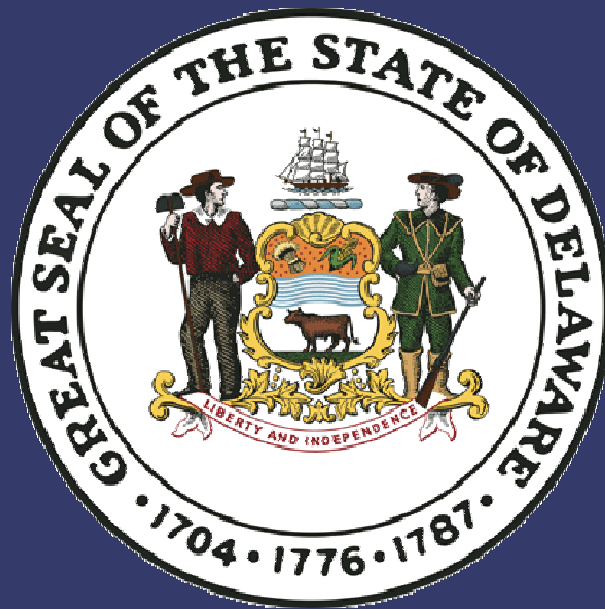


DOMESTIC VIOLENCE
COORDINATING COUNCIL



2009

ANNUAL REPORT

and

FATAL INCIDENT REVIEW TEAM
REPORT

Domestic Violence Coordinating Council

2009 Annual Report

and

Fatal Incident Review Team Annual Report

To:

Honorable Jack A. Markell
Governor, State of Delaware

Honorable Myron T. Steele
Chief Justice
Supreme Court
State of Delaware



**DELAWARE
FATAL INCIDENT
REVIEW TEAM
REPORT
2009**

The History of the Purple Ribbon

The Battered Women's Movement twenty-two years ago designated the Purple Ribbon as the emblem that represents countless lives lost to domestic violence. The explanations of why the Movement chose this color and when the formal use of the ribbon became widespread are various. However, one narration, believed by many, is as follows:

“There was a woman from the Midwest in the 1980's, who had left her abusive relationship and had worked her way to being a director of the battered women's program in her community. Her batterer was in jail, but he had been released on a temporary furlough. During his release, he crossed state lines and found her and killed her in her home. The woman's name was Lisa Bianco, and she was loved and sorely missed by those who knew her. Her friends and family wanted to remember the life of this beloved woman and chose to wear her favorite color in her honor - the color purple.”

This tragic and unfortunate incident led to the Purple Ribbon's unofficial use by domestic violence advocates before any awareness campaign ever existed.

From small beginnings are borne great fruits, and this is very much the case with the Purple Ribbon. At the beginning, scant numbers of communities used the Purple Ribbon to support the victims of domestic violence and their families. Today its widespread use has propelled the visibility of the movement to end domestic violence - regardless of age, gender identity, religion, race, ethnicity, nationality, income, or education.

Importantly, it shattered the silence about domestic violence, family violence, and violence in society. The message that the Ribbon puts into words is that domestic violence should be and must be stamped out of our global culture. Its presence in homes, churches, schools, workplaces and communities helps empower the message behind the Ribbon. In speaking for victims, survivors, and families, the Purple Ribbon ultimately represents the undying commitment of many women and men not to let those deaths and abuses continue. ¹

¹ Mountain Times, “October is Domestic Violence Awareness Month” October 2004

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Introduction

Domestic violence continues to be a devastating problem and deaths resulting from this crime are the ultimate acts of abuse. In 2008, the Domestic Violence Coordinating Council (DVCC) identified 16 domestic violence fatal incident cases, resulting in 16 deaths. In some of these cases the victims had taken steps to protect themselves and/or their families from their abusive partner. Despite their efforts, some victims and/or the people they loved died from the hands of the abusive partner.

The Domestic Violence Coordinating Council's Fatal Incident Review Team's purpose is to review domestic violence fatalities, once prosecution has been completed, in order to reduce domestic violence deaths in the future.

The Review Team members are dedicated professionals who conduct system audits of State agencies and private organizations that had contact with the deceased victim and/or the alleged perpetrator to assess the system's response. Other relevant persons are invited to serve on an ad hoc basis and participate as full members of the Team when it is determined that they possess pertinent information in a particular case. Ad hoc members can include, but are not limited to, private attorneys, public defenders, probation and parole, therapists, victim service workers, caseworkers, and representatives from other relevant agencies.

Team members (or their designee) are responsible for providing information documented by their agency or discipline which is specific to the case under review. Team 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.

Although the domestic violence fatality reviews are retrospective in nature, their purpose is prospective. Reviews focus on identifying trends, patterns and obstacles in services, assessing agency interventions, and, most importantly, developing practical recommendations aimed at improving the system and preventing future injury and death.



Review Team Members & Participants

Co-Chairs

Honorable Vincent J. Poppiti, Domestic Violence Coordinating Council

Dana Harrington Conner, Domestic Violence Coordinating Council

Members and Participants

Honorable Joseph R. Biden, III, Attorney General

Vivian Rapposelli, Secretary, Dept. of Services for Children, Youth and Their Families

Honorable Chandlee Johnson Kuhn, Chief Judge Family Court

Lillian Lowery, Secretary of the Department of Education

Honorable Alan Davis, Chief Magistrate Justice of the Peace Courts

Cindy Mercer, Victim Advocate Appointed by the DVCC

Rita M. Landgraf, Director of the Division of Substance Abuse and Mental Health

Chief Michael Capriglione, Delaware Police Chiefs' Council

Maria Knoll, Attorney General's Office

Leann Summa, Family Court

Perry Allfather, Probation and Parole/Dept. of Correction

Alan Grinstead, Department of Correction

Sgt. Randy Fisher, Delaware State Police

Sgt. Patricia Davies, New Castle County Police

Det. Anthony Harris, Wilmington Police Department

Linda Shannon, Division of Family Services

Anna Lewis, Justice of the Peace Courts

Lynda Lord, Division of Health and Social Services

Debbie Reed, Delaware State Police, Victim Services

Kathy Goldsmith, Department of Education

Laura Giles, Domestic Violence Coordinating Council



Review Team Process

In an attempt to ensure that no domestic violence fatality escapes review, the Fatal Incident Review Team has adapted the following broad definition of domestic violence, which is similar to the definition used by the Department of Justice.

Domestic Violence is any abusive act between family members, husband and wife, ex-husband and wife, intimate cohabitants, former intimate cohabitants, dating couples, and former dating couples. Abusive acts include physical, sexual, and emotional abuse, threats of abuse, and destruction of property. Domestic violence shall also include abusive acts in which an individual who has a relationship with the domestic violence victim is killed as a result of the offender's actions. The offender and victim in a domestic violence case may be of the same sex. The death of a minor will only be reviewed where the minor's parents or guardians were involved in an abusive relationship and the minor's death is directly related to that abuse.

The Review Team meets monthly; however, no case may be reviewed until prosecution is completed in criminal cases and authorized by the Attorney General's Office. During a review, each team member completes a data sheet providing information regarding his/her agency's contact with the victim and/or perpetrator. Prior to the review, members also provide any documents maintained by their agency concerning a particular case to staff. Staff then reviews all documents and provides the team with a time line of events. In addition, staff provides copies of each participating agency's documents which are available one hour prior to the meeting for review by panel members. Files are confidential and therefore cannot be distributed.

Legislation mandates confidentiality requirements in the review process and any records created therein are exempt from the provision of the Freedom of Information Act. Therefore, all records of the reviews are confidential and are maintained in the DVCC office and may only be used by the Domestic Violence Coordinating Council in the exercise of its proper function.



Domestic Violence Fatal Incident Cases

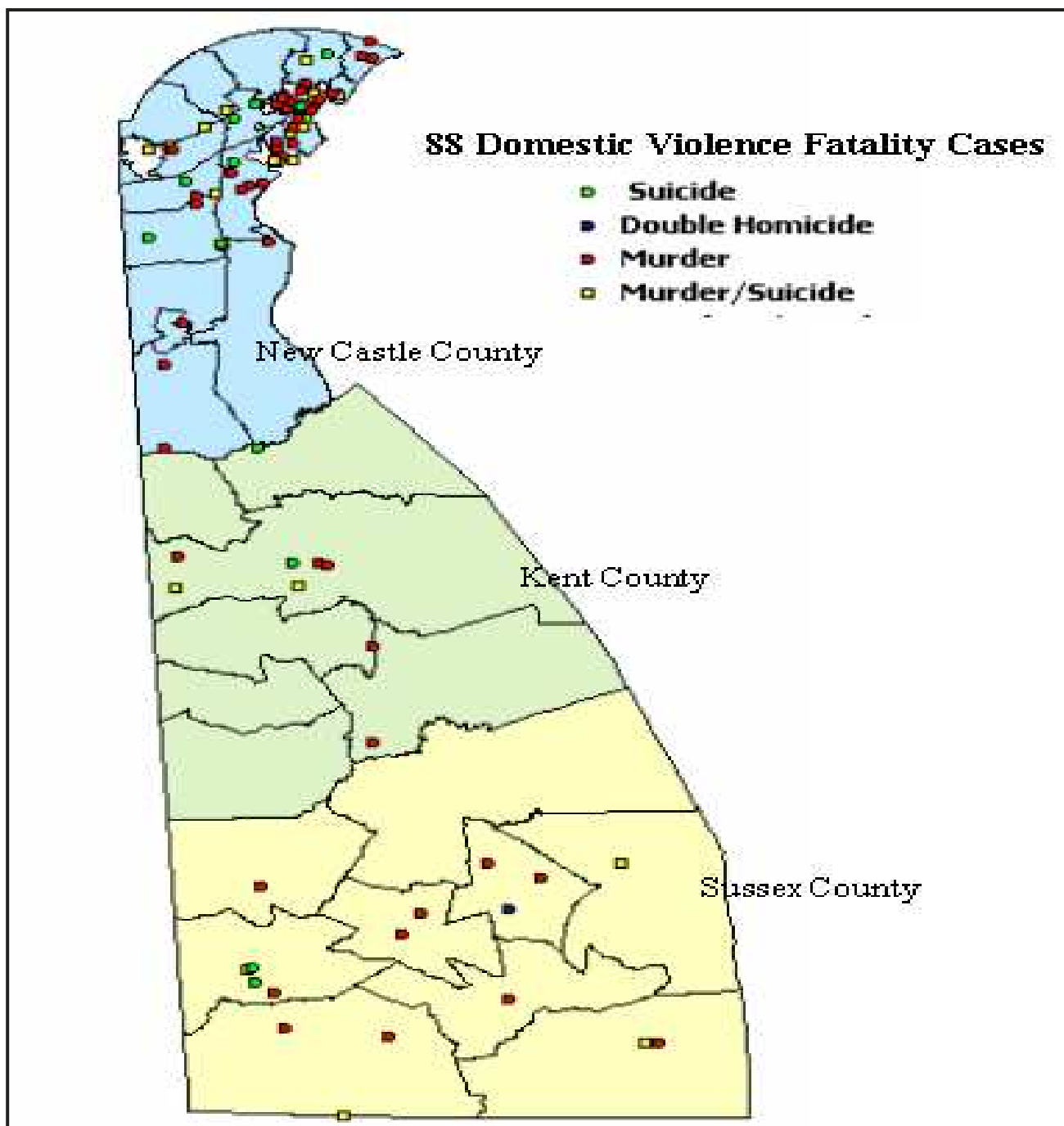
The information contained in this report represents cumulative data collected from 88 case reviews, which occurred over a period of 12 years. The fatality cases contained in this report occurred between 1996 and 2008. However, since cases cannot be reviewed until prosecution is completed, not all of the cases that occurred between 1996 and 2008 appear in this report (13 Del. C. Section § 2105).

88 Domestic Violence Fatal Incident Cases Resulting In 111 Deaths

Homicide Victims	Perpetrator Suicides Following Homicide	Suicides	Undetermined Victim Deaths
77	19	14	1



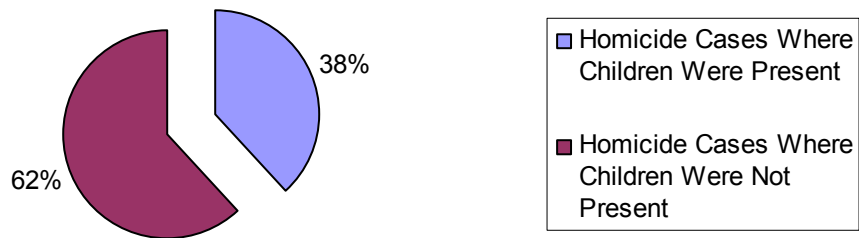
Location of the 88 DV Fatality Cases





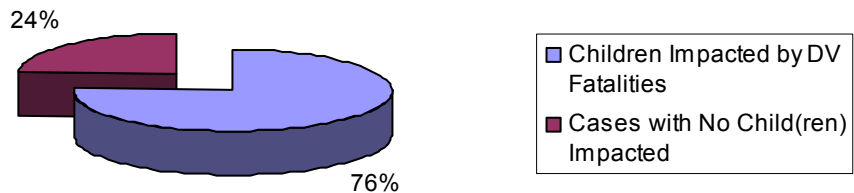
Impact of Domestic Violence on Children

Children Present During DV Fatalities



Children were present in 33 or 38% of the 88 cases reviewed in this report. This represents a total of 50 children present when the fatality occurred.

Children Impacted by DV Fatalities

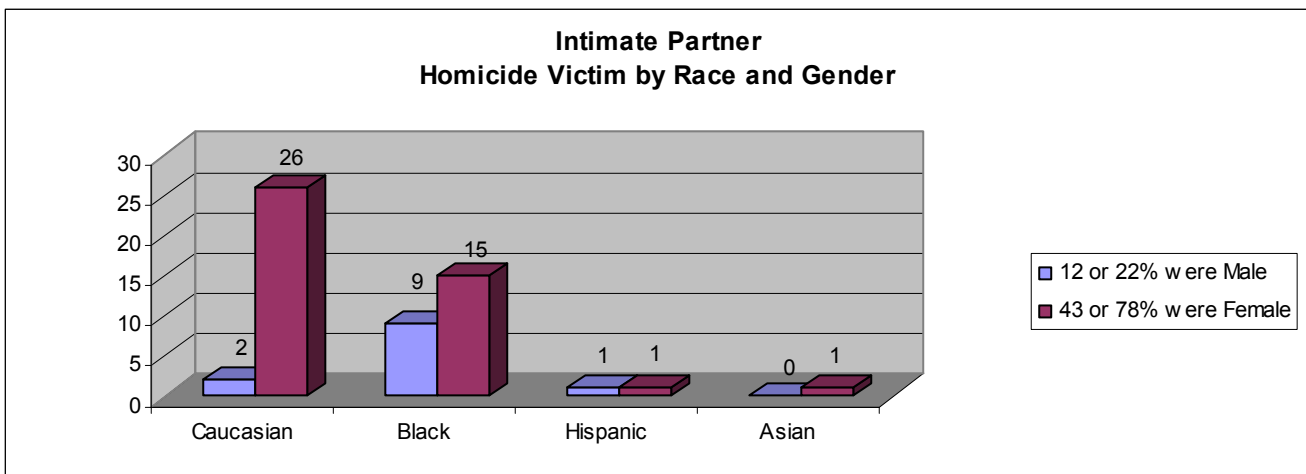


Children were impacted in 67 or 76% of the 88 cases reviewed in this report. This represents a total of 89 children who lost a parent(s) due to domestic violence.



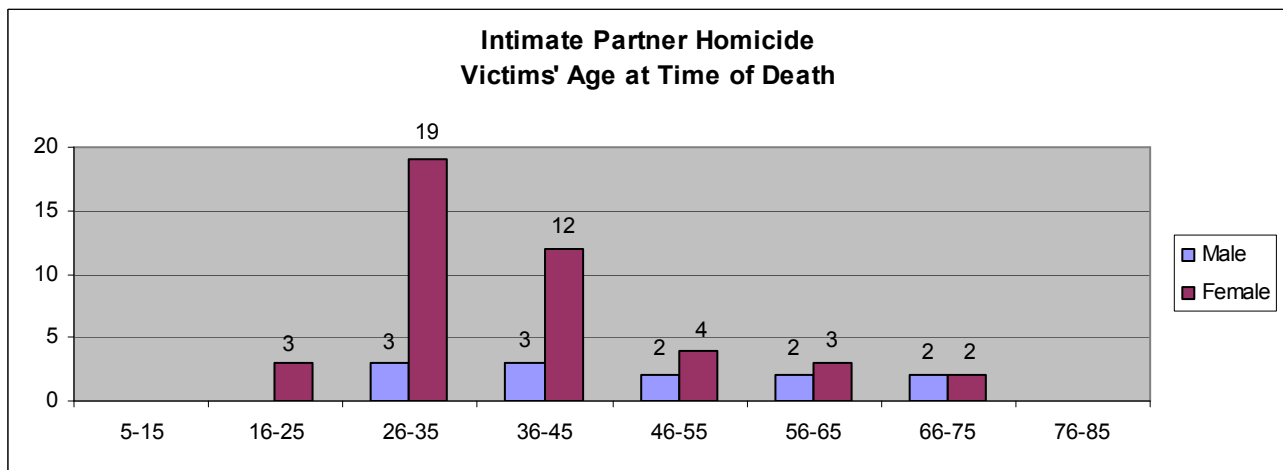
Intimate Partner Data

The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples. Intimate partners may be the same gender.



Of the 77 homicide deaths included in this report, 55 were the result of “Intimate Partner” homicide.

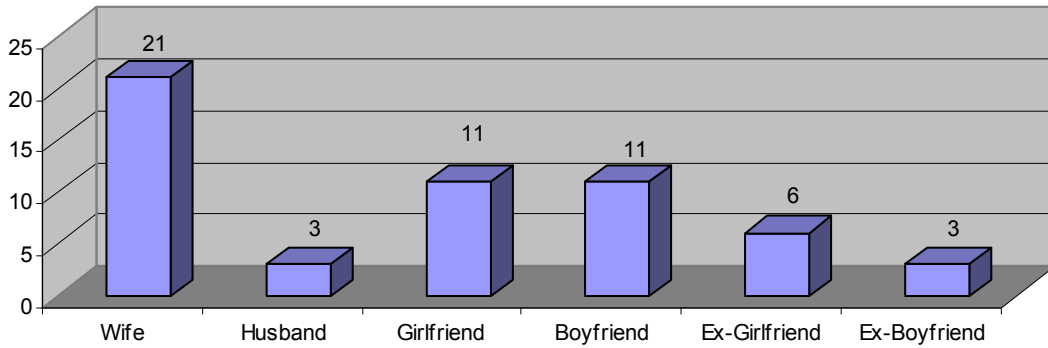
Of those 55 deaths, 43 or 78% of the victims were female and 12 or 22% of the victims were male.



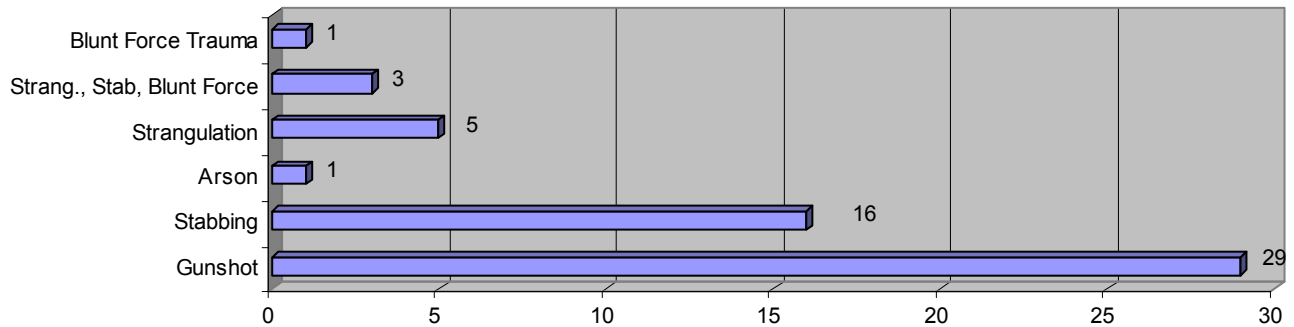


Intimate Partner Data

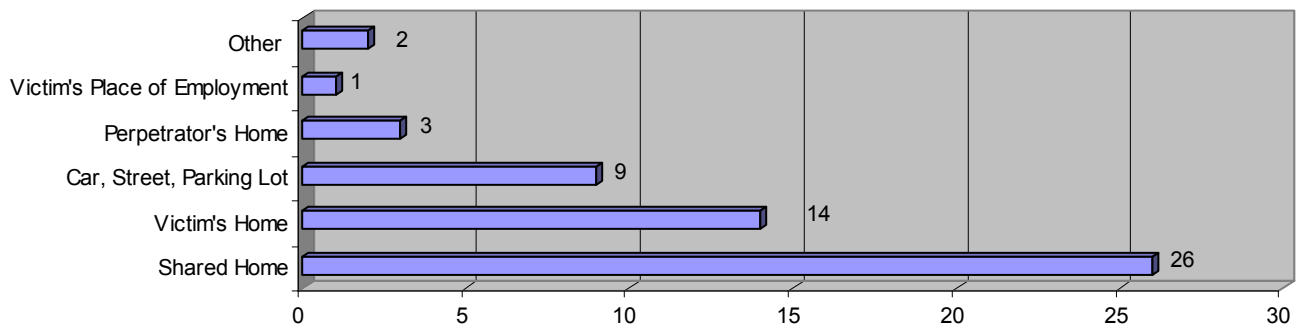
Intimate Partner Homicide Victims



Intimate Partner - Cause of Death (From One or Multiple Causes)



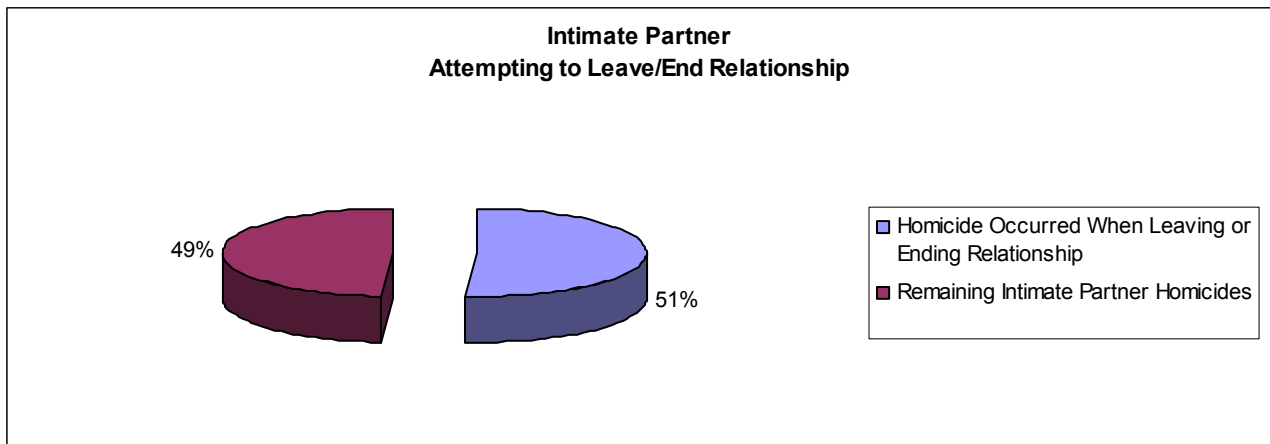
Intimate Partner - Location of Death



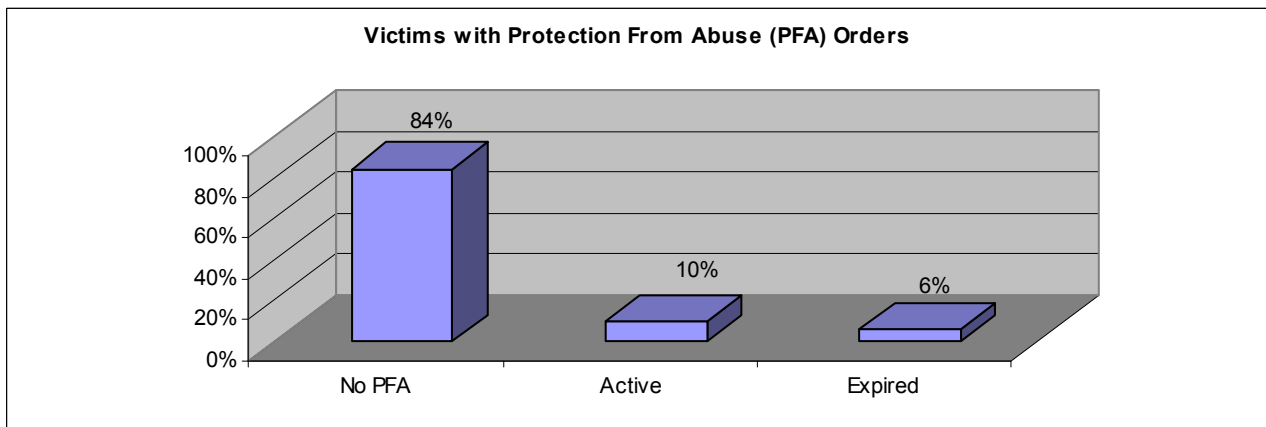


Intimate Partner Data

Of the 55 “Intimate Partner” homicides, 28 or 51% of the homicides occurred when the victim attempted to leave or had ended the relationship with the perpetrator.



Of the 88 cases in this report, 74 or 84% of the victims did not have a Protection From Abuse Order.

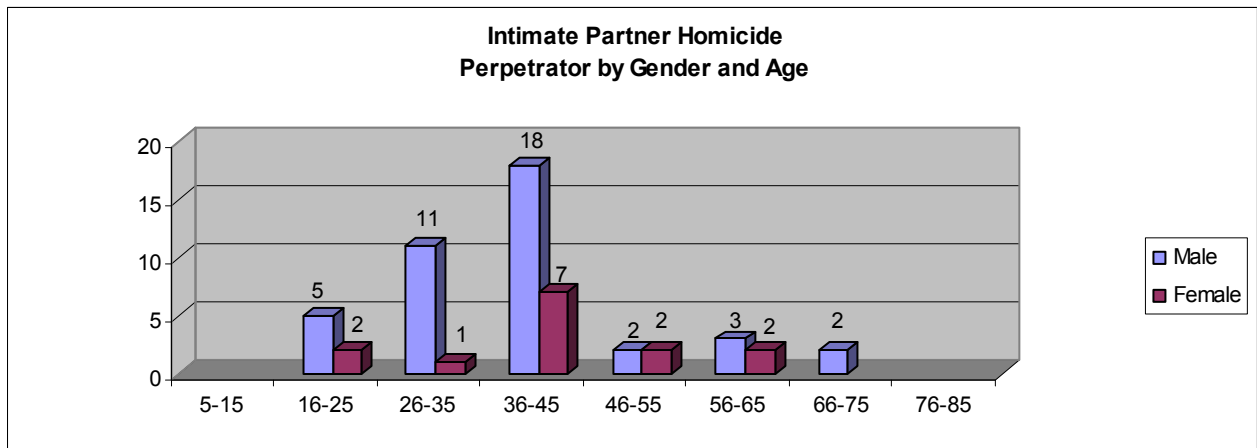




Intimate Partner Data

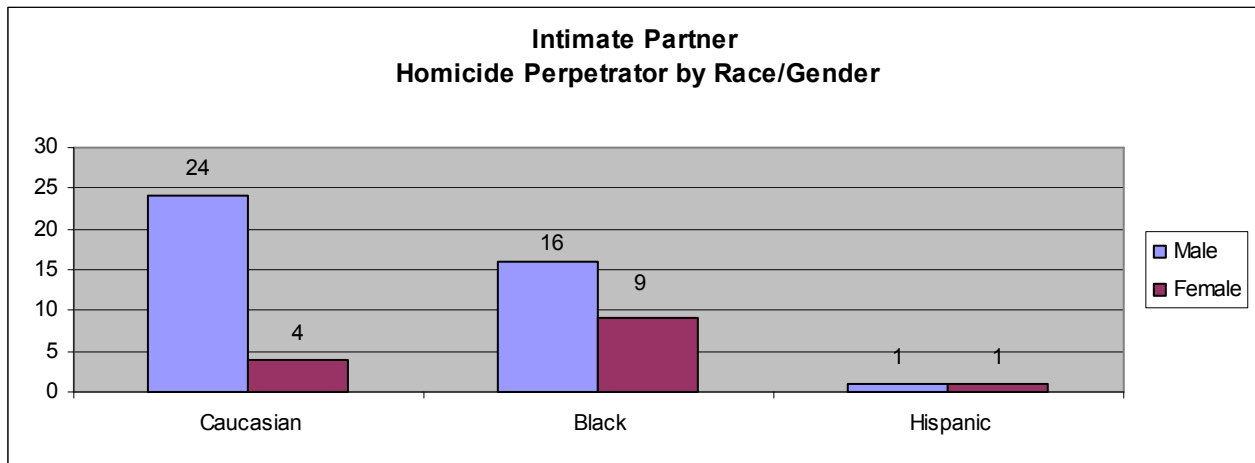
Of the 55 “Intimate Partner” homicide perpetrators,
41 were male.

Of those 41,
18 or 33% were between 36-45 years of age.



There are 55 “Intimate Partner” homicides in this report.

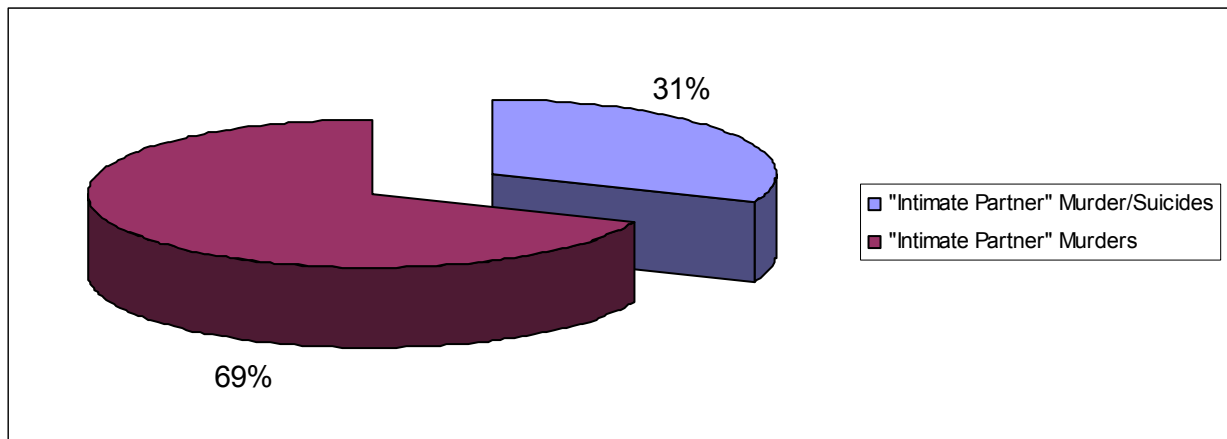
Of those, 41 or 75% of the perpetrators were male and
14 or 25% of the perpetrators were female.



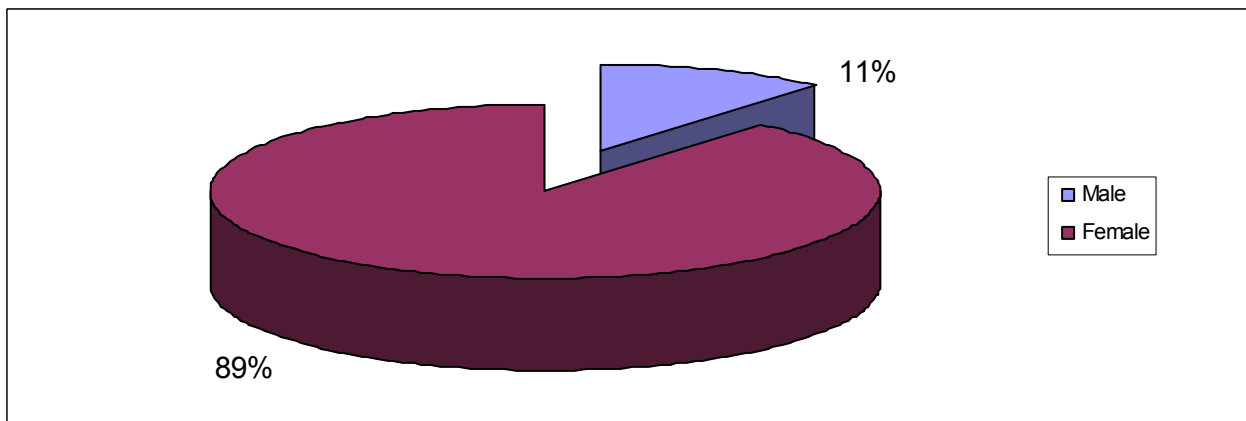


Intimate Partner Data

The term "Murder/Suicide" are those cases where the perpetrator murdered the victim and then committed suicide.



Of the 55 "Intimate Partner" fatalities, 17 or 31% resulted from murder/suicide.

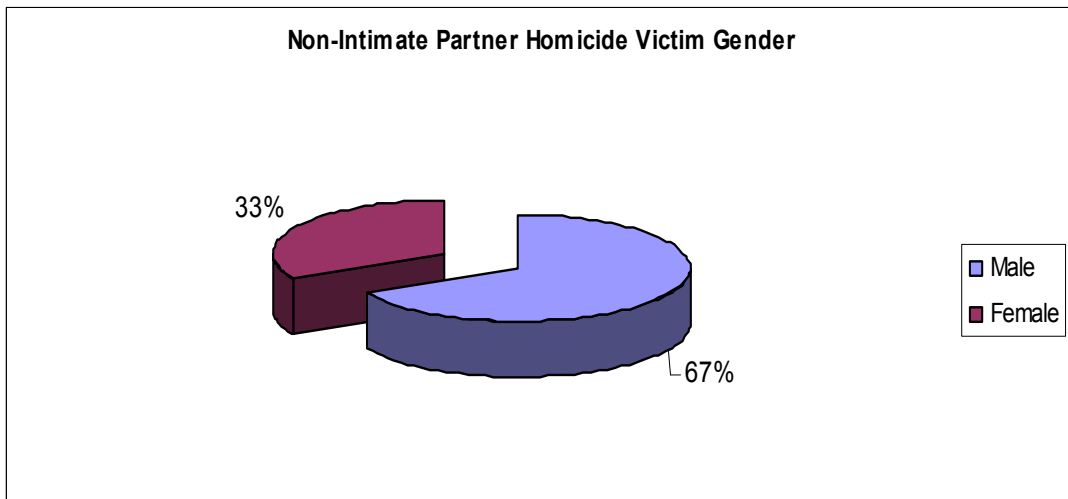


There were 19 murder/suicide cases. Of those, 17 or 89% of the perpetrators were male and 2 or 11% were female.

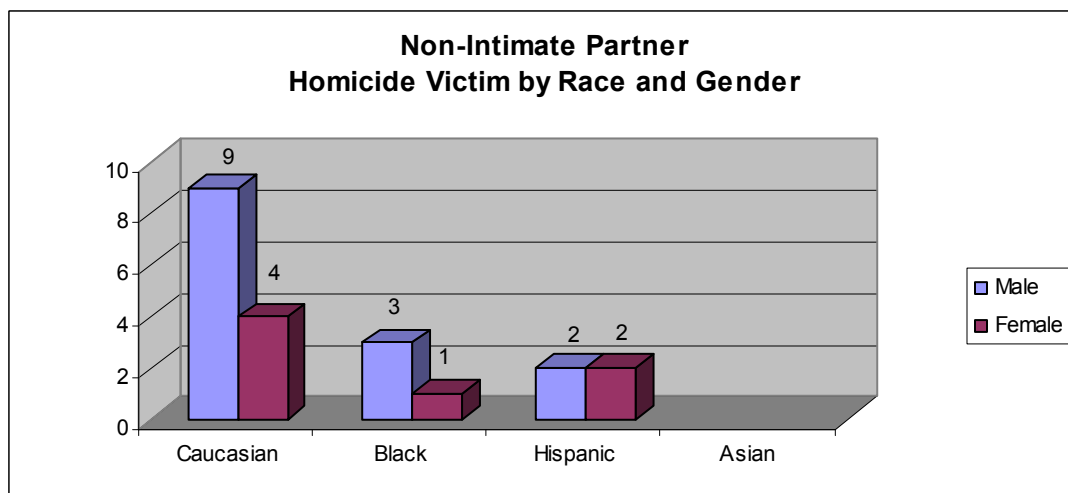


Non-Intimate Partner Data

A “Non-Intimate Partner” is an individual not included as an intimate partner; such as parent/child, brother/sister.

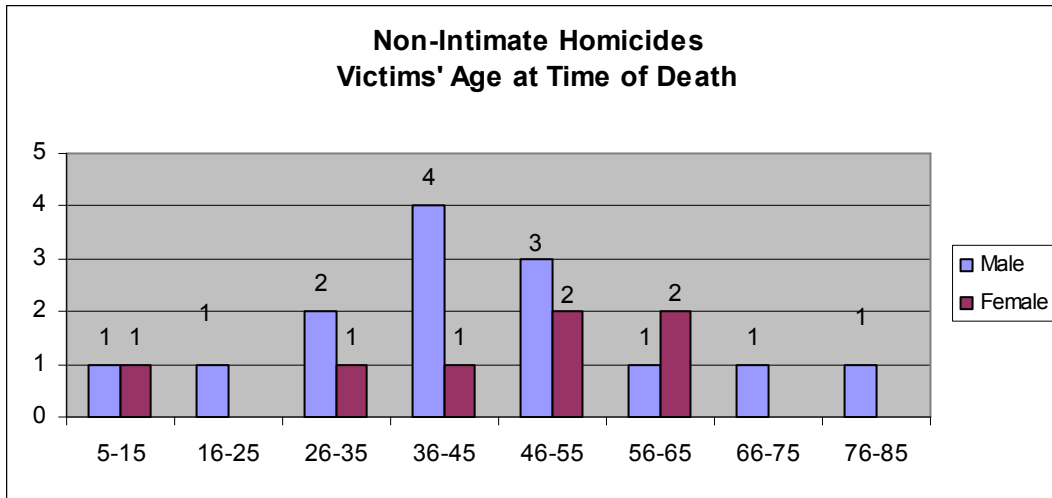


Of the 77 homicides,
21 were “Non-Intimate Partner” homicides.





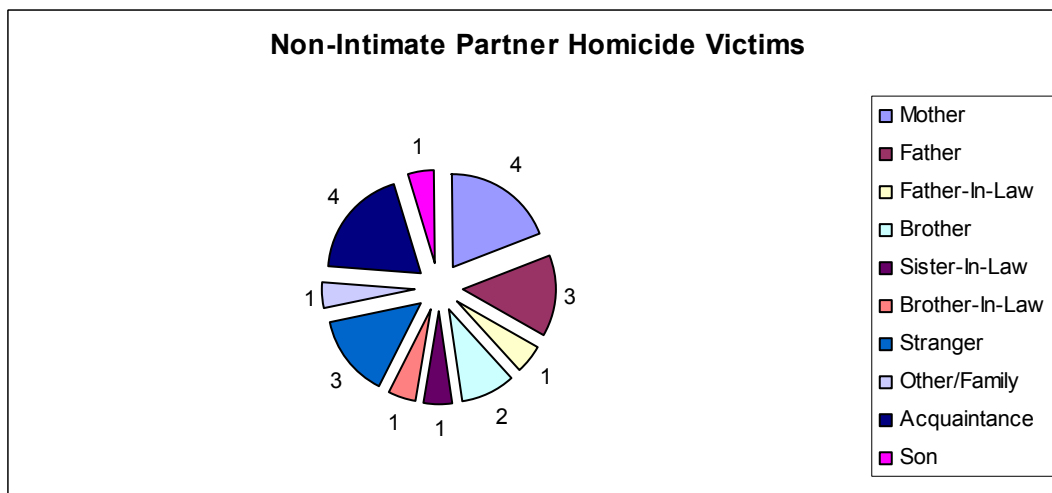
Non-Intimate Partner Data



Of the 21 “Non-Intimate Partner” homicides, 7 victims were female.

Of the 7 female victims,
2 or 29% were between 46-55 years of age.

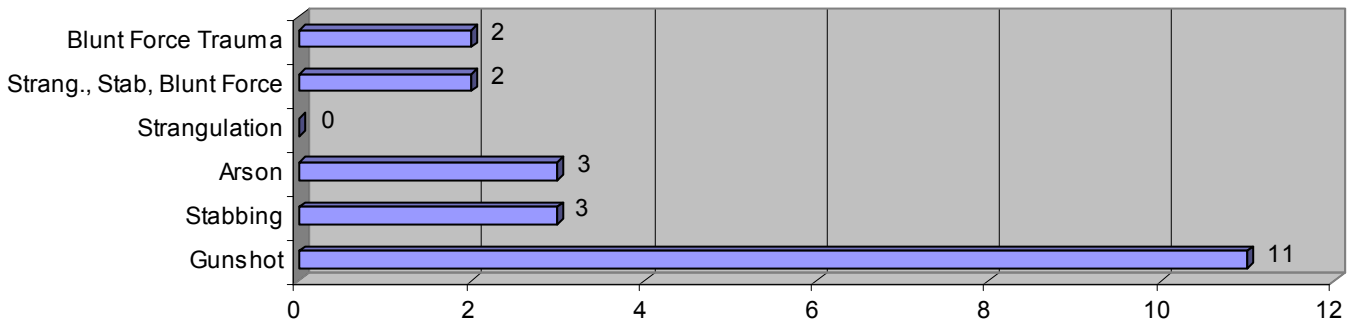
Of the 21 “Non-Intimate Partner” homicides,
4 or 19% were mothers who were murdered by their sons.





Non-Intimate Partner Data

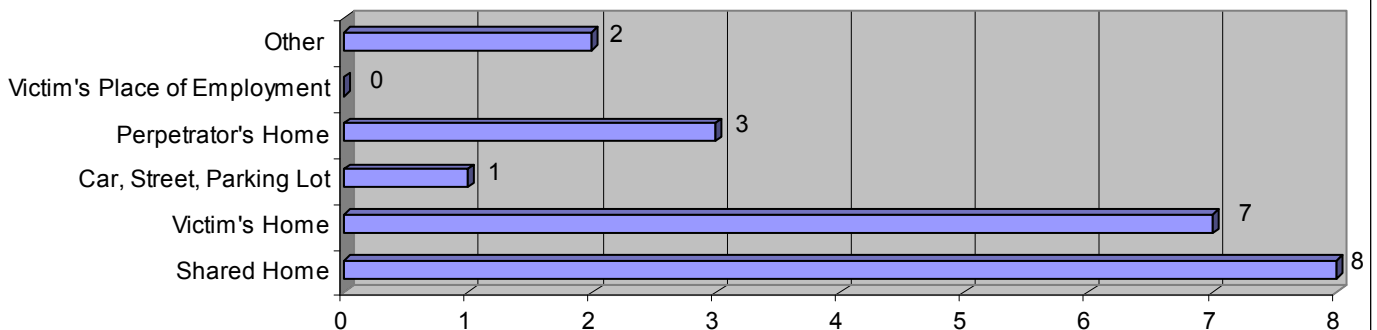
**Non-Intimate Partner - Cause of Death
(From One or Multiple Causes)**



Of the 21 “Non-intimate Partner homicides,
11 or 52% were killed by a gunshot.

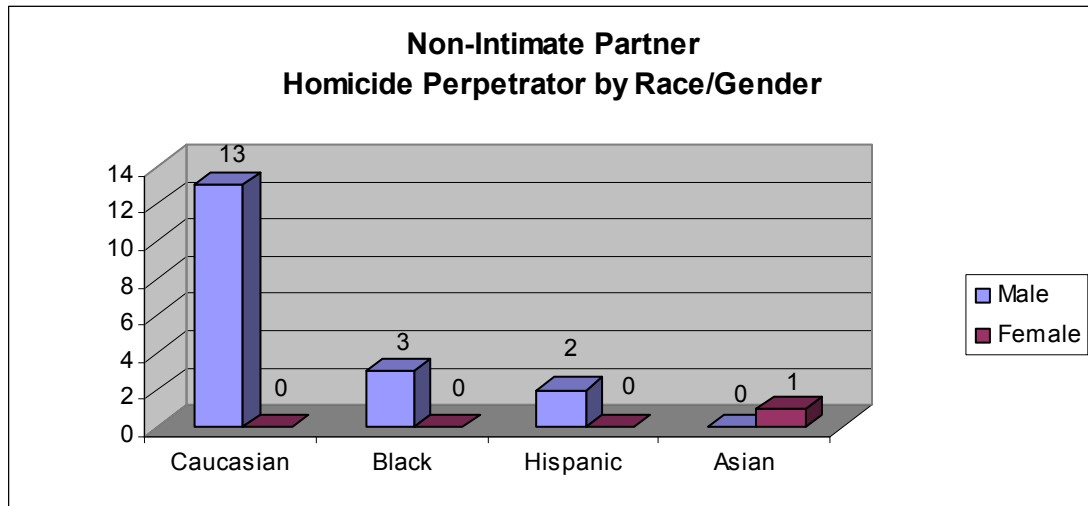
Of those 21 deaths,
8 or 33% occurred in the victim’s home.

Non-Intimate Partner - Location of Death



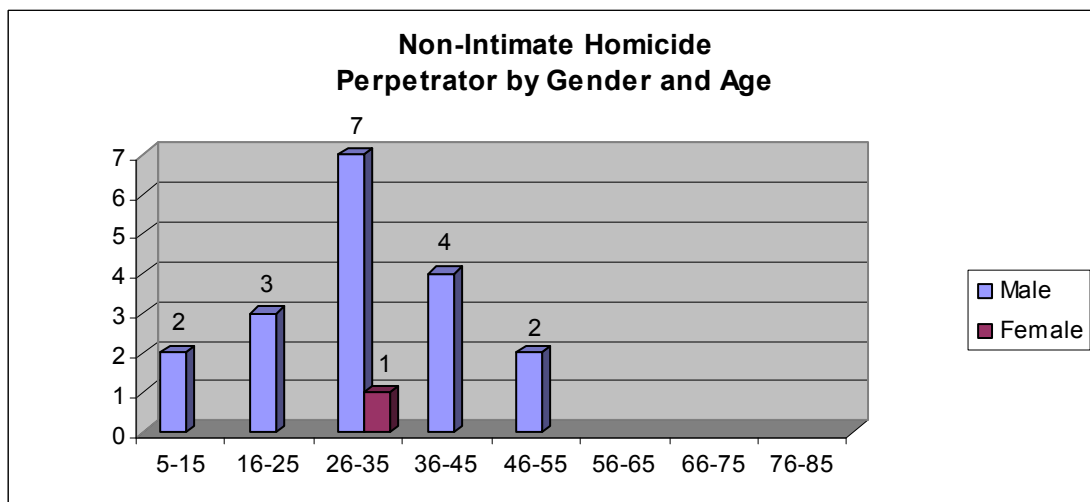


Non-Intimate Partner Data



There are 21 “Non-Intimate” Partner homicides in this report.
There were 19 perpetrators responsible for these deaths
and 18 were male.

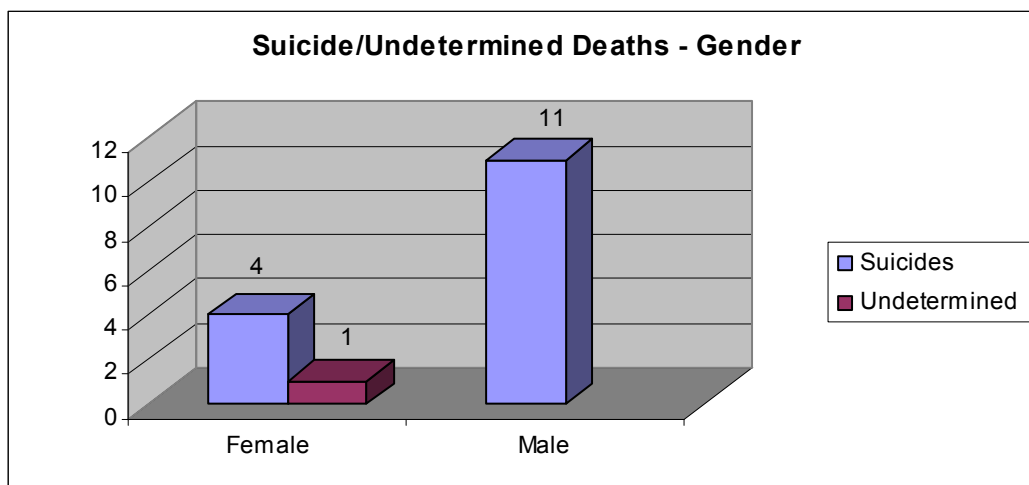
Of the 18 male perpetrators,
7 or 39% were between 26-35 years of age.



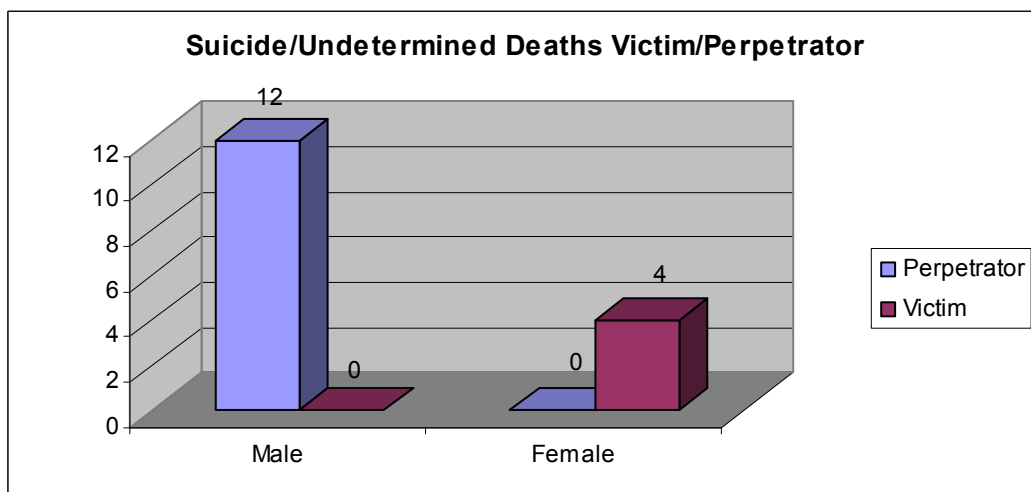


Domestic Violence Related Suicides/Undetermined Deaths

The term “Domestic Violence Suicide” are victims or perpetrators who have taken their own lives and who have had a significant history of abuse by/towards their loved one.

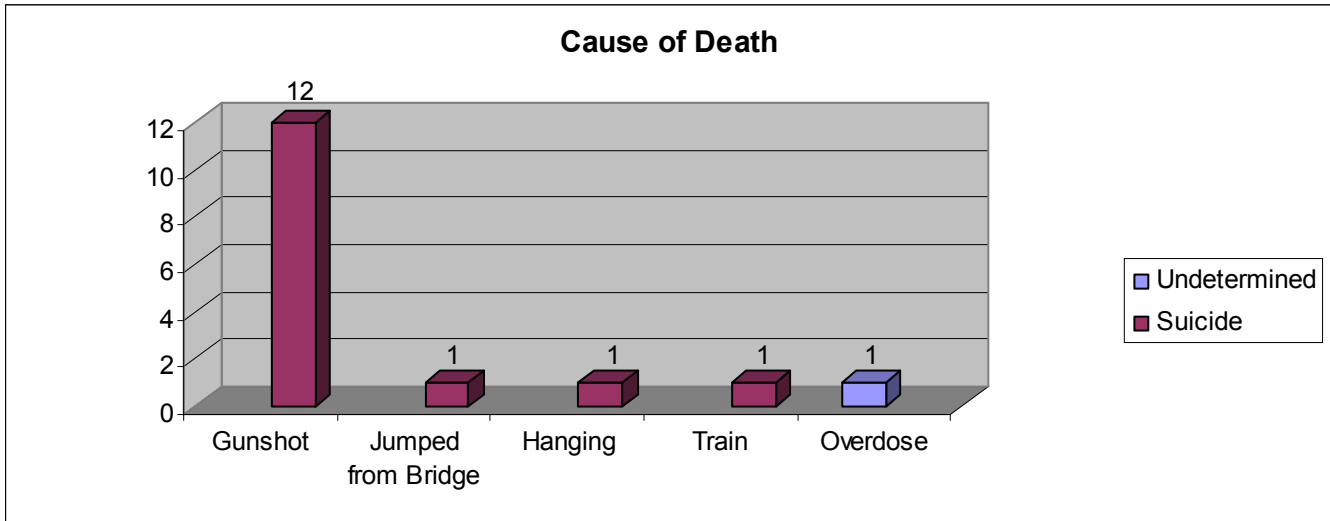


There were 15 related DV Suicides and 1 Undetermined cause of death.



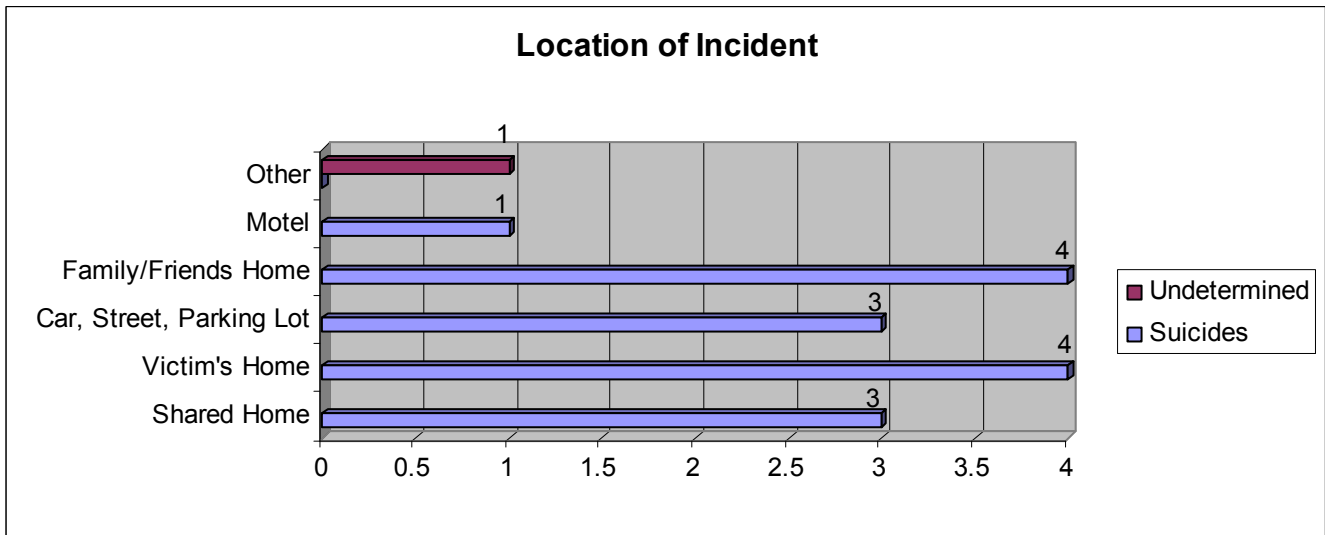


Domestic Violence Related Suicides/Undetermined Deaths



Of the 16 domestic violence related suicides/undetermined deaths, 12 or 75% of the deaths were a result of a firearm.

4 or 25% of the victims committed suicide in a family/friend's home.





2008 Responses to Recommendations for Improving System Response

The ultimate purpose for reviewing domestic violence fatalities is to reduce the incidence of such deaths. At the end of each case review, following the presentation of information, team members are asked if they have any recommendations for improving the system response to domestic violence.

The 2008 FIRT Recommendations were sent to relevant agencies and organizations throughout the State. The Responses to those Recommendations are listed below in **BOLD**.

The Domestic Violence Coordinating Council is extremely grateful to the participating agencies for their commitment towards the mission to improve the system's response to domestic violence. We are fortunate to have the high level of co-operation demonstrated by the agencies' response to the Fatal Incident Review Team's recommendations.

Courts

Recommendation:

Family Court should order an assessment/counseling in cases where there is evidence of physical/sexual abuse.

Family Court Response:

In matters of child custody, Family Court follows the provisions of the Child Protection from Sex Offenders Act and the Child Protection from Domestic Violence Act found in Chapter 7A of Title 13.

Recommendation:

A Family Court Judge shall be assigned to all custody and guardianship matters involving a child(ren) following a DV homicide when one parent is a suspect in the homicide of a parent.

Family Court Response:

The Family Court will assign all such cases to a Family Court Judge.



2008 Responses to Recommendations for Improving System Response

Law Enforcement

Recommendation:

All Law Enforcement agencies in Delaware should require officers to sign warrants in domestic violence cases, whether the defendant is present or has fled the scene, if a violent act has been committed or threatened.

Delaware State Police Response: According to the policy of the Delaware State Police, officers are encouraged to sign warrants in misdemeanor domestic violence cases. It is the practice of the Delaware State Police that all officers sign warrants in misdemeanor domestic violence cases. An addition will be made to the current policy in the Delaware State Police Divisional Manual in 2009. The police will require investigating officers to sign all misdemeanor domestic violence warrants. It is already the policy of the Delaware State Police for investigating officers to sign domestic violence felony warrants.

New Castle County Police Response:

Mandating officers to sign warrants in all misdemeanor domestic violence cases would have a devastating effect on this department's ability to provide prompt, quality service to the citizens we serve. In 2008 alone, New Castle County Police handled 10,592 domestic cases. This number reflects 7,370 criminal cases and the 3,222 non-criminal domestic cases that we investigated. The New Castle County Police has a strict domestic violence policy that recognizes the need for enforcement intervention when the victim is unwilling, reluctant, or unable to pursue the matter themselves. We stand by our police and are proud of the services we provide to victims of domestic violence. The time involved to sign all domestic related misdemeanor warrants would have each officer spending more time in the court systems and not servicing the numerous complaints on the streets. We are adamantly opposed to any policy that would mandate officers to sign warrants in all misdemeanor domestic violence cases.



2008 Responses to Recommendations for Improving System Response

Law Enforcement—Continued

Wilmington Police Response:

The Wilmington Police Department is presently looking into the issue of requiring our officers to sign warrants for misdemeanor related warrants, this will be reviewed by our Policy Board and the City Solicitor's Office. If agreed upon, it will be placed within Directive 6.19 of our Police Officer's Manual.

Dover Police Response:

The Dover Police Department requires by policy that officers obtain warrants in a domestic violence complaint for a subject even if they are not present if the facts would have led the officer to arrest the defendant for the offense.

Recommendation:

Law Enforcement shall make a referral to DFS when there is a domestic violence homicide and either the perpetrator or the victim has children.

Delaware State Police Response:

The Delaware State Police makes immediate notification to the Division of Family Services in domestic violence fatality cases where the parties have children. The Delaware State Police will continue to work within the guidelines established in the Memorandum of Understanding between the Department of Services for Children, Youth, and Their Families, Delaware Police Departments, and the Department of Justice. The original MOU was established in 1989 and revised in 1998. The MOU is currently under revision.

Dover Police Response:

The Dover Police Department requires by policy; whenever there is a Domestic Violence Homicide, and either the Victim or the Perpetrator has children in the household, Law Enforcement shall immediately notify DFS as well as Victim Services. Victim Services will then follow up with DFS and ensure that the child receives a clinical assessment through the DFS system.



2008 Responses to Recommendations for Improving System Response

Law Enforcement—Continued

New Castle County Police Response:

New Castle County Police currently notifies Division of Family Services regarding domestic violence homicides. As a matter of policy and procedure, the investigating officer or detective will notify DFS. In many cases, it is the case worker from our Victim Services Program that will make notification to DFS and stay in contact with the case worker that is assigned to that particular investigation.

Wilmington Police Response:

The Wilmington Dept. of Police presently makes notifications to DFS when a Domestic Related Homicide occurs. We also encourage our officers to sign misdemeanor warrants in domestic related incidents. Regarding the presence of children at a Domestic Related Homicide, our Department refers the children to our CDCP program as well as placing a referral to DFS.

Victim Services

Recommendation:

When a referral is made by Law Enforcement to Victim Services following a domestic violence homicide and either the perpetrator or the victim has children, Victim Services shall make a referral to DFS for a clinical assessment of the child.

Delaware Victim Services Response:

Victim Services will continue to make immediate notification to the Division of Family Services in domestic violence fatality cases where the parties have minor children unless the investigating officer has already done so.



2008 Responses to Recommendations for Improving System Response

Victim Services—Continued

New Castle County Victim Services Response:

New Castle County Police Victim Services is notified of all homicide cases that involve children and the dynamics of the family structure. Victim Services routinely will contact DFS with information regarding the children that were contacted or identified through the investigation. Victim Services will provide the basic services needed to the child and the families involved, however, DFS will establish if a clinical assessment of the child is needed. It is a joint effort made by the Victim Services advocate and DFS to ensure the child's needs are obtained.

Wilmington Victim Services Response:

The Wilmington Dept. of Police presently makes notifications to DFS when a Domestic Related Homicide occurs. We also encourage our officers to sign misdemeanor warrants in domestic related incidents. Regarding the presence of children at a Domestic Related Homicide, our Department refers the children to our CDCP program as well as placing a referral to DFS.

Dover Police Victim Services Response:

The Dover Police Department requires by policy; whenever there is a Domestic Violence Homicide, and either the Victim or the Perpetrator has children in the household, Law Enforcement shall immediately notify DFS as well as Victim Services. Victim Services will then follow up with DFS and ensure that the child receives a clinical assessment through the DFS system.



2008 Responses to Recommendations for Improving System Response

Department of Justice

Recommendation:

The Attorney General's Office should attend VOP hearings where a felony DV offender is charged with violating their probation.

Department of Justice Response:

Department of Justice notes that the recommendations is ambiguous. It could mean, (1) Attend Probation Hearings when a defendant has new felony DV charges and is on probation in one of the courts for something else; Or, (2) Attend probation hearings in Superior Court when the underlying conviction is for felony DV; Or, (3) Attend probation hearings wherever when the offender has a felony DV conviction somewhere on his/her history. Department of Justice notes that it does not have the resources to do any of the three as a matter of course. Department of Justice further notes that, notwithstanding the lack of resources, when requested by the Court, a probation officer, or a victim, Department of Justice, consistent with resource limitations, assists in probation hearings, including, when available, attending them.

Division of Family Services

Recommendation:

When there is resistance from the caretaker of the child about a clinical assessment, DFS should consider filing a petition for custody to obtain needed services for the child.

Division of Family Services Response:

Division of Family Services paramount concern is child safety. Custody petitions are filed whenever child safety factors cannot be controlled through safety planning.



2008 Responses to Recommendations for Improving System Response

Division of Family Services–Continued

Recommendation:

- *DFS should comply with their policy in the following areas:*
 1. *A new report should be made when abuse or neglect is discovered during the investigation that is different than the report under investigation.*
 2. *A home evaluation and a DELJIS search should be conducted prior to placement with a non-relative caretaker.*
 3. *Decisions by DFS should be clearly documented and show how critical information, both current and historical, was considered.*

Division of Family Services Response:

1. Division of Family Services policy states new allegations of abuse and neglect are accepted and investigated as separate reports. Policy will be reviewed for clarity. Policy revision and refresher training on reporting new allegations will be implemented as necessary.

Person Responsible: Investigation Program Manager.

Timeframe: Policy Review—January 31, 2009; Training (as indicated) - March 30, 2009.



2008 Responses to Recommendations for Improving System Response

Division of Family Services–Continued

Division of Family Services Response:

2. Division of Family Services policy is clear that a non-relative caregiver's home be inspected and a DELJIS check conducted for household members over age 12. Policy will be reviewed by investigation and treatment supervisors.

Person Responsible: Investigation and Treatment Program Managers.

Timeframe: January 31, 2009.

3. Under CPAC's approval, Division of Family Services is working to implement chronological history detail in the automated case management system—FACTS.

Recommendation:

When a petition for dependency/neglect, guardianship or custody is filed following a DV homicide when one parent/guardian is a suspect in the homicide of the other parent, DFS should consider petitioning for custody to obtain needed services for the child.

Division of Family Services Response:

Division of Family Services petitions for custody when child safety factors cannot be controlled through safety planning.



2008 Responses to Recommendations for Improving System Response

Division of Family Services—Continued

Recommendation:

DFS should reinforce that its investigations are independent of law enforcement and its findings, which have a lower standard of proof (preponderance of the evidence), are not contingent on law enforcement filing charges.

Division of Family Services Response:

Practice will be reinforced through discussions at Investigation Workgroups.

Person Responsible: Investigation Program Manager.

Timeframe: January 31, 2009.

Recommendation:

DFS should adhere to the school MOU and not request a school nurse to examine a child for an injury (old or new) that occurred outside the school and the school did not report.

Division of Family Services Response:

The MOU between school districts, charter schools and DOE is under revision. Training on the new MOU will be conducted upon signature and will include this item.

Person Responsible: Investigation Program Manager.

Timeframe: March 30, 2009 (or 45 days from signature).



2008 Responses to Recommendations for Improving System Response

Domestic Violence Coordinating Council

Recommendation:

The DVCC should provide education to all Judges and Commissioners as it relates to DV offenders who violate probation.

DVCC Response:

The Domestic Violence Coordinating Council will work with the Administrative Office of the Courts' to develop and provide judicial education on domestic violence issues.

Fatal Incident Review Team (FIRT)

Recommendation:

FIRT should organize a mini-retreat to ascertain the specific requirements of mental health committals.

FIRT Response:

The Fatal Incident Review Team held a mini-retreat on May 15, 2007. A representative from Crisis Intervention Services (Mobile Crisis) provided an overview of how a person who is believed to be mentally ill is evaluated. The State of Delaware Attorney General's Office Deputy explained the difference between being "voluntarily" or "involuntarily" committed.

DOMESTIC VIOLENCE COORDINATING COUNCIL

Domestic Violence /Rape Crisis ***24-Hour Hotline Numbers***

New Castle County

Domestic Violence	302-762-6110
Rape Crisis	302-761-9100

Northern Kent

Domestic Violence	302-678-3886
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Kent and Sussex

Domestic Violence	302-422-8058
Rape Crisis	800-262-9800
Bi-lingual Hotline	302-745-9874

DVCC Main Office

New Castle
County Courthouse
Suite 9425
500 N. King Street
Wilmington, DE 19801

Phone: 302-255-0405
Fax: 302-255-2236

www.dvcc.delaware.gov

DVCC Kent and Sussex County Office

Milford State
Service Center
Suite 105
13 S. W. Front Street
Milford, DE 19963

Phone: 302-424-7238
Fax: 302-424-5311

www.dvcc.delaware.gov

Domestic Violence Coordinating Council

www.dvcc.delaware.gov