD eligibility. For instance, in part because of the IDVD focus on deferred sentences, felonies—even those that are ultimately reduced to misdemeanors—are generally not eligible for IDVD.¹³ However, some stakeholders felt that felonies could benefit from HCRS services, swifter resolutions, and IDVD probation conditions—especially those cases in which an RFA is active.

IDVD Key Principle 3: Early Access to Appropriate Services

Until recently, the local community mental health agency, HCRS, had a grant-funded clinician present at the courthouse during the IDVD calendar to begin initial assessments for substance abuse, mental health issues, domestic violence education and counseling programs, and to make appropriate referrals and appointments. HCRS provides assessment reports and programming screenings within one to two weeks following the event which brought the

¹³ Felonies may enter the IDVD with the approval of both the prosecutor and defense, but, in practice, this virtually never happens.

parties to court. HCRS continue to be available to defendants and petitioners, as well as children related to the parties, though the program representative is no longer present onsite. Community-based victim advocates and an advocate from the State's Attorneys' Office are on-site each IDVD day to support victims, help with safety planning, and explain what is happening on the criminal case. In addition, grant funds have been used to provide free civil legal attorneys for all IDVD litigants. As noted above, a number of private attorneys serve in an advisory capacity and represent respondents in RFA hearings. Have Justice-Will Travel is available to assist petitioners in RFA hearings. Where petitioners also have other pending family court cases—for instance, parenting or child support matters—HJWT also assists litigants in accessing relevant forms and filing necessary paperwork. Interviewees highlighted the importance of having an attorney to educate litigants on the court process and their rights, and to explain what they can request from court. Finally, the IDVD coordinator has compiled a list of other community resources for defendants, victims, and their children and acts as a liaison to assist parties in accessing services. The coordinator is present during the IDVD calendar and brings along a portable filing system filled with other community resources. During the pre-IDVD orientation sessions, which occur before every IDVD calendar and are held separately for petitioners and respondents, the coordinator gives an overview of the RFA process, including a description of what litigants can expect in court and what resources are available to them in court that day.

Interviewees universally agreed that early access to services for litigants in the IDVD was the biggest strength of the model. In fact, some of the criticisms of the IDVD noted above stemmed primarily from the desire for more litigants to have access to these enhanced services. Stakeholders during every one of our interviews commented on the huge loss to the program it is that HCRS is no longer able to have a dedicated staff person onsite during the IDVD calendar.

IDVD Key Principle 4: Compliance and Supervision

Probation typically monitors IDVD defendants for one to two years with special enhanced IDVD probation conditions. Based on those used in the Bennington IDVD, the Windham IDVD developed a set of standard probation conditions to help facilitate more effective monitoring of defendant compliance with court orders. (The probation conditions for

intimate partners are included as Appendix B.¹⁴) Defendants review these conditions with their attorney before entering a guilty plea. The judge, upon accepting a guilty plea and imposing the probation conditions, reviews them again with the defendant. The supervising probation officer also reviews them with the probationer both before a plea is offered and shortly after sentencing. Such clarity is designed to ensure that the same message is provided to the offender at least three times before probation begins. An IDVD probation officer is present in court to explain the nature and terms of specialized IDVD probation to a defendant so that the defendant may knowingly determine whether they can abide by the terms of the plea agreement and make an informed decision about whether to accept the plea. Despite this upfront work to inform defendants, probation still indicates that some defendants seem blindsided by what they signed up for. Those we spoke to attributed this, in part, to the speedy resolution of cases, saying it is difficult for defendants to process all the information they receive—and the real-life implications—when everything happens so fast.

One interviewee explicitly stated that swift and certain sanctions are key to holding offenders accountable. Stakeholders largely agreed that deferred sentences and speedy case resolutions help to incentivize the IDVD, whereas the IDVD probation conditions and their swift enforcement by the court act as the stick—i.e., the mechanism by which to hold IDVD defendants accountable. Most stakeholders expressed that probationers in the IDVD faced much closer supervision than other misdemeanor probationers. While that may have led to some defendants to reject plea offers including the IDVD probation conditions (and effectively rendered other cases ineligible for the IDVD), most interviewees agreed that compliance and supervision was a strength of the IDVD Court. At least one member of the defense bar believed that the special conditions were too invasive for her clients, but felt that the state and the judge imposed the conditions during the IDVD planning process. Others agreed with this characterization, noting that—as in other aspects of the planning process—there was little room for feedback or discussion around the special probation conditions.

The IDVD probation officers are authorized to arrest and lodge probationers upon probable cause to believe any probation violation has been committed. While they have the authority to hold IDVD probationers until the next IDVD date, probation indicated that this does not actually happen as frequently as they had anticipated during court planning. While the

¹⁴ There is a separate set of conditions for non-intimate partner offenses, which are similar in nature to those included in Appendix B.

original IDVD judge was willing to let defendants sit in jail in the interest of accountability, other judges are less disposed to do so. When a violation of probation is filed in the IDVD, the case is scheduled on the next IDVD day and the judge then reviews the conditions of probation with the probationer. Most often, unless the circumstances or probationer's attitude warrant different treatment or the violation involves further violence, a probationer will be returned to probation, rather than being incarcerated for a more significant period.

It is worth reiterating that, in contrast to many domestic violence and integrated domestic violence court models, the Windham IDVD judge does not hear new criminal offenses committed by defendants sentenced in the IDVD, neither does she bring offenders back to court for regular compliance monitoring. However, many stakeholders felt that the strong probation conditions and enforcement made up for the lack of a dedicated compliance calendar. Moreover, none of the stakeholders indicated that a compliance calendar was a feasible option in Windham County.

A preliminary analysis of IDVD outcomes was previously completed by the Vermont-based Crime Research Group.¹⁵ While methodological limitations (e.g., no comparison group, varying post-disposition follow up periods) suggest that these findings should be interpreted with extreme caution, this earlier analysis found that a total of 27 IDVD defendants, observed over an average of 5.9 months (range: one to 12 months), had no new arrests following the disposition of the IDVD case. However, three IDVD defendants were arrested during participation for violations of the conditions of release and 15 defendants incurred a violation of the conditions of probation during the study period. Again, while these findings should not be interpreted as a true program impact, the findings do illustrate that some noncompliance is being detected and addressed by the court.

IDVD Key Principle 5: Procedural Fairness

The IDVD incorporates essential components of procedural fairness throughout the entire IDVD day. The court staff and security officers were trained as part of the IDVD planning process to treat all litigants with respect and dignity while maintaining the safety and security of all present in the courthouse. Litigants wait on separate floors of the courthouse while a court officer and the coordinator provide a thorough overview of the IDVD process and the

¹⁵ Weber, R. 2015. *Windham County Integrated Domestic Violence Docket: Research Notes on Preliminary Outcomes*. Report submitted to the Vermont Judiciary. Montpelier, VT: Crime Research Group.

available services, including free attorney representation/consultation, advocates, and mental health services. Additionally, the judge makes a thorough allocution during each plea, reviews terms and conditions of the plea, and has defendants sign a stipulation to the facts (see Appendix C) to ensure that the defendant fully understands the plea and conditions. The stipulation becomes part of both probation and batterer intervention records. As mentioned above, the court and stakeholders work together to ensure that defendants/respondents have reviewed the IDVD probation conditions at least three times before leaving the courthouse.

Because all IDVD cases are conferenced in chambers, the court records all chambers conferences. However, some stakeholders worried that despite this safeguard (and despite the fact that the initial IDVD judge also regularly utilized chambers conferences in non-IDVD cases), these discussions could appear secretive to the litigants. Some expressed difficulty explaining to litigants what happens in chambers. Even when these stakeholders felt the process was to litigants' advantage and more efficient, they worried that the lack of transparency was an issue for litigants and dis-incentivized them from coming to court. However, others saw the chambers conferences as a way to limit the amount of time litigants had to be together in court, which was seen as positive for many involved in domestic violence cases. This alternate perspective of the chambers conferences views conferences as a way for litigants to have their voices heard without having to see each other or interact.

Interviewees hailed universal free legal representation as one of the program's biggest contributions in terms of helping litigants to feel that they are being treated fairly. As mentioned above, attorneys assist litigants in understanding the legal process; even if litigants do not end up getting the relief that they want, understanding what is happening in court goes a long way toward promoting satisfaction with the court process.¹⁶

During the research team's observations of the IDVD calendar (including chambers conferences), we found the presiding judge to integrate a number of aspects of procedural fairness, including voice, respect, neutrality, and understanding. The judge spoke to all parties respectfully and provided thorough explanations to those who asked questions or seemed confused. She appeared to listen to the parties while they spoke and to be neutral in her treatment of litigants. The prominence of chambers conferences may affect voice, since

¹⁶ E.g., see the works of Tom Tyler on procedural justice, including Tyler, T. 2006. *Why People Obey the Law*. New Haven, CT: Yale University Press.

parties have less opportunity to be heard in court due to an emphasis on case resolution. Observations of the pre-IDVD orientation also reflected much planning around the issue of procedural fairness. The coordinator and security officer spoke to litigants clearly and respectfully, explained what litigants could expect from the day and what services were available to them. In addition, the court officer emphasized that the role of security is to promote safety of all litigants. He also indicated that security staff is available to escort any litigants to the parking lot if needed.

At least one attorney wished more cases could be handled by the IDVD, expressing frustration at the separate criminal and civil systems' inability to handle the complexity of cases effectively. In the IDVD, litigants can have their cases resolved more quickly, have access to services, and can potentially see their children more quickly than traditional processing, where overlapping cases are handled by different judges. Another stakeholder felt that, "the dignity of litigants should be at the front and center of any court process." The implication was that the IDVD was doing a good job at prioritizing those concerns. Many stakeholders commented on the relatively calm nature of the IDVD process and the steps the court takes to ensure that these cases are not "inflamed," including extra security and the demeanor of security staff, separate waiting areas, and the pre-IDVD orientation. However, at least one stakeholder felt that criminal defendants did not gain much from the IDVD model, maintaining that the court resulted in few deferred sentences, no reductions in case processing time, and probation conditions which are not only time-consuming to explain, but which may also set up defendants for failure.

Key Findings and Recommendations

Based on the process evaluation results, we have identified the below key findings and resultant 19 recommendations. Recommendations are made with two primary aims in mind: (1) sustainability of the Windham County project (particularly in light of the expiration of grant funding) and (2) the potential for statewide replication of the IDVD model.

Project Planning

By most accounts, the Windham County IDVD planning process was spearheaded by a particularly dedicated judge, who came to the project with both previous IDVD experience and a strong sense of how the program should operate. While his dedication to the project was commended, many worried that the project would falter and fail in the absence of this single formidable promoter. In fact, this concern was well-founded, given the dissolution of the earlier Bennington project upon the same judge's departure. Moreover, frequently the

judge's certainty about how the project should operate came across to stakeholders as predetermined, top-down decision making, rather than the ostensibly collaborative model they had signed on for. One particularly glaring example of this top-down style was the creation and codification of the program goals and principles in a planning document, which, as of this report, has yet to be shared with stakeholders.

Recommendation #1: The process of memorializing court policies, priorities, and procedures should be a collaborative one.

The Windham County IDVD planning document should be shared with the stakeholder group post haste. Meaningful review and discussion regarding project goals, stakeholder needs, and challenges should be invited. Particularly given recent changes in program staffing and structure and in light of the pending end of project funding, discussions should address how the project has changed and where stakeholders want to see it go. The document should then be revised to reflect the goals of the current court and current stakeholder needs. This type of collaborative process may also address stakeholder concerns about the top-down planning process and may avoid the issue—experienced in the previous Bennington project—of an overly personality-dependent project that cannot sustain regular judicial rotation.

Recommendation #2: Stakeholders should focus on a few select and achievable priorities in deciding which operations challenges to address initially.

By providing an opportunity for stakeholders to meet to discuss challenges, basic obstacles can be problem-solved and priorities can be clarified. For example, based on our interviews with stakeholders, some areas of concern that may yield fruitful ideas and clarify the future direction of the IDVD include:

- A discussion of which cases will most benefit from the IDVD model and how these cases can best be scheduled;
- An in-depth evaluation of the intake process and timeline may allow the court to identify ways to expedite IDVD cases;
- Continued legal services and mental health/substance abuse screening and treatment for litigants once grant funding expires.

Recommendation #3: The project planning process—not just the documentation of that process—should be collaborative.

A collaborative project with true stakeholder buy-in generally necessitates an inclusive planning process where stakeholders feel that their ideas and concerns are considered, if not enacted. While there are drawbacks and benefits of a truly inclusive planning process (e.g., see *Collaboration*, below), buy-in is essential in a project of this nature and must be nurtured. While the Windham IDVD succeeded in operating under a top-down structure, the project did suffer costs of this arrangement. For instance, the lack of buy-in on criminal cases—which frequently opted out of the strict probation conditions with no accompanying deferment offer—certainly impacted court operations.

Recommendation #4: Court administrators should create planning tools for jurisdictions looking to replicate the IDVD model.

The Office of the Court Administrator can promote consistent and comprehensive planning statewide by developing a planning timeline or template to help jurisdictions identify critical stakeholders to engage, how to organize tasks, how frequently to meet, key planning benchmarks, and so on. The Center’s own domestic violence court toolkit may be a useful resource in this endeavor.

IDVD Goals and Principles

Not only should underlying project goals and principles be open to review and discussion by the collaborative group of stakeholders, but they should be designed in light of the actual practices of the project. For instance, while the Windham County IDVD is, according to the planning document, dedicated to the one family-one judge model, the operations of the court do not at all promote this principle. There are other ways to promote consistent handling of matters related to the same family that *do not* rely on a single judge hearing all cases (e.g., universal judicial training on domestic violence, review of all orders made in other cases where there may be an underlying issue of domestic violence); developing appropriate goals, given the limitations under which the project operates will help the project to be realistic and successful.

Recommendation #5: Stakeholders should review project goals and principles with a critical eye toward not only what is desired, but what is realistic and achievable.

For instance, in a project that does not have the capacity to bring violators before the IDVD judge, the goal to promote swift and certain sanctions for probation violations requires a level of coordination with other judicial officers that may not be feasible.

Likewise, a court with limited eligibility criteria may set itself up to fail when it aims to, “Ensure consistent handling of all matters relating to the same family by a single judge.”

Recommendation #6: In order to identify appropriate goals, the stakeholder group should engage in the exercise of developing a logic model.

While more typically created during the planning process, a logic model helps projects to identify how each goal relates to specific, measurable, realistic objectives and which programmatic activities may be useful in ensuring coherence to the underlying program model. Such an exercise will be useful both to jurisdictions in the planning stages and those—like the Windham County IDVD—that will benefit from refining and revising project goals as operations change. In general, such models typically identify (a) program inputs or resources, (b) activities and (c) specific outputs that illustrate results of these activities, and (d) outcome or impact measures that show short- and long-term program results. Center staff has helped to facilitate logic model exercises in many projects and is available to assist or advise further on this process.

Recommendation #7: The Office of the Court Administrator should create a brief (one- to two-page) think sheet outlining the IDVD model generally.

Such a tool will promote constancy throughout the state while allowing each jurisdiction to adapt to the particulars of that project as appropriate. Defining, for example, what a “holistic approach” or a “coordinated community response” means within the context of a specific jurisdiction will both help the project to clarify its operating principles and help community members to understand the project. Unlike the lengthy planning document, this document will allow anyone to understand the underlying principles of the IDVD in a matter of minutes. The Center previously created a similar product for the state of New York in order to promote a statewide integrated domestic violence court model.¹⁷

Collaboration

By nature, the IDVD model draws on a diverse stakeholder group with sometimes opposing interests. It is not surprising that such a collaborative process at times resulted in conflict. However, the Windham County project was remarkably inclusive in terms of bringing

¹⁷ This fact sheet is available at www.courtinnovation.org/sites/default/files/documents/IDV_FACT_SHEET.pdf

relevant stakeholders to the table in the interest of collaboration. While some stakeholders felt that conversations were, at times, stalled by having too many cooks in the kitchen, it is notable that there was little discussion of hard feelings brought about by exclusion or oversight of a key player. In the one instance that we heard about where there was some overstepping of an organization seen as an outsider (i.e., the introduction of HJWT rather than the local Legal Aid chapter to provide civil legal services for RFA petitioners), the tension was ultimately resolved by including Legal Aid in the planning process and sharing the caseload, where needed, with seemingly minimal resentments.

Recommendation #8: Jurisdictions should consider creating an inclusive stakeholder network, while designating some concrete tasks to a smaller working group.

Other jurisdictions may want to consider the relative costs and benefits of inclusion at various points of the process of planning and implementing an IDVD; an inclusive stakeholder group may be essential to obtaining buy-in from all the necessary players in such a collaborative project, but involving too many agencies in every step of the process may become a hindrance to progress. The Windham project managed this divide by utilizing two different stakeholder groups: the first, fully-inclusive group was to be engaged in making general decisions about the design of the project, while a second, more restrictive group was to make decisions related to the day-to-day operations of the court. We recommend this strategy of a large stakeholder group which meets on a monthly basis with supplementary meetings held by a core working group or subcommittee for statewide replication.

Recommendation #9: Jurisdictions should hold ongoing regular stakeholder meetings to promote collaboration and stakeholder buy-in.

While the Windham IDVD benefitted from an inclusive stakeholder group, many of these stakeholders reported feeling that project planning was a very top-down process and that, during planning, the IDVD would go forward with or without their buy-in. Particularly in light of recent changes in policies and personnel (with more to come as grant funding expires), the project would benefit from continued and on-going regular stakeholder meetings. Monthly stakeholder meetings will further strengthen stakeholder relationships; increase stakeholder engagement and confidence in court policies and practices; provides ongoing opportunities for professional development, information exchange, clarification about programs and court procedures; and can help stave off staff burnout while also

providing an opportunity for new staff to become familiar with local practices. Effective stakeholder meetings require long-term on-going institutional support from a cross-section of agencies. Scheduling meetings far in advance will make this effort easier to sustain. We recommend that this group be chaired by the IDVD judge in order to solidify her new leadership of the IDVD. Given the findings of this evaluation, possible topics for these meetings might include: What goals does the group want to prioritize; what cases would be best served in this court, given those goals; and what resources does the court need to achieve these goals.

Recommendation #10: The roles and responsibilities of project staff should be clearly articulated.

Particularly when non-traditional roles are added to a court project, clearly defining those roles will help projects best utilize resources, court personnel to prioritize myriad tasks, and collaborators to most efficiently utilize available resources. In addition, role clarity may help to minimize litigant confusion and ensure that litigants protect their own interests in discussing the details of their cases. Specifically, several stakeholders expressed concern over their own or their clients' understanding of the IDVD coordinator's role, noting that the coordinator at times fell back on her legal training and engaged in legal conversations with litigants. Conversely, the coordinator is clearly required to wear a number of hats in the program—from service coordinator to data manager to project manager. Additional clarity and prioritization of these diverse roles will benefit the coordinator, litigants, and other stakeholders. The Office of the Court Administrator can promote role clarity and consistency by developing a sample job description and orientation script for programs statewide to employ as a starting point for defining the role of the coordinator. The Center previously created a document of this nature for domestic violence court coordinators.¹⁸

Enhanced Services for IDVD Litigants

The most frequently noted program strengths during stakeholder interviews were the enhanced services provided to litigants in the IDVD. Stakeholders universally agreed that the onsite mental health and substance abuse service provider, civil legal services for all

¹⁸ See www.courtinnovation.org/sites/default/files/documents/Resource_Coordinator_Fact_Sheet.pdf

litigants, and enhanced courthouse security stood to make significant improvements in the court process and in outcomes for families. While grant funding initially supported these enhancements, stakeholders expressed a desire to sustain some form of enhanced litigant services beyond the grant period. HCRS, the mental health and substance abuse treatment provider, has worked with the court to develop protocols for direct telephone access to assessment and referral services for IDVD litigants, now that onsite staff is no longer funded. At least one RFA attorney indicated that he hopes to continue providing pro bono civil legal counsel in the IDVD context beyond grant funding; he anticipates that several of his colleagues will do the same. Several of the enhanced safety features developed by the IDVD were infrastructure issues that will be sustainable beyond the lifetime of the grant (e.g., new metal detector screening, separate waiting areas for litigants), while it is unclear whether others (e.g., court officers stationed in the parking lot during the IDVD calendar) will be preserved once funding expires.

The overall take-away may be that these type of enhancements stand to make some of the largest improvements in the lives of litigants and their experience of the court process. Moreover, in addition to improvements for litigants, *stakeholders* experienced benefits of having better-informed clients—some of whom may be receiving much-needed mental health and/or substance abuse services for the first time. The underlying theme of many of our stakeholder discussions was that these services present opportunities to work toward long-term solutions with families through the IDVD. We know from the research literature that defendants who understand the court process and feel that they are treated fairly are more likely to comply with court orders; in the context of domestic violence, this may mean increased compliance with protective orders and fewer future court filings, an outcome which benefits not only litigants but the system as a whole.

Recommendation #11: Jurisdictions should build sustainable partnerships with community service providers to address litigant needs.

Necessarily, the appropriate litigant services to be built in to the IDVD model will vary by caseload, eligibility criteria, and the litigant population. However, jurisdictions are advised to consider litigant needs and build in sustainable partnerships to address the most pressing of these needs. In particular, legal counsel will likely be beneficial in *any* court setting. In cases where legal counsel is not guaranteed (i.e., civil cases), jurisdictions may want to explore partnering with private attorneys who are able to donate time or law schools that may provide faculty or students through a legal clinic.

Where local governments have the interest and infrastructure to support such an agency, Offices of the Public Advocate may also be available to take on this role.

Recommendation #12: A dedicated contact person at partner agencies can facilitate the referral process and reduce client attrition.

While stakeholders universally lamented the loss of the onsite HCRS representative who could conduct immediate assessments, the Windham project was able to identify a reasonable alternative by designating a contact person and developing a direct referral plan with program staff. Similar projects may benefit from identifying a dedicated program contact at relevant service providers and developing protocols for prompt referrals.

Recommendation #13: Small, thoughtful changes to the way litigants and cases are processed can improve victim safety.

Safety planning within and around the courthouse need not be a costly endeavor. Providing separate waiting areas for litigants, promoting practices that allow victims to avoid appearing in court unless truly necessary (e.g., updating victims through a community advocacy organization or prosecutor's office), and separate seating in the courtroom for victims who *do* need (or want) to be present in court are relatively inexpensive solutions that stand to make victims safer in the court.

IDVD Eligibility

The program model implemented in Windham County is less inclusive than other such integrated models we have observed. The very limited eligibility criteria—particularly those made to reduce the calendar to a half-day in October 2015—have the benefit of keeping the calendar manageable, but come with costs. Jurisdictions should consider both the limitations and benefits of adopting alternative eligibility criteria, always with the underlying goals of the IDVD in mind. Where it is not possible for courts to handle the cases that would be required to meet program goals, the goals themselves may need to be reconsidered.

Recommendation #14: Making IDVD participation mandatory for eligible criminal cases—deferred or not—will improve consistency and accountability and increase litigant access to services.

The Windham County IDVD should evaluate the current practice of sending non-deferred cases back to the regular trial calendar. Many stakeholders discussed the challenges created by the time crunch in the IDVD, where cases must reach a plea agreement within a limited timeframe. By allowing the IDVD to hear cases in which there is no agreement to defer the case, the IDVD judge will retain the ability to issue IDVD probation conditions, ensure that orders are consistent, provide supervision and programming to more offenders, and increase consistency in domestic violence case outcomes. This will also address concerns about a different judge hearing cases transferred out of the IDVD.

Recommendation #15: Expanding the IDVD to include participants' future criminal matters will likewise improve consistency and accountability.

The Windham County IDVD should consider calendaring probation violations and new criminal cases with the same litigants in the IDVD. With the new half-day calendar, it is clear that the court needs to prioritize which cases are considered eligible. However, it may benefit the court and litigants to have the IDVD judge hear violations of probation on cases that originated in the IDVD. Additionally, it may be beneficial to have the IDVD judge hear new criminal or family court cases involving the same litigants (if the underlying issue continues to be domestic violence). These practices would allow for increased consistency in the case and increased offender accountability.

Recommendation #16: Expanding IDVD eligibility to include additional family court matters will promote consistency.

The Windham County IDVD should consider the feasibility of hearing additional petitions for custody and visitation that are connected with the litigants in IDVD Court, in order to allow for a comprehensive and consistent court response.

Recommendation #17: If the intake criteria is not modified, consider establishing a dedicated RFA calendar.

The court should engage in serious contemplation of whether the establishment of a dedicated domestic violence docket is warranted where it is not practically feasible to truly integrate a family's cases. Where the above recommendations (specifically, numbers 14 through 16) are considered and deemed impracticable, the project may

benefit from further limiting eligible cases to *only* RFA hearings. While the court would no longer be *integrated*, stakeholder resources currently invested in coordination might be devoted, instead, toward universal training (e.g., on offender accountability), compliance monitoring, and/or developing a collaborative system for cross-checking court orders to avoid conflicts.

Miscellaneous Recommendations

Recommendation #18: *Assess the role of chambers conferences in the IDVD case process.*

In interviews and court observations, it was clear that chambers conferences are an integral part of the current IDVD model. However, the conferences are time-consuming and were perceived by many interviewees as disruptive to the work of the attorneys. If the IDVD revises eligibility criteria based on case type and not upon the resolution of the case (as recommended above), then the role of the chambers conferences will need to be discussed. While stakeholders agreed that such conferences can be helpful in sharing information and providing a “weather report” on what may be happening with each case, in the absence of the requirement of a deferred sentence, the conferences may be more efficient or may be useful on an as-needed (rather than default) basis. Additionally, the Office of the Court Administrator may benefit from creating a fact sheet or outline of the role and goals of chambers conferences to ensure clarity and consistency throughout the state.

Recommendation #19: *Court administrators should invest in the development of a statewide universal management information system (MIS).*

Toward the end of collecting complete and accurate court information, we recommend that any jurisdiction involved in statewide replication of a project of this nature invest in the development of a statewide universal MIS. Putting in place a universal MIS will promote consistent and complete data and will enable future evaluation to measure program impact. Key data fields to include are litigant demographic characteristics, relationship between parties, key identifiers (e.g., docket/petition number, state identification number, social security number, name, date of birth), charges (arrest and disposition), key dates (e.g., arrest,

disposition, sentencing), sentence, status of RFA (temporary or final), and additional family court filings.

Appendix A.
Stakeholder Interview Domains
Windham County Integrated Domestic Violence Docket
November 17-18, 2015

STAKEHOLDER LIST

Court Personnel (COURT)	<ul style="list-style-type: none"> • IDVD Judges (current, past) • Assistant Judges • Senior clerk • IDVD Resource Coordinator • Court security
Prosecution (SA)	State’s Attorney’s Office
Defense (DEFENSE)	<ul style="list-style-type: none"> • RFA defense attorneys • Public Defender
Victim Advocacy/Services (HJWT) (WFC)	<ul style="list-style-type: none"> • Have Justice Will Travel (civil legal services for victims) • Women’s Freedom Center (community-based victim services)
Law Enforcement/Corrections (CORR)	<ul style="list-style-type: none"> • Probation and Parole
Service Providers (TX)	<ul style="list-style-type: none"> • Taking Responsibility (BIP) • HCRS (Mental health and SA Tx)

- I. Introductions **ALL**
 - a. What is your/your agency’s role in the IDVD?

- II. IDVD Goals: What are they? **ALL**

- III. Planning the IDVD **ALL**
 - a. Were you/your agency involved in planning the IDVD?
 - i. How did you view your role in planning?
 - b. Who else was involved in the planning process? (e.g., state administrators, local stakeholders, judge)

- c. Were all relevant stakeholders able to contribute to the planning process?
- d. What was the purpose of planning? What did it achieve?
- e. Describe the need for the IDVD in Windham County
- f. Did you have any previous experience with specialized court models?

IV. Collaboration **ALL**

- a. Who is included on the IDVD team?
- b. Was there any resistance to the IDVD model? (e.g., from prosecution, defense bar)
- c. Does the IDVD team have regular meetings for the purposes of:
 - i. Case management/review?
 - ii. Court policies?
- d. Do you feel that you/your agency is well-integrated into the IDVD team? (E.g., are you satisfied with the amount and content of communication between stakeholders, do you feel that you/your agency has a voice in decision-making)
- e. Do you feel that other agencies/representatives are well-integrated into the IDVD team?
- f. How could collaboration be improved?

V. Eligibility **COURT, SA, DEFENSE, HJWT**

- a. What makes a family eligible for the IDVD?
- b. What criminal charges are IDVD eligible?
- c. What civil cases are IDVD eligible?
- d. Are there any plans for future expansion of the eligibility criteria?
- e. Are future filings automatically IDVD eligible?

VI. Case processing **COURT**

- a. How are eligible cases identified for the IDVD?
- b. How long after arraignment, on average, are cases calendared in the IDVD?
- c. How long, on average, does it take cases to be resolved in the IDVD?
 - i. How does this compare to case processing in a traditional court?
- d. Are all a family's cases scheduled on the same day?
 - i. Are RFAs and criminal matters scheduled together?
 - ii. How does same-day scheduling benefit litigants?

iii. How does same-day scheduling benefit the court?

VII. Court Outcomes

- a. Does the court use an assessment to inform sentencing decisions? **COURT, TX**
- i. If yes, what assessment is used?
 - ii. Who performs the assessment?
 - iii. Does the assessment cover risk of re-offense? Service needs?
- b. What are common sentences in criminal cases? How common are:
- i. Jail **COURT, SA**
 - ii. Protective orders **COURT, SA, HJWT**
 1. How often are protective orders imposed in criminal cases when there is also an RFA?
 - iii. Program mandates **COURT, TX**
 1. What types of programs are used?
 2. Describe the program model/curriculum used. (CBT? Criminal thinking-specific?)
 - iv. Monitoring requirements **COURT, CORR**
 1. Probation
 2. Ongoing judicial monitoring
- c. What are common outcomes in RFA cases? **COURT, SA, HJWT**
- i. Probe on temporary v. final orders
 - ii. Probe on length of orders
- d. How does the court learn of and respond to non-compliance with court orders? **COURT, SA**
- i. Is there a formal sanction schedule?
 - ii. What sanctions are commonly used? (e.g., jail, increased monitoring requirements, community service, additional/increased treatment requirements)
 - iii. Does court response vary based upon the status of cases (e.g., pre v. post-dispo criminal cases, ongoing overlapping cases)

VIII. Information-Sharing/Case Tracking **COURT, SA, TX**

- a. How do you/your agency track case information?

- b. How do you access information from other agencies? (e.g., probation, treatment programs)
 - c. Does the court utilize a specialized MIS?
 - d. Do you believe that the case information available to you is up-to-date and accurate?
 - e. How does the court learn of infractions/new arrests/violations?
- IX. Promoting Safety
- COURT:**
- a. What changes to the courthouse/courtroom/process have been created to promote victim safety? (e.g., separate waiting rooms, security guards)
- HJWT & WFC:**
- b. How frequently do victims/plaintiffs in IDVD work with a victim advocate?
 - i. How does this compare to DV victims on a non-specialized docket?
 - ii. What specific services do you/your agency provide? (e.g., legal advocacy, emergency housing, safety planning)
 - iii. Do you refer clients to other agencies/services? Which agencies do you commonly refer to?
 - iv. What are the greatest needs of your clients? Which of these needs are hardest to meet, given local resources?
- X. Litigant Satisfaction **SA, DEFENSE, HJWT**
- a. Does the IDVD improve the court process for your clients/litigants? If so, how?
- XI. Sustainability and Going to Scale **ALL**
- a. Program strengths
 - b. Challenges
 - c. Insights for other jurisdictions looking to implement an IDVD

Appendix B.

Windham County Integrated Domestic Violence Docket Specialized Conditions of Probation, Intimate Partner Offenses

WINDHAM COUNTY DOMESTIC VIOLENCE CONDITIONS OF PROBATION (Intimate Partner Offense)

Defendant	Docket #	Offense	Victim
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The execution of the sentence is suspended and the defendant is placed on probation in the care and custody of the Commissioner of Corrections until _____ (date) or further order of the court under the following standard conditions:

STANDARD CONDITIONS:

- A.) You shall notify your probation officer as soon as possible, but no later than 24 hours, after any contact with the police or law enforcement.
- B.) You shall not be convicted of another crime.
- C.) You shall not engage in criminal behavior.
- D.) You shall not drink alcoholic beverages to the extent that they interfere with your employment or the welfare of your family, yourself, or any other person.
- E.) You must submit to an alcosensor test or any other alcohol test when your probation officer or their designee tells you to do so.
- F.) You must not buy, have or use any regulated drugs unless they are prescribed by your doctor.
- G.) Your probation officer or any person authorized by your probation officer can require you to have random urinalysis testing.
- H.) You must support your dependents and meet your family responsibilities (this includes child support).
- I.) You must inform your probation officer of the name and contact information of any person with whom you are beginning or continuing to have a dating and/or sexual relationship before you have sex with that person. If directed by your probation officer, you must inform that person of your domestic offense history. If so directed by your probation officer, you must have no contact or limited contact with that person as directed.
- J.) Your probation officer may restrict your associates.
- K.) You shall work and reside in locations that are approved by your supervising probation officer. You shall not change your residence without prior approval of your probation officer. During any time you are incarcerated you must actively engage in release planning as directed by and to the satisfaction of your probation officer. You shall locate, submit, and secure an approved residence at least 14 days prior to the end of your unsuspended term of incarceration.
- L.) If you change or lose your residence, you must notify your probation officer as soon as possible, but no later than 24 hours.
- M.) If you change or lose your job, you must notify your probation officer as soon as possible, but no later than 24 hours.

- N.) You shall not operate, try to operate or be in the actual physical control of a motor vehicle on a public highway unless in possession of a valid Vermont operators license.
- O.) Upon request, and without delay, you must allow the probation officer or his/her designee to visit you wherever you are staying.
- P.) You must meet your probation officer or designee whenever he/she tells you to do so.
- Q.) You cannot leave the State of Vermont without written permission of your probation officer.
- R.) If the Department of Corrections or State Restitution Unit asks, you must furnish information including financial information- earnings, and property which enable the Department or Unit to collect restitution and/or supervision fees.
- S.) You shall follow all terms of any Temporary or Final Abuse Prevention Order issued by the Vermont Family Court or any other State's Court which is in effect.
- T.) You must regularly work at a community service job if the court orders you to do so.
- U.) You must regularly work at a job or look for work and/or participate to the satisfaction of your probation officer in any work related training program to which you are referred.
- V.) You must allow any treatment provider with whom you are in any counseling, treatment, educational or training program required by your probation, to advise your probation officer and the Court about your participation, attendance and progress.
- W.) You shall abide by a curfew if so directed by your supervising probation officer. This may include but is not limited to: A written schedule of your movements and notification of any and all visitors to your residence prior to visitation.
- X.) You shall comply with electronic monitoring by the Department of Corrections at the direction of your probation officer, which includes, but is not limited to, GPS, Telephone/Voice recognition, Radio Frequency, and intoximeter or Transdermal alcohol testing.
- Y.) You must complete all hours of work crew if ordered by the court following all rules and requirements of the work crew program and to the satisfaction of your probation officer.
- Z.) You must comply with all requirements of any home confinement supervision ordered by the Court.
- AA.) You must report on time, sober and drug free to the correctional center to complete any term of incarceration ordered by the court and commit no disciplinary violations while so incarcerated. If incarcerated due to a probation violation, you may commit no disciplinary violations while so incarcerated.
- BB.) You shall not engage in violent, assaultive, threatening or harassing behavior towards anyone.

Threatening behavior - This behavior includes but is not limited to:

> Making threats by word or actions or both to cause physical harm to anyone, including the victim of your offense, his/her children or any other family members or friends including a current or prior boyfriend/girlfriend/spouse/date or person you believe is or was sexually or romantically involved with your victim;

> Threatening to take the children or prevent your victim from seeing or having contact with the children in any way. If you decide to seek custody or visitation with the children through the court process, you are permitted to do that but you may not tell the victim that you

are planning on doing so without the prior permission of your probation officer or threaten to do so: i.e.: “I will get custody of the kids” type statements;

- >Making threats to harm victims’ or children’s pets or owned animals;
- >Making threats to damage property of the victim and/or her/his children;
- >Threatening to withhold financial support for the children;
- >Threatening to withhold financial support for your victim if you have been providing any financial support for your victim or you are required to provide support for the victim by any Court order or by law such as if you are married to the victim;
- >Threatening to interfere with utilities or services currently being provided to the victim’s and/or children’s home;
- >Making threats that you will in any manner disregard any court order that restricts any of your actions or behaviors toward the victim or the children;
- >Breaking, throwing or hitting objects including walls or furniture in the presence of the victim or her/his children;
- >Physically placing yourself in a position which restricts the victim’s movements;
- >Physically intimidating the victim.

Harassing behavior – Harassing behavior includes but is not limited to:

- >Interfering or attempting to interfere with utilities and or services being provided to the victim’s and/or his/her children’s home;
- >Interfering with or denying the victim access to his/her own or any joint financial resources, such as emptying the joint bank account, changing passwords, PINs, bank accounts, etc. without his/her knowledge and consent;
- >Damaging or attempting to damage any property owned by the victim or her/his children, any property or objects within the victim’s or his/her children’s home, any property being used by the victim such as a motor vehicle regardless of ownership;
- >Damaging or attempting to damage any telephone, whether cell or otherwise within the victim’s possession or home or otherwise preventing the victim from contacting anyone by telephone or in any other manner;
- >Cursing at the victim and/or her/his children;
- >Criticizing the victim to and/or in the presence or within the hearing of his/ her children;
- >Interfering in any manner with your victim’s employment and or ability to move about freely without being subject to your harassing or threatening behavior: this includes appearing at victim’s workplace when not invited or permitted, interfering with your victim’s ability to perform her/his job functions by your presence at his/her workplace or by telephoning her/him at his/her workplace;
- >Driving or walking by victim’s residence or workplace or the children’s school when you are either not permitted to do so by any court order or your probation officer or for no other legitimate reason;
- >Driving by the victim and or her/his residence or workplace and making loud noises such as horn blowing, squealing tires, or yelling or shouting anything to or at her/him or her/his children or anyone she/he is then in the company of;
- >Making rude, insulting or offensive gestures at the victim;

>Driving your vehicle in such a manner as to cause your victim and/or his/her children to be made fearful of being struck or causing a collision.

Special Conditions:

Probation Officer shall review all checked applicable conditions with the defendant; the defendant shall then initial the condition which means he/she understood the condition.

1. ____, You may not have contact with or attempt to have contact with the victim _____(name) in any manner, unless your probation officer has given you permission before the contact or attempted contact. If your probation officer has given you permission, then you may only have contact in the manner permitted by your probation officer and no other. This condition *also* applies to contact with the following persons:_____:

Contact or attempted contact with the person(s) you are prohibited from having contact with as a result of this condition includes, but is not limited to:

>Contact or attempts to contact in person, in writing, by telephone, by leaving voice mails, by sending E-mails, by text messaging, through social media such as facebook, twitter and any other web-based service or by regular mail;

>Having any other person contact, or give a message to that person in any form;

>Leaving objects of any sort for or to be seen by the person(s), unless specifically permitted by Court order or your probation officer in writing;

>Placing yourself in a position where the person(s) can see or hear you;

>Making any gestures at the person(s);

>Following the person(s);

>Driving by the person(s)'s residence or workplace unless specifically permitted by your probation officer in writing;

> You are not permitted to maintain contact with the person(s) even if the contact began without your knowledge, plan or expectation. For example, if you are in a store or restaurant and the person walks into the store, unless you had gone to the store or restaurant expecting the person to also go there, you will not have violated this condition, but you must immediately remove yourself from that location so as to have no further contact with that person and you may not do anything while leaving to have additional contact with him/her while still in that location. If you feel that the person is intentionally causing you to have contact with him/her in order to harass you in some way, you should discuss this with your probation officer.

If you are attending a hearing or other scheduled matter at the courthouse at the same time as the person with whom you are not to have contact, although being in the courtroom or courthouse at the same time will not be a violation of this condition, you may not speak with or have or attempt to have any other type of contact with that person while at the courthouse

2.) __, You may have non-abusive and non-threatening contact with your victim or other person: _____ (name(s)). However, if your probation officer tells you that you must stop all such contact or limits your contact in some way, you must do so unless and until your probation officer gives you permission to have more contact again in writing.

3.) __, You shall not be within ____ feet of the victim or other person(s): _____ (name(s)), that person's residence, vehicle, place of employment or _____ (other place).

DOMESTIC VIOLENCE PROGRAMMING AND ANY OTHER MENTAL HEALTH TREATMENT

4.) __, You shall attend, participate in and successfully complete to your probation officer's satisfaction the domestic violence program:

- a.) _____ 30 week "Taking Responsibility".
- b.) _____ 8 week "Women, Anger & Relationships" or "Men, Anger & Relationships"

You must follow all requirements of these programs, which include the following: **NO ALCOHOL CONSUMPTION AND NO USE OF REGULATED DRUGS WITHOUT A VALID PRESCRIPTION** for the duration of the program. You shall also be responsible for any cost associated with the program that is not covered by your insurance.

5.) __, You must attend, participate in and complete to your probation officer's satisfaction any other counseling, education or treatment program if ordered by the court. This shall include

 6.) __, You must attend and participate in the following other mental health counseling if your probation officer tells you to do so and complete counseling to your probation officer's satisfaction. **To include** _____.

7.) __, You shall take and/or continue to take medication as prescribed by your treatment provider and you shall produce your medications for inspection by your probation officer or designee as directed by your probation officer.

8.) __, You shall sign releases as directed by your probation officer to permit your treatment providers and pharmacists to disclose all treatment and medication information to your probation officer and the Court in order to monitor your probation condition compliance.

CHILD(REN)

9.) __, You shall not have contact with your children until it is allowed by the court and your probation officer in writing. Future contact with your children can be regulated and/or terminated if the probation officer deems it necessary.

10.) __, You shall not be within ____ feet of your child or children, his/her/their daycare or school.

11.) __, You shall follow all of the rules of any supervised visitation center if you are having contact with your children at that center or picking up or dropping off your children at that center.

12.) __, If supervised parent-child contact is ordered by this or the Family Court, you shall be required to set this up; as well as attend the intake meeting if scheduled for you.

13.) ___, You shall attend, participate in and complete a parenting program as directed by your probation officer and complete the program to your probation officer's satisfaction. You are responsible for the costs associated with this program.

This program must include information concerning the effects of domestic violence on children.

14.) ___, You shall comply with any case plan prepared by DCF in effect regarding you and your child.

ALCOHOL/DRUGS

15.) ___, You must not buy, have or drink alcoholic beverages;

16.) ___, You must submit to any alcosensor test or any other alcohol test when your probation officer or their designee tells you to do so.

17.) ___, You must have alcohol and/or drug screening.

18.) ___, If the screening shows that counseling and/or treatment is needed, you must attend and participate in whatever counseling and/or treatment your probation officer tells you to do and do so to your probation officer's satisfaction..

19.) ___, You must complete substance abuse counseling and/or treatment to your probation officer's satisfaction.

20.) ___, You must allow any treatment or counseling treatment or counseling program to tell your probation officer and the court about your attendance and participation in the program.

21.) ___, You must attend, participate in, and complete a residential treatment program if your probation officer tells you to do so and complete it to your probation officer's satisfaction..

22.) ___, You are responsible for any costs associated with drug and alcohol treatment and/or counseling.

23.) ___, You shall not enter any establishment where the primary business is the sale of alcohol beverages. (This includes bars and liquor stores.)

24.) ___, You shall submit to random searches of your person or property if your probation officer has reasonable grounds to believe there will be evidence found that you are violating a condition of probation.

MISCELLANEOUS:

25.) ___, You shall perform _____ hours of community service as directed by your probation officer within _____ period of time.

26.) ___, You may not buy or possess a firearm or ammunition, or any destructive device or any other dangerous weapons unless granted written permission by the court.

27.) ___, You shall not operate a motor vehicle unless it is approved by your supervising probation officer. Your probation officer has the authority to restrict and/or terminate your use of a motor vehicle.

28.) ___, If supervision is transferred to another state, you do hereby agree to abide by the additional rules and regulations that may be imposed by the receiving state.

29.) ___, You agree to waive extradition to the State of Vermont from any State in the United States or any other place and agree to return to Vermont if directed by the probation or parole officer.

30. ___ Other

I hereby accept probation and agree to follow all the standard and special conditions of probation ordered by the court on pages 1 through 7. The above probation conditions have been satisfactorily explained to me. I have been given an opportunity to ask any questions I had and I do understand each condition I am required to follow. I further understand that:

Any violation of the above conditions will result in my arrest and return to court within a reasonable time period after arrest and will result in loss of my deferred sentence if my sentence was deferred and may result in revocation of probation, additional conditions of probation and/or further incarceration.

Date:
Probationer _____

Date:
Attorney for probationer _____

Date:
SO ORDERED: _____
Presiding Judge

Date:
Probation Officer _____

Appendix C.
Windham County Integrated Domestic Violence Docket
Stipulation of Facts

STATE OF VERMONT

SUPERIOR COURT
WINDHAM UNIT

CRIMINAL DIVISION
DOCKET NO. _____ Wmcr

STATE OF VERMONT v. _____

STIPULATION TO FACTS CONSTITUTING BASIS FOR PLEA OF GUILTY

The plea of guilty is based on the following stipulated facts:
(Check all applicable boxes.)

1. Charge Count 1: _____
 - All facts set forth in the affidavit of probable cause.
 - The following paragraphs in the affidavit of probable cause: _____
 - The following facts not included in, or different from, the affidavit: _____

2. Charge Count 2: _____
 - All facts set forth in the affidavit of probable cause.
 - Same facts as for: Count 1
 - The following paragraphs in the affidavit of probable cause: _____
 - The following facts not included in, or different from, the affidavit: _____

3. Charge Count 2: _____
 - All facts set forth in the affidavit of probable cause.
 - Same facts as for: Count 1; Count 2
 - The following paragraphs in the affidavit of probable cause: _____
 - The following facts not included in, or different from, the affidavit: _____

Date: _____

Attorney for Defendant

(Deputy) State's Attorney

Defendant