

# **DELAWARE FATAL INCIDENT REVIEW TEAM REPORT**

Submitted To  
The Domestic Violence Coordinating Council

July 2005

Domestic Violence Coordinating Council  
New Castle County Courthouse  
500 N. King Street, Suite 9425  
Wilmington, DE 19801-3732  
302-255-0405

## Introduction

In June 1996, Governor Thomas R. Carper signed into law the Domestic Violence Fatal Incidents Review Act, **Appendix I**.

This legislation, which was written by the Domestic Violence Coordinating Council, established a Fatal Incident Review Team to investigate and review the facts and circumstances of all domestic violence related fatalities occurring in Delaware.

The Fatal Incident Review Team is tasked with conducting a thorough, interagency review of every death that occurs as a result of domestic violence in Delaware. Any death that occurs as a result of domestic violence should be considered per se as avoidable and therefore should be thoroughly examined. Although the domestic violence fatality reviews are retrospective in nature, their purpose is prospective.

The ultimate purpose of reviewing domestic violence fatalities is to try to reduce the incidence of such deaths in the future. By conducting system audits of state agencies and private organizations that had contact with the deceased victim or the alleged perpetrator, the system's response to domestic violence cases may be improved. Steps may be taken to prevent future deaths and injuries, including changes in individual organization's policies and procedures, and to generate information for intervention, prevention, public policy development, and education.

The Review Team members are dedicated professionals who come together openly and honestly to ask tough questions of their own and other agencies. The reviews focus on identifying trends and obstacles in service delivery, assessing the adequacy of agency interventions, and, most importantly, developing meaningful recommendations aimed at improving the system and preventing future injury and death.

# Membership

Membership on the Fatal Incident Review Team is prescribed by statute and includes the following core members or their designee:

**Co-Chairs - two members of the Domestic Violence Coordinating Council  
elected by the Council  
the Attorney General  
the Director of the Division of Family Services  
the Chair of the Domestic Violence Task Force  
the Chief Judge of the Family Court  
the Chief Magistrate of the Justice of the Peace Courts  
a law enforcement officer to be appointed by the Delaware Police Chief's  
Council**

The Review Team also invites other relevant persons to serve on an ad hoc basis and participate as full members of the Team for a particular case. These persons include but are not limited to private attorneys, public defenders, therapists, victim service workers, caseworkers, and representatives from other relevant agencies.

Team members or their designee are responsible for providing information from their agency or discipline, specific to the case under review. Panel members also serve as a resource by providing general information regarding their agency or discipline such as explanation of legal issues, types of services available for victims or overview of court procedures.

## Confidentiality Requirements

The confidentiality of the review process and all records of each review must be maintained. Therefore, the enabling legislation provides that the review process and any records created therein are exempt from the provisions of the Freedom of Information Act. All records of the reviews are confidential and kept in the Council office. These records may only be used by the Coordinating Council in the exercise of its proper function. **Appendix II**

# Review Team Members & Participants

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**Cynthia M. Boehmer**, Program Director, People's Place II, Inc.  
**Honorable Vincent J. Poppiti**, Domestic Violence Coordinating Council

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**Honorable M. Jane Brady**, Attorney General  
**Carlyse V. Giddins**, Director, Division of Family Services, Department of Services for Children, Youth and Their Families  
**Mary Davis**, Chair, Domestic Violence Task Force  
**Honorable Chandlee Johnson Kuhn**, Chief Judge Family Court  
**Honorable Patricia Griffin**, Chief Magistrate Justice of the Peace Courts  
**Chief Michael Capriglione**, Delaware Police Chief's Council  
**Diane Coffey Walsh**, Attorney General's Office  
**Christina Showalter**, Attorney General's Office  
**Marsha Epstein White**, Attorney General's Office  
**Cindy Mercer**, Child Inc., Domestic Violence Shelter  
**Debbie Reed**, Delaware State Police, Victim Services  
**James P. Fraley**, Delaware State Police  
**Harry Downes**, Delaware State Police  
**Phillip Hill**, New Castle County Police Department  
**Elaine Aviola**, New Castle County Police Department  
**Alan Grinstead**, Probation and Parole  
**Joseph Paesani**, Department of Correction  
**Linda Shannon**, Division of Family Services  
**JoAnn Bruch**, Division of Family Services  
**Kevin Odwin**, Division of Family Services  
**Leann Summa**, Family Court  
**John Betts**, Justice of the Peace Courts  
**Anna Lewis**, Justice of the Peace Courts

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**Bridget V. Poulle**, Domestic Violence Coordinating Council

## Review Team Data

The Fatal Incident Review Team has adapted a broad definition of domestic violence, similar to that used by the Department of Justice, to ensure that no domestic violence fatality escapes review. The team reviews fatalities, which occur between family members such as parent and child, and siblings and intimate partner relationships including; husband and wife, ex-husband and wife, intimate cohabitants and former intimate cohabitants, dating couples and former dating couples and parties with a child in common. The perpetrator and victim may be of the same sex.

The information contained in this report is based on cumulative data collected from fifty cases, which occurred over a period of several years. The fatalities occurred between 1997 and 2004, however not all of the cases that occurred during that time appear in this report.

The 50 cases contained in this report resulted in a total of 70 deaths. The deaths include homicide, suicide, and perpetrator suicide, those cases where the perpetrator kills the victim and then commits suicide.

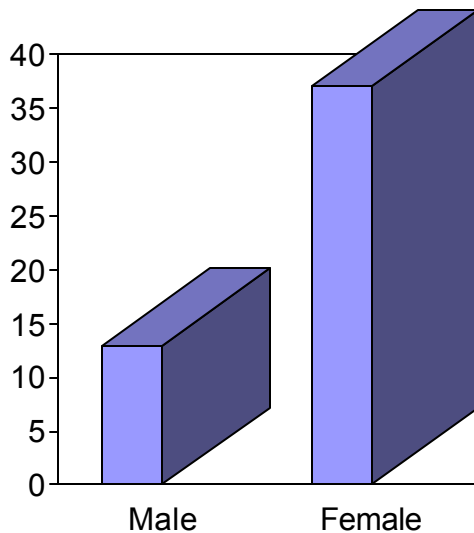
## **50 Fatal Incident Cases**

### **70 Deaths**

<b>Homicide Victims</b>	<b>Suicide/Undetermined Victims</b>	<b>Perpetrator Suicides Following Homicide</b>
<b>50</b>	<b>3</b>	<b>17</b>

## **50 Fatal Incident Cases**

### Homicide Victim Gender



Of the 70 deaths included in this report, 50 were the result of homicide. Of the 50 homicide victims, 37 (74%) were females and 13 (26%) were males.

### Suicide/Undetermined Victim Gender

Of the total 70 deaths, 2 deaths resulted from suicide.

In 1 case the manner of death, homicide or suicide was undetermined.

In all 3 of these cases the victims had a significant history of abuse by their partners.

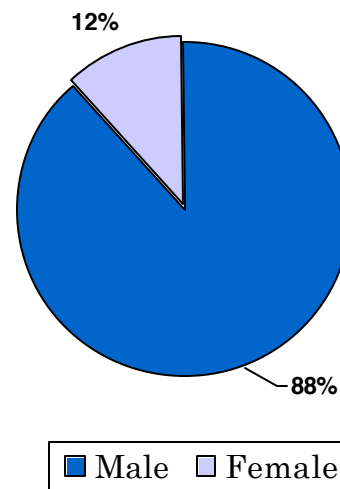
All 3 of these victims were female.

### Murder/Suicide Perpetrator Gender

Of the 70 deaths included in this report, 17 were murder/suicide perpetrators who killed the victim and then killed themselves.

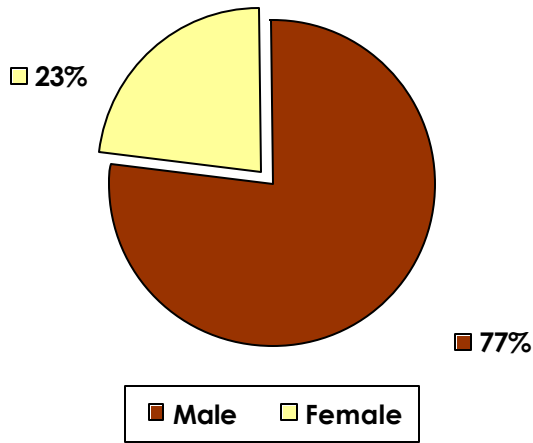
Of the 17 murder/suicide perpetrators, 15 (88%) were male and 2 (12%) were female.

### Murder/Suicide Perpetrator Gender

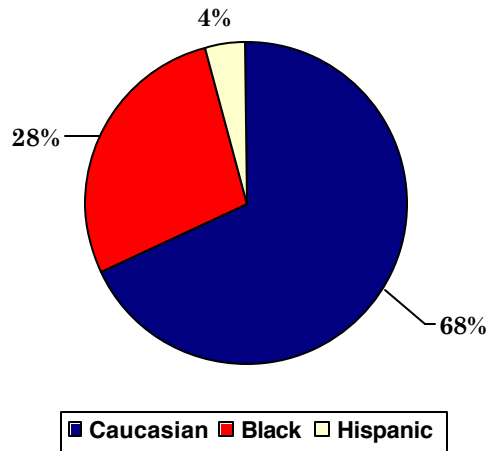


# Perpetrator Data

## Perpetrator Gender



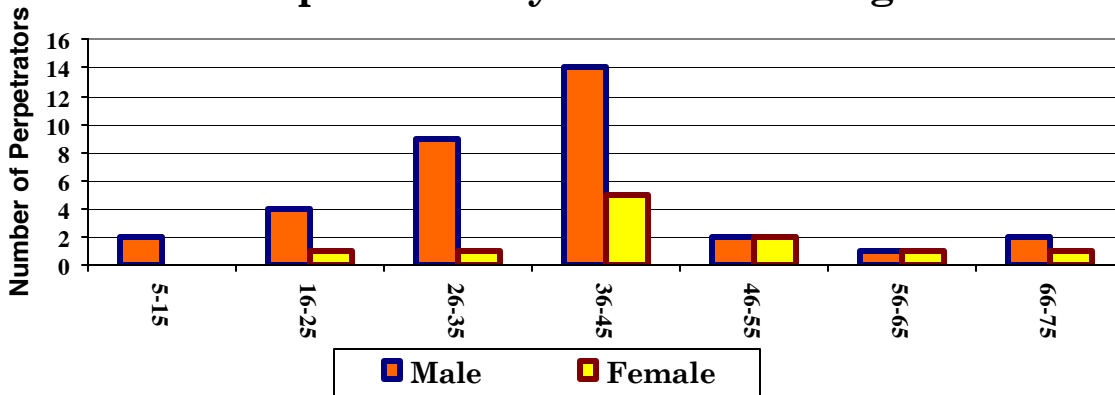
## Perpetrator Race



The 50 cases in this report included a total of 47 perpetrators. Of the 47 perpetrators, 36 (77%) were male and 11 (23%) of the perpetrators were female.

Thirty-two (68%) of the of the 47 perpetrators were Caucasian, 13 (28%) of the perpetrators were Black, and 2 (4%) of the perpetrators were Hispanic.

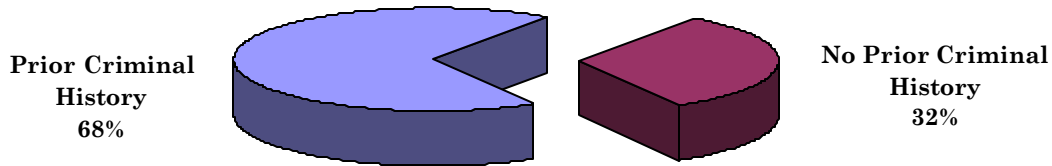
## Perpetrator By Gender and Age



The age group 36-45 had the highest number of homicide perpetrators for both genders. Of the 11 female perpetrators 5 or 45% fell within that age group and of the 36 male perpetrators, 14 or 39% were between the age of 36-45.

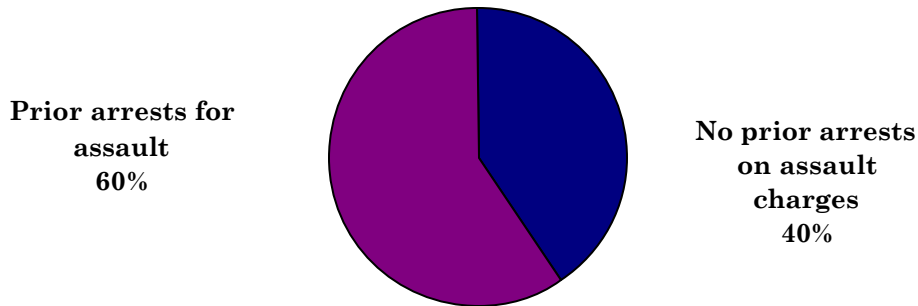
# Perpetrators Criminal History

## Prior Criminal History



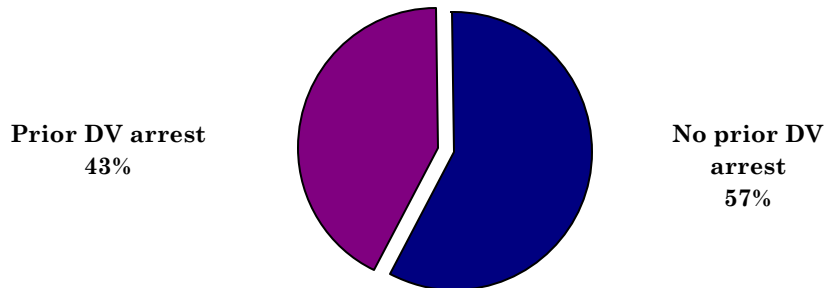
32 or 68% of the domestic violence homicide perpetrator had a prior criminal history.  
15 or 32% of the domestic violence homicide perpetrators had no prior criminal history.

## Prior Assault Arrests



28 or 60% of the perpetrator's had a prior arrest for assault.  
19 or 40% of the perpetrators had no prior arrests on assault charges.

## Prior DV Offense Arrests



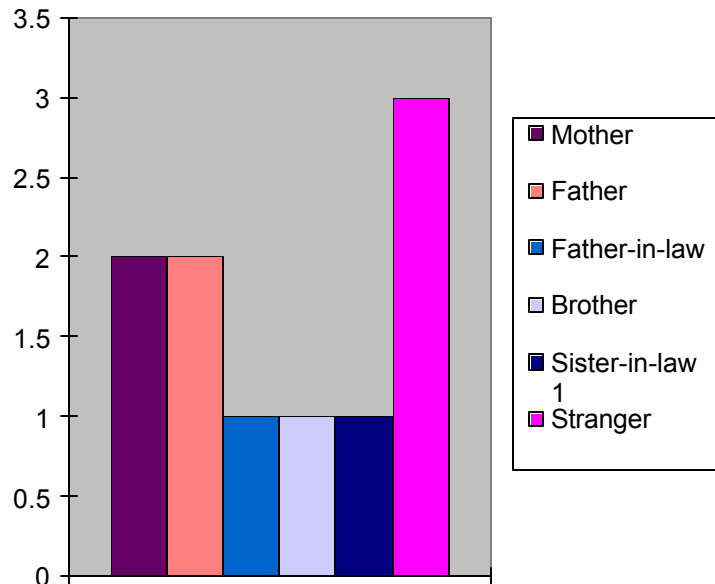
20 (43%) of the homicide perpetrators had a prior arrest for dv offenses.  
27 or 57% of the homicide perpetrators had no prior arrests for DV offenses.



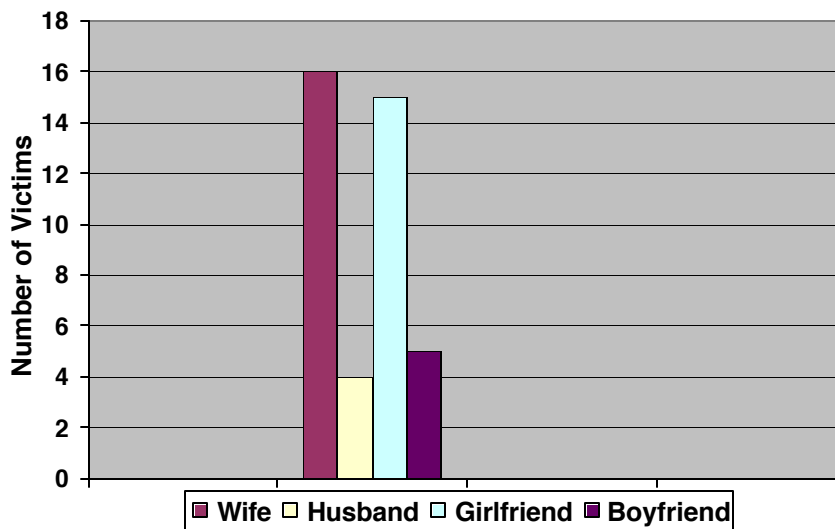
# Homicide Victims Relationship To Offender

## Non-Intimate Partner Relationships

Ten of the fifty homicide victims (20%) had a non-intimate relationship to the offender. The non-intimate relationships included: 2 Mothers, 2 Fathers, 1 Brother, 1 Father-in-law and 1 Sister-in-law. In one case, 3 Strangers died as the result of a domestic incident.



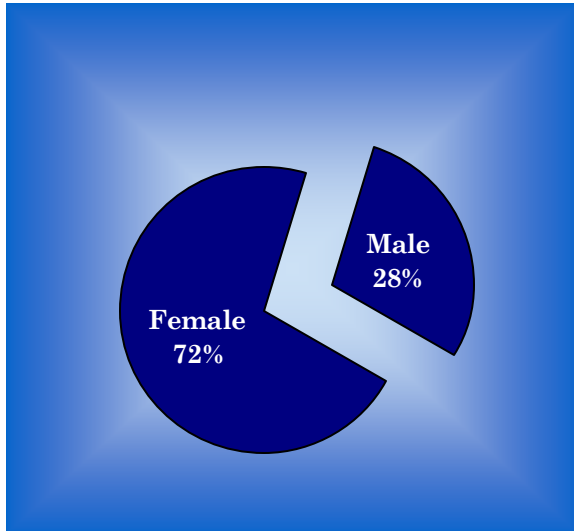
## Intimate Partner Relationships



Forty of the fifty homicide victims (80%) had an intimate relationship with the offender. The victim relationships to offender included 16 Wives, 4 Husbands, 15 Girlfriends, and 5 Boyfriends.

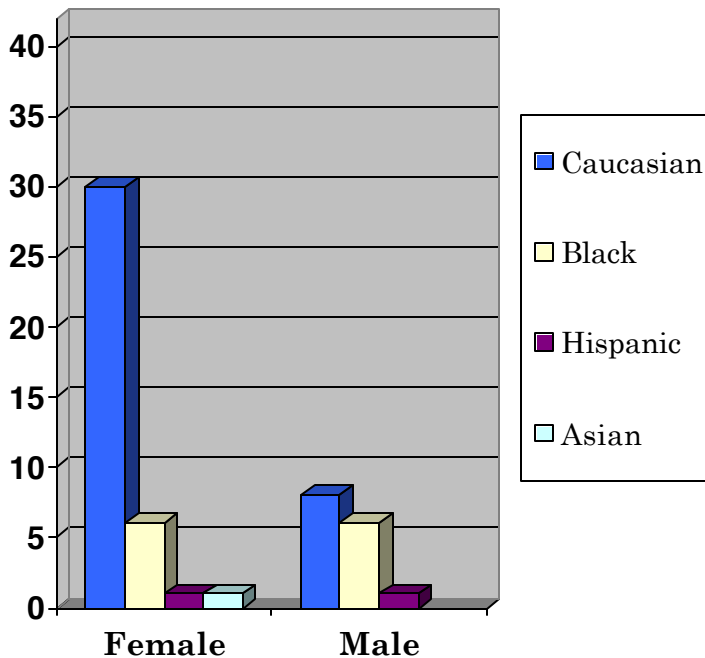
# Victim Demographics

## Victim Gender



This report contains data from fifty cases, which resulted in seventy deaths. The victim deaths include homicide victims, victims (with a history of being abused) who committed suicide and 1 victim whose manner of death, homicide or suicide was undetermined. Of the fifty-three victim deaths, 38 (72%) of the victims were female and 15 (28%) were male.

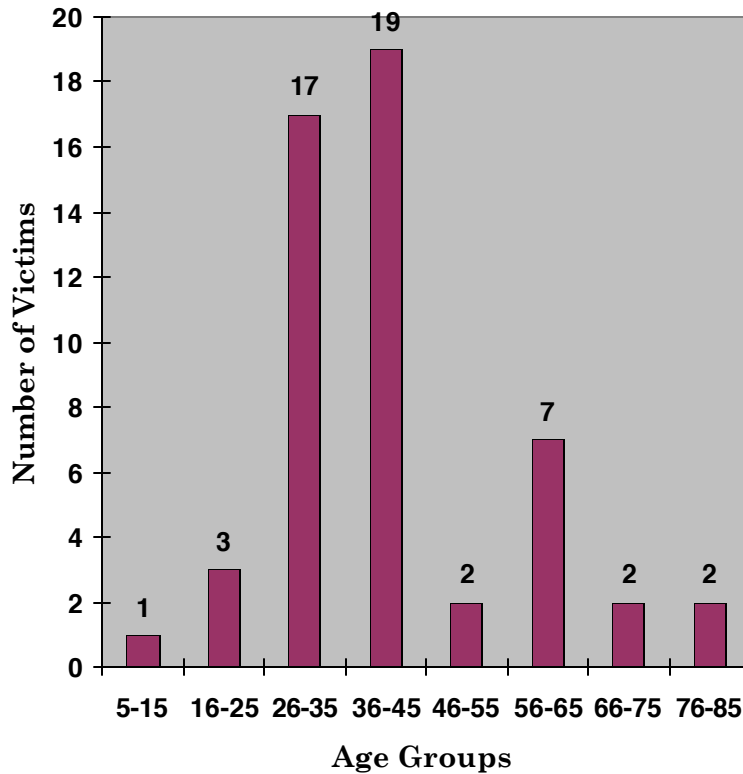
## Victim by Race and Gender



**Females** – of the thirty- eight female victims in this report, 30 (79%) were Caucasian, 6 (16%) were Black, 1 (2.5%) victim was Asian and 1 (.25%) was Hispanic. The total percentage of female victims was 72%.

**Males** – Of the fifteen male victims in this report, 8 (53%) were Caucasian, 6 (40%) were Black males and 1 victim (7%) was Hispanic. The total percentage of male victims was 28%.

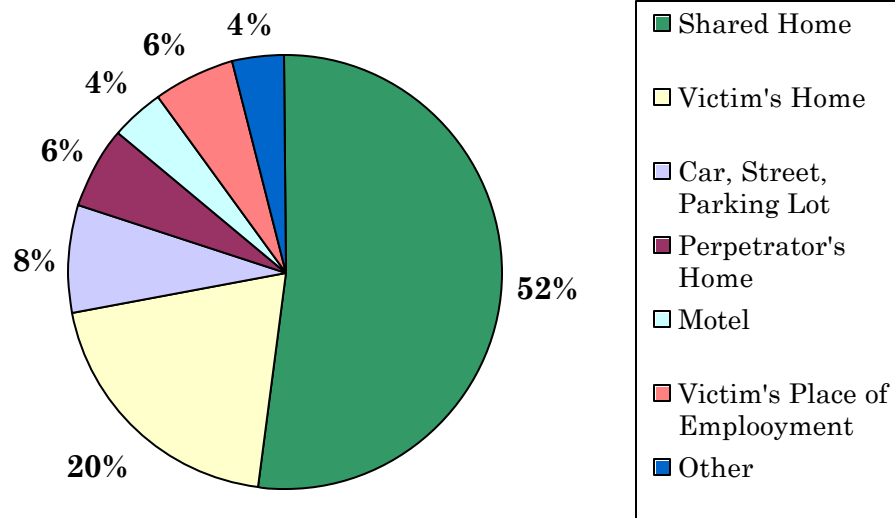
## Victims Age at Time of



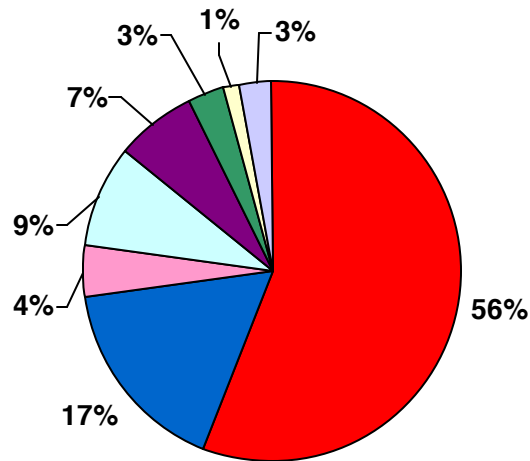
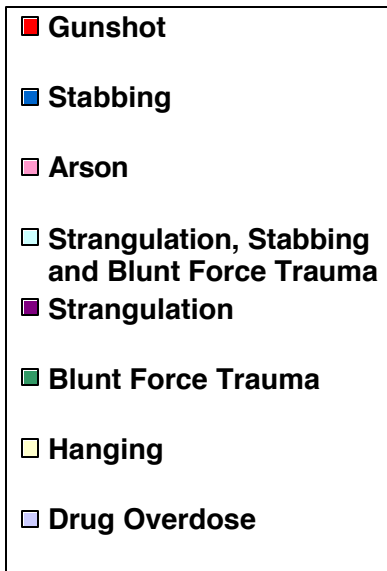
Of the fifty-three victims, 1 was between the ages of five and fifteen; 3 were between the ages of sixteen and twenty-five, 17 (32%) were between the ages of twenty-six and thirty-five, 19 (36%) were between the ages of thirty-six and forty-five, 2 victims were between the ages of forty-six and fifty-five, 7 victims (13%) were between the ages of fifty-six and sixty-five, 2 victims were between sixty-six and seventy-five and 2 victims were seventy-six to eighty-five.

## Location of Incident

In 26 (52%) of the fifty cases, the incident occurred at the parties shared home. Ten (20%) occurred in the victim's home, 4 (8%) of the incidents occurred in the a car, street, or parking lot, 3 occurred at the perpetrator's home, 3 at the victim's place of employment, 2 at a motel and 2 occurred in the category of other, home of friend or boyfriend.

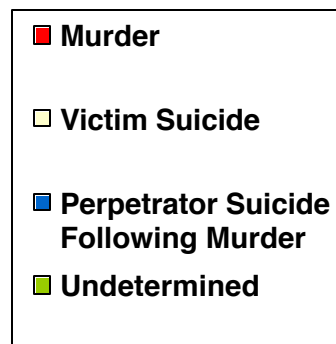
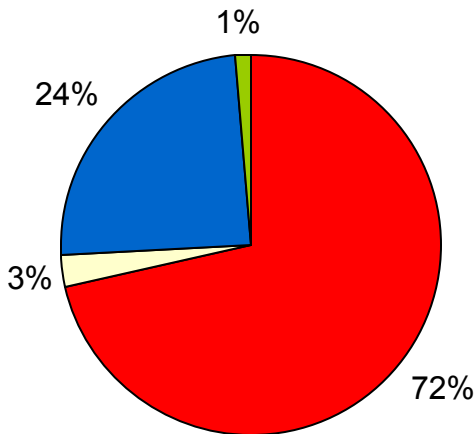


## Cause of Death



Of the seventy deaths in this report, 39 resulted from gunshot wounds, 12 were the result of stabbing, 6 deaths occurred as the result of strangulation, stabbing and blunt force trauma, 5 deaths resulted from strangulation, 3 deaths resulted from arson, 2 were caused by blunt force trauma, 2 deaths resulted from drug overdose, and 1 death resulted from hanging.

## Manner of Death

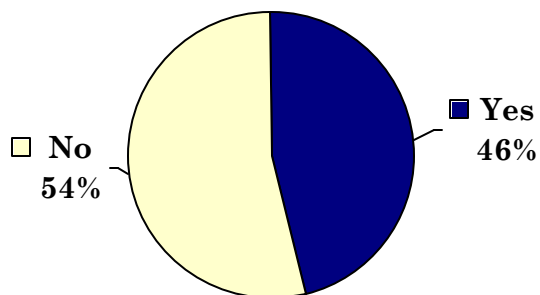


Of the seventy deaths included in this report, 50 occurred as the result of murder, 17 of the deaths were perpetrator suicides following murder, 2 deaths were suicides (where the victim had a history of being abused), and in 1 case the manner of death (homicide or suicide) was undetermined.

# Accessing the System

## LAW ENFORCEMENT

### Victim Prior Contact With Law Enforcement

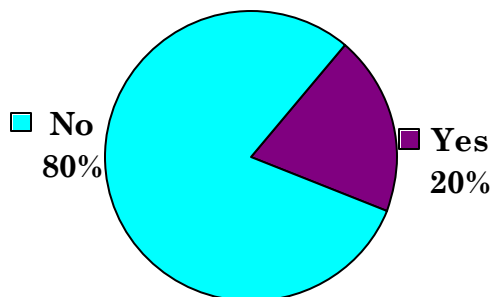


Victim's contact with police was defined by the victim reporting abuse by a current or previous partner, or family member, or police records of prior domestic incidents. Of the fifty cases in this report, the victim had prior contact with law enforcement in 23 (46%) of the cases.

The victim's prior contact with victim's services includes contact made with domestic violence shelters, victim services or advocacy programs. Records indicate there was prior victim contact with services in only 10 (20%) of the fifty cases.

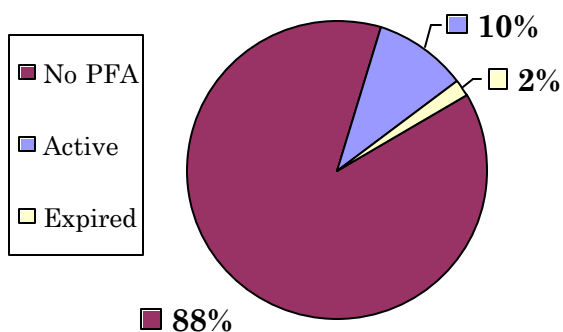
## VICTIM SERVICES

### Victims Prior Contact With Services



## COURTS

### Victims with Protection From Abuse (PFA) Orders



Of the fifty cases in this report, victims did not have Protection From Abuse Orders in 44 of the cases.

In 5 of the cases there was an Active PFA at the time of the fatality. In 1 case, the victim had a PFA that had expired several years earlier.

# Recommendations for Improving the System

The ultimate purpose for reviewing domestic violence fatalities is to prevent such deaths in the future. The reviews focus on identifying obstacles in service delivery, assessing the adequacy of system intervention and most importantly, developing recommendations aimed at improving the system response and preventing future domestic violence deaths in Delaware.

In October 2004, Review Team Recommendations were sent to relevant agencies and organizations throughout the State. Responses to the recommendations were received from state and local government and non-profit organizations.

We thank the participating agencies for their thoughtful consideration of the recommendations, for their cooperation in responding to them and for their efforts to implement the changes.

## Community Level Recommendations

**The Corporate Citizen Initiative Committee should create a notice and a means for distributing the notice in utility bills, encouraging people to call 911 to report incidents of domestic violence.**

**Action Steps/Response** – The Attorney General sent letters to the president’s and CEO’s of 8 utility companies informing them of the model domestic violence in the workplace policy and asking that they include a copy of the Safety Plan in statements to customers in Delaware.

**Delaware domestic violence agencies should implement an ongoing public awareness campaign on the dangers of violent and abusive relationships.**

**Action Steps/Response** – The Delaware Coalition Against Domestic Violence is engaged in ongoing public awareness activities including; media outreach, display of the Silent Witness Project at community events, public service announcements, outreach to men, statewide trainings and conferences.

## **System Level Recommendations**

**The Delaware Justice Information System** should create some type of automatic notice that appears during a criminal history check, when there is an active Protection From Abuse Order.

**Action Steps/Response** - The **Delaware Criminal Justice Information System (DELJIS)** Web Charge Summary does contain a flag that indicates if an individual has an active Protection From Abuse Order. DELJIS has been working to ensure this flag prints on all agency's views of the charge summary. This flag is linked to the individual's State Bureau of Identification number.

**The Courts** should conduct a criminal background check and a review of custody, visitation, and Protection From Abuse Orders prior to modifying bail conditions.

**Action Steps/Response** – When a party seeks to modify a condition of bail in **Family Court**, the court considers as a matter of course, the terms of existing Family Court orders and the criminal history of the party whose bail conditions are sought to be modified.

**The Court of Common Pleas** gives added attention to those cases in which domestic violence is alleged, these and most other cases are transferred from Justice of the Peace Courts where bail is set. A record review conducted at bail proceedings by CCP includes whether a Protection From Abuse Order exists or whether there were any previous PFA's however, most often the Court does not have available documents, which outline custody or visitation orders.

**Superior Court** usually receives criminal background checks from Pretrial Services prior to modifying bail conditions. Information on Custody, visitation, and Protection From Abuse Orders are part of Family Courts data system, a system to which Superior Court does not have access.

## **System Level Recommendations**

**In custody evaluation cases which occur as the result of a domestic violence murder/suicide, the Court should screen parties seeking custody for history of sexual assault and domestic violence.**

**Action Steps/Response** - In 2004, the General Assembly amended

Section 722 of Title 13 directing the Family Court to consider “the criminal history of any party or any other resident of the house-hold including whether the criminal history contains pleas of Guilty of no contest or a conviction of a criminal offense’ in determining the best interests of the child for purposes of deciding Custody issues. Any history of sexual assault or domestic violence that rose to the level of a criminal action would be captured by this statutory consideration.

**Improved coordination among Law Enforcement, Attorney General’s Office, and the Courts in working toward evidence-based prosecution.**

**Action Steps/Response** – The **Delaware State Police** recruits attending the Delaware State Police Academy receive 16 hours of domestic violence training which includes the subject of evidence-based prosecution. The Delaware State Police added training on the subject of evidence-based prosecution for recruits and officers over eight years ago. DSP received Polaroid cameras in 2000 and 2003 which are available to assist in the investigation & prosecution of domestic violence cases.

The **City of Wilmington (Wilmington Police Department)** sent several officers to the APRI Evidence-Based Prosecution Training on December 3, 2004. This training focused on a collaborative effort between law enforcement, the Attorney General’s Office, and the courts. Continued collaboration with the agencies is an ongoing occurrence.

**New Castle County Police** have and will continue to have a strong working relationship with the Attorney General’s Office.

## **System Level Recommendations**

The **Attorney General’s Office** partnered with the Domestic Violence Coordinating Council to provide training to police and prosecutors



throughout the state on techniques needed for successful victimless prosecution. The training provided by the American Prosecutor's Research Institute included information on the Crawford decision, issued by the U. S. Supreme Court, the impact of which has limited the use of victimless prosecution.

The **Family Court** stands ready and able to hear any case within its jurisdiction, the decision to prosecute a case largely rests the Attorney General's Office.

**Superior Court** will respond to any suggested means of improving coordination of evidence-based prosecution among Law Enforcement, the Attorney General's Office and the courts.

**Probation & Parole** should review their criteria for placing offenders in domestic violence specialized case loads.

**Action Steps/Response** - Reviewing the criteria for domestic violence cases is an ongoing process for Probation & Parole. Managers and Supervisors recently reviewed new domestic violence policies and specific supervision standards were developed for cases designated as First Offender's Program.

**Probation & Parole Domestic Violence Unit** should conduct a minimum of one unannounced urine screen during supervision of dv cases.

**Action Step/Response** – This recommendation was included in the new policy for Domestic Violence and is required as part of the supervision standards for Probation & Parole.

## **System Level Recommendations**

**Domestic Violence Coordinating Council staff should research the feasibility of using Global Positioning Units in domestic violence cases.**

**Action Steps/Response** – In working on this recommendation, the DVCC learned that the Department of Correction, (Probation and Parole) is researching use of GPU technology and will inform the Coordinating Council of their findings.

**The Domestic Violence Coordinating Council should establish an Education Subcommittee.**

**Action Steps/Response** – The Executive Committee of the Domestic Violence Coordinating Council authorized creation of the DVCC Education Subcommittee.

**Recommendation for the Violent Crimes Compensation Board, If the VCCB does not currently do so, it is recommended that they provide funding for counseling services for children of perpetrators in domestic violence homicide cases.**

**Action Steps/Response** - As contained in TITLE 11 Chapter 90 § 9020 of the Delaware Code; (a) The costs of psychological assessment done for the purposes of evaluating the mental health needs of a child victim may be paid from the Victim's Compensation Fund and (b) The costs of short term counseling, as defined by the Board, for the purposes of meeting the mental health needs of a child victim may be paid from the Victim's Compensation Fund.

## **Policy Level Recommendations**

**All Law Enforcement agencies** should, as a part of their standard operating procedures, follow the Memorandum of Understanding (MOU) established among Law Enforcement, The Children's Department, and the Department of Justice.

**Action Steps/Response - New Castle County Police Department** strongly supports the Domestic Violence Fatal Incident Review Team's Recommendations for Law Enforcement and will continue to follow the Memorandum of Understanding (MOU) established among Law Enforcement, the Children's Department, and the Department of Justice (DOJ).

The **Wilmington Police Department Victim Services** Coordinator, Mona Bayard, is serving on the committee working to update the Memorandum of Understanding.

The **Delaware State Police** have and will continue to work within the guidelines established by the Memorandum Of Understanding adopted in 1989 and revised in 1998.

**Law enforcement agencies** should make immediate notification to the Division of Family Services in domestic violence fatality cases where the parties have minor children.

**Action Steps/Response - The Delaware State Police** officers make immediate notification the Division of Family Services in domestic violence fatality cases where the parties have minor children.

It has been the policy of **New Castle County Police Department** to immediately notify the Division of Family Services whenever minor children are involved in Domestic Violence cases, whether minor or fatal in nature.

The **City of Wilmington (Wilmington Police Department)**, as per Directive 6.19 Section I.C4. (2003); Whenever a child is injured or put in danger as a result of a domestic

## **Policy Level Recommendations**

violence complaint, it shall be the responsibility of the officer(s) investigating the complaint to contact the on-call worker at Division of Family Services immediately and advise them of the situation. It shall be documented in the officer(s) report, whether the on-call worker responded and what action was taken.

**The Domestic Violence Coordinating Council should convene an Ad Hoc Group (to include victims) to formulate a protocol for reporting domestic violence offenses by therapists and health care professions.**

**Action Steps/Response** – The DVCC Medical Subcommittee will review and consider this recommendation.

**The Domestic Violence Coordinating Council should develop a pilot project for Domestic Violence Court in Delaware.**

**Action Steps/Response** – The Coordinating Council is actively involved with Family Court in the development of a pilot Domestic Violence Court in Delaware.

## APPENDIX I

Lexstat 13 DEL. C. 2105

**DELAWARE CODE ANNOTATED**  
**Copyright @ 1975-2002 by The State of Delaware**  
**All rights reserved.**

**\*\*\*CURRENT THROUGH DECEMBER 2001\*\*\***  
**\*\*\* (2001 REGULAR SESSION OF THE 141<sup>ST</sup> GENERAL ASSEMBLY)\*\*\***  
**\*\*\*ANNOTATIONS CURRENT THROUGH APRIL 2002\*\*\***

### TITLE 13. DOMESTIC RELATIONS

#### **CHAPTER 21. DOMESTIC VIOLENCE COORDINATING COUNCIL** Go to Code Archive Directory For This Jurisdiction

13 Del. C. § 2105 (2001)

#### **§ 2105. Fatal incident reviews.**

- (a) The Council shall have the power to investigate and review, through a Review Team, the facts and circumstances of all deaths that occur in Delaware as a result of domestic violence. This review shall include both homicides and suicides resulting from domestic violence. The review of deaths involving criminal investigations will be delayed for a least 6 months, and will under no circumstances begin until authorized by the Attorney General's office. Any case involving the death of a minor (any child under the age of 18) related to domestic violence will be reviewed jointly by the appropriate regional Team of the Child Death Review Commission and the domestic violence Fatal Incident Review Team. The death of a minor will only be reviewed by the domestic violence Fatal Incident Review Team where the minor's parents or guardians were involved in an abusive relationship and the minor's death is directly related to that abuse.

(b) There shall be a Fatal Incident Review Team that will be co-chaired by 2 members of the Coordinating Council to be elected by the Council. In addition to the co-chairs, the Review Team shall consist of 6 other core members: the Attorney General or his or her designee, the Director of the Division of Family Services or his or her designee, the chair of the Domestic Violence Task Force or his or her designee, the Chief Judge of the Family Court or his or her designee, the Chief Magistrate of the Justice of the Peace Courts or his or her designee and a law enforcement officer to be appointed by the Delaware Chiefs of Police Council. All members of the Review Team, plus other individuals invited to participate, shall be considered part of the Review Team for a particular case or incident. The Review Team shall invite other law enforcement personnel to serve and participate as full members of a Review Team in any case in which a law enforcement agency has investigated the death under review or any prior domestic violence incident involving the decedent. The Review Team may also invite other relevant persons to serve on an ad-hoc basis and participate as full members of the Review Team for a particular review. Such persons may include, but are not limited to, individuals with particular expertise that would be helpful to the Review Team, representatives from those organizations or agencies that had contact with or provided services to the individual prior to his or her death, that individual's abusive partner or family member and/or the alleged perpetrator of the death.

(c) A Review Team shall be convened by the co-chairs of the Review Team on an as-needed basis and may also be convened by any 2 other members of the Review Team.

(d) As part of any review, a Review Team shall have the power and authority to administer oaths and to compel the attendance of witnesses whose testimony is related to the death under review and the production of records related to the death under review by filing a praecipe for a subpoena, through the office of the Attorney General, with the Prothonotary of any County of this State. Such a subpoena will be effective throughout the State and service of such subpoena will be made by any sheriff. Failure to obey such a subpoena will be punishable according to the Rules of the Superior Court.

(e) Each Review Team shall prepare a report, to be maintained by the Review Team, including a description of the incident reviewed, and the findings and recommendations of the Review Team.

(f) Findings and recommendations by the Team shall be adopted only upon a 60 percent vote of participating members of the Review Team.

(g) The Review Team shall establish rules and procedures to govern each review prior to the first review to be conducted. The Review Team shall issue an annual report to the Domestic Violence Coordinating Council summarizing in an aggregate fashion all findings and recommendations made over the year by each Review Team and describing any systemic changes that were effectuated as a result of the Teams’ work. The report shall not identify the specific case or case review that led to such findings and recommendations.

(h) The review process, and any records created therein, shall be exempt from the provisions of the Freedom of Information Act in Chapter 100 of Title 29. The records of any such review, including all original documents and documents produced in the review process with regard to the facts and circumstances of each death, shall be confidential, shall be used by the Coordinating Council only in the exercise of its proper function and shall not be disclosed. The records and proceedings shall not be available through court subpoena and shall not be subject to discovery. No person who participated in the review nor any member of the Domestic Violence Coordinating Council shall be required to make any statement as to what transpired during the review or information collected during the review. Statistical data and recommendations based on the reviews, however, may be released by the Coordinating Council at its discretion.

(i) Members of the Domestic Violence Coordinating Council, members of the Review Team and members of each Review Team, as well as their agents or employees, shall be immune from claims and shall not be subject to any suits, liability, damages or any other recourse, civil or criminal, arising from any act, proceeding, decision or determination undertaken or performed or recommendation made, provided such persons acted in good faith and without malice in carrying out their responsibilities; good faith is presumed until proven otherwise, with the complainant bearing the burden of proving malice or a lack of good faith. No organization, institution or person furnishing information, data, testimony, reports or records to the Review Teams or the Coordinating Council as part of such an investigation shall, by reason of furnishing such information, be liable in damages or subject to any other recourse, civil or criminal. (*70 Del. Laws, c. 409, § 1.*)

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## **APPENDIX II**

**CONFIDENTIALITY AGREEMENT**  
**FOR DELAWARE'S**  
**DOMESTIC VIOLENCE FATAL INCIDENT REVIEW TEAM**

The purpose of the domestic violence fatality review process is to conduct a complete assessment of domestic violence fatal incidents. In order to assure an assessment that fully addresses all systemic concerns surrounding domestic violence fatality cases, Team members must have access to all existing records on the victim and/or perpetrator. These records include public health records, court documents, law enforcement records, mental health records, hospital or medical related data, and any other information that may have a bearing on the involved victim or perpetrator. The confidentiality of specific case information is required by statute. With the purpose of this review in mind, we the undersigned agree that all information secured in this review will remain confidential and will not be used for purposes outside the purview of the review process.

**Parties to Team Review #** \_\_\_\_\_

**Date(s) of Review** \_\_\_\_\_

\_\_\_\_\_  
**Name (Please Print)**

\_\_\_\_\_  
**Agency**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**