

OFFICE OF THE GOVERNOR
Commonwealth of Massachusetts

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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

December 9th, 2015

His Excellency Charles D. Baker
Governor of the Commonwealth of Massachusetts
Room 360, State House
Boston, MA 02133

Dear Governor Baker,

Enclosed please find a report from the Governor's Council to Address Sexual Assault and Domestic Violence on the implementation status of Chapter 260. As per Executive Order 563, the Governor's Council to Address Sexual Assault and Domestic Violence was re-launched on April 27th, 2015. The executive order elevated the Council to the Governor's Office which has greatly improved our ability to address these important issues; thank you for your continued support to prevent and address domestic violence and sexual assault.

As per Executive Order 563, one of the first priorities of the Council was to assess the implementation of Chapter 260: An Act Relative to Domestic Violence. Chapter 260 was passed unanimously by the Legislature and signed into law on August 8, 2014. At the first full meeting of the Governor's Council in June, the Council reviewed each provision of the legislation, created work groups, and set out to gather information.

We are pleased to be able to share that since our first meeting six months ago, we can confidently report significant success in implementation of the law. The Council found that there have been substantial accomplishments by agencies in the areas of training, guidance to law enforcement and courts, and development of materials and resources for victims and perpetrators. Although progress has been made in implementing the law, this report also notes areas for improvement and contains recommendations.

On behalf of the Council, thank you for the opportunity to work on these critical issues. We look forward to continued collaboration between stakeholders to address the problems of sexual assault and domestic violence in our Commonwealth.

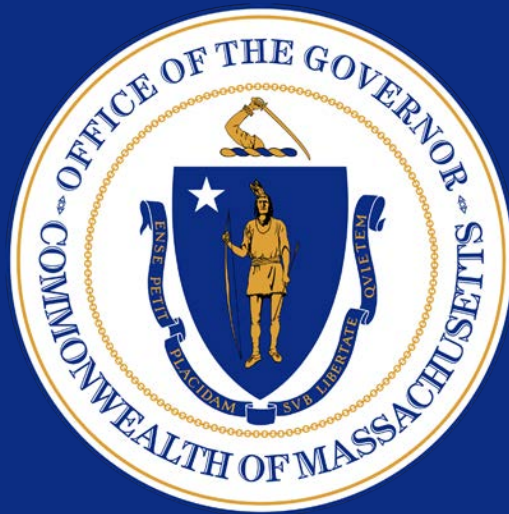
Sincerely,

A handwritten signature in blue ink, appearing to read "Karyn Polito".

Lieutenant Governor Polito

cc: Senate President Stanley Rosenberg
Speaker of the House Robert DeLeo
Chief Justice Paula Carey
Attorney General Maura Healey
MDAA President Dan Conley
MDAA Executive Director Tara Maguire
Mass Chiefs of Police Executive Director Wayne Sampson

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Report on the Status of
Chapter 260 of the Acts of 2014
An Act Relative to Domestic Violence

Presented by:
The Governor's Council to Address Sexual Assault
and Domestic Violence

Presented to:
Governor Charlie Baker

December 9, 2015

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I. Governor's Council to Address Sexual Assault and Domestic Violence

Standing Members

Lieutenant Governor Karyn Polito (*Chair*)

Executive Director Tammy Mello, *Governor's Council to Address Sexual Assault and Domestic Violence*

Secretary Jay Ash, *Department of Housing and Economic Development*

Secretary Daniel Bennett, *Department of Public Safety*

Secretary Marylou Sudders, *Department of Health and Human Services*

Appointed Members

David Adams, *Co-Founder and Co-Director, Emerge*

Christina Bain, *Director, Initiative on Human Trafficking and Modern Slavery, Babson College*

Stephanie Brown, *CEO, Casa Myrna Vasquez*

Jim Cuddy, *Executive Director, Southern Middlesex Opportunity Council*

Kim Dawkins, *Executive Director, Pathways for Change*

Duane De Four, *Violence Prevention & Response Program Manager, Massachusetts Institute of Technology*

Commissioner Edward Dolan, *Office of the Commissioner of Probation*

Chief Mark Dubois, *Maynard Police Department*

Suzanne Dubus, *CEO, Jeanne Geiger Crisis Center*

District Attorney Joseph Early, *Worcester District Attorney, Massachusetts District Attorneys Association*

Amarely Gutierrez Oliver, *Director of Domestic Violence Services, YMCA of Central Massachusetts*

Sarah Ellis, *Deputy General Counsel, Massachusetts District Court*

Attorney General Maura Healey

Mary Reardon Johnson, *Director, YMCA of Western Massachusetts*

Michelle Loranger, *Executive Director, Children's Advocacy Center of Bristol County*

Liam Lowney, *Executive Director, Massachusetts Office of Victims Assistance*

Stacy Malone, *Victim Rights Law Center*

Linda Molchan, *SANE, Lawrence General Hospital*

Sara Perry, *Executive Director, The Second Step*

Paulo Pinto, *Executive Director, Massachusetts Alliance of Portuguese Speakers*

Debra Robbin, *Executive Director, Jane Doe Inc.*

Emily Rothman, *Associate Professor, Boston University School of Public Health*

Nancy Scannell, *Director of Policy and Planning, Massachusetts Society for the Prevention of Cruelty to Children*

Michelle Smith, *Executive Director, Health Care Without Walls*

District Attorney David Sullivan, *Northwest District Attorney*

Molyka Tieng, *Advocate, Lowell Community Health Center*

Vilma Uribe, *Community Organizer, The Network/La Red*

<http://www.mass.gov/governor/gcsadv>

II. Introduction

This report contains a summary and findings of a review of the implementation of Chapter 260: An Act Relative to Domestic Violence. Chapter 260 was passed unanimously by the Legislature and signed into law on August 8, 2014. Governor Baker's Executive Order 563, creating the Governor's Council to Address Sexual Assault and Domestic Violence (GCSADV), charged the Council with assessing the implementation of the provisions set forth in the law and making recommendations to ensure full implementation.

It is important to note that Chapter 260 did not include appropriations for implementation. This report provides a summary of the work completed to date and notes funding considerations in the implementation of certain sections. The section summaries were developed with assistance from Jane Doe Inc. and the Attorney General's Office, and the section statuses and recommendations were developed by the Governor's Council to Address Sexual Assault and Domestic Violence.

The Council found that there have been significant accomplishments by agencies in the areas of training, guidance to law enforcement and courts, and development of materials and resources for victims and perpetrators. Although progress has been made in implementing the law, this report also notes areas for improvement and contains recommendations.

III. Chapter 260 Section Summary & Findings

Chapter 260: <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

SECTION 1 amends the Municipal Police Training Committee's recruit basic training curriculum on domestic violence to include (1) the effects of physiological and psychological patterns of abuse, (2) methods for determining levels of homicide risk, and (3) techniques for increasing information sharing between law enforcement entities. Also, the section mandates the course on handling domestic violence complaints, which was formerly only an option.

STATUS: Effective July 1, 2015 - In Progress

In-service trainings for all police were held during 2014-2015 that included updates to the domestic violence (DV) law and Patrol Response to Human Trafficking. However, the 20 hours of basic recruit training that the Municipal Police Training Committee currently provides still follows the 2009 DV and Sexual Assault Guidelines and needs to be updated.

Recommendation: *The Executive Office of Public Safety and Security (EOPSS) in partnership with the Governor's Council to Address Sexual Assault and Domestic Violence (GCSADV) is in process of organizing a workgroup to update the 2009 DV guidelines to incorporate Chapter 260 legislation and will provide a status report in six months.*

SECTIONS 2, 3, 38, 40 and 48 standardize the information available to the courts, prosecutors and defense counsel. These section add the result of a dangerousness hearing (G.L. ch. 276 section 58A), regardless of the determination, to an individual's Criminal Offender Record Information (CORI). These require the Court Administrator, in consultation with EOPSS, to promulgate rules and regulations that would standardize the criminal and civil history provided to the courts and counsel in all cases, and provides list of items that must be included at a minimum. They also requires that the rules and regulation update current CORI regulations to include G.L. ch. 276 section 58A dangerousness hearing information and limit the information's access to law enforcement only.

STATUS: Effective immediately - Complete

The Trial Court focused on System Building and Information Sharing in the following 4 areas:

- 1. Created codes for allegations of abuse and dangerousness hearings for Electronic Docketing/ Mass Court - All Trial Court personnel were trained to use the MassCourts electronic docket codes for domestic violence related charges and dangerousness proceedings.*
- 2. Updated the MassCourts data base, and purchased scanners, so that all 209A order affidavits, dangerousness orders etc. can be scanned into the data base for sharing.*

3. *Revised paper docketing forms, judicial inquiries and allegations, judicial findings, and allegations of abuse and judicial ruling form*
4. *Captured DV information for use at arraignment and sentencing, to include designated probation department employees in each court who have been provided read-only access to dockets and scanned documents across Trial Court Departments.*

Note: *The Trial Courts also Created Trial Court Committees to Identify Best Practices for Cases Involving Allegations of DV. See Appendix A: Letter from Chief Justice Paula Carey dated July 27, 2015 for more details and dates.*

SECTION 4 establishes state and local domestic fatality review teams. The state team is housed within EOPSS and acts as a steering committee providing model protocols, rules and training to the local review teams, reviews the local teams' reports and provides an annual report to the Governor, Legislature and public. The local review teams are housed within district attorneys' districts, and investigate particular fatalities selected at random and assigned to them by the state team.

STATUS: *Effective date January 1, 2015 – In Progress*

The State Fatality Review Team held its first meeting on September 30, 2015 and is chaired by the Executive Director of the Governor's Council to Address Sexual Assault and Domestic Violence. The co-chairs of the Fatality Review/Dangerousness work group of the Council attended the team's second meeting on October 20th to brief the team on the state fatality team work to date. The State Fatality Review Team's report is due December 31st. 2015 and is on target to meet this deadline.

Recommendation: *State Team to consider implementing the recommendation of the GCSADV Fatality Work Group which recommends: filing an amendment to include additional key members to the team; requesting technical assistance from the National Domestic Violence Fatality Review Initiative; training and evaluation of team members; and changing case review selection criteria, and reporting considerations.*

SECTION 5 requires the Massachusetts District Attorneys Association (MDAA) to hold biannual trainings to all District Attorneys (DAs) and Assistant District Attorneys (ADAs) on domestic and sexual violence. Trainings will include (1) information on misdemeanor and felony offenses, (2) civil remedies available to victims (3) methods to assess homicide risk, (4) law enforcement techniques information sharing and methods of cooperation among different agencies and prevention methods, (5) physiological and psychological aspects of domestic violence, and (6) increased vulnerability of victims who are LGBTQ, (7) the dynamics of coercive controlling behavior that increases dangerousness even when such patterns of behavior are not themselves violent, (8) the underlying psychological and sociological causes of domestic violence and the availability of batterers intervention programs, (9) the availability of community based dv, rape and sexual assault shelters and supports, and (10) techniques for increasing cooperation and immediate data sharing among different areas of law enforcement and the court for combatting dv and sexual assault.

STATUS: Effective Date July 1, 2015 - In Progress

MDAA has provided 16 of 19 scheduled Violence Against Women Act trainings during calendar year 2015. Of those trainings thus far, 5 of the 10 required areas have been offered since March 26, 2015.

SECTIONS 6 and 43 establish an innovative practices grant process, administered by Department of Public Health (DPH) through a Domestic Violence Prevention and Victim Assistance Fund, to address domestic violence and provide assistance to victims of domestic violence. The grant is funded through any appropriations, bond proceeds, or other monies authorized by the general court.

STATUS: Effective Immediately- In Progress

At this time DPH is working with the Trial Court to ensure fees collected by the Trial Court are deposited into the "Domestic Violence Prevention and Victim Assistance Fund" at DPH

Recommendation: *The Governor's Council to Address Sexual Assault and Domestic Violence will work with DPH and the Trial Court to provide a status report to the Governor and Lieutenant Governor in six months.*

SECTIONS 7 and 8 increase domestic violence victim confidentiality by prohibiting information regarding DV complaints, conversations and arrests from being included in daily police logs, which are public record. Reports remain accessible to victims, victims' attorneys and others designated by victims. Additionally, law enforcement entries related to domestic violence will be kept in a separate log, like current reports of rape and sexual assault.

STATUS: Effective Immediately - Complete

Mass Chiefs of Police Association general counsel disseminated guidance to all Chiefs of police on the requirements of these provisions.

SECTION 9 directs various health care related boards of registration (e.g. medicine, nursing, social workers, etc.) to develop and administer standards for licensure that require training and education on domestic violence, including challenges specific to LGBTQ and immigrant communities.

STATUS: Effective July 1, 2015 - In Progress

The Department of Public Health (DPH), Division of Health Professions Licensure, which includes the boards of registration in nursing, physician assistants and nursing home administrators, along with the Board of Registration in Medicine, has amended their regulations to include language that

training in domestic and sexual violence will be required upon licensure renewal.

Staff in the Department's Division of Violence and Injury Prevention is working to develop a no-cost, on line training option to meet the named standards in the legislation as well as to develop an application for in person programs that wish to be "approved" as meeting the requirements of the regulations. Because there is no existing curriculum that meets the requirements outlined in the legislation, in May 2015 DPH contracted with Futures without Violence, the US DHHS designated National Health Resource Center on Domestic Violence, to develop a "Domestic/Sexual Violence E-learning Module." DPH also convened an Advisory group in order to review the resulting curriculum; this group includes staff from Jane Doe, Inc., the Department of Children and Families, DPH, and healthcare based sexual and domestic violence programs. The required training will involve two modules. The first module will focus on: definition and dynamics of domestic and sexual violence; the prevalence, risk factors and health impact of these issues; and resources that are available for health care providers and victims/survivors. The second module will focus on actions that health providers can take to address domestic violence within their practice and will be tailored to the particular discipline. Topics will include universal education, responding to disclosure, the need for relationships with community based victim services providers, and how to make appropriate, supported referrals.

DPH plans to have the first module completed and on line by January first and is working to have the second module completed shortly thereafter. In addition, an application for those wishing to be approved to provide in person-trainings that meet the regulatory requirement will also be available at the beginning of 2016.

SECTIONS 10 and 11 establish an employment leave for domestic violence victims, providing up to 15 days of leave within a year for employees to address issues related to domestic violence, including obtaining medical attention, accessing the courts, and receiving counseling and support services. Delineates a notification process to employers, and affords the employer with the option of whether to pay the employee while on leave. The leave is enforced by Attorney General's Office (AGO).

STATUS: Effective immediately - Complete

The Attorney General's office fully implemented and continues to provide training/assistance when requested.

See" <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/domestic-violence-and-abusive-situation-leave.html>

SECTIONS 12 and 13 authorize the Superior, District and Boston Municipal Court Department to issue custody/support orders (previously prohibited) as part of an abuse prevention order under G.L. ch. 209A, but only for a 45 day period. If issued, the issuing court must notify the Probate and Family Court, and any subsequent Probate and Family Court orders nullify all other court issued custody/support orders.

STATUS: *Effective immediately - Complete*

Requirements were included in the Trial Courts training on Chapter 260 updates.

SECTION 14 requires law enforcement to provide additional information to defendants, including information on batterer's intervention programs, substance abuse counseling, alcohol abuse counseling and financial counseling when serving a G.L. ch. 209A abuse prevention order.

STATUS: *Effective immediately - In Progress*

EOPSS is working in partnership with Mass Chiefs of Police to inventory current materials used by each police department with the goal of working towards streamlining into one common brochure that includes geographically specific information.

Recommendations: *EOPSS will provide an update to the Council in six months.*

SECTION 15 requires the court to order batterer's intervention in the case of violations of 209A restraining orders or as a condition of a continuance in cases where the findings determine that the 209A restraining order is not violated.

STATUS: *Effective immediately - Complete*

SECTION 16 prohibits courts from granting visitation rights to a parent, convicted of rape, when the child is conceived during the rape, unless the judge determines the child is old enough to agree to visitation and visitation is in the best interest of the child. Provides additional guidance in circumstances involving statutory rape.

STATUS: *Effective immediately - Complete*

SECTION 17 provides that a when a child is conceived and the parent is convicted of rape, the rape is conclusive evidence of a serious incident of abuse.

STATUS: *Effective immediately - Complete*

SECTION 18 requires the Chief Justice of the Trial Court to provide biannual domestic violence training to trial court personnel, including training on homicide risk factors, information sharing, availability of domestic violence shelter and support services and batterer's intervention programs.

STATUS: *Effective July 1, 2015 - In Progress*

As of October 23, 2015, the following court personnel have received training on domestic violence lethality, re-offense risk assessment and legal requirements per Chapter 260 legislation: District Court Judges, persons authorized to take bail, Boston Municipal Court Judges, Superior Court Judges, Juvenile Court Judges, Probate Court Judges, Chief Probation Officers and was offered to all Clerk Magistrates and Assistant Clerks.

In June 2014 there was the formation of the Trial Court Domestic Violence Education Task Force. This task force partnered with national and local experts to develop training for all 6,400 trial court employees in addition to contracted employees. Through a partnership with the Donohue Institute in the University of Massachusetts, the trial court is finalizing 4 online learning modules for all trial court employees.

In September 2014 the Trial Court, in partnership with national experts, created the Domestic Violence Risk Factor Training Card for use by judges, clerk magistrates and bail commissioners.

November 2014-present the Task Force and Probation consulted with Dr. Kirk Williams of the University of Delaware, to develop a probation pilot project using the DVSI-R domestic violence risk assessment screening instrument to identify appropriate supervision levels for domestic violence defendants.

Recommendations: *Interpreters used in the trial court should be included in additional trainings*

SECTION 19 establishes concurrent jurisdiction between the District and Superior Courts for the new crimes of suffocation and strangulation, as well as kidnapping.

STATUS: *Effective immediately - Complete*

SECTIONS 20, 21 and 22 establish a new \$50 fee for domestic violence offenders, to be deposited in the newly created Domestic Violence Prevention and Victim Assistance Fund (see SECTIONS 6 and 43 above) and provide the court with the flexibility to require 8 hours of community service if a payment plan for this new fee would continue to impose a financial hardship. These sections also authorize the court, after making a written determination that the victim witness fee imposes a financial hardship, to structure a payment plan option.

STATUS: Effective Immediately- In Progress

The Trial Court has collected \$1,526.00 in FY 15 and \$2,259 from July 1, 2015 to October 31, 2015 for the "Domestic Violence Prevention and Victim Assistance Fund." It is important to note that this fee is assessed upon conviction for violation of a restraining order, and the two new crimes: domestic assault and battery on a family member, and strangulation or suffocation. The Trial Court is in the process of revising the assessment and waiver form to reflect these fees.

Recommendation: GCSADV will work with DPH and the Trial Court to provide a status report to the Governor and Lt. Governor in six months.

SECTION 23 creates a first offense and accompanying penalties for domestic assault and/or domestic assault and battery on a family or household member. Consequently, increases the penalties for second and subsequent offenses by adding a state prison option. Requires participation batterer's intervention, even if only as a condition of a Continuance without a Finding (CWOFF), unless the offender is determined to be unsuitable for the program.

STATUS: Effective immediately - Complete

Recommendations: EOPSS will include this provision in updating 2009 DV Law Enforcement Guidelines.

SECTION 24 creates the new crimes and accompanying penalties for strangulation, suffocation and strangulation or suffocation under special circumstances. Requires participation batterer's intervention, even if only as a condition of a CWOFF, unless the offender is determined to be unsuitable for the program.

STATUS: Effective immediate - Complete

These changes were included in the Trial Court training on Chapter 260 updates, as well as in the MDAA training on Identifying, Responding to and Prosecuting Strangulation cases.

Recommendation: EOPSS to incorporate this provision when updating the 2009 DV Law Enforcement Guidelines.

SECTIONS 25, 26, 27, 28, 31 and 32 require, except when appearing before a judge, a delay in admitting an alleged domestic violence offender to bail for six hours, to provide the victim with time for safety planning, if desired. The ADA has the discretion to move to arraign the alleged offender within 3 hours. As part of the bail process, the court may impose bail conditions and must consider enumerated safety factors analogous to those considered in a G. L. ch. 276 section 58A dangerousness hearing.

STATUS: Effective immediately - Complete

This was included in the Trial Courts trainings as well as the MDAA's DV 101 training which included "assessing the degree of risk at the time of arraignment for the purpose of making bail decisions".

SECTION 29 prohibits the use of accord and satisfaction in domestic violence cases. Domestic violence cases cannot be dropped in return for compensation.

STATUS: Effective immediately - Complete

SECTION 30 directs the judge in crimes against the person or property to evaluate whether domestic violence was a predicate or concurrent factor to the crime. If so, the judge must provide preliminary written findings that are entered into the statewide domestic violence record keeping system. The written findings are excluded from CORI and are inadmissible as evidence for the crime at issue. Further, if no abuse has occurred, the court shall remove the written findings from the database.

STATUS: Effective immediately - Complete

This was included in the Trial Courts training on Chapter 260 updates, as well as incorporated into the new data collection system used by the Trial Court.

SECTIONS 33, 34, 35, 36, 37 and 38 amend the time of detention in a dangerousness hearing to 120 days. The Commonwealth or the defendant can reopen the hearing process, but the defendant must make a good faith showing to summon a victim or a member of the victim's family as a witness that there are conditions of release that assure the safety of any person. Also, requires the judge to consider hearsay statements contained in a police report or made by the victim or a witness. Includes documentation of 58A holds in a defendant's criminal record.

STATUS: Effective immediately - Complete

This requirement was included in the Trial Court trainings on the Chapter 260 updates.

SECTION 39 adds a violation of any condition of release as a means to revoke release on personal recognizance.

STATUS: Effective immediately - Complete

SECTION 41 requires various law enforcement agencies to work together with the Court Administrator of the Trial Court to develop and implement, subject to appropriation, a program for disseminating information on domestic violence to victims, plaintiffs and defendants subject to protective orders, persons under arrest for dangerousness hearing offenses and any other similarly situated individual.

STATUS: Effective immediately – Complete

The Trial Court partnered with victim service organizations, including Jane Doe, DOVE Inc. and Massachusetts Office for Victim Assistance to create brochures listing services available statewide and regionally for victims of DV which were distributed in July and August 2015

The Trial Court partnered with probation, DPH and certified batterers intervention programs to create a brochure listing services available statewide and regionally for those subject to restraining orders or accused of crimes of domestic violence.

An explanation sheet for G.L. c. 209A Abuse Protection order was created for plaintiffs and defendants and translated into 8 languages.

SECTION 42 requires the Department of Elementary and Secondary Education (DESE), subject to appropriation, to develop materials on domestic violence, teen dating violence and healthy relationships to distribute to high school students as part of the current health curriculum on safe and healthy relationships.

STATUS: In Progress

The current funding available to DESE is through DPH line item 4513-1131 which is \$150,000 and is designed for grants for programs and not for the development of materials.

Recommendation: *The GCSADV is working with DPH and DESE to explore different prevention strategies and funding options.*

SECTION 47 establishes a Special Commission tasked with examining housing and shelter options available to victims of domestic violence and exploring and expanding options and resources through legislation. Report due to the Legislature by June 30, 2015.

STATUS: Effective immediately – In Progress

House Minority Leader Bradley Jones filed HD 3917 to change the Commission's reporting deadline to January 31, 2016 to provide the extra time necessary to meet the statutory charge.

SECTION 49 requires EOPSS, in conjunction with MDAA, to develop a report on comprehensive information and statistics related to domestic violence crimes, arrests and prosecutions. Report due to the Legislature by July 31, 2015.

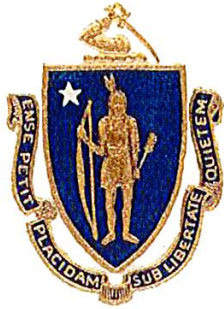
STATUS: *Effective Date June 30, 2015 – Complete, but needs assistance*

MDAA submitted their report to the Legislature on July 9th, 2015. This report highlighted the lack of a consistent method and system of data collection across the Commonwealth. MDAA has conducted a data needs analysis and developed an RFP for a new data management system. The implementation of the new system will not be able to move forward without funding in FY17.

Recommendation: *Explore resources for MDAA for the implementation of a new data management system that would provide more consistent data collection and provide actionable data reports across all 11 DA's offices. Explore ways that the Commonwealth can better utilize the data to inform services and policy.*

SECTIONS 50 and 51 establish effective dates.

Appendix A: Letter to Administration from the Trial Court



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT
John Adams Courthouse
One Pemberton Square, Floor 1M
Boston, Massachusetts 02108
617-878-0203

Paula M. Carey
Chief Justice of the Trial Court

Harry Spence
Court Administrator

July 27, 2015

His Excellency Charles D. Baker
Governor of the Commonwealth of Massachusetts
State House
Room 360
Boston, MA 02133

Dear Governor Baker:

Enclosed please find an update on the Trial Court's continuing measures to implement the provisions of An Act Relative to Domestic Violence. We are pleased to report that allegations of abuse pursuant to G.L. c. 276, § 56A and rulings on motions for dangerousness detention pursuant to G.L. c. 276, § 58A are now captured on the Court Activity Record Information Report provided to the judge and parties at arraignment. Similarly, copies of any restraining order affidavits and written findings pursuant to G.L. c. 276, § 58A motions are also now provided to the judge and parties at arraignment. The update also details numerous trainings that have been provided to date for judges and court employees across the state on domestic violence risk assessment and describes the on-line domestic violence training program in development for all Trial Court employees.

We would welcome the opportunity to meet with you at your convenience to discuss further these initiatives within the Trial Court.

A handwritten signature in black ink, appearing to be "Paula M. Carey".

Paula M. Carey
Chief Justice of the Trial Court

Sincerely,

A handwritten signature in black ink, appearing to be "Harry Spence".

Harry Spence
Court Administrator

Enclosure

cc: Tammy Mello, Governor's Council on Sexual Assault and Domestic Violence



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT
John Adams Courthouse
One Pemberton Square, Floor 1M
Boston, Massachusetts 02108
617-878-0203

Paula M. Carey
Chief Justice of the Trial Court

Harry Spence
Court Administrator

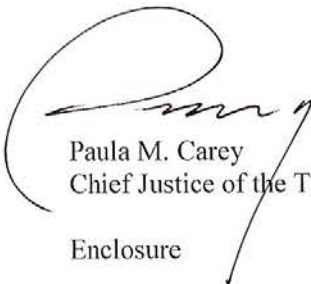
July 27, 2015

Lieutenant Governor Karyn Polito
State House
Room 360
Boston, MA 02133

Dear Lieutenant Governor Polito:

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We would welcome the opportunity to meet with you at your convenience to discuss further these initiatives within the Trial Court.



Paula M. Carey
Chief Justice of the Trial Court

Sincerely,

Harry Spence
Court Administrator

Enclosure

cc: Tammy Mello, Governor's Council on Sexual Assault and Domestic Violence

Trial Court Implementation of An Act Relative to Domestic Violence Update July 27, 2015

Executive Summary

Compliance with An Act Relative to Domestic Violence is a priority of the Trial Court. The Trial Court continues to undertake two large scale initiatives to ensure legal compliance and to act in accordance with the policy goals of An Act Relative to Domestic Violence. These initiatives are the following:

- 1) Developing and implementing a Domestic Violence education and training program for all Trial Court employees, and
- 2) Developing and building a technology infrastructure capable of meeting the information sharing requirements of the law.

The training initiative is spearheaded by the Trial Court Domestic Violence Education Task Force, created by Chief Justice Carey prior to the passage of the Act. Training on domestic violence lethality and re-offense risk factors was developed in September 2014 in partnership with the Jeanne Geiger Crisis Center and the Holy Family Hospital Certified Batterer Intervention Program. The training, which was created in accordance with the specifications of the new law, has been provided to all District Court, Boston Municipal, Superior Court, and Juvenile Court judges, all persons authorized to take bail, and all chief probation officers.

The Trial Court has partnered with numerous domestic and sexual violence service providers to develop an on-line training program for all Trial Court employees. The on-line library, currently under development, initially will be comprised of four interactive training modules on the following domestic violence topics: risk assessment, the impacts of domestic violence on victims, the impacts of domestic violence on children, and intimate partner violence. Anticipated completion for the first four training modules is August 2015. These modules are scheduled to be launched in tandem with in-person trainings for all Trial Court employees in winter 2015.

To comply with the information sharing requirements of the new law, the Trial Court has developed data systems for capturing and communicating information related to three areas: allegations of abuse pursuant to G.L. c. 276, § 56A, dangerousness hearings under G.L. c. 276, § 58A, and restraining order affidavits. The Court Activity Record Information (CARI) report, available to the judge and parties at court proceedings, now reflects docket numbers in which G.L. c. 276, § 56A allegation have been made, G.L. c. 276, § 58A rulings have been made, or restraining order affidavits have been filed. Copies of restraining order affidavits and prior rulings on G.L. c. 276, § 58A motions are now provided to judges and parties at arraignment by the Probation Department.

The following detailed summary reports the breadth of activities undertaken across the Trial Court. Please contact us if you would like further information or have any questions.

I. Education and Training

A. Formation of the Trial Court Domestic Violence Education Task Force (*June 2014*)

- Chief Justice Carey formed the Trial Court Domestic Violence Education Task force in June 2014 to undertake the creation of a state-wide domestic violence education program for all Trial Court employees, across Trial Court divisions and departments.
- The Task Force, chaired by Hon. Marianne Hinkle, Presiding Justice in the Woburn District Court, consists of members who are employees of the Trial Court (judges, clerk magistrates, probation), as well as members external to the Trial Court (representatives from bar associations, district attorneys, public defenders, victim advocacy organizations, certified batterer intervention programs, and the Department of Public Health).

B. Domestic Violence Lethality and Re-Offense Risk Assessment

- The Task Force consulted with national experts and identified domestic violence risk assessment instruments for use by judges, clerk magistrates, bail commissioners and probation officers. (*August – November 2014*)
- The Trial Court created the Domestic Violence Risk Factor Training Card for use by judges, clerk magistrates, and bail commissioners. (*September 2014*)
- The Trial Court partnered with the Jeanne Geiger Crisis Center and Holy Family Hospital Certified Batterer Intervention Program to train all District Court judges in three regional trainings on Domestic Violence Risk Factors and the legal requirements of An Act Relative to Domestic Violence. (*September 2014 in Worcester, September 2014 in Medford, September 2014 in Plymouth*)
- The Judicial Institute sponsored mandatory training for all persons authorized to take bail on Domestic Violence Risk Factors and the legal requirements of An Act Relative to Domestic Violence. (*October 2014 in Worcester, December 2014 in Boston*)
- The Task Force trained Middlesex Superior Court clerks and assistant clerks on the legal requirements of An Act Relative to Domestic Violence. (*October 2014*)
- Judge Hinkle presented in a Massachusetts Continuing Legal Education Training on An Act Relative to Domestic Violence. (*October 2014 in Boston*)
- The Task Force and Probation Department have consulted with Dr. Kirk Williams, Ph.D., from the University of Delaware, about developing a probation pilot project using the DVSI-R domestic violence risk assessment screening instrument to identify appropriate supervision levels for domestic violence defendants. (*November 2014 - present*)
- The Trial Court partnered with the Jeanne Geiger Crisis Center and Holy Family Hospital Certified Batterer Intervention Program to train all Boston Municipal Court Judges on Domestic Violence Risk Factors and the legal requirements of An Act Relative to Domestic Violence. (*November 2014*)
- The Trial Court offered training for Clerk Magistrates and Assistant Clerks on Domestic Violence Risk Factors, the legal requirements of an Act Relative to Domestic Violence, and other Domestic Violence related issues. (*November 2014 in Worcester, January 2015 in Boston, April 2015 in Brockton*)
- The annual Trial Court Domestic Violence Primer training was provided to new judges in all Trial Court departments. (*February 2015 Worcester*)
- The annual Judicial Response training for all Trial Court judges new to judicial response included a seminar on emergency response to 209A petitions. (*April 2015*)

- The Trial Court trained new Assistant Clerk Magistrates on the provisions of Act Relative to Domestic Violence and an Act Relative to the Reduction of Gun Violence. *(May 2015 in Worcester)*
- The Trial Court partnered with Holy Family Hospital Certified Batterer Intervention Program to train all Superior Court Judges on Domestic Violence Risk Factors and the legal requirements of An Act Relative to Domestic Violence at the Superior Court annual judges' conference. *(May 2015 in Lenox)*
- The Trial Court partnered with Holy Family Hospital Certified Batterer Intervention Program to train all Juvenile Court Judges on Domestic Violence Risk Factors and the legal requirements of An Act Relative to Domestic Violence at the Juvenile Court annual judges' conference. *(May 2015 in Lenox)*
- The Trial Court partnered with Holy Family Hospital Certified Batterer Intervention Program to train all Chief Probation Officers across Trial Court departments on Domestic Violence Risk Factors. *(April 2015 in Clinton)*
- The Probation Department partnered with Harvard Kennedy School master in public policy candidate MaryRose Mazzola to study the effects of Batterer Intervention Programs on domestic violence recidivism in Massachusetts. *(January 2015 – May 2015)*
- Training for all Probate and Family Court judges on Domestic Violence Risk Factors is in development. *(Anticipated for October 2015)*

C. Creation of Domestic Violence On-Line Training Program

- The Task Force consulted with national and local experts to create curriculum for the Domestic Violence training. *(September 2014 – present)*
- The Trial Court identified the Donahue Institute in the University of Massachusetts as the vendor to create a multi-media domestic violence training. *(October 2014)*
- The Trial Court worked with the Donahue Institute to develop the following four on-line learning modules: the impact of domestic violence on victims, the impact of domestic violence on children, domestic violence risk assessment, and intimate partner violence. *(November 2014 – present)*
- The Trial Court sought suggestions and input from numerous domestic violence and sexual violence service providers and state agencies to create content for the on-line training modules, including among others, Boston Medical Center, the Department of Children and Families, Emerge, Futures without Violence, Holy Family Hospital, Jane Doe, Inc., Jeanne Geiger Crisis Center, the Committee for Public Counsel Services, and MOVA. *(January 2015 - June 2015)*
- The Task Force will develop and implement a “Train the Trainer” program to build internal capacity to conduct bi-annual domestic violence training for Trial Court employees. *(Winter 2015– Spring 2017)*

D. Domestic Violence Resources Information Dissemination

- An explanation sheet for the G.L. c. 209A Abuse Protection Order was created for plaintiffs and defendants, and was translated into various languages. *(September 2014)*
- The Trial Court partnered with victim service organizations, including Jane Doe, Inc., DOVE, and MOVA to create brochures listing services available state-wide and regionally for victims of domestic violence. *(September 2014 – January 2015)*
- The Trial Court partnered with Probation, Department of Public Health, and Certified Batterer Intervention programs to create a brochure listing services available state-wide and regionally for those subject to restraining orders or accused of crimes of domestic violence. *(September 2014 – June 2015)*
- Resource brochures will be distributed and printed. *(July 2015 – August 2015)*

E. Creation of Trial Court Best Practices for Cases Involving Allegations of Domestic Violence

- Domestic Violence Committees were formed in each Trial Court department presiding over domestic violence related cases. *(October 2014)*
- Numerous focus groups were convened with internal and external groups across the state to identify potential best practices for cases containing allegations of domestic violence, including probation officers, clerk and assistant clerk magistrates, prosecutors and victim advocates, attorneys who represent plaintiffs in restraining orders, attorneys who represent plaintiffs and defendants in Probate and Family Court, criminal defense attorneys, and those who service children and families exposed to domestic violence. *(September 2014 – May 2015)*
- The Trial Court plans to create and promulgate Best Practices Guidelines across Trial Court departments and train to best practices. *(Winter 2016)*

II. System Building for Information Sharing

A. Electronic Docketing

- The Trial Court developed MassCourts electronic docket codes for allegations of abuse under G.L. c. 276, § 56A. *(September 2014)*
- The Trial Court developed MassCourts electronic docket codes for dangerousness proceedings under G.L. c. 276, § 58A. *(September 2014)*
- The Trial Court has trained court personnel to use MassCourts electronic docket codes for domestic violence related charges and dangerousness proceedings. *(October – November 2014)*

B. Creating Electronic Document Database

- The Trial Court purchased scanners for Trial Court departments. *(September 2014)*
- The Trial Court deployed scanners to court divisions. *(October 2014)*
- The Trial Court trained staff on scanner use and the attachment of scanned documents to electronic docket codes. *(October - November 2014)*
- The scanning of all Restraining Order Affidavits commenced. *(October – November 2014)*
- The scanning of all dangerousness orders under G.L. c. 276, § 58A commenced. *(October – November 2014)*
- The MassCourts data system was joined with the CARI data system. *(January 2015)*
- Link Groups were created to convey information captured by MassCourts electronic docket codes into CARI. *(February – May 2015)*
- CARI Link Groups became visible on CARI records *(June 2015)*
- The Trial Court created pilot programs for the electronic filing of applications of criminal complaints by police departments. *(September 2014 – present)*

C. Revision of Paper Docketing and Forms

- The paper docket sheet was revised to reflect judicial inquiry and allegations under G.L. c. 276, § 56A *(October 2014)*
- The Trial Court form for judicial findings under G.L. c. 276, § 58A was created and promulgated. *(October 2014)*
- The Trial Court form for allegations of abuse and judicial ruling under G.L. c. 276, § 56A was created and promulgated. *(October 2014)*

- The Trial Court form for allegations of abuse and judicial ruling under G.L. c. 276, § 56A was revised after *Commonwealth v. Dossantos*, SJC-11790 (July 2015).

D. Capturing Domestic Violence Information for Use at Arraignment and Sentencing

- Designated Probation Department employees in each court have been provided view-only access to dockets and scanned documents across Trial Court departments. (November 2014 – June 2015)
- Rulings on G.L. c. 276, § 58A motions are provided to judges and parties at arraignment. (July 2015)
- Restraining order affidavits filed since August 2014 are provided to judges and parties at arraignment. (July 2015)
- Court Activity Record Information provided to judges and parties at arraignment includes identification of cases containing allegations of abuse under G. L. c. 276, § 56A. (July 2015)
- Court Activity Record Information provided to judges and parties at arraignment includes identification of cases containing dangerousness detention motions and findings under G.L. c. 276, § 58A. (July 2015)