

Domestic Violence Coordinating Council

2012

Annual Report
&
Fatal Incident Review Team Report



Domestic Violence Coordinating Council

2012 Annual Report

And

Fatal Incident Review Team Report

To:

Honorable Jack A. Markell
Governor, State of Delaware

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

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Delaware

Fatal Incident

Review Team

Report

2012

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Introduction

The purpose of the Domestic Violence Coordinating Council's Fatal Incident Review Team is to review Domestic Violence Fatalities to identify trends and gaps in services in order to reduce domestic violence deaths in the future.

Domestic Violence continues to be a devastating problem and deaths resulting from this crime are the ultimate acts of abuse.

This report contains 109 cases reviewed over 15 years. 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 at the hands of the abusive partner.

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.

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. More information can be found at: 13 Del. C. § 2105.

Although 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 Connor, Domestic Violence Coordinating Council
Cindy Mercer, Domestic Violence Coordinating Council

Members and Participants

According to 13 Del. C. § 2105, in addition to the co-chairs, the Review Team shall consist of 8 other core members:

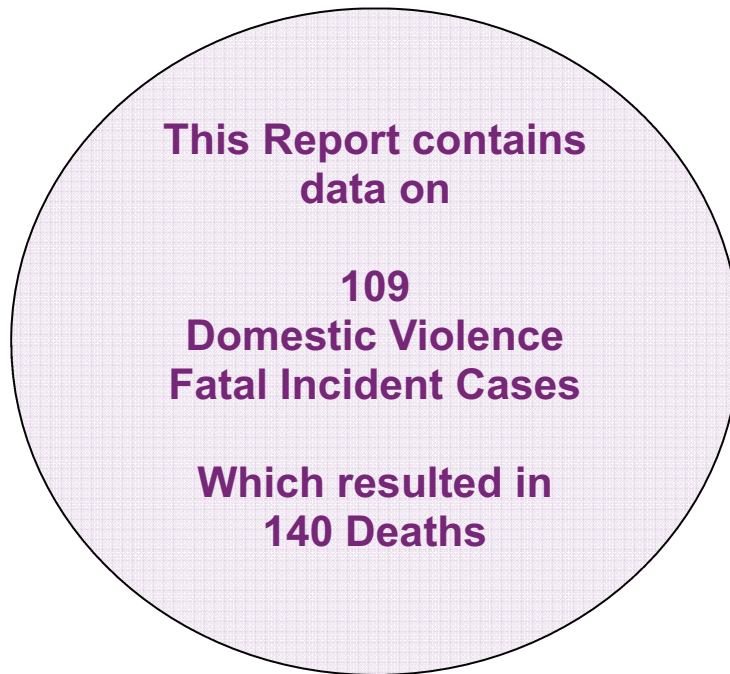
- The Attorney General or the Attorney General's designee,
- The Director of the Division of Family Services or the Director's designee,
- A victim advocate appointed by the Domestic Violence Coordinating Council,
- The Chief Judge of the Family Court or the Chief Judge's designee,
- The Chief Magistrate of the Justice of the Peace Courts or the Chief Magistrate's designee,
- The Director of the Division of Substance Abuse and Mental Health, or the Director's designee,
- A law-enforcement officer to be appointed by the Delaware Chiefs of Police Council.
- The Secretary of the Department of Education or the Secretary's designee*

All members of the Review Team, plus other individuals invited to participate, shall be considered part of the review panel 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 panel in any case in which a law-enforcement agency has investigated the death or near death under review or any prior domestic violence incident involving the decedent or near death victim. The Review Team may also invite other relevant persons to serve on an ad-hoc basis and participate as full members of the review panel for a particular review. Such persons may include, but are not limited to, individuals with particular expertise that would be helpful to the review panel, representatives from those organizations or agencies that had contact with or provided services to the individual prior to that individual's own death or near death, that individual's abusive partner or family member and/or the alleged perpetrator of the death or near death.

* SB 200, signed by the Governor on July 5, 2012, eliminates the requirement that a representative from the Department of Education serve as a mandatory member of the Fatal Incident Review Team. The Department would serve in an ad hoc role as needed.

Domestic Violence Fatal Incident Cases

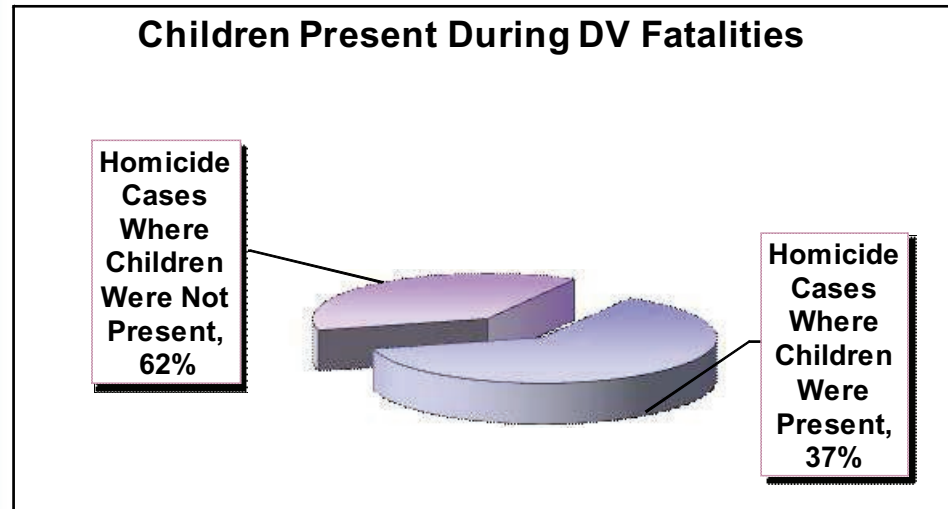
The information contained in this report represents data collected from 109 cases reviewed by FIRT. These fatalities occurred over a period of 15 years. The fatality cases contained in this report occurred between 1996 and 2011. However, because cases cannot be reviewed until prosecution is completed and the review is approved by the Department of Justice, not every domestic violence related fatality that occurred between those years appear in this report (13 Del. C. § 2105).



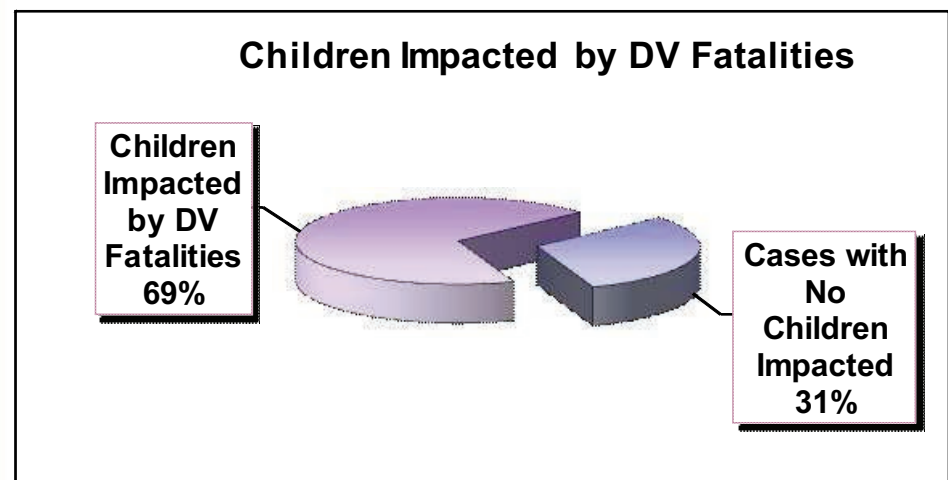
Homicide Victims	Perpetrator Suicides Following Homicides	Suicide Only	Undetermined Victim Deaths
95	25	19	1

Impact of Domestic Violence on Children

According to Delaware law, a child can be a witness to an act of domestic violence by sound as well as sight, acknowledging that a child may have only heard the violent act from another room, but nonetheless be a witness who is emotionally impacted by it. In 40 or 37% of the 109 cases reviewed in this report, children were present when the fatality occurred.



Domestic violence affects every member of the family, including the children. Family violence creates a home environment where children live in constant fear. The ultimate form of domestic violence – homicide – has devastating life-long effects on those children left behind.

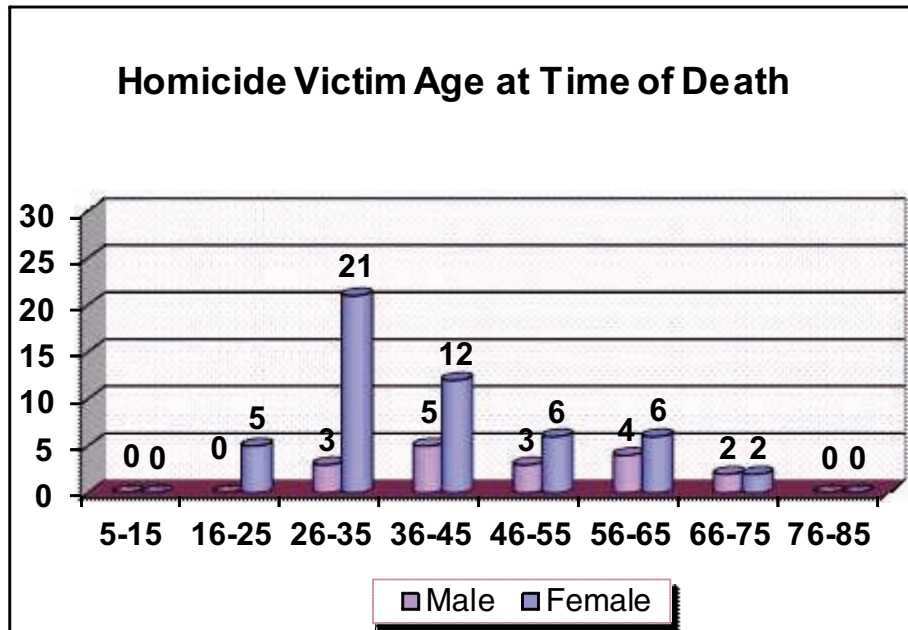
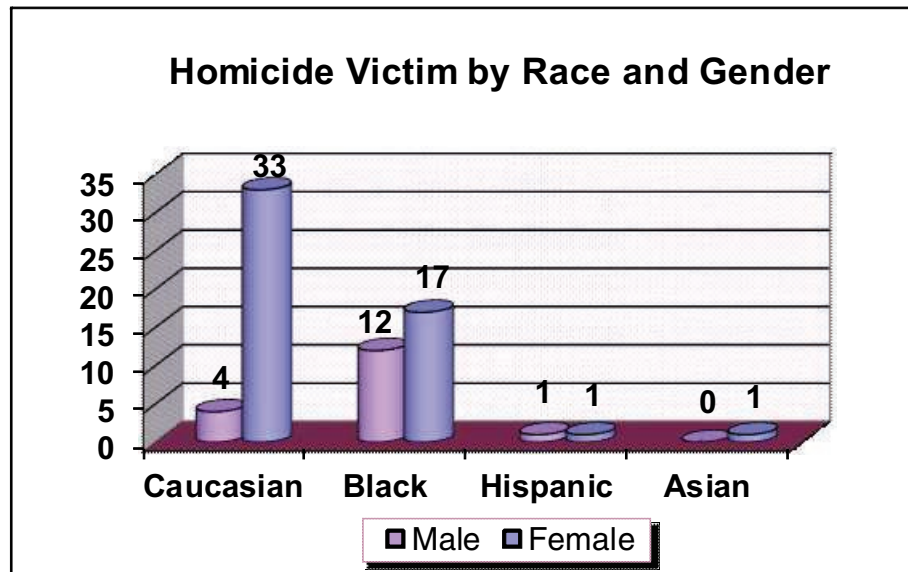


In the 109 cases in this report, 103 children lost a parent due to domestic violence.

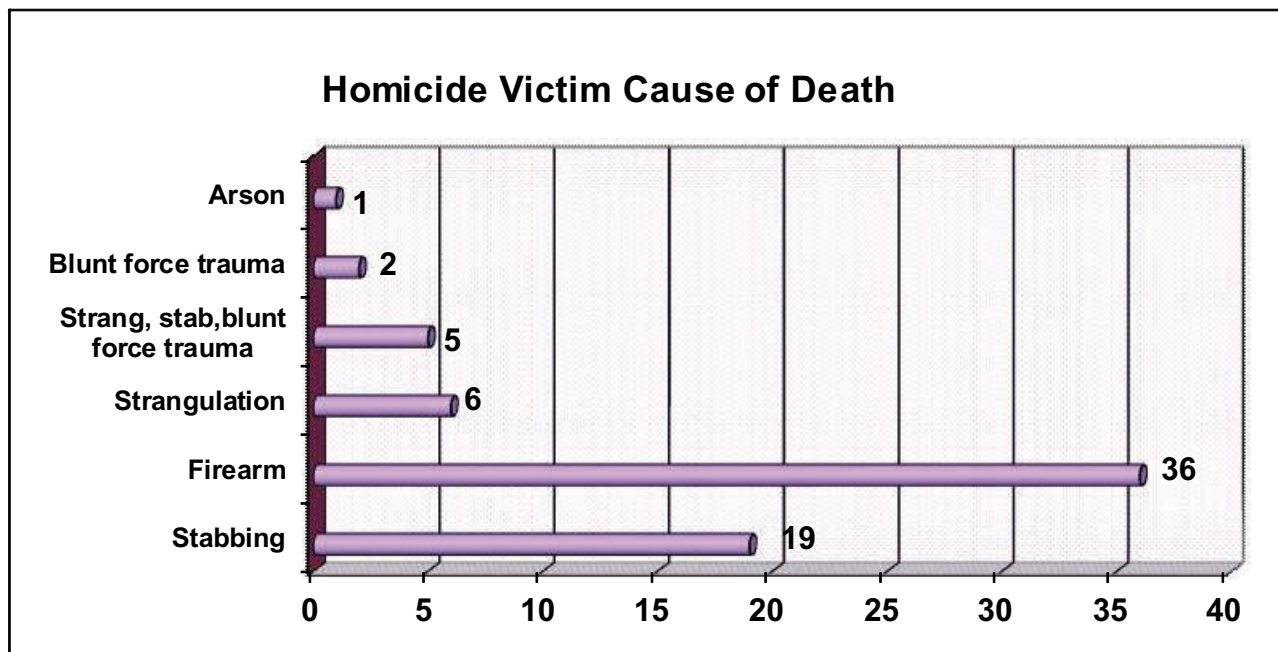
Intimate Partner Data

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 95 homicide deaths included in this report, 69 were the result of Intimate Partner homicide.



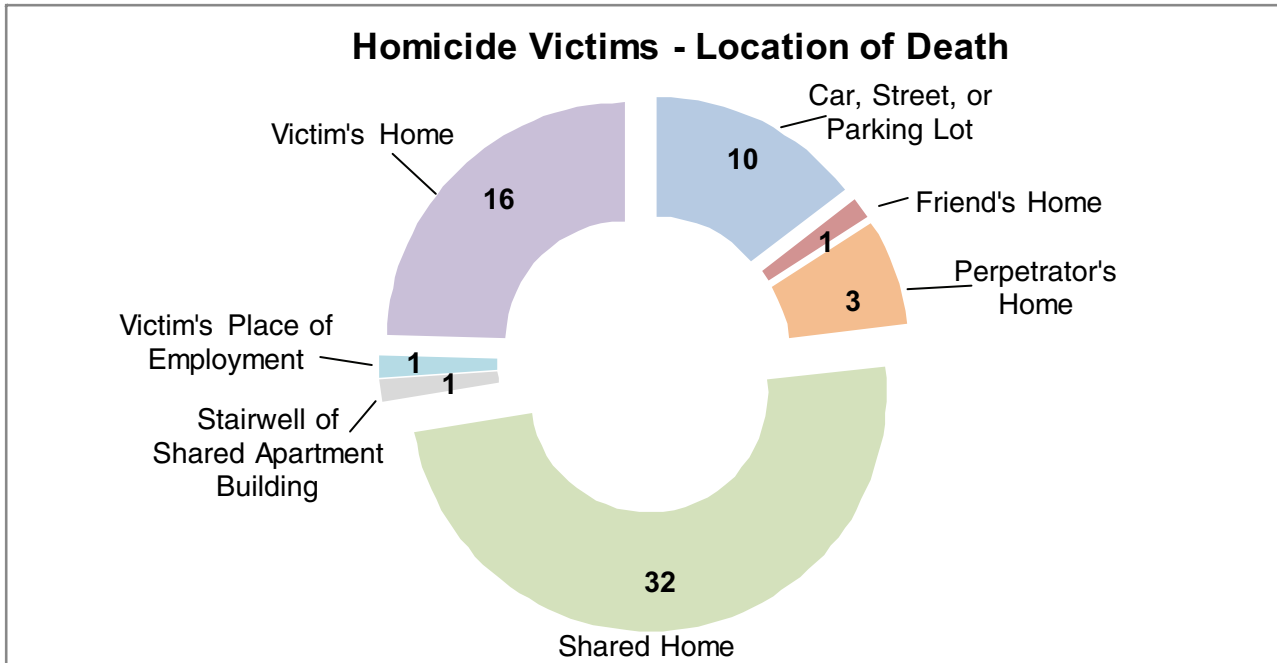
Intimate Partner Data



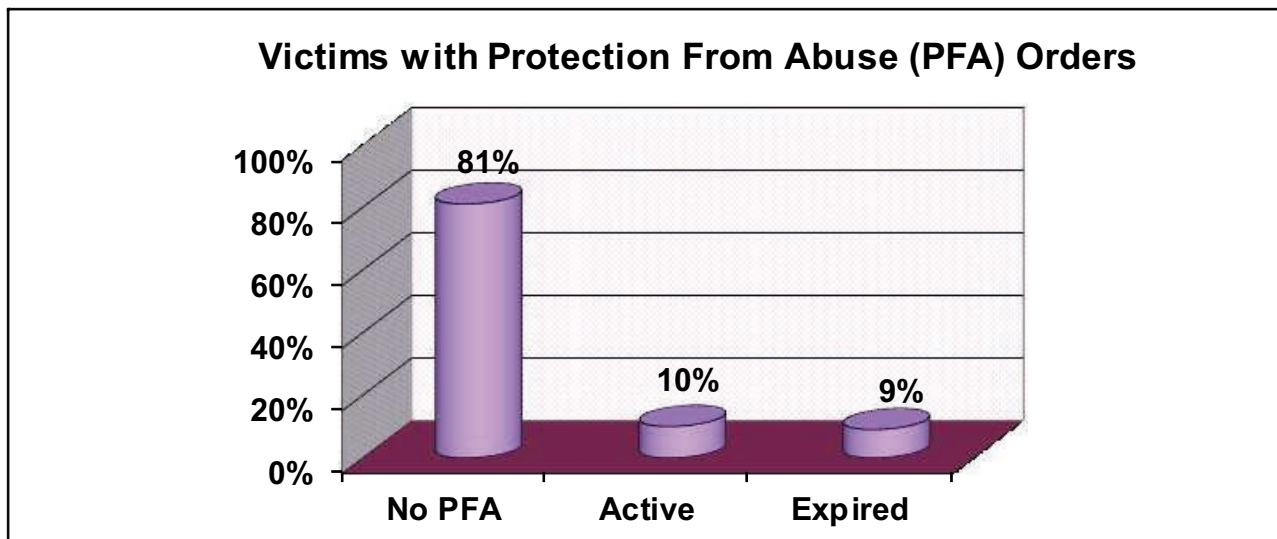
Of the 69 “Intimate Partner” homicides, 32 or 46% of the homicides occurred when the victim attempted to leave or had ended the relationship with the perpetrator.



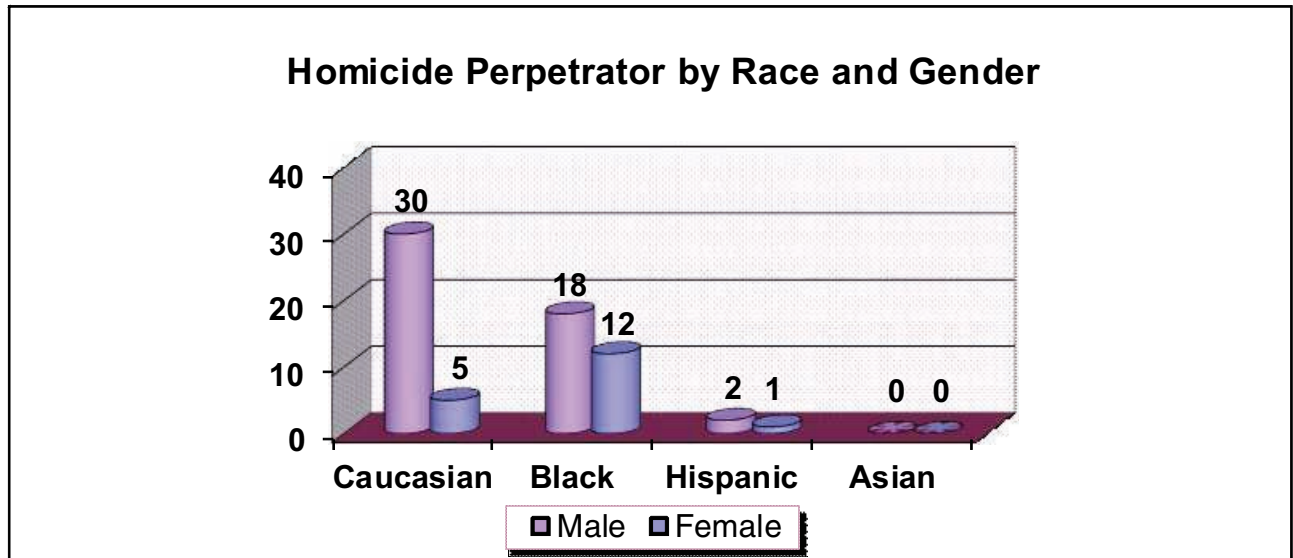
Intimate Partner Data



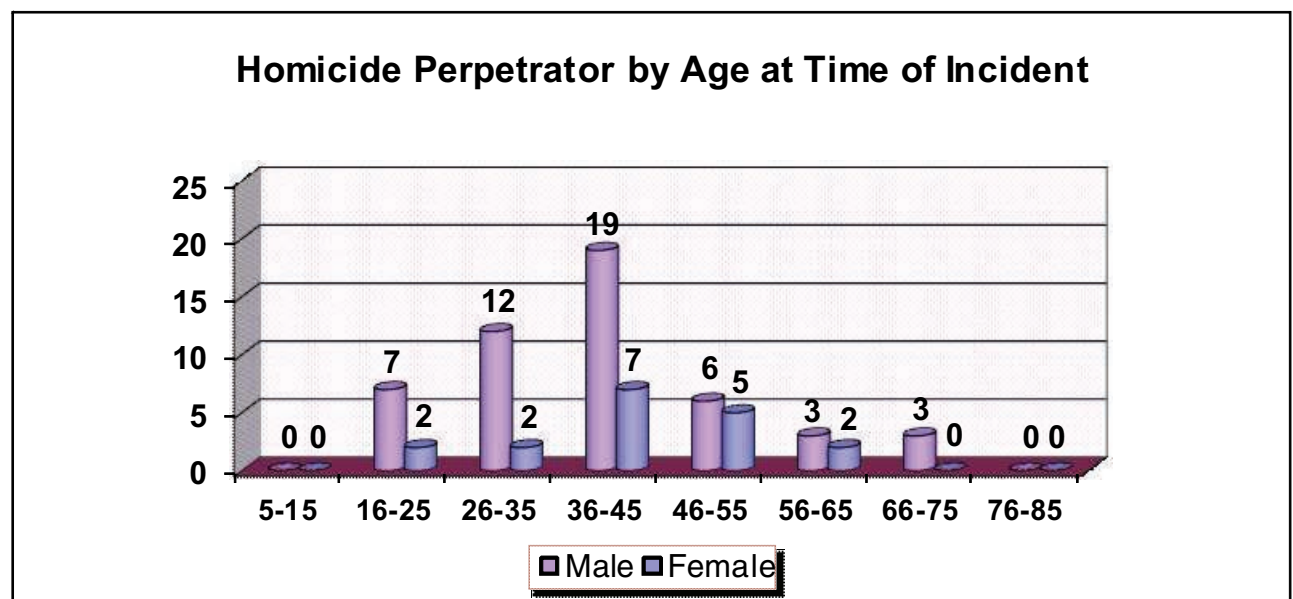
A Protection From Abuse Order (PFA) is issued by Family Court ordering someone to stop abusing another person. Of the 109 cases reviewed in this report, 81% of the victims never had a Protection From Abuse Order.



Intimate Partner Data



There are 68 “Intimate Partner” homicide perpetrators in this report. Of those, 50 or 74% of the perpetrators were male and 18 or 26% of the perpetrators were female.

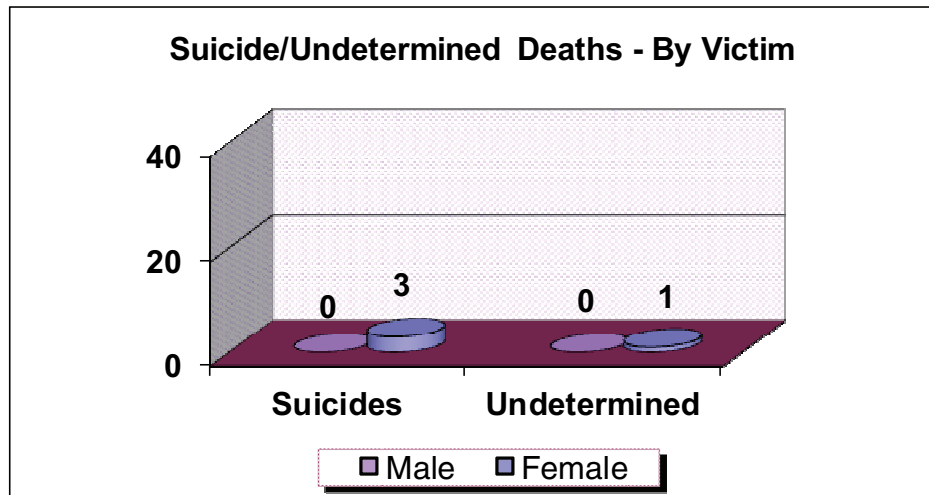
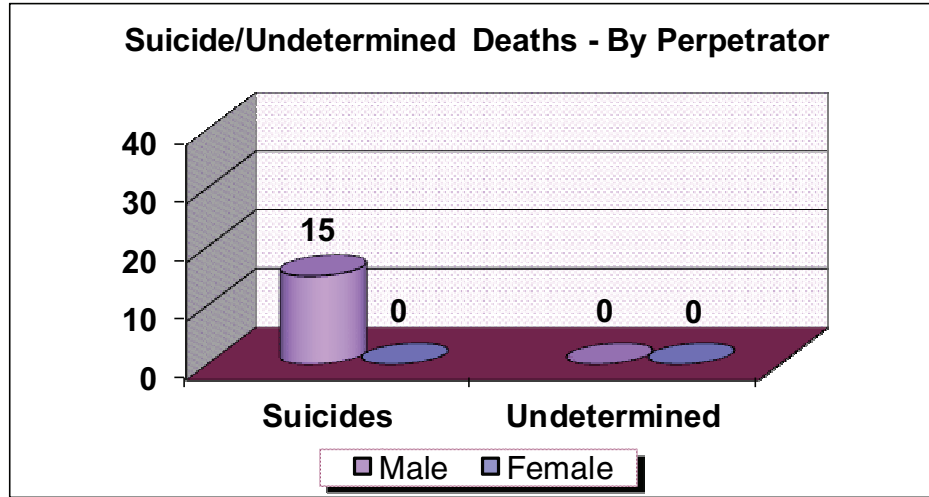


26 or 38% of the perpetrators were between the ages of 36-45 at time of incident.

“Domestic Violence related Suicides” are victims or perpetrators who have taken their own lives and have had a significant history of abuse by or toward their partner.

Suicides & Undetermined Deaths

Manner of death is the classification of categories used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined. If a case lacks a clear indicator as to whether or not the death was intentionally caused by another or accidental, this case will remain suspicious in nature and the exact manner of death will be undetermined.

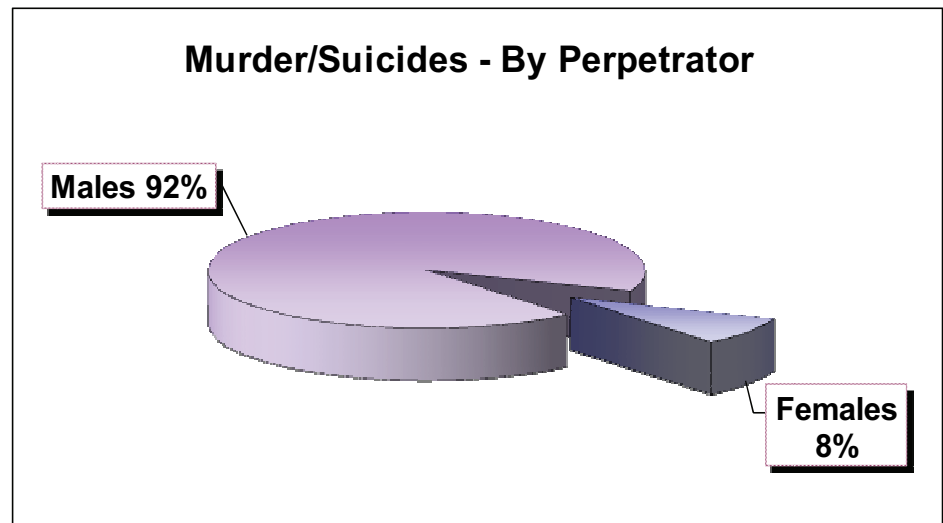


There were a total of 20 domestic violence related suicides, including one undetermined death. Of those 20 domestic violence related suicides/undetermined deaths the victim’s death was a result of a firearm in 14 or 70% of the cases. Two of the deaths resulted from hanging. And one death each resulted from jumping from a bridge, suicide by train, overdose and arson.

50 of the deaths included in this report were the result of murder/suicide. This means that 36% of the deaths that were reviewed by the Fatal Incident Review Team over 15 years were the result of murder/suicide.

Murder/Suicide Data

The term “Murder/Suicide” refers to those cases where the perpetrator murdered the victim and then committed suicide.



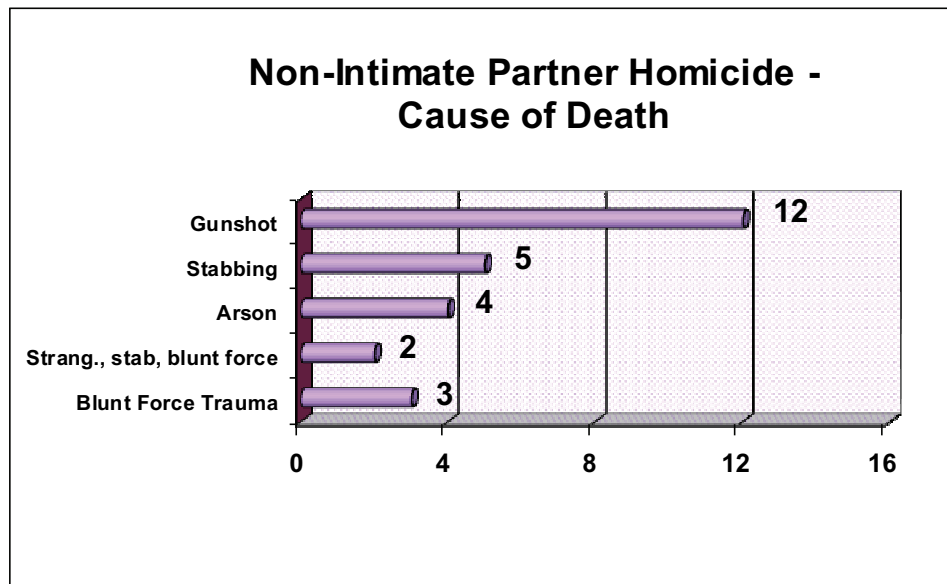
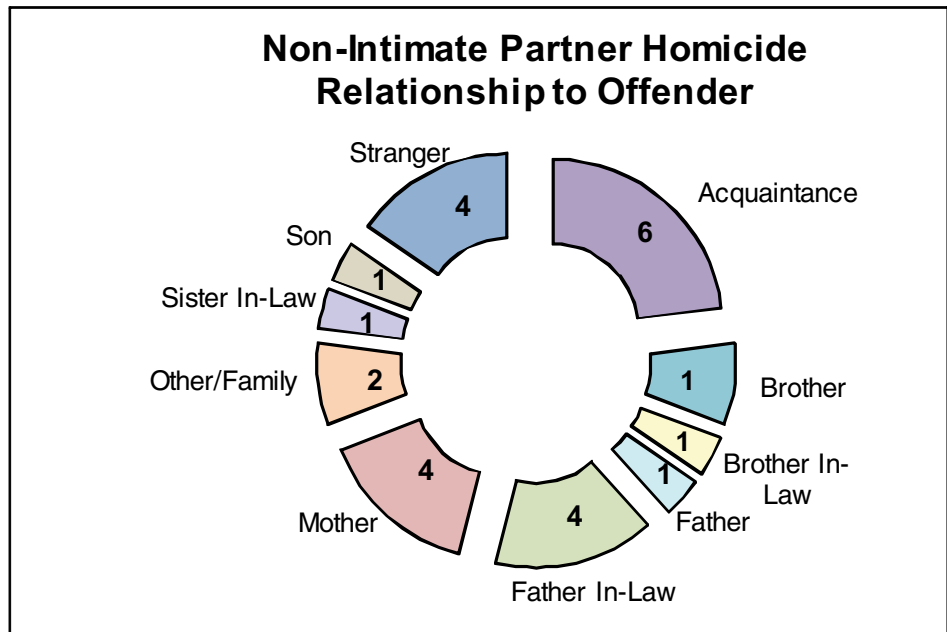
Of the 140 Domestic Violence deaths included in this report, 50 deaths or 36% resulted from murder/suicide. There were 25 murder/suicide cases. Of those, 23 or 92% of the perpetrators of these murder/suicides were male and 2 or 8% of the perpetrators were female.

Non-Intimate Partner Data

Location of these Homicides:

- 8 of the deaths occurred at the shared home of the victim and the perpetrator.
- 8 of the deaths occurred at the victim's home.
- 4 of the deaths occurred at the perpetrator's home
- 2 of the deaths occurred in a car, on the street or in a parking lot
- 1 at an acquaintance/friend's home
- 1 at the perpetrator's girlfriend's home
- 1 at the victim's place of employment
- 1 at the victim's boyfriend's home.

“Non-Intimate Partners” are individuals who are not intimate partners, but have a familial relationship, such as, mother/adult son, or brother/sister. Of the 95 homicides included in this report, 26 or 27% were “Non-Intimate Partner” homicides. Also included in these homicide numbers are victims who were bystander victims (friends, acquaintances or strangers).



2011 Year in Review

The number of domestic violence related deaths in 2011 identified by the Domestic Violence Coordinating Council is 13 (3 murder/suicides (resulting in 6 deaths), 5 homicides and 2 domestic violence related suicides).

Children and Domestic Violence Fatality

- Of the 109 cases in this report, 69% of the cases impacted children. Of the 109 cases in this report, 103 children lost a parent due to domestic violence.

Intimate Partner Domestic Violence Homicide

- 73% of the homicides recorded in this report were intimate partner homicides. 75% of those deaths were female victims. Of those females, 54% were current wives or former wives. 40% of the female victims of Intimate Partner homicide were between the ages of 26 and 35.
- 48% of the Intimate Partner homicides included in this report occurred when the victim ended the relationship or attempted to leave.
- 74% of the Intimate Partner homicides included in this report occurred in the victim's own home or the shared home of the victim and the perpetrator.
- 73% of the Intimate Partner homicide perpetrators in this report were male. Of those males, 62% were between the ages of 26 and 45.
- 36% of the deaths in this report resulted in murder/suicide. 92% of the perpetrators of murder/suicides included in this report were male.

Firearms and Domestic Violence Fatalities

- 52% of the Intimate Partner homicides in this report were the result of a shooting.
- 46% of the Non-Intimate Partner homicides in this report were the result of a shooting.
- 70% of the Domestic Violence Related suicides in this report were the result of a shooting.

Domestic Violence Related Suicide

- 80% of the Domestic Violence Related Suicides in this report were male DV perpetrators.
- 35% of the Domestic Violence Related Suicides in this report occurred in the victim's home.

Protection From Abuse Orders

- 90% of the homicide victims in this report did not have an active PFA at the time of the fatality.

FIRT Recommendations & Responses 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 2011 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:

Justice of the Peace Court should provide training for its staff regarding what bail should be set in domestic violence cases.

Justice of the Peace Court Response:

The Justice of the Peace Court continues to provide trainings to its Magistrates regarding domestic violence on a regular basis. This year, new bail guidelines were issued and the section on domestic violence cases was revamped. The Magistrates received training this year on those new bail guidelines.

Delaware Coalition Against Domestic Violence

Recommendation

DVCC and the Delaware Coalition Against Domestic Violence (DCADV) should incorporate Stalking warning signs into their Domestic Violence educational and awareness outreach materials.

Delaware Coalition Against Domestic Violence Response:

The Delaware Coalition Against Domestic Violence consistently incorporates information about stalking warning signs in our semi-annual DV101 training as well as numerous other training presentations and in resource materials. DCADV provides information on protective strategies based on the latest research as well as advocacy best practice.

Recommendation

DVCC and DCADV should continue their efforts of public awareness regarding the danger of firearms and other weapons in domestic violence.

Delaware Coalition Against Domestic Violence Response:

The Delaware Coalition Against Domestic Violence consistently incorporates information about the dangers of firearms and other weapons in our training and public education presentations. DCADV has not done specific public education campaigns on the dangers of firearms in domestic violence cases and would need additional resources to do so.

Domestic Violence Coordinating Council

Recommendation:

DVCC and DCADV should incorporate Stalking warning signs into their DV awareness outreach and also address that males are victims of Domestic Violence as well as females.

Domestic Violence Coordinating Council Response:

The DVCC will continue to include stalking warning signs in their DV awareness outreach. Stalking can be used by domestic violence perpetrators to gain and maintain power and control over their victims. DVCC Training and outreach efforts always make clear that domestic violence victims are of every age, gender, race and socioeconomic class.

Domestic Violence Coordinating Council Continued

Recommendation:

Domestic Violence Coordinating Council (DVCC) and the Delaware Coalition Against Domestic Violence (DCADV) should continue their efforts to increase public awareness regarding the danger of firearms and other weapons in violent and abusive relationships.

Domestic Violence Coordinating Council Response:

The DVCC continues to provide information on the danger of firearms and other weapons in violent and abusive relationships when it provides trainings in the community. The DVCC also continues to support the use of Lethality Assessment screens by law enforcement. These screens recognize the danger of weapons and escalating violence and help to put those domestic violence victims in high risk cases, in contact with hotline staff that can assist them in maintaining their safety.

Probation & Parole

Recommendation

Probation and Parole should continue to communicate with service providers regarding a probationer's compliance with court-ordered batterers' intervention treatment.

Probation and Parole:

Probation and Parole Officers routinely communicate with Probationer's service providers to determine whether or not they are in compliance. These compliance checks are currently mandated by P&P policy with the frequency of the check being dictated by supervision level. Probation and Parole will continue the current practice of communicating with batterers' intervention treatment programs in regard to offender compliance as a part of the supervision plan for the offender. The compliance checks will continue through individual case conferences with the provider, progress reports and discharge summaries.

Recommendation

Probation and Parole should explore the possibility of receiving electronic notices for Violations of Probation and Parole Hearings.

Probation and Parole:

Probation and Parole supports the idea of receiving electronic notices for Violation Hearings but it is not something the Probation and Parole controls since the notices are generated by the Courts and the Board of Parole. Probation and parole has already begun exploring the possibility of receiving electronic notices for Violation Hearings. P&P currently receives electronic notice of scheduled Parole hearings from the Board of Parole. These electronic notices are sent to all P&P offices. In addition, we recently had discussions with the Administrative Office of the Courts (AOC) regarding a comprehensive exchange of information electronically between DOC and the Courts and will continue working with the AOC to develop a system that is beneficial to all. These discussions included a component where P&P would receive electronic notice of violation hearings from all courts in the state.

Law Enforcement

Recommendation:

All Law Enforcement agencies should adhere to the Model Law Enforcement Domestic Violence Policy Section D.1.b and make arrests in all domestic violence misdemeanor cases in which there is probable cause.

Camden Police Department Response:

The Camden Police Department follows the above recommendation. According to the Camden Police Department's Standard Operating Procedure 16-6 Domestic Violence:

IV. ARREST

A. All arrests will be made by the Officer in which probable cause exists. A victim will not sign the warrant.

B. Authority to arrest without a warrant for misdemeanor offenses committed outside the officer's presence is found in the Delaware Code, Title II, section 1904. This statute allows an officer to make an immediate arrest without obtaining a warrant for a misdemeanor not committed in the officer's presence, if the misdemeanors involved physical injury or threat thereof, or any misdemeanor involving unlawful sexual contact or attempted sexual contact. For example, such arrests are made when there is probable cause, including signs of physical injury, continuing threats, or weapons in view. The officer may arrest without a warrant for any misdemeanors committed in his presence.

Clayton Police Department Response:

Domestic Violence Directive #8

IV. Arrest

A. Arrests will be made by the officer in all cases in which probable cause exists. All felony cases will be referred to an investigative unit. A victim cannot sign a felony warrant.

Delaware State Police:

According to the policy of the Delaware State Police, if the investigation of a domestic violence incident reveals that probable cause for a misdemeanor crime exists, an arrest should be made. If an arrest for a domestic violence misdemeanor crime is to be made, the officer will sign the warrant. If an arrest is not made, the facts supporting that decision shall be documented in the incident report. If probable cause for a felony crime exists, an arrest is mandatory. If an arrest for a domestic violence felony crime is to be made, the officer will sign the warrant.

Delaware River & Bay Authority:

The DRBA Police Department does make arrests in all domestic violence misdemeanor cases in which there is probable cause.

Delmar Police Department Response:

In all instances where probable cause exists, and there is a sign of physical violence, an arrest is made.

Law Enforcement Continued

Dover Police Department Response:

Dover Police Department is in compliance with the Model Law Enforcement Domestic Violence Policy Section D.1.b and makes arrests in all domestic misdemeanor cases where there is probable cause.

Ellendale Police Department Response:

It is the policy of Ellendale Police Department to arrest in every domestic violence case in which probable cause exists.

Elsmere Bureau of Police Response:

The Elsmere Bureau of Police does adhere to the Model Law Enforcement Domestic Violence Policy. Officers make arrests in all misdemeanor domestic violence cases where there is probable cause. If an arrest is not made, officers will make the necessary documentation in the LEISS report.

Felton Police Department Response:

All officers have reviewed our departmental policy along with the Model Law Enforcement Domestic Violence Policy concerning arrests in all domestic violence misdemeanor cases where probable cause exists. We are in compliance and this recommendation will also be stressed at all roll call training.

Fenwick Island Police Department Response:

Fenwick Island Police Department fully endorses the recommendation. It has been my policy as Chief of Police to have zero tolerance with domestic violence. My staff knows that if there is probable cause of violence in a domestic violence situation, then there is to be an arrest.
Chief William H. Boyden

Greenwood Police Department Response:

We follow the Fatal Incident Review Team's recommendations. The Greenwood Police Department strives to protect victims from these perpetrators. The department also ensures that other agencies are notified when appropriate and victims are made aware of all the resources that are available to them.

Laurel Police Department Response

The Laurel Police Department will agree to adhere to the Model Law Enforcement Domestic Violence Policy.

Law Enforcement Continued

Middletown Police Department Response:

Middletown Police Department Domestic Incident Policy, Section IV., B. 1. states: Officers will make an arrest when probable cause and legal authority exist to make an arrest. Field release and issuance of a citation are not permitted in domestic violence cases when grounds for an arrest are present.

New Castle City Police Department Response:

New Castle City Police Department follows the above recommendation. According to the New Castle City Police Domestic Violence Directive Number 33-6-1:

V. RESPONDING OFFICER PROCEDURES

B. Arrest

1. Officers will make an arrest when probable cause and legal authority exist to make an arrest. Field release and issuance of a citation are not permitted in domestic violence cases when grounds for an arrest are present.

New Castle County Police Department Response:

The New Castle County Police has a strict domestic violence policy that recognizes the need for law enforcement intervention when the victim is unwilling, reluctant or unable to pursue the matter themselves. In all incidents of domestic violence, arrest is our preferred police approach. In felony domestic violence cases, there is no discretion in making an arrest. All felonies require arrest action. In misdemeanor domestic violence cases, discretion to arrest still remains, but it is guided by the department's strong preference for arrest. All officers shall conduct thorough investigations supported by evidence, to include victim and witness statements and crime scene documentation. Use of discretion may not be influenced by the victim's preference for arrest, or non-arrest, of the offender. Situations deemed appropriate for non-arrest must be fully justified and approved by a supervisor prior to clearing the scene. Officers must complete a Domestic Incident Report documenting those conditions leading to a conclusion that an arrest was inappropriate and the alternative actions taken in lieu of an arrest.

Rehoboth Beach Police Department Response:

Rehoboth Beach Police Department has a policy in place to arrest when probable cause is present in domestic violence misdemeanor cases. The department is in compliance with the Model Law Enforcement Domestic Violence Policy Section D.1.b.

Seaford Police Department Response:

The Seaford Police Department adheres to the Model Law Enforcement Domestic Violence Policy Section D.1.b. and makes arrests in all domestic violence misdemeanor cases in which there is probable cause.

Law Enforcement Continued

South Bethany Police Department Response:

To be in compliance with the Model Law Enforcement Domestic Violence Policy, Section D.1.b, policy for the South Bethany Police has been amended to read, "*Arrest shall be made in ALL domestic violence misdemeanor cases in which there is probable cause.*" (July 30, 2012) The policy further explains possibilities for determining probable cause for domestic violence cases.

University of Delaware Police Response:

The University of Delaware Police agrees to make arrests in all domestic violence misdemeanor cases in which there is probable cause and this is in the process of being formalized into a policy.

Wilmington Police Department Response:

Under 11 Del. C. Sec. 1904, an officer can make a warrantless arrest when the person to be arrested has committed a misdemeanor in the officer's presence. When the misdemeanor was not committed in the officer's presence and where reasonable grounds are present, the immediate arrest and removal of a defendant will occur and does not require the victim to leave the scene to obtain a warrant. If reasonable grounds are not met the victim should be encouraged to sign a warrant.

3. In addition, an officer will make a warrantless arrest for a misdemeanor committed out of the officer's presence in any one of the following circumstances:

The officer has reasonable grounds to believe that the person to be arrested committed a misdemeanor involving any signs of physical injury or

The officer has reasonable grounds to believe that the person to be arrested committed a threat of a misdemeanor involving physical injury.

The officer has reasonable grounds to believe that the person to be arrested violated an active protective order issued by Family Court or by a court of any state as per Full Faith and Credit 18 U.S.C. 2265-2266 (1994)

4. The following circumstances may be considered in determining the existence of reasonable grounds:

- a. There are obvious signs of physical injury to the victim;
- b. There is the potential for continued violence to escalate.
- c. Threats to the victim are made in the officer's presence.
- d. Any other misdemeanor is committed in the officer's presence.
- e. Defendant's behavior suggests that he/she may inflict further injury to the victim or others.

5. Once reasonable grounds have been established, even if the victim requests that charges not be filed or becomes uncooperative with the investigation, the officer must pursue the charges and advise the victim of such.

6. The victim and the offender should be informed that the action will be prosecuted by the State and the victim does not have the authority to drop the charges.

7. When a warrant is issued, and no arrest can be made, the officer will make every attempt to serve the warrant. If the suspect cannot be apprehended, notification will be made to the Domestic Violence Investigator for follow up.

Notes

If you are in danger, please call 911.

Domestic Violence/Rape Crisis 24 –Hour Hotline Numbers

New Castle County

Domestic Violence	302-762-6110
Rape Crisis	302-761-9100
TTY	800-232-5460

Northern Kent

Domestic Violence	302-678-3886
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Kent & 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 & 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

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