



FINDINGS AND RECOMMENDATIONS OF THE

2013 NJ Domestic Violence Fatality & Near Fatality REVIEW BOARD

Intimate Partner Violence in New Jersey's African American Community



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October 2013

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NEW JERSEY DOMESTIC VIOLENCE FATALITY AND NEAR FATALITY REVIEW BOARD MEMBERS

Government Members:

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Current Designee: Lorna Hines-Cunningham, LCSW

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William Zaorski, Retired Deputy Attorney General

*Indicates positions that were removed from the Board as a result of the 2012 Amendment of 150.1 Section 1 3 of P.L. 2003, C.225 (C.52:27D-43.17c).

** Indicates current positions of the Board that have had a change in departmental designees. While membership has changed, it is important to acknowledge prior members and their contributions to this report. Current members of the Board at the time of publication have been noted where applicable.

DESCRIPTION OF THE BOARD

History

The precursor to the current New Jersey Domestic Violence Fatality and Near Fatality Review Board, the New Jersey Domestic Violence Fatality Review Board, was created in 2000 pursuant to Governor's Executive Order No. 110. The New Jersey Domestic Violence Fatality Review Board was charged with identifying and understanding the circumstances surrounding fatal acts of domestic violence in the State of New Jersey. At that time, the New Jersey Domestic Violence Fatality Review Board focused its review exclusively on homicide-suicide domestic violence-related fatalities. In 2004, the New Jersey Domestic Violence Fatality Review Board's scope, purpose and membership was expanded under *N.J.S.A. 52:27D-43.17* (see Appendix B), and was permanently established as the Domestic Violence Fatality and Near Fatality Review Board (hereinafter referred to as "the Board"). The purpose of the Board is to study domestic violence-related fatalities and near fatalities in an effort to understand and prevent such deaths in the State of New Jersey through systems changes, education and public policy. The Board is currently examining intimate partner homicide cases that represent the majority of domestic violence-related fatalities.

Definition of Domestic Violence Fatality

According to the Board's governing statute (*N.J.S.A. 52:27D-43.17*) domestic violence related fatality means a death which arises as a result of one or more acts of domestic violence as enumerated in section 3 of *N.J.S.A. 2C:25-19*.¹ In New Jersey acts of domestic violence are defined as homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment and stalking (see Appendix A).

Although the legislated definition of domestic violence is broad, the New Jersey Domestic Violence Fatality and Near Fatality Review Board has decided to focus its domestic violence fatality homicide case review, at this time, exclusively to homicide cases resulting from intimate partner violence.

Membership

The Board is comprised of twenty (20) government and non-government members who represent various agencies and organizations that intersect with or impact upon domestic violence-related cases in New Jersey. A review of the membership list included reflects the following appointments or their designee: the Attorney General; the Commissioners of the Departments of Human Services, Children and Families and Health and Senior Services; the State Medical Examiner; the Superintendent of the State Police; the Director of the Department of Children and Families; the Chairperson of the New Jersey Child Fatality and Near Fatality Review Board; the New Jersey Public Defender; and the Program Coordinator of the New Jersey Domestic Violence Fatality and Near Fatality Review Board. In addition, the New Jersey Administrative Office of the Courts has appointed two retired judges with expertise in family and municipal law.

¹ *N.J.S.A. 52:27D-43.17*

The Non-government members appointed by the Office of the Governor include representation from the following: the County Prosecutors Association of New Jersey; the New Jersey Coalition for Battered Women; law enforcement community; county probation; a professional working with a batterer's intervention/treatment program; a psychologist; and a licensed social worker. Individuals selected to serve on the Board all have an expertise in the area of domestic violence and are working with and for victims of domestic violence and their families.

Review Process

In its effort to prevent future domestic violence homicides, the Board conducts systematic review of domestic violence-related homicides examining the action, or lack thereof, of both governmental and non-governmental service delivery systems that impact upon the lives of domestic violence victims or perpetrators. This review process is similar to the mortality/morbidity review utilized by medical and public health professionals to assure provision of quality services. The purpose is to see how, where and when systems change can be effected to help prevent domestic violence homicide, homicide-suicide, suicide and attempted homicide. The Board reviews all available facts and circumstances of domestic violence-related fatalities to identify and develop a process for change in policies, procedures and protocols that can lead to fatality prevention.

The Board identifies cases for review through its partnership with the New Jersey Violent Death Reporting System (NJVDRS). The NJVDRS combines information from multiple sources to create a detailed database on all violent deaths. Primary source information includes death certificates, medical examiner and law enforcement reports. The Board's Steering Committee reviews data provided by NJVDRS and other sources to determine what cases will be selected for in-depth review. Additionally, the Board amasses as comprehensive a case file as possible including, but not limited to: documentation from the involved county prosecutor's office, health-care providers, and the judiciary. Board members review a select number of cases per year focusing on one case at a time, and employ Board expertise to review each system's impact upon the case.

Confidentiality Agreement

The information shared during Board meetings is confidential; all members are required to sign a confidentiality agreement at the beginning of each meeting (see Appendix C). Signing of this agreement constitutes a pledge that all information shared during the review process will remain confidential and will not be shared with individuals outside of the Board. Signed confidentiality agreements are kept on file with the Board's Program Coordinator.

Cultural Competency Technical Assistance Project

The Board was provided the opportunity to participate in the State's Cultural Competency Technical Assistance Project for programs receiving Violence Against Women Act (VAWA) funds. As participants in the project the Board received technical assistance from the Beyond Diversity Resource Center, a non-profit organization that works on issues of anti-oppression and anti-racism. With the guidance from the Beyond Diversity Resource Center staff the Board developed a comprehensive cultural competency plan and a written statement of commitment to cultural competency was developed and signed by all Board members.

In addition, Lee Mun Wah, of Stir Fry Seminars and Consulting, provided the Board with a training entitled *Cultural Competency for Leaders*. At this training participants learned that cultural competency requires not only an awareness of cultural differences, but also many other cultural competencies, including cross-cultural communications skills, community development expertise, and an awareness of social issues and contexts. The Board continues its commitment to ensure that the Board's reviews and recommendations encompass the cultural perspectives all citizens of New Jersey.

Board Projects and Publications

The Board publishes research on its findings and engages in projects based upon its recommendations and national findings:

Domestic Violence near Fatality Research: In 2010 the Board released “*Let Me See Tomorrow*”, a report based on interviews with women who were nearly killed by their intimate partners. This report is comprised of interviews with eleven victims of domestic violence-related near fatalities resulting in victim informed recommendations on how to decrease danger level, thereby increasing victim safety and, potentially, the safety of any involved children. The report focused on learning from victims about the following concerns:

- New or typical risk and protective factors such as threats to kill, episodes of strangulation, unemployment of the batterer, and access to domestic violence shelters and services, and living apart from the batterer.
- Services and systems accessed by victims including police, judiciary, healthcare and social services, etc.
- How victims came in contact with these agencies, who they reached out to for help, who they did not reach out to, and why.
- What services and systems the victims thought was protective or unresponsive in increasing safety and preventing near fatalities.

Latino Outreach Project: The 211th Legislature passed legislation establishing a domestic violence public awareness campaign in order to promote public awareness of domestic violence. Through data analysis, the Board discovered a trend in that Latinos had almost twice the rate of domestic violence homicide-suicide related killings compared to the overall demographics in the state. Latinos, at the time of the case reviews, made up approximately 13% of the reported population in New Jersey, however they accounted for 21% of the victims and 24% of the perpetrators in the homicide-suicide cases.

Based upon this finding, the Board initiated the Latino Outreach Project, a collaborative effort between the Review Board, the New Jersey Division on Women, the Center for Hispanic Policy, Research and Development, and the Puerto Rican Action Board - a community based organization serving the Latino population in New Brunswick, New Jersey. The pilot project focused on developing a social marketing campaign, entitled the Qrquidea project, promoting awareness of domestic violence in the Latino community in the City of New Brunswick. In tandem, the Puerto Rican Action Board partnered with a local domestic violence program, Women Aware, to provide linguistically and culturally appropriate counseling services to the community at its own Board offices.

The Center for Violence Against Women and Children at the Rutgers University School of Social Work conducted an evaluation of the Latino Outreach Project. Their evaluation suggested that the Puerto Rican Action Board and Women Aware should continue to provide bilingual and bicultural services in New Brunswick. Further, it was recommended that the collaboration between community organizations and

local domestic violence programs to provide culturally and linguistically appropriate domestic violence services be replicated in other communities.

Regional Conferences on Domestic Violence Fatality Review: On December 8-9, 2006, the Board hosted the First Regional Domestic Violence Fatality Review Conference in Princeton, New Jersey. Supported by Violence Against Women Act funding, the conference was the first of its kind in the nation. Thirty-two attendees participated from Connecticut, New York, Pennsylvania, Delaware, Maryland, the District of Columbia, and Georgia. Jacquelyn Campbell, PhD, RN, and internationally known expert on domestic violence, presented her research findings on femicide, provided training on the use of her Danger Assessment tool, and explored how this tool might be applied to assist in review of domestic violence fatalities. Based upon the ensuing enthusiastic feedback from other State's participants, the Board continued to lead national efforts by reconvening in 2007.

On November 29-30, 2007, the Board sponsored the 2nd Regional Conference on Domestic Violence Fatality Review in Princeton, New Jersey. This conference focused on issues surrounding review of near fatalities and best practices in the field of domestic violence fatality review. Thirty-seven participants from five states attended the 2nd Regional Conference. These conferences offer the Board and all participants an opportunity to be informed about and discuss up-to-date research and best practices, and to explore creative solutions to current challenges in the field. This work continues to place New Jersey at the forefront of domestic violence fatality and near fatality review work.

The Board regularly publishes reports, policies and briefs based upon their findings in review of domestic violence homicides. The Boards publications are as follows:

- *"Let Me See Tomorrow" A report based on interviews with women who were nearly killed by their intimate partners* (October 2010)
- *Findings & Recommendations of the NJ Domestic Violence Fatality & Near Fatality Review Board* (December 2009)
- *Deaths Associated With Intimate Partner Violence in New Jersey from 2003-2007 Brief with the New Jersey Violence Death Reporting System* (May 2009)
- *Responding to the Victims - The New Jersey Domestic Violence Fatality and Near Fatality Review Recommendations Report* (June 2006)
- *Model Policy on Domestic Violence in the Law Enforcement Community* (2006)
- *New Data and Committee Updates* (February 2003)
- *Remembering the Victims* (July 2001)

INTRODUCTION

Domestic Violence in the African American Community

The New Jersey Domestic Violence Fatality and Near Fatality Review Board in collaboration with the New Jersey Violent Death Reporting System (NJVDRS) issued a report indicating that 9.4% of all homicides in NJ were due to intimate partner homicides.ⁱ This data also indicated that African American Women were victims of intimate partner homicides at a rate of 1.8 per 100,000. In comparison to other ethnic groups, African American women were victimized at alarmingly higher rates. Hispanic women were victims at a rate of 1.0 per 100,000 and White women were victims 0.6 per 100,000. In addition, African American women between the ages of 25-44 were victims of intimate partner homicides at least 3.5 times more often than White women of the same age group.ⁱⁱ

Research indicates that at least 40% of the victims of intimate partner homicides in the nation are African American women. It is estimated that African American women experience a disproportionate amount of domestic violence resulting in death or serious injury when compared to other racial groups. Intimate partner homicide is the leading cause of death among African American women between the ages of 15-45 years old.ⁱⁱⁱ As a result of the alarming disproportionality of African American intimate partner homicides both nationally and in the state of New Jersey, the Board focused its 2010-2011 case review process on African American victims in an effort to understand and identify culturally unique factors that may contribute to the disproportion of intimate partner homicides for this population. The goal of the 2010-2011 case review process was to attempt to identify trends of domestic violence occurrence in this community and provide culturally unique recommendations to reduce the outcomes of intimate partner homicide for African American victims.

The Board recognizes and acknowledges that African American women may come from a variety of ethnic descent, cultural backgrounds, and various nationalities. These factors intersect with other relevant socio-political and economic factors including class. African-American women may also be part of a variety of linguistic contexts (i.e. French, Haitian Creole, etc.) and this also represents the multifaceted diversity among African American women. It should be noted that the Board's review process relies on documentation created by law enforcement, prosecutors, courts, and other criminal justice agencies that are gathered through a criminal investigation. As a result of the type of information provided, the Board was unable to make a distinction between the ethnic descent and origin of the victims in these cases. For the purposes of this report, it is assumed that the victim was identified as being of the African American descent based on any or all of the following: self or family identification, classification of African American by law enforcement or social service agencies, media identification, and societal classifications.

As this report is reviewed it is essential that the immense diversity among African Americans be fully recognized and understood.

Relevant Research

As part of the Board's effort to comprehensively review and explore intimate partner homicide in the African American community, the Board relied on a variety of recent and relevant research data. The literature reviewed offered information on areas such as theoretical causes of domestic violence within the

African American community, the impact of economics on domestic violence situations, the lack of culturally competent and diverse services available to this community, the physical and mental health effects of domestic violence, the contributions of social, cultural, and legal institutions, and the barriers that impede on victims obtaining services. Literature reviewed by the Board acknowledged the disproportionate rates of domestic violence victimization of African American women.

Researchers suggest that one of the major contributing factors to this disproportionality is closely related to the African American community's history of and continued experiences of systemic oppression that presents as a barrier to seeking and accepting domestic violence services.^{iv} It also suggests that the oppressive history of the African American community contributes to the women's perceptions of abuse as well as the accessibility and relevancy of services available in the community. African American women experience a combination of societal, socioeconomic, and ecological factors such as social isolation, family disruption, stereotypic and media portrayals, misogynistic forms of entertainment, higher unemployment levels, poverty, inadequate housing, inadequate education, and tend to reside in violent communities; which are all suggested to have major impacts on the disproportionality of domestic violence in this community.^v

Researchers agree that there is a need for the improvement and/or development of culturally competent services being offered to the African American community nationally. Studies indicate that services designed to assist survivors of domestic violence often tend to offer a mainstream, color-blind approach to service delivery. Critics of the color-blind approach to service delivery maintain that the approach ignores the fact that customs, attitudes, and beliefs that stem from ones race or ethnicity will impact how domestic violence affects them, potentially leading to fewer successful outcomes when services are sought.^{vi} This approach may deter African American women from seeking or receiving services largely due to the feeling of cultural insensitivity and have been shown to be dissatisfactory among African American women who use them. To maximize service relevancy and effectiveness and improve outcomes in the African American community, service providers, law enforcement, and those who encounter these victims needs to have a better understanding of societal attitudes, beliefs, and unique cultural issues that these victims experience.^{vii}

Oppression

African American women experience both abuse and domestic violence services in a way that is unique from that of White women which may stem from the oppressive history of African Americans. Many African American women still face discrimination and racism in society today. It has been suggested that the history of oppression as well as the lack of cultural competency creates a perception of a lack of protection, or further abuse by the criminal justice system or service providers by the African American woman. African American women may endure abuse longer and are more likely to fight back before leaving the abuser.^{viii} As a result, African American women are found to be incarcerated at higher numbers than their White counterparts for fighting back in a domestic violence relationship. The fact that African American women tend to fight back during their abuse and then are incarcerated as a result, tends to shift the perception of the African American woman being a victim and becoming a perpetrator. African American women are less likely to use formal services such as the police, courts, and restraining orders.^{ix} This may be a direct result of fear of being stigmatized for staying in the relationship and/or being blamed for fighting back against her abuser.

African American women are faced with a variety of stereotypes that result from discrimination and racism and often contribute to promotion and legitimization of violence against them. A major stereotype of African American women that distinguishes them from White women is that they are capable of handling higher levels of stress and discomfort without needing assistance from others. Historically,

institutional, individual, cultural, symbolic, and perceived forms of racism have contributed to rendering African American women invisible, devalued, and more objectified than their White counterparts.^x African American women are often stereotyped as being promiscuous, uneducated, and deserving of the violence perpetrated against them. These stereotypes may contribute to the African American woman's fear of not being taken seriously if they report the abuse or seek help.

One researcher^{xi} states that a common perception is that racism is at least partially to blame for the violence found in African American communities and families. African Americans' history of the separation of the family, the history of fatherlessness, lack of positive role models, and the absence of strong intimate partnerships in marriage all may be perceived as causes of violence in the African American community. The impact of the factors such as "fatherlessness" and absence of positive role models may leave a void in the community that is often filled with anger, drugs, and violence, and are often carried out at the expense of women and children. African Americans have been exposed to histories of multigenerational trauma that may normalize the violence that they experience.^{xii} Racism, oppression and discrimination as well as these stereotypes may also manifest in violent ways within intimate relationships as a way for African American men, who lack power and control in society, to achieve power and control in the home.^{xiii}

Inaccessibility and Irrelevancy of Existing Services

Nationwide research offers a multitude of reasons why African American women may be reluctant to seek or utilize domestic violence services. A major concern for African American women seeking services is the fear of being stigmatized or discriminated against. They may also feel that the services provided lack cultural competency and are irrelevant to them and their situations. Their continuous experiences with oppressive and discriminatory institutions may add to the fear that service providers will deliver services to them in a manner that will perpetuate harmful stereotypes and myths about them and their experiences.^{xiv} Cultural competency within domestic violence services continues to be a concern for African American women across the nation. African American women may view simple things such as the absence of culturally appropriate personal hygiene products and familiar food choices as being inconveniences that act as being a deterrent to seeking services. An absence of African American service providers may further discourage African American women from seeking services for fear that providers will not understand them and will not be able to work with them.^{xv} A lack of the presence of other African American women as victims or service providers may further create the perception that the services are culturally irrelevant to them.^{xvi}

Inaccessibility of services may present as yet another barrier for African American women. Often times domestic violence shelters and educational and support services are located in areas that are inaccessible to African American women.^{xvii} Seeking and maintaining services may become challenging for these women due to lack of transportation services, lack of financial means to travel to appointments, and fear and intimidation of traveling to communities that they are unfamiliar with. The hours that domestic violence services are offered may also impact the victim's participation and consistency of service utilization. If the victim is a single-parent, works more than one job, or works non-traditional hours, they are unlikely to benefit from support services that conflict with their work schedules; especially considering the distance that the victim would have to travel to obtain these services. Issues with transportation and hours of services are further complicated by issues surrounding child care needs of African American victims seeking services.

Fear of discrimination and stigmatization from within their own community also present as a barrier to accessing services for African American women and contribute to the ideology that domestic violence services are not relevant to them in general. The historical idea that African American women should be stronger and are capable of handling higher levels of stress and discomfort and not needing assistance may be passed down through generations.^{xviii} African American women are often taught to turn to family members, community members, and faith based institutions for assistance instead of seeking formal domestic violence services. These women may experience discouragement from these sources for speaking out about the violence further. The fear of further embarrassment, rejection, labeling, and judgment by her community, family, and faith based institutions may discourage the victim from identifying the need for services.

Racial Loyalty

Studies indicate that African American women are one and a half times less likely to call the police for assistance and two times less likely to obtain a restraining order against the abuser. Researchers suggest that the resistance of African American women to utilize the legal system as a resource for protection may stem from the cultural views of the legal and justice system as being institutions of racism and oppression. African American males historically and presently are overrepresented in the criminal justice system and have the highest rates of incarceration. African American men are often subjected to experiences of racial profiling, police brutality, and racial discrimination. This reality may influence and contribute to the African American women's reluctance to involve the legal system during the abuse. She may place her concerns for the abuser experiencing further discrimination, oppression, injustice, and police brutality at the hands of the criminal justice system over her own concerns of abuse and choose not to involve the legal system.^{xxix}

According to the African-Centered Social Work (ACSW) principles, one commonly held value in African American communities is communalism, which is a notion that the significance of the family and larger community often transcends the importance of individual needs and goals.^{xx} This cultural value may influence the African American woman to resist reporting domestic violence and protect the abuser and the community at her own expense. African American women are strongly influenced by their community values and may fear retaliation, rejection, and intimidation by her community as a whole if she were to report and have the abuser incarcerated. According to Gender Entrapment Theory, the result of racial loyalty, in many cases, is that women are penalized for their culturally accepted behaviors and reactions to the violence they experience in their intimate relationships further increasing the oppression they already face.^{xxi}

Impact of Economic Factors

Economics plays a significant role in a victim's experience of domestic violence regardless of race and ethnicity. Economic dependency is often cited as one the biggest reasons that victims find it difficult to leave the abuser from every community. Both trying to become economically independent and leaving an abusive relationship can be challenging, and adding the unique challenges African American women face due to discrimination and racism likely intensifies these challenges. Research by the National Institute of Justice indicates higher rates of intimate partner violence for African Americans than White Americans and differences among minority groups diminish when socio-demographic and relational variables are controlled.^{xxii} These findings suggest that the racial differences of domestic violence experienced by African Americans and Whites are reduced substantially or disappear altogether when the comparison is made with similar economic and ecological contexts. This information offers the consideration that the disproportionate amounts of domestic violence experienced by African American women is directly correlated to being economically disadvantaged.^{xxiii} Researchers attribute this disadvantage to higher rates

of intimate partner homicide in the African American community. Rates of domestic violence among African American communities were positively correlated to the level of neighborhood disadvantage and showed rates of domestic violence in disadvantaged communities as 11.4 percent compared to 5.7 percent in advantaged communities.^{xxiv}

African American women who experience an economic disadvantage often have unique needs related to their unstable financial and social environments.^{xxv} Economically disadvantaged victims of domestic violence do not have access to appropriate resources that fit their needs. Factors such as educational and employment opportunities, transportation, access to services, child care, and medical care are additional concerns for the domestic violence victim and may serve as a barrier for them to leave their situations. African American women who suffer from economic disadvantage and are being victimized may lack the resources and ability to relocate from their homes for protection and safety.^{xxvi} It is not uncommon for members of economically disadvantaged communities to rely on public programs such as welfare and rental assistance. While these programs are designed to assist the public, there are many rules, regulations, and program guidelines that may serve as a barrier to a victim seeking domestic violence services. A victim relying on rental assistance or public housing is faced with the decision of leaving her residence to seek protection from her abuser and risking being sanctioned by the program. These challenges may reinforce the victim's feelings of hopelessness and influence her decision to stay in the abusive situation longer or return to her abuser.

Economically disadvantaged women are often limited in employment opportunities in general. African American women experience the disadvantages not only in the economic sense, but in the sense of being a minority and a female. As a result, many of these women must work low wage jobs that may require them to work late at night, longer hours, and on weekends. The stress of these demands is increased when children are involved and child care becomes an additional concern. African American women who experience domestic violence are more likely to be employed than their White counterparts. African American men are overrepresented among those unemployed. These factors may place African American women at higher risks of violence for several reasons. If the female is employed and her partner is not, the amount of abuse that she experiences may increase due to her partner's fear of inadequacy, shame, and dependency that he may feel because he is not working. In addition, the victim may experience increased violence when she is working due to her partner's jealousy and fear that he may lose her as she becomes more independent or that she may start seeing someone else on her job. This increase of abuse and inaccessibility of services due to low-wage jobs most likely contributes to women who cycle between working and receiving welfare assistance and to the high rates of women receiving TANF, about 20-30%, who are experiencing domestic violence.^{xxvii}

Protective Factors

Despite the array of challenges African American women face due to the intersection of racism, classism and sexism, and other race related stressors; these women often develop protective factors "stemming from cultural values and norms" that can "buffer" mental health effects of domestic violence such as: a stronger sense of independence, greater interconnectedness with extended families and communities, more egalitarian gender roles and higher rates of employment.^{xxviii} While it is important to note that many of these women rely on their faith, families, communities, spirituality, and religious institutions to serve as a place of support and guidance or to cope with the effects of violence, it is equally important to note that these sources may also become less of a resource if blaming occurs. If the victim is seen as deserving of the violence for not obeying, chastised for deviating from religious teachings, or being rejected by her communities for disclosing the violence, her comfort, safety level, and trust of others may become further impaired. Service providers must be mindful in recognizing both the positive and negative influences that African American women experience from turning to their communities for support.

It is essential that service providers offering services to African American victims of domestic violence do so in a manner that ensures cultural competency for the victim. Tailoring services that builds on the strengths that stem from African American cultural values is imperative. Developing services in African American communities that are designed in consideration of accessibility and relevancy can strengthen the protective factors of these victims. Developing alliances within the African American community with religious institutions, local businesses, and community members may greatly improve the delivery of domestic violence educational and support services in a more culturally competent manner. Researchers suggest that services are designed using an ecological approach to prevention and treatment strategies that take into account social systems in the African American community such as domestic, social, historical, institutional, community, family, individual, and spiritual systems.^{xxix}

These programs should provide more balanced and positive perspectives of the African American communities by teaching what healthy relationships look like and incorporating cultural values and skills through an Afrocentric approach. These techniques are believed to empower African American women using cultural and community-based protective factors as strengths to affect positive change in their lives through a non-judgmental and supportive approach. Programs and service providers should make every effort to utilize community members to deliver services to African American women. Utilizing community members who are familiar with the victim's community and cultural values may significantly reduce the victim's negative stigma of getting help. Also, the victim may feel more comfortable and at ease knowing that there are services comprised of people that understand her, possibly look like her, and recognize and value her strengths and experiences.

RECOMMENDATIONS

While the Board's case review focused on domestic violence related fatalities in the African American community, it recognizes that domestic violence affects people from all segments of society regardless of gender, age, race, ethnicity, or socioeconomic status. It was evident during case review and recommendation development that while African Americans may experience unique factors surrounding domestic violence, many elements of the cases reviewed are similar in nature to cases involving other nationalities and ethnicities. It is important to note that the Board rarely has information that may provide victim's own thoughts and feelings about the situation during case reviews and relies heavily on research information and presentations about the unique factors of this population to help inform its recommendations. As a result, some recommendations are specific to the African American community while others represent the issues domestic violence victims are faced with in general.

Training and Education

Many victims and perpetrators of domestic violence are likely at some point during or after the abusive relationship to interact with the criminal justice system and/or the social service system. It is important, therefore, that professionals be adequately trained and educated to access issues pertaining to domestic violence. The best way to do this is through continued training and education.

The Board recognizes that certain professionals within the criminal justice system, such as police officers and judges are required to attend yearly training sessions on domestic violence (*N.J.S.A. 2C:25-20*). The Board also recognizes that these training curricula are required to be reviewed, and modified if necessary, on a regular basis (*N.J.S.A. 2C:25-20*). However, there seems to be little mention of the specific content of such trainings, nor is it clear if these trainings are standardized across the state. Because consistent and accurate training is important when working with both victims and perpetrators of domestic violence, the Board makes the following recommendations regarding the content and standardization of such trainings.

Standardization of Training and Education

As stated before, the Board recognizes that various criminal justice agencies are mandated to receive a specific amount of training, but also recognizes that there is no such mandate in regards to the content of the training (*N.J.S.A. 2C:25-20*). Therefore, the Board believes that having a single, multi-faceted training curriculum to be used statewide is essential in ensuring that domestic violence victims across the state receive the same level of response from these agencies.

Recommendation 1A:

The Attorney General and the Administrative Office of the Courts should create a standardized training for police, the courts, parole officers, probation officers, correction officers, and prosecutors regarding domestic violence in the African American community. This training should be ongoing and should include information about the dynamics of abusive relationships, why victims are reluctant to report the abuse or leave the abuser, and how domestic violence in the African American community is different than in other communities. This training should also be aimed at increasing cultural competency and reducing institutionalized racism, discrimination, and oppression. These trainings should be designed by utilizing community and professional organizations that have extensive knowledge of the African American experience of domestic violence. If at all possible, every effort should be made to utilize African Americans as trainers. These trainings should also consist of components that require participants to explore and reflect on their personal notions of others and should enhance the participants understanding of experiences and consequences of dealing with the African American community.

Training for Service Providers and Community Leaders

It is important to recognize that professionals other than those within the criminal justice system are likely to encounter victims of domestic violence. The literature also stresses the differences between domestic violence in the African American community as compared to other ethnic groups, which increases the importance of training specifically on domestic violence in the African American community. As with other training and education, it is important that such trainings occur on an ongoing basis because the understanding of these issues evolves over time as more research is done.

Recommendation 1B:

The New Jersey Coalition for Battered women should develop and implement training for community domestic violence service providers who work with African American victims of domestic violence. This training should be designed to increase the cultural competency of these providers and increase the knowledge of the dynamics of domestic violence within the African American community.

Recommendation 1C:

The New Jersey Coalition for Battered Women in conjunction with the county domestic violence working groups should develop and implement a program to educate and train church officials about domestic violence in the African American community, for the purposes of providing religious institutions with information to better provide support to and identify available services for victims of domestic violence in their congregations. This training should also encourage these religious institutions to refrain from victim blaming, rejection, and discrediting the victim's experiences. Religious leaders should be made aware of the potentially negative impact on the victim's safety that these reactions may have.

Recommendation 1D:

New Jersey Coalition for Battered Women should develop and implement training for community leaders and those people who members of the community are likely to approach for help or advice on how to recognize the signs of domestic violence and how to identify available resources within the community for domestic violence victims.

Recommendation 1E:

The Department of Human Services in conjunction with the New Jersey Coalition for Battered Women should provide trainings to those receiving funding to work with individuals with disabilities. This training should include, but not be limited to, recognizing signs of domestic violence, and how disabled individuals are at an increased risk of being abused by a caretaker and/or intimate partner. Concrete policies and procedures should be discussed to inform those working with individuals with disabilities on what to do if they suspect domestic violence.

Recommendation 1F:

The Department of Human Services should conduct research pertaining to the training needs among disability service providers in recognizing signs of domestic violence among individuals with disabilities. The Department of Human Services, in conjunction with the Office of the Attorney General and the New Jersey Coalition for Battered Women, provide training for first responders in how to address and interview victims with disabilities.

Training on the Impact of Economics

In cases that the Board reviewed, lack of economic security was a barrier to a victim's ability to leave an abuser. Because lack of economic self-sufficiency is a significant factor in ending an abusive relationship, it is important that those who are likely to encounter victims of domestic violence be knowledgeable on why women stay in order to better help these victims. County welfare agencies, Human Services, housing agencies, and other social service agencies should also be trained to recognize and address economic barriers and concerns that are unique to the African American community.

Recommendation 1G:

The Office of the Attorney General and the Administrative Office of the Courts should include in their domestic violence education training the impact of economics on the dynamics of domestic violence,

financial abuse, and victims' financial dependence on the abuser. In addition, these trainings should include the unique dynamics as it pertains to African American victims.

Training on Domestic Violence in the Immigrant Population

The Board reviewed cases where either the victim or the perpetrator was an immigrant. We define an "immigrant" not by his/her legal status of residency in the United States, but to indicate individuals who have entered this country as students, workers, spouses, refugees, etc. This category would include undocumented individuals. It is a catch-all term that is frequently tied to the perceived characteristic of "foreignness". It is important for the police to have training to handle domestic violence in the immigrant population in an effective and culturally competent manner.

Recommendation 1H:

The Office of the Attorney General and the Administrative Office of the Courts should include in their domestic violence education the unique issues of domestic violence in immigrant communities. This training should also stress the importance of cultural competency and identifying and recognizing various cultural values and the impact they have on the perception of the presence of domestic violence.

Training on Stalking

Research shows that most stalking victims are stalked by a current or former intimate partner. It is indicated that there is a strong correlation between domestic violence and stalking. The risk of violence towards the stalking victim increases if the perpetrator is a former intimate partner. For these reasons, it is important that police officers, prosecutors, judges, probation officers, and parole officers receive training on the dynamics of both domestic violence and stalking, and how domestic violence and stalking interact in order to better protect the victims.

Recommendation 1I:

The Office of the Attorney General, the Administrative Office of the Courts, and the New Jersey State Parole Board should provide training to law enforcement, prosecutors, judges, probation officers, and parole officers on the co-occurrence of domestic violence and stalking.

Training for Probation and Parole Officers

It is likely that probation or parole officers will work with a probationer or parolee who is involved in domestic violence, either as a perpetrator or as a victim. These officers could play an important role in deterring abuse. For this reason, it is important that these professionals receive training so that they will be able to handle these situations properly.

Recommendation 1J:

The Administrative Office of the Courts and the New Jersey State Parole Board in conjunction with the New Jersey Coalition for Battered Women should develop and implement procedures pertaining to when

a probation or parole officer knows or suspects that a probationer or parolee is a perpetrator of domestic violence. In addition, these agencies should explore and/or enact policies and procedures that offer additional protection to victims. Policies and procedures should also be developed considering additional challenges African American women may face in regard to issues such as racial loyalty and fear of reporting their abuser.

Training on Danger Assessment

In several of the Board's cases, there was evidence that not only was there police involvement prior to the fatal incident, but also that there were risk factors present that increased the victim's likelihood of being injured or killed. For purposes of preserving the safety and well-being of victims of domestic violence, it is important that the first responders as well as other professionals that encounter victims of domestic violence receive training on how to assess risk factors and what to do if they are identified.

Recommendation 1K:

The Office of the Attorney General, the Administrative Office of the Courts, and the New Jersey State Parole Board should provide training to law enforcement, prosecutors, judges, probation officers, and parole officers regarding intimate partner homicide risk factors, including, but not limited to, threats to kill. In addition, trainings should include additional risk factors that pertain to African American victims and the violence in their communities.

Services

When helping a victim deal with an abusive relationship, social services are critical to the outcome. It is important that these services be available to everyone who needs them. Domestic violence can happen to anyone, male, female, White, African American, Hispanic, old, young, those with children and those without. Unfortunately, there is a distinct lack of services available for women without children who are victims of domestic violence. Because these women are just as much victims as are women of other categories, and need services just as much as other women, it is important that there are adequate services for these women.

Lack of economic self-sufficiency is a significant factor in a victim's ability to leave an abusive relationship. Improving the victim's ability to become economically self-sufficient increases the likelihood of successfully leaving her abuser. For this reason, it is important that there are services to assist victims in this regard. Also, since economic self-sufficiency is a significant factor in a victim's decision to leave an abusive relationship, as well as in the decision to return to an abusive relationship, it is important that services be available both before and after a victim leaves the abuser. It is also imperative that social service agencies recognize and are sensitive to the role that poverty and unemployment play in the increased risk of domestic violence. It is also equally important for the economic needs of African American victims to be considered and addressed in a manner that is unique to their situations and underlying needs. The Board makes the following recommendations regarding the type and availability of services.

Recommendation 2A:

The Department of Children and Families and the Department of Human Services should enhance the availability of social services for women without children who are victims of domestic violence.

Recommendation 2B:

The New Jersey Coalition for Battered Women work in conjunction with the Department of Children and Families and the Department of Human Services to ensure that services that provide financial empowerment and literacy for victims of domestic violence be increased. These programs should be accessible to victims both in abusive relationships, as well as after the relationship is over.

Recommendation 2C:

The Department of Labor and Workforce Development should improve both the number and quality of services designed to reduce unemployment and increase economic self-sufficiency for victims of domestic violence. Such services should include job training, financial literacy, and work readiness training.

Recommendation 2D:

The United States Department of Labor and the New Jersey Department of Labor should allocate funding of the Workforce Investment Act for Disadvantaged Adults specifically for Domestic Violence victims wishing to reenter the workforce. In addition, One-Stop services should be offered within the victim's local community. African American victim's limited accessibility, educational needs, and employment opportunities should be considered as well.

Recommendation 2E:

The New Jersey Coalition for Battered Women, local domestic violence agencies, and other community leaders and service providers should research and develop domestic violence services in African American communities that are relevant and accessible to these victims. Services should be developed with consideration and awareness of the unique issues that African American victims face. Services should include domestic violence training and awareness, support, and empowerment. Services should be developed and administered within the African American community to increase accessibility. Every effort should be made to have services delivered by African American professionals and survivors of domestic violence. Education and training modules should be tailored to the African American experience and should be relevant to their cultural values and beliefs.

Recommendation 2F:

The New Jersey Coalition for Battered Women, local domestic violence agencies, and other community leaders and service providers should develop and provide domestic violence training and awareness to African American males in the community. Training should be developed with the realization that a large number of African Americans reside in communities with high levels of violence and crime. African American males often perpetuate the violence in these communities. Raising awareness of the various forms of domestic violence and its impacts on African American women and children is essential to

reducing domestic violence related fatalities in the community. Every effort should be made to have services offered within the community and administered by African American members of the community. Education and training modules should be tailored to the African American experience and relevant to their cultural values and beliefs.

Research

The field of domestic violence is constantly evolving as understanding of its dynamics continues to improve. Changes can, and should, only occur after certain issues are researched and conclusions drawn based on that research. The Board recognizes that domestic violence can happen to anyone regardless of race, ethnicity, religion, sex, age, and socio-economic status. Despite that recognition, there appears to be a major disparity in the prevalence of domestic violence in the African American community. Research on this matter appears to be limited and in its early stages. The literature available acknowledges that unique factors exist for African American victims and provides for implications for interventions within this community. Research on the prevalence of domestic violence, barriers to services, lack of services, and successful interventions needs to be developed and expanded.

The Board has also identified further areas that would benefit victims of domestic violence if research were to continue. Two areas of particular concern to the Board are as follows:

- In the cases the Board reviewed, one of the barriers to reporting domestic violence was a fear of losing one's children. A greater understanding of why this fear exists and what contributes to it is needed in order to reduce this barrier.
- In several cases reviewed by the Board, there was evidence showing that the perpetrator had stalked the victim prior to the fatal incident. Because this is a recurring trend, the Board recognizes the need to continue its research in this area.

Recommendation 3A:

It is recommended that domestic violence research in the African American community be further expanded. Research is needed to identify the unique factors that African American victims face in relation to domestic violence. Research should be conducted in a manner that offers the community and service providers evidenced based practices that provide implications for effective service delivery to African American victims and their communities.

Recommendation 3B:

The New Jersey Domestic Violence Fatality and Near Fatality Review Board would like to commend the efforts of the Division of Child Protection and Permanency (DCP&P) with their development of the *Domestic Violence Case Practice Protocol*. The Board recommends DCP&P further examine factors that prevent women, in particular African American women, from reporting domestic violence. Data shows that there are an alarmingly disproportionate number of African American children in New Jersey's foster care system.^{xxx} In addition, African American communities lack the resources and opportunity to provide

temporary care for the children of their community in lieu of foster care. The relationship of this occurrence to the reluctance of African American women to report domestic violence should be acknowledged and research should be conducted to develop policies and procedures that reduce this deterrent.

Recommendation 3C:

The New Jersey Domestic Violence Fatality and Near Fatality Review Board should continue to conduct research pertaining to the co-occurrence of stalking and intimate partner homicide.

Legislation

Although most incidents of domestic violence occur in the home, its effects spill into other areas of life, including the workplace. According to a report published March 2003 by the Centers for Disease Control and Prevention, “More than 13.5 million total days are lost from job and housework productivity [as a result of intimate partner violence], which is equivalent to 47,339 person years.”^{xxxii} By developing policies and procedures, including safety protocols, to deal with domestic violence, employers can ensure not only the safety of their workers, but also the productivity of the business.

Recommendation 4A:

The New Jersey Legislature should develop legislation that will require businesses in New Jersey to develop and adopt workplace domestic violence policies and safety protocols. These protocols and policies should be culturally competent and applicable to all victims of domestic violence.

Recommendation 4B:

The New Jersey Legislature should develop legislation that would require the Department of Labor and Work Force Development, in conjunction with the New Jersey Coalition for Battered women, to implement the Board’s 2006 recommendation to develop and adopt culturally competent workplace domestic violence policies and safety protocols.

Law Enforcement

Domestic violence incidents are largely under-reported and the incidents that do get reported to the police are only a small fraction of what is actually occurring in that relationship. For this reason it is important to document any incident that is reported so that those involved can get appropriate help. One way to help get this documentation is for the police to write a full report when domestic violence is suspected, especially indicating why charges were not filed, rather than just a Computer Aided Dispatch (CAD) report. It is also important that when calls are made to the police via 911, calls are responded to in an appropriate and timely manner. Unfortunately through case review it was found that some calls, by nature of the location of the incident, were routed to an adjacent municipality where there was little or no response.

Recommendation 5:

The Office of the Attorney General mandates local police departments to follow the procedures set forth in the Domestic Violence Procedures Manual and the Law Enforcement Standard Operating Procedures regarding the reporting of incidents of domestic violence. Mandates should include procedures that are culturally competent and applicable to populations being served. In addition, procedures should raise awareness of the unique experiences of African American victims and their fears and concerns for law enforcement involvement and its relation to filing charges, obtaining a restraining order, etc.

RECOMMENDATION LIST

Training and Education

Recommendation 1A:

The Attorney General and the Administrative Office of the Courts should create a standardized training for police, the courts, parole officers, probation officers, correction officers, and prosecutors regarding domestic violence in the African American community. This training should be ongoing and should include information about the dynamics of abusive relationships, why victims are reluctant to report the abuse or leave the abuser, and how domestic violence in the African American community is different than in other communities. This training should also be aimed at increasing cultural competency and reducing institutionalized racism, discrimination, and oppression. These trainings should be designed by utilizing community and professional organizations that have extensive knowledge of the African American experience of domestic violence. If at all possible, every effort should be made to utilize African Americans as trainers. These trainings should also consist of components that require participants to explore and reflect on their personal notions of others and should enhance the participants understanding of experiences and consequences of dealing with the African American community.

Recommendation 1B:

The New Jersey Coalition for Battered women should develop and implement training for community domestic violence service providers who work with African American victims of domestic violence. This training should be designed to increase the cultural competency of these providers and increase the knowledge of the dynamics of domestic violence within the African American community.

Recommendation 1C:

The New Jersey Coalition for Battered Women in conjunction with the county domestic violence working groups should develop and implement a program to educate and train church officials about domestic violence in the African American community, for the purposes of providing religious institutions with information to better provide support to and identify available services for victims of domestic violence in their congregations. This training should also encourage these religious institutions to refrain from victim blaming, rejection, and discrediting the victim's experiences. Religious leaders should be made aware of the potentially negative impact on the victim's safety that these reactions may have.

Recommendation 1D:

New Jersey Coalition for Battered Women should develop and implement training for community leaders and those people who members of the community are likely to approach for help or advice on how to recognize the signs of domestic violence and how to identify available resources within the community for domestic violence victims.

Recommendation 1E:

The Department of Human Services, in conjunction with the New Jersey Coalition for Battered Women, should provide trainings to those receiving funding to work with individuals with disabilities. This training should include, but not be limited to, recognizing signs of domestic violence, and how disabled individuals are at an increased risk of being abused by a caretaker and/or intimate partner. Concrete policies and procedures should be discussed to inform those working with individuals with disabilities on what to do if they suspect domestic violence.

Recommendation 1F:

The Department of Human Services should conduct research pertaining to the training needs among disability service providers in recognizing signs of domestic violence among individuals with disabilities. The Department of Human Services, in conjunction with the Office of the Attorney General and the New Jersey Coalition for Battered Women, provide training for first responders in how to address and interview victims with disabilities.

Recommendation 1G:

The Office of the Attorney General and the Administrative Office of the Courts should include in their domestic violence education training the impact of economics on the dynamics of domestic violence, financial abuse, and victims' financial dependence on the abuser. In addition, these trainings should include the unique dynamics as it pertains to African American victims.

Recommendation 1H:

The Office of the Attorney General and the Administrative Office of the Courts should include in their domestic violence education the unique issues of domestic violence in immigrant communities. This training should also stress the importance of cultural competency and identifying and recognizing various cultural values and the impact they have on the perception of the presence of domestic violence.

Recommendation 1I:

The Office of the Attorney General, the Administrative Office of the Courts, and the New Jersey State Parole Board should provide training to law enforcement, prosecutors, judges, probation officers, and parole officers on the co-occurrence of domestic violence and stalking.

Recommendation 1J:

The Administrative Office of the Courts and the New Jersey State Parole Board, in conjunction with the New Jersey Coalition for Battered Women, should develop and implement procedures pertaining to when a probation or parole officer knows or suspects that a probationer or parolee is a perpetrator of domestic violence. In addition, these agencies should explore and/or enact policies and procedures that offer additional protection to victims. Policies and procedures should also be developed considering additional challenges African American women may face in regard to issues such as racial loyalty and fear of reporting their abuser.

Recommendation 1K:

The Office of the Attorney General, the Administrative Office of the Courts, and the New Jersey State Parole Board should provide training to law enforcement, prosecutors, judges, probation officers, and parole officers regarding intimate partner homicide risk factors, including, but not limited to, threats to kill. In addition, trainings should include additional risk factors that pertain to African American victims and the violence in their communities.

Services

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The Department of Children and Families and the Department of Human Services should enhance the availability of social services for women without children who are victims of domestic violence.

Recommendation 2B:

The New Jersey Coalition for Battered Women work in conjunction with the Department of Children and Families and the Department of Human Services should ensure that services that provide financial empowerment and literacy for victims of domestic violence be increased. These programs should be accessible to victims both in abusive relationships, as well as after the relationship is over.

Recommendation 2C:

The Department of Labor and Workforce Development should improve both the number and quality of services designed to reduce unemployment and increase economic self-sufficiency for victims of domestic violence. Such services should include job training, financial literacy, and work readiness training.

Recommendation 2D:

The United States Department of Labor and the New Jersey Department of Labor should allocate funding of the Workforce Investment Act for Disadvantaged Adults specifically for Domestic Violence victims wishing to reenter the workforce. In addition, One-Stop services should be offered within the victim's local community. African American victim's limited accessibility, educational needs, and employment opportunities should be considered as well.

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The New Jersey Coalition for Battered Women, local domestic violence agencies, and other community leaders and service providers should research and develop domestic violence services in African American communities that are relevant and accessible to these victims. Services should be developed with consideration and awareness of the unique issues that African American victims face. Services should include domestic violence training and awareness, support, and empowerment. Services should be developed and administered within the African American community to increase accessibility. Every effort should be made to have services delivered by African American professionals and survivors of domestic violence. Education and training modules should be tailored to the African American experience and should be relevant to their cultural values and beliefs.

Recommendation 2F:

The New Jersey Coalition for Battered Women, local domestic violence agencies, and other community leaders and service providers should develop and provide domestic violence training and awareness to African American males in the community. Training should be developed with the realization that a large number of African Americans reside in communities with high levels of violence and crime. African American males often perpetuate the violence in these communities. Raising awareness of the various forms of domestic violence and its impacts on African American women and children is essential to reducing domestic violence related fatalities in the community. Every effort should be made to have services offered within the community and administered by African American members of the community. Education and training modules should be tailored to the African American experience and relevant to their cultural values and beliefs.

Research

Recommendation 3A:

It is recommended that domestic violence research in the African American community be further expanded. Research is needed to identify the unique factors that African American victims face in relation to domestic violence. Research should be conducted in a manner that offers the community and service providers evidenced based practices that provide implications for effective service delivery to African American victims and their communities.

Recommendation 3B:

The New Jersey Domestic Violence Fatality and Near Fatality Review Board would like to commend the efforts of the Division of Child Protection and Permanency (DCP&P) with their development of the *Domestic Violence Case Practice Protocol*. The Board recommends DCP&P further examine factors that prevent women, in particular African American women, from reporting domestic violence. Data suggests that there are an alarmingly disproportionate number of African American children in New Jersey's foster

care system. In addition, African American children and communities lack the ability to temporarily care for the children of their community in lieu of foster care. The relationship of this occurrence to the reluctance of African American women to report domestic violence should be acknowledged and research should be conducted to develop policies and procedures that reduce this deterrent.

Recommendation 3C:

The New Jersey Domestic Violence Fatality and Near Fatality Review Board should continue to conduct research pertaining to the co-occurrence of stalking and intimate partner homicide.

Legislation

Recommendation 4A:

The New Jersey Legislature should develop legislation that will require businesses in New Jersey to develop and adopt workplace domestic violence policies and safety protocols. These protocols and policies should be culturally competent and applicable to all victims of domestic violence.

Recommendation 4B:

The New Jersey Legislature develop legislation that would require the Department of Labor and Work Force Development, in conjunction with the New Jersey Coalition for Battered women, to implement the Board's 2006 recommendation to develop and adopt culturally competent workplace domestic violence policies and safety protocols.

Law Enforcement

Recommendation 5:

The Office of the Attorney General mandates local police departments to follow the procedures set forth in the Domestic Violence Procedures Manual and the Law Enforcement Standard Operating Procedures regarding the reporting of incidents of domestic violence. Mandates should include procedures that are culturally competent and applicable to populations being served. In addition, procedures should raise awareness of the unique experiences of African American victims and their fears and concerns for law enforcement involvement and its relation to filing charges, obtaining a restraining order, etc.

APPENDIX A
NEW JERSEY ACTS OF DOMESTIC VIOLENCE
N.J.S.A. 2C:25-19

2C:25-19. Definitions

As used in this act:

a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

- (1) Homicide N.J.S.2C:11-1 et seq.
- (2) Assault N.J.S.2C:12-1
- (3) Terroristic threats N.J.S.2C:12-3
- (4) Kidnapping N.J.S.2C:13-1
- (5) Criminal restraint N.J.S.2C:13-2
- (6) False imprisonment N.J.S.2C:13-3
- (7) Sexual assault N.J.S.2C:14-2
- (8) Criminal sexual contact N.J.S.2C:14-3
- (9) Lewdness N.J.S.2C:14-4
- (10) Criminal mischief N.J.S.2C:17-3
- (11) Burglary N.J.S.2C:18-2
- (12) Criminal trespass N.J.S.2C:18-3
- (13) Harassment N.J.S.2C:33-4
- (14) Stalking P.L.1992, c.209 (C.2C:12-10)

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

APPENDIX B
GOVERNING STATUTE
N.J.S.A. 52-27D-43.17

CHAPTER 225

AN ACT concerning domestic violence and supplementing Title 52 of the Revised Statutes.

BE IT ENACTED by the *Senate and General Assembly of the State of New Jersey:*

C.52:27D-43.17a Definitions relative to domestic violence.

1. as used in this act:

"Board" means the Domestic Violence Fatality and Near Fatality Review Board established pursuant to this act.

"Domestic violence-related fatality" or "fatality" means a death which arises as a result of one or more acts of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19).

"Near fatality" means a case in which a victim of domestic violence is in serious or critical condition, as certified by a physician.

"Panel" means the Panel to Study Domestic Violence in the Law Enforcement Community established pursuant to section 9 of this act.

C.52:27D-43.17b Domestic Violence Fatality and Near Fatality Review Board.

2. There is established the Domestic Violence Fatality and Near Fatality Review Board. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the board is established within the Department of Community Affairs, but notwithstanding the establishment, the board shall be independent of any supervision or control by the department or any board or officer thereof.

The purpose of the board is to review the facts and circumstances surrounding domestic violence-related fatalities and near fatalities in New Jersey in order to identify their causes and their relationship to government and nongovernment service delivery systems, and to develop methods of prevention. The board shall: review trends and patterns of fatalities and near fatalities; evaluate the responses of government and nongovernment service delivery systems to fatalities and near fatalities and offer recommendations for improvement of these responses; identify and characterize high-risk groups in order to develop public policy; collect statistical data, in a consistent and uniform manner, on the occurrence of fatalities and near fatalities; and improve collaboration between State and local agencies and organizations for the purpose of developing initiatives to prevent domestic violence.

C.52:27D-43.17c Membership of board, terms, compensation.

3. A. The board shall consist of 21 members as follows:

(1) The Commissioners of Community Affairs, Human Services and Health and Senior Services, the Director of the Division on Women in the Department of Community Affairs, the Attorney General, the Public Defender, the Superintendent of the State Police, the Supervisor of the Office on the Prevention of Violence Against Women in the Department of Community Affairs established pursuant to Executive Order No. 61 (1992), the State Medical Examiner, the Program Director of the Domestic Violence Fatality Review Board established pursuant to Executive Order No. 110 (2000) and the Executive Director of the New Jersey Task Force on Child Abuse and Neglect, or their designees, who shall serve ex officio;

(2) eight public members appointed by the Governor who shall include a representative of the County Prosecutors Association of New Jersey with expertise in prosecuting domestic violence cases, a representative of the New Jersey Coalition for Battered Women, a representative of a program for battered women that provides intervention services to perpetrators of acts of domestic violence, a representative of the law enforcement community with expertise in the area of domestic violence, a psychologist with expertise in the area of domestic violence or other related fields, a licensed social worker with expertise in the area of domestic violence, a licensed

health care professional knowledgeable in the screening and identification of domestic violence cases and a county probation officer; and

(3) Two retired judges appointed by the Administrative Director of the Administrative Office of the Courts, one with expertise in family law and one with expertise in municipal law as it relates to domestic violence.

b. The public members of the board shall serve for three-year terms, except that of the public members first appointed, four shall serve for a period of one year, three shall serve for a period of two years and two shall serve for a period of three years. The members shall serve without compensation, but shall be eligible for reimbursement for necessary and reasonable expenses incurred in the performance of their official duties and within the limits of funds appropriated for this purpose. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made.

c. The board shall select a chairperson from among its members who shall be responsible for the coordination of all activities of the board.

d. The board is entitled to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available for the purposes of reviewing a case pursuant to the provisions of this act.

e. The board may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, academia, military affairs or other related fields, if the facts of a case warrant additional expertise.

C.52:27D-43.17d Duties of board.

4. The board shall:

a. Identify domestic violence-related fatalities that meet the following criteria:

(1) The manner of death is homicide, and the deceased was the spouse, former spouse, present or former household member of the perpetrator of the homicide or person with whom the perpetrator has had a dating relationship;

(2) The manner of death is suicide, and the deceased was a victim of one or more acts of domestic violence committed by a spouse, former spouse, present or former household member or person with whom the victim has had a dating relationship;

(3) The manner of death is homicide or suicide, and the deceased is the perpetrator of a homicide committed against a spouse, former spouse, present or former household member or person with whom the perpetrator has had a dating relationship;

(4) The manner of death is homicide or suicide, and the deceased is the child of either a victim of a homicide committed by a spouse, former spouse, present or former household member or person with whom the victim has had a dating relationship, or the perpetrator of the homicide;

(5) The manner of death is homicide or suicide, and the deceased is the child of a victim of a homicide committed by a spouse, former spouse, present or former household member or person with whom the victim has had a dating relationship and the perpetrator of the homicide;

(6) The deceased is a law enforcement officer, health care professional, representative of any agency or organization that provides services to victims of domestic violence or an emergency medical technician or paramedic who died while responding to an incident of domestic violence;

(7) The manner of death is homicide or suicide, and the deceased is a family member of either a victim of a homicide committed by a spouse, former spouse, present or former household member or person with whom the victim has had a dating relationship, or the perpetrator of the homicide;

(8) The manner of death is homicide or suicide, and the deceased is the perpetrator of a homicide of a family member; or

(9) The manner of death is homicide or suicide related to an incident of domestic violence, and the deceased is not a family member, spouse, former spouse, present or former household member or person with whom the victim has had a dating relationship.

As used in this subsection, "family member" means a person 16 years of age or older related to another person by blood, marriage or adoption, including: a sibling, parent, stepsibling or stepparent of the person or his spouse; and a person whose status is preceded by the words "great" or "grand."

- b. Identify near fatalities when information available to the board indicates that domestic violence may have been a contributing factor.
- c. Collect and review death certificates, autopsy, investigative, police, medical, counseling, victim service and employment records, child abuse and neglect reports, survivor interviews, surveys, and any other information the board deems necessary and appropriate in determining the cause of a domestic violence-related fatality or near fatality.
- d. Make a determination whether a domestic violence-related fatality or near fatality may have been prevented with improvements to the policies and procedures used by health care, social service, law enforcement, governmental or nongovernmental agencies and organizations to provide services to victims of domestic violence and their families.
- e. Implement a Statewide public education campaign to promote awareness among the public, community organizations, law enforcement agencies and health care providers on issues relating to the prevention of domestic violence.
- f. Conduct a Statewide domestic violence safety and accountability audit. The audit shall include a systematic analysis of intra agency and interagency policies and procedures used by:
 - (1) Law enforcement agencies and the court system when investigating and prosecuting cases of domestic violence-related fatalities and near fatalities, as appropriate; and
 - (2) State and local agencies and organizations when providing services to victims of domestic violence.

C.52:27D-43.17e Authority of board.

5. The board is authorized to:

- a. Subpoena any records, other than criminal investigatory records pertaining to a criminal investigation in progress, concerning a domestic violence-related fatality or near fatality and other records, which may be deemed pertinent to the review process and necessary for the formulation of a conclusion by the board;
- b. Apply for and accept any grant of money from the federal government, private foundations or other sources, which may be available for programs related to the prevention of domestic violence; and
- c. Enter into contracts with individuals, organizations and institutions necessary for the performance of its duties under this act.

C.52:27D-43.17f Determination of which incidents receive full review; annual report to the Governor, and/or Legislature.

6. A. The board shall determine which domestic violence-related fatalities and near fatalities shall receive its full review.

The board may establish local, community-based teams or committees to compile specific information regarding the fatalities and near fatalities selected by the board for its review.

b. Each team or committee shall include, at a minimum, a person experienced in prosecution and local law enforcement investigation, a medical examiner, a physician with expertise in the area of domestic violence, a domestic violence specialist certified by the New Jersey Association of Domestic Violence Professionals and one representative each of a legally recognized military organization with expertise in domestic violence and Legal Services of New Jersey to advise on areas relevant to their agencies. As necessary to perform its functions, each team or committee may add additional members if the facts of a case warrant additional expertise.

c. Each team or committee shall submit to the chairperson of the board a report containing the information the team or committee compiled regarding each domestic violence-related fatality or near fatality and make recommendations for improvements or needed changes concerning the provision of services to victims of domestic violence.

d. The board shall review the reports submitted by each team or committee pursuant to subsection c. of this section and issue an annual report to the Governor and the Legislature, which includes the number of cases reviewed and specific non-identifying information regarding cases of particular significance. The board shall also include in the report recommendations for system wide improvements in services to prevent domestic violence-related fatalities and near fatalities.

C.52:27D-43.17g Accessibility of records.

7. A. The records compiled by the board, including all investigatory findings, statistical data and information gathered pursuant to subsection c. of section 4 of this act, shall not be subject to discovery, but may be used by the chairperson of the board to refer an individual case, including the board's deliberations and conclusions, to the extent necessary, to an appropriate agency to investigate or to provide services.

b. The records compiled by the board shall not be subject to subpoena or admissible as evidence in any action or proceeding in any court, nor shall a person or entity authorized by the board to have access to the records pursuant to this act be compelled to testify with regard to the records.

c. Except as provided in subsection a. of this section, the deliberations and conclusions of the board related to a specific case shall be confidential and shall not be deemed a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.). Summary records that are prepared by the board and the teams or committees on each reported case shall not contain any information that would identify the victim of a domestic violence related fatality or near fatality.

C.52:27D-43.17h Immunity from civil liability.

8. A member of the board, a member of a team, committee or panel established pursuant to this act or an employee of the board shall not be held liable for any civil damages as a result of any action taken or omitted in the performance of his duties pursuant to this act.

C.52:27D-43.17i Panel to Study Domestic Violence in the Law Enforcement Community.

9. a. The board shall establish a Panel to Study Domestic Violence in the Law Enforcement Community. The purpose of the panel is to: examine issues associated with incidents of domestic violence perpetrated by law enforcement officials and, as appropriate, specific cases; evaluate the responses of State and local agencies and organizations to incidents of domestic violence perpetrated by law enforcement officials; and develop strategies to prevent domestic violence-related fatalities and near fatalities among law enforcement officials and their families.

The panel shall examine issues, which shall include, but are not limited to:

(1) the education of law enforcement officials on the consequences of committing acts of domestic violence;
(2) the provision of support services to law enforcement officials in high-risk situations, including cases of separation and divorce;

(3) the provision of support services to victims of domestic violence who are the family members of law enforcement officials, including information about and referral to community organizations that provide medical, mental health and legal services to victims of domestic violence; and

(4) the development of State wide policies and procedures regarding the identification and disposition of cases of domestic violence perpetrated by law enforcement officials.

b. The panel shall be composed of volunteer members, including representatives from the law enforcement community and experts in the field of domestic violence.

c. The members of the panel:

(1) shall not disclose to any person or government official any identifying information about a specific case of domestic violence perpetrated by a law enforcement official with respect to which the panel is provided information; and

(2) shall not make public other information unless authorized by State statute.

d. The panel shall have access to information necessary to carry out its functions. The panel is entitled to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available for the purposes of effectuating the provisions of this act.

e. The panel shall prepare and make available to the public and the board, on an annual basis, a report containing a summary of its activities.

f. The panel may receive grants and other funds made available from any governmental, public, private, nonprofit or for-profit agency, including funds made available under any federal or State law, regulation or program.

C.52:27D-43.17j Regulations.

10. The board shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), concerning the operation of the board, procedures for conducting reviews of cases involving domestic violence fatalities and near fatalities, the establishment of the panel pursuant to section 9 of this act and other matters necessary to effectuate the purposes of this act.

11. This act shall take effect immediately.

Approved January 9, 2004.

APPENDIX C

CONFIDENTIALITY AGREEMENT

New Jersey Domestic Violence Fatality & Near Fatality Review Board Confidentiality Agreement

The purpose of the New Jersey Domestic Violence Fatality & near Fatality Review Board (“Board”) is to engage in thorough quantitative and qualitative reviews of domestic violence-related fatalities and near fatalities in order to better understand domestic violence and resulting deaths, and in order to work towards better intervention and prevention efforts. This purpose requires case-specific sharing of records and other information, as provided by the governing authority of NJSA 52:27D- 43.17, which states:

52:27D-43.17d Duties of board.

c. Collect and review death certificates, autopsy, investigative, police, medical, counseling, victim service and employment records, child abuse and neglect reports, survivor interviews, surveys, and any other information the board deems necessary and appropriate in determining the cause of a domestic violence-related fatality or near fatality.

52:27D-43.17e Authority of board.

5. The board is authorized to:

a. Subpoena any records, other than criminal investigatory records pertaining to a criminal investigation in progress, concerning a domestic violence-related fatality or near fatality and other records, which may be deemed pertinent to the review process and necessary for the formulation of a conclusion by the board;

Sharing such documentation is crucial and essential to the Board’s mission. First, complete case files and records help the Board to understand the full scope of the history of the lives of victims and perpetrators – gaps in information only hinder the Board’s ability to understand the totality of domestic violence and make effective recommendations. Second, full case files reveal important information regarding the various systems involved with victims and/or perpetrators of domestic violence and the many opportunities various systems had in each case for identifying and intervening in the domestic violence. Lastly, sharing information regarding a case ensures that any recommendations this Board makes are well-founded, promote victim safety and offender accountability, and ensure that they are based on complete versus partial information or erroneous assumptions.

Although this Board has legislative authority and subpoena power, the Board acknowledges that trust and voluntary cooperation between Board members, or the Board and outside parties involved with the DVFNFRB, are crucial for individuals to feel confident that any information they provide for a case review will be kept confidential and used only for the purposes of the Board as stated above. To that end, the governing statute provides for confidentiality, stating:

52:27D-43.17g Accessibility, confidentiality of records.

7. a. The records compiled by the board, including all investigatory findings, statistical data and information gathered pursuant to subsection c. of section 4 of this act, shall not be subject to discovery, but may be used by the chairperson of the board to refer an individual case, including the board's deliberations and conclusions, to the extent necessary, to an appropriate agency to investigate or to provide services.

b. The records compiled by the board shall not be subject to subpoena or admissible as evidence in any action or proceeding in any court, nor shall a person or entity authorized by the board to have access to the records pursuant to this act be compelled to testify with regard to the records.

c. Except as provided in subsection a. of this section, the deliberations and conclusions of the board related to a specific case shall be confidential and shall not be deemed a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.). Summary records that are prepared by the board and the teams or committees on each reported case shall not contain any information that would identify the victim of a domestic violence-related fatality or near fatality.

Board members and other individuals who may come in contact with information from the case files as part of their work with the Board must also sign and abide by Confidentiality Agreements in order to take personal responsibility for confidentiality and to promote trust among Board members. Therefore, as a participant with the DVFNFRB:

I agree to keep confidential all identifying information secured in this review process. I agree that the information discussed will not be used for reasons other than for which it was intended. No material will be taken from the case reviews, with the exception of the initial dissemination of a case for review preparation. I agree to take all necessary precautions to keep case files confidentially secured when reading a case file outside of a Board meeting. I understand that if I violate this confidentiality agreement, I will be relieved from serving on the Board.

Print Name

Signature

Date

APPENDIX D

LITERATURE REVIEW ARTICLES

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