

**THE STATE OF VERMONT**  
**THE DOMESTIC VIOLENCE**  
**FATALITY REVIEW COMMISSION**  
**FIRST BIENNIAL REPORT**



**JANUARY 2003**

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## **DEDICATION**

The Commission dedicates this report to the victims of domestic violence related fatalities in hopes that Vermont can learn from these tragedies and prevent future fatalities.



## INTRODUCTION

Every year in the United States approximately 1.5 million women and 834,700 men are physically and/or sexually abused by an intimate partner.<sup>1</sup> Nationally, in 1998 there were 1,830 homicides attributable to intimate partners<sup>2</sup> and firearms were the major weapon type used in intimate partner homicides from 1981 to 1998.<sup>3</sup> Tragically in Vermont, domestic violence remains a leading cause of injury and violent death.<sup>4</sup> From January of 1998 through December 17, 2002, 6589 domestic assault offenses were reported in Vermont.<sup>5</sup> During FY 2000, the Vermont Network Against Domestic Violence and Sexual Assault served 6,995 victims of domestic violence and 91 % (6,392) of these victims were women.<sup>6</sup>

On May 2, 2002, Governor Howard Dean signed into law H. 728 which created Vermont's Domestic Violence Fatality Review Commission. See Appendix A for a copy of the Bill. The purpose of the Commission is to collect data and conduct in-depth reviews of domestic violence related fatalities in Vermont with the goal of making policy recommendations as to prevention. Vermont joined 28 other states and the District of Columbia in creating a multi-disciplinary domestic violence fatality review group. The theory behind all these review groups is that by examining data and information the Commission will be better able to understand why and how a fatality occurred and what Vermont can do to prevent these tragedies.

## PURPOSE

The Domestic Violence Fatality Review Commission operates under the auspices of the Office of Attorney General in consultation with the Vermont Council on Domestic Violence pursuant to 15 VSA Sec. 1140.

Under 15 VSA Sec. 1140, the purposes of the Commission are:

- to examine the trends and patterns of domestic violence related fatalities in Vermont;
- to identify barriers to safety, the strengths and weaknesses in communities, and systemic responses to domestic violence;
- to educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention; and

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<sup>1</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 2002.

<sup>2</sup> National Crime Victimization Survey, National Domestic Violence Fatality Review Initiative Bulletin Spring 2002, Vol. 1., Issue 1.

<sup>3</sup> Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, 2002.

<sup>4</sup> Since the creation of the Commission six months ago, there have been two domestic violence related fatalities in 2002.

<sup>5</sup> Includes felonies: 1<sup>st</sup> Degree Domestic Assault at 13 VSA Sec. 1043 and 2<sup>nd</sup> Degree Domestic Assault at 13 VSA Sec. 1044 and misdemeanor Domestic Assault at 13 VSA 1042. Vermont Department of Public Safety, 2002.

<sup>6</sup> Vermont Department of Health, Vermont Injury Prevention Plan 2001.

- to recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

## **MEMBERSHIP**

Pursuant to 15 VSA Sec. 1140(b), the Commission is comprised of 15 members, consisting of the following:

- The Attorney General, or his or her designee;
- The Commissioner of the Department of Health, or his or her designee;
- The Commissioner of Social and Rehabilitation Services, or his or her designee;
- The Commissioner of the Department of Corrections, or his or her designee;
- The Commissioner of the Department of Public Safety, or his or her designee;
- The Chief Medical Examiner, or his or her designee;
- A State's Attorney with experience prosecuting domestic violence cases, appointed by the Executive Director of the Vermont State's Attorneys' Association;
- The Defender General, or his or her designee;
- A member of the Vermont Coalition of Batterer Intervention Services;
- A member of the Vermont Network Against Domestic Violence and Sexual Assault;
- A representative of the Vermont Council on Domestic Violence;
- A representative of local law enforcement, appointed by the Governor;
- A victim or survivor of domestic violence, appointed by the Vermont Network Against Domestic Violence and Sexual Assault;
- A physician, appointed by the Governor; and
- The Executive Director of the Vermont Criminal Justice Training Council, or his or her designee.

Appendix B lists the current members of the Commission.

## **HISTORICAL BACKGROUND**

The impetus to establish a Vermont domestic violence fatality review committee started with the Chittenden County Domestic Violence Task Force in 2001. Members of the local task force attended a multi-state conference on fatality review committees and brought the issue to the Vermont Council on Domestic Violence. The Council established a multi-disciplinary sub-committee to work towards the establishment of the review group. Members of that sub-committee represented advocates, law enforcement, Department of Public Safety, Department of Health, Department of Social and Rehabilitation Services, Department of Corrections, the Center for Crime Victim Services, the Network Against Domestic Violence and Sexual Assault, Batterer's Intervention groups and the Attorney General's Office. The sub-committee convened a statewide forum of interested parties to discuss the review group in 2001 and worked collaboratively with advocates, victims and state agencies to establish a review group. In the 2002 legislative session, H. 728 was introduced in the House with Representative Mark Larson as the primary sponsor along with 62 other sponsors. The Bill passed the House in March of 2002 by a vote of 104 to 32 and passed the Senate in April of 2002 unanimously. On May 2,

2002, Governor Howard Dean signed the Bill at a public bill signing ceremony surrounded by advocates, law enforcement, legislators and state agency representatives all joining to work collaboratively to reduce violence in Vermont.

## **SUMMARY OF THE COMMISSION'S ACTIVITIES**

Since May of 2002, the Commission has met monthly at the Office of the Attorney General in Montpelier. During that timeframe, the Commission reviewed materials from other states' review groups and information from the National Domestic Violence fatality Review Initiative.

The Commission drafted and adopted the following protocols and forms:

- Protocol for the Commission which will govern its operations (See Appendix C)
- Protocol defining the roles of the Vermont Council on Domestic Violence and the Attorney General's Office as the statute specifies that the review group is established in the Attorney General's Office "in consultation with the Council on Domestic Violence" (See Appendix D)
- A referral form that will be a way for members of the public to refer cases to the Commission. (See Appendix E attached)

Once the Commission established operating policies, it turned its focus to the collection of data related to domestic violence related fatalities. The Commission just commenced this critical and large task and will be concentrating its efforts on the collection of this important information in the next year. Vermont data sources provide a sense of the prevalence and nature of domestic violence in Vermont and as an example the following statistics provide a snapshot of incidences in 1999.

In 1999, according to the Vermont Department of Public Safety there were 16 homicides resulting from 12 incidents and of those fatalities, 7 homicides meet the Commission's definition of domestic violence related fatality. Note that this figure only reflects homicides. The Department of Public Safety reports that statewide, 1276 domestic assault offenses were reported from January 1, 1999 through December 31, 1999.<sup>7</sup> According to the Vermont Center for Justice Research during 1999, there were 691 convictions statewide for domestic assault offenses both felony and misdemeanor.<sup>8</sup> In an analysis of 1,496 domestic violence offenders under Department of Correction's supervision in June of 1999, 68% (1,023) had been convicted of misdemeanor domestic assault and 15% (210) were convicted of aggravated domestic assault.<sup>9</sup>

Disturbingly, since 1999 the number of domestic violence incidents continues to grow as demonstrated by the Department of Public Safety figures showing that domestic assault offenses reported statewide have increased reaching 1392 incidents for the 2002 calendar year ending December 17, 2002.<sup>10</sup><sup>9</sup>

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<sup>7</sup> Includes 1<sup>st</sup> Degree and 2<sup>nd</sup> Degree Aggravated Domestic Assault (felonies at 13 VSA Sections 1043, 1044 respectively) and misdemeanor Domestic Assault at 13 VSA Section 1042.

<sup>8</sup> Ibid.

<sup>9</sup> Vermont Department of Corrections, Facts and Figures, August 2000.

<sup>10</sup> Vermont Department of Public Safety and Vermont Center for Justice Research, 2002.

Commencing in January, the Commission will concentrate on the collection of additional relevant data on this vital public health issue of domestic violence related fatalities. The Commission will also commence in-depth reviews of individual fatalities and the Commission has received one referral for a case review.

## **CONCLUSION**

This inaugural report represents the beginning of Vermont's Domestic Violence Fatality Review Commission. The Commission is dedicated to being part of a coordinated community response to domestic violence in order to reduce fatalities and to improve Vermont's strategies for intervention and prevention. The Commission welcomes comments and thoughts from all Vermonters as we embark on this important task.

## APPENDICES

**Appendix A:** H. 728

**Appendix B:** Membership List

**Appendix C:** Commission's Protocol

**Appendix D:** Protocol between Commission and Council on Domestic Violence

**Appendix E:** Commission Referral Form



**APPENDIX A**

**H. 728**

NO. 88. AN ACT RELATING TO THE DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION.

(H.728)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 15 V.S.A. chapter 21, subchapter 2 is added to read:

Subchapter 2. Domestic Violence Fatality Reviews

§ 1140. DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

(a) The domestic violence fatality review commission is established within the office of the attorney general, in consultation with the council on domestic violence, for the following purposes:

- (1) To examine the trends and patterns of domestic violence-related fatalities in Vermont.
- (2) To identify barriers to safety, the strengths and weaknesses in communities and systemic responses to domestic violence.
- (3) To educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention.
- (4) To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

(b) The commission shall be comprised of 15 members, consisting of the following:

- (1) the attorney general, or his or her designee;
- (2) the commissioner of the department of health, or his or her designee;
- (3) the commissioner of social and rehabilitation services, or his or her designee;
- (4) the commissioner of the department of corrections, or his or her designee;
- (5) the commissioner of the department of public safety, or his or her designee;
- (6) the chief medical examiner, or his or her designee;
- (7) a state's attorney with experience prosecuting domestic violence cases, appointed by the executive director of the Vermont state's attorneys' association;
- (8) the defender general, or his or her designee;
- (9) a member of the Vermont coalition of batterer intervention services;
- (10) a member of the Vermont network against domestic violence and sexual assault;
- (11) a representative of the Vermont council on domestic violence;
- (12) a representative of local law enforcement, appointed by the governor;
- (13) a victim or survivor of domestic violence, appointed by the Vermont network against domestic violence and sexual assault;
- (14) a physician, appointed by the governor; and
- (15) the executive director of the Vermont criminal justice training council, or his or her designee.

(c) In any case subject to review by the commission, upon written request of the commission, a person who possesses information or records that are necessary and relevant to a domestic violence fatality review shall, as soon as practicable, provide the commission with the information and records. A person who provides information or records upon request of the commission is not criminally or civilly liable for providing information or records in compliance with this section. The commission shall review fatalities which are not under investigation and fatalities in cases that are postadjudication which have received a final judgment.

(d) The proceedings and records of the commission are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission

shall disclose conclusions and recommendations upon request, but may not disclose information, records or data that are otherwise confidential, such as autopsy records. The commission shall not use the information, records or data for purposes other than those designated by subsections (a) and (g) of this section.

(e) The commission is authorized to require any person appearing before it to sign a confidentiality agreement created by the commission in order to maintain the confidentiality of the proceedings. In addition, the commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise confidential information.

(f) Commission meetings are confidential, and shall be exempt from chapter 5, subchapter 2 of Title 1 (open meetings law). Commission records are confidential, and shall be exempt from chapter 5, subchapter 3 of Title 1 (public access to records).

(g) The commission shall report its findings and recommendations to the governor, the general assembly, the chief justice of the Vermont supreme court, and the Vermont council on domestic violence no later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the office of the attorney general. The commission may issue data or other information periodically, in addition to the biennial report.

#### Sec. 2. EFFECTIVE DATE

This act shall take effect upon passage, and shall terminate upon termination of grant funding, administered by the Vermont center for crime victim services, from the Violence Against Women office of the United States Department of Justice for an assistant attorney general assigned to the criminal division and designated as a domestic violence coordinator.

Approved: May 2, 2002

**APPENDIX B**

**DOMESTIC VIOLENCE FATALITY REVIEW  
COMMISSION MEMBERS**

**DOMESTIC VIOLENCE FATALITY REVIEW  
COMMISSION MEMBERS**

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**APPENDIX C**

**DOMESTIC VIOLENCE FATALITY REVIEW  
COMMISSION PROTOCOL**

**DOMESTIC VIOLENCE FATALITY REVIEW  
COMMISSION PROTOCOL**

Purpose and Membership ..... 1  
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## A. PURPOSE AND MEMBERSHIP

1. The Domestic Violence Fatality Review Commission will operate under the auspices of the Office of Attorney General in consultation with the Council on Domestic Violence pursuant to 15 VSA Sec. 1140.
2. Pursuant to 15 VSA Sec. 1140(b), the Commission shall be comprised of 15 members, consisting of the following:
  - (A) The Attorney General, or his or her designee;
  - (B) The Commissioner of the Department of Health, or his or her designee;
  - (C) The Commissioner of Social and Rehabilitation Services, or his or her designee;
  - (D) The Commissioner of the Department of Corrections, or his or her designee;
  - (E) The Commissioner of the Department of Public Safety, or his or her designee;
  - (F) The Chief Medical Examiner, or his or her designee;
  - (G) A State's Attorney with experience prosecuting domestic violence cases, appointed by the Executive Director of the Vermont State's Attorneys' Association;
  - (H) The Defender General, or his or her designee;
  - (I) A member of the Vermont Coalition of Batterer Intervention Services;
  - (J) A member of the Vermont Network Against Domestic Violence and Sexual Assault;
  - (K) A representative of the Vermont Council on Domestic Violence;
  - (L) A representative of local law enforcement, appointed by the Governor;
  - (M) A victim or survivor of domestic violence, appointed by the Vermont Network Against Domestic Violence and Sexual Assault;
  - (N) A physician, appointed by the Governor; and
  - (O) The Executive Director of the Vermont Criminal Justice Training Council, or his or her designee.
3. The member may select an alternate member from their discipline or agency and will endeavor to ensure that the member or the alternate will be present at every meeting of the Fatality Review Commission.
4. The Commission will collect data and consider for review domestic violence related fatalities in Vermont commencing in January of 1990. Pursuant to 15 VSA Sec 1140 (c) the Commission shall review fatalities that are not under investigation and fatalities in cases that are post-adjudication which have received a final judgment.
5. Under 15 VSA Sec. 1140(a), the purposes of the Commission are:

- (A) To examine the trends and patterns of domestic violence-related fatalities in Vermont.
  - (B) To identify barriers to safety, the strengths and weaknesses in communities and systemic responses to domestic violence.
  - (C) To educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention.
  - (D) To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
6. As a general principle the Commission does not intend to review the deaths of persons under the age of 18 by caretakers. If such a matter were referred to the Commission, the Commission would refer the matter to the Child Fatality Review Committee. If the fatality involves domestic violence related issues the Commission may consider pursuing a joint review with the Child Fatality Review Committee or performing an independent review if the matter falls within the Commission's jurisdiction.
7. The Commission dedicates its work to the victims whose lives have been lost through domestic violence in hopes that Vermont can learn from these tragedies and prevent future deaths.

## **B. PROCEEDINGS AND RECORDS**

1. The Commission will convene as needed with the expectation that at a minimum it will meet bi-monthly and the Executive Committee will meet monthly.
2. As required by 15 VSA Section 1140(d), all proceedings and records of the Commission are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. Records include oral and written communications. The Commission shall disclose conclusions and recommendations upon request, but may not disclose information, records or data that are otherwise confidential, such as autopsy records. The Commission shall not use the information, records or data for purposes other than those designated above in subsection A 5. The Commission shall destroy records when the Commission deems the records are no longer necessary for the review, the conclusions or recommendations.
3. The Commission is authorized to require any person appearing before it to sign a confidentiality agreement created by the Commission in order to maintain the confidentiality of the proceedings. In addition, the Commission may enter into agreements with nonprofit organizations and private agencies to obtain otherwise confidential information. 15 VSA Sec. 1140 (e)
4. Commission meetings are confidential, and shall be exempt from chapter 5, subchapter 2 of Title 1 (open meetings law). Commission records are

confidential, and shall be exempt from chapter 5, subchapter 3 of Title 1 (public access to records). 15 VSA Sec. 1140 (f)

5. In any case subject to review by the Commission, upon written request of the Commission, a person who possesses information or records that are necessary and relevant to a domestic violence fatality review shall, as soon as practicable, provide the Commission with the information and records. The Commission acknowledges that some record requests may involve privileged communications and the Commission does not intend for the person who possesses said information or records to breach the legally recognized privilege. The Commission shall ask said person to reply in writing to the request citing the legally recognized privilege causing their inability to comply. A person who provides information or records upon request of the Commission is not criminally or civilly liable for providing information or records in compliance with this section. 15 VSA Sec. 1140 (c).

### **C. EXECUTIVE COMMITTEE**

1. An Executive Committee of the Commission shall collect data, cases and records, screen possible review cases, coordinate full case reviews and be authorized to draft additional protocols and policies for the full Commission's review.
2. The Executive Committee shall consist of the following Commission members: the representative of the Attorney General; a law enforcement representative, the Office of Medical Examiner representative; an advocate representative and the Council on Domestic Violence Representative. The chair of the Executive Committee will be selected from these five by the full Commission.

### **D. DATA COLLECTION AND CASE GATHERING**

1. During the collection process the Executive Committee will look to accomplish the following:
  - a.) gather general statistical data regarding Vermont domestic violence related fatalities dating back to 1990;
  - b.) gather current statistical data regarding domestic violence related fatalities for the most recent year in order to determine trends and patterns of domestic violence related fatalities; and
  - c.) identify domestic violence related fatalities for full case review and coordinate said review for the full Commission.
2. The Executive Committee will work with the Office of Medical Examiner, the Department of Public Safety, the Vital Records Division at the Department of Health, and any other entity to gather all relevant data regarding deaths of Vermont residents that are domestic violence related.

3. Referral of a fatality can be initiated by any member of the Commission or any individual, agency or organization. All referrals or requests for review will be referred to the Executive Committee. The Executive Committee will maintain a log of all referrals.
4. A referral form will be made available to any and all requesters to assist them. The forms will explain that the proceedings and records of the Commission are confidential and not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The forms will be distributed by the Attorney General's Office and will be available in hard copy and on the Office's web page. Requests should be sent to:

Office of Attorney General  
Criminal Division/Domestic Violence Fatality Review  
Commission  
109 State Street  
Montpelier, VT 05609

5. The referral should be written and include the following:
  1. The victim's name and if known date of birth;
  2. The date and location of the fatality;
  3. A description of the death including any history of domestic violence of abuse (the abuse does not have to be documented through official sources such as the police or courts);
  4. The person the requester believes is responsible for the death and date of birth of identified person and description of relationship;
  5. The names, addresses, phone numbers of other people having information regarding the death;
  6. Information as to whether the fatality was investigated;
  7. A short explanation as to why the requester would like the case reviewed.

The Commission welcomes any other information the requester may wish to provide which would aid the review panel in understanding the history and circumstances of the fatality. In addition, the Commission will endeavor to accommodate any other persons wishing to make a referral who need assistance in order to be able to effectively refer the case. Anonymous referrals can be made as long as there is sufficient information so as to be able to identify the fatality; however, if possible, contact information for the person making the referral would be appreciated.

## E. SCREENING

1. When determining whether a fatality is domestic violence related for data collection and/or full case review, the Executive Committee and the full Commission may consider the following criteria.

Whether:

- a. the alleged perpetrator was related to the victim as a "family member" according to the "plain and commonly accepted meaning" of the term. Donley v. Donley 165 Vt. 619 (1996);
- b. the alleged perpetrator and victim qualify as having a reciprocal beneficiaries relationship as defined at 15 VSA Section 1303<sup>1</sup> and as noted as "family" in the Abuse Prevention statute at 15 VSA Sec 1101(6)<sup>2</sup>;
- c. the alleged perpetrator and victim were related as "household members" under the Abuse Prevention Act at 15 VSA Sec 1101(2)<sup>3</sup>;
- d. the alleged perpetrator killed an estranged partner's current "household member"<sup>4</sup>;
- e. the alleged perpetrator killed his current partner's estranged "household member"<sup>5</sup>;
- f. the alleged perpetrator killed a family member's current or estranged "household member";<sup>6</sup>
- g. the alleged perpetrator killed bystander(s) while attempting to harm family or "household members";
- h. the alleged perpetrator is a law enforcement officer forced to kill in the line of duty when responding to a domestic violence incident;
- i. a law enforcement officer is killed in the line of duty when responding to a domestic violence incident;

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<sup>1</sup> For a reciprocal beneficiaries relationship to be established in Vermont, it shall be necessary that the parties satisfy all of the following criteria: (1) be at least 18 years of age and competent to enter into a contract; (2) Not be a party to another reciprocal beneficiaries relationship, a civil union or marriage; (3) Be related by blood or by adoption and prohibited from establishing a civil union or marriage with the other party to the proposed reciprocal beneficiaries relationship; (4) Consent to the reciprocal beneficiaries relationship without force, fraud or duress. 15 VSA Sec. 1303

<sup>2</sup> "Family" shall include a reciprocal beneficiary. 15 VSA 1101 (6)

<sup>3</sup> "Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include: (a) the nature of the relationship; (b) the length of time the relationship existed; (c) the frequency of interaction between the parties; (d) the length of time since the relationship was terminated, if applicable. 15 VSA 1101 (2)

<sup>4</sup> See footnote 3 for definition of "household member"

<sup>5</sup> See Footnote 3 for definition of "household member"

<sup>6</sup> See Footnote 3 for definition of "household member"

- j. the fatality is domestic violence related but is ruled a justifiable homicide;
  - k. the fatality is a murder-suicide matter involving family or household members;
  - l. the fatality is a suicide where there is documented history of domestic violence to include victim suicide; alleged perpetrator suicide (as violent act in front of family or household members); alleged perpetrator suicide by law enforcement and teen suicide;
  - m. the fatality is a substance abuse related death (chronic abuse, suicide, overdose) that is related to domestic violence.
2. As stated above in Section A, the Commission does not intend to review the deaths of persons under the age of 18 by caretakers. See subsection A 6 above for a full discussion of these cases.
  3. For the purpose of determining if a full case review is appropriate, the Executive Committee will contact the relevant law enforcement and prosecutor offices to determine whether the fatalities are still under investigation or are post-adjudication with a final judgment as defined above in section 4 and pursuant to 15 VSA Sec. 1140(c). The Executive Committee may ask for a letter from the law enforcement or prosecutor's office indicating that the case is closed and meets the criteria that would allow it to be reviewed by the Commission. If the case is not closed, the Executive Committee will maintain the case in a possible review file and contact the law enforcement authorities at six-month intervals to determine the status of the case. The Executive Committee will also endeavor to gather public records relating to the matter and to preserve them in the possible review file.
  4. The Executive Committee will then review the information accumulated and report all cases to the full Commission with a recommendation as to whether to submit the matter to a full case review and/or to include it in the statistical data collection gathering.

## **F. FULL CASE REVIEW**

1. For a full case review, the Executive Committee shall coordinate invitations to participate in the review and coordinate the written requests for additional information and records that are necessary and relevant to the review.

## **G. PROTOCOLS**

1. The Executive Committee shall draft and present to the Commission protocols regarding:
  - a. conflicts of interest and recusal procedures for Commission members;
  - b. the responsibility of commission members who are also mandatory reporters of suspected child abuse and neglect pursuant to 33 VSA Sec. 4913 and



suspected abuse and neglect of elders and disabled adults under 33 VSA Sec. 6902 etc.; and

- c. the review of a matter when it comes to the attention of the Commission that a crime was or is being committed (other than the fatality under review). The Executive Committee is authorized to draft and present to the Commission other protocols relevant to the work of the Commission.

## **H. FINDINGS AND RECOMMENDATIONS**

1. The Commission shall report its findings and recommendations to the Governor, the General Assembly, the Chief Justice of the Vermont Supreme Court, and the Vermont Council on Domestic Violence no later than the third Tuesday in January of the first year of the biennial session. The report shall be available to the public through the Office of the Attorney General. The commission may issue data or other information periodically, in addition to the biennial report. 15 VSA Sec. 1140 (g)

## **I. FUNDING**

1. Upon loss of grant funding for an Assistant Attorney General assigned to the Criminal Division, the Vermont Center for Crime Victim Services will notify the Attorney General's Office.

**APPENDIX D**

**PROTOCOL BETWEEN COMMISSION AND  
THE DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION**

Pursuant to H. 278, the Domestic Violence Fatality Review Commission was established in May of 2002 within the Office of the Attorney General, in consultation with the Council on Domestic Violence, for the following purposes:

1. To examine the trends and patterns of domestic violence-related fatalities in Vermont.
2. To identify barriers to safety, the strengths and weaknesses in communities and systemic responses to domestic violence.
3. To educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention.
4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

See, Sec. 1. 15 VSA chapter 21, subchapter 2.

The Statute as enacted does not define the term “in consultation with the Council on Domestic Violence”.

The Council on Domestic Violence (Council) provides statewide leadership on the multi-disciplinary response to domestic violence. In an effort to promote statewide coordination of advocacy and education, the Council and the Commission will work in consultation with each other.

The following is the agreement adopted by the Council and the Domestic Violence Fatality Review Commission (Commission).

1. The Council will act as a partner to the Commission by providing technical assistance and appointing a Council representative to the Commission.
2. The Council’s representative to the Commission will serve as a member of the Executive Committee of the Commission.
3. The Council and the Commission will work together in an attempt to coordinate efforts and publicize a meaningful and consistent message.
4. The Council Representative on the Commission will report to and obtain guidance from the Council related to the ongoing work of the Commission. This discussion may include drafts of Commission reports, information regarding the collection of statistical data and general information regarding the review of individual cases. The Council representative will not report on information related to case reviews conducted by the Commission or otherwise confidential information.
5. The Council Representative to the Commission will present the Council’s position to the Commission and will draw on the collective expertise of the Council to help the Commission draft its recommendations and conclusions.
6. The Council and the Commission agree to resolve any differences respectfully and promptly by way of the Council co-chairs and the Office of the Attorney General.

## APPENDIX E

## COMMISSION REFERRAL FORM

	<b>DOMESTIC VIOLENCE FATALITY REFERRAL FORM</b>	OFFICIAL USE ONLY	
	Domestic Violence Fatality Review Commission Office of the Attorney General - Criminal Division 109 State Street - Montpelier, VT 05609	Received	By

### INSTRUCTIONS

Please answer the questions below as completely as possible to assist the Commission in determining whether we are able to review this death. Please note that you can refer this case to the Commission but, by statute, we cannot review the case until the court proceedings are over and the investigation is closed. In the meantime, we can include the case for statistical purposes. But depending upon the legal status of your referred case there may be a significant delay before the Commission could consider it for review.

Additionally, if you need assistance completing this form or would like to communicate the information in a different manner please call the Office of Attorney General, Criminal Division, at (802) 828-5512. This form is also available on the Office of Attorney General's web page at <http://www.state.vt.us/atg/>.

### PLEASE PRINT ALL INFORMATION

Name of Victim (including aliases)		Name of Parent/Guardian (if under 18)		
Date of Birth (or approximate age)		Date of Death	Town/City where death occurred	
Address of Victim (if known)	Street	City		State
Describe how death occurred including any history of domestic violence or abuse (please note that the death does not have to be documented through official sources such as the police or courts):				
Person you believe is responsible for this death (including aliases)				
Date of Birth or approximate age of person you believe is responsible			Relationship of the victim to the person you believe is responsible	
Other people having information about this death: (use another sheet if necessary)				
Name	Address		Phone	
Name	Address		Phone	

Was this death investigated and if so by whom:

A short explanation why you want the death reviewed (use additional pages if necessary.)

The Commission welcomes any other information you may wish to provide which would help us understand the history and circumstances of the fatality. Anonymous referrals can be made as long as there is sufficient information to be able to identify the fatality; however, if possible, contact information for the person making the referral would be appreciated.

### SUBMITTED BY

Name		
Address	Town/City	State
Contact Phone 1	Contact Phone 2	
<b>Send completed forms to:</b> Office of Attorney General, 109 State Street, Montpelier, VT 05609 ATT: Cr Division/Domestic Violence Fatality Review Commission		



STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
**DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION**

The Domestic Violence Fatality (Death) Review Commission is established in the Office of Attorney General in consultation with the Council on Domestic Violence under 15 VSA Sec. 1140.

The purposes of the Commission are (A) to examine the trends and patterns of domestic violence-related deaths in Vermont; (B) to identify barriers to safety, and strengths and weaknesses in communities and systemic responses to domestic violence; (C) to educate the public, service providers and policymakers about domestic violence deaths and strategies for intervention and prevention; and (D) to recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

All proceedings and records of the Commission are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. Records include oral and written communications.

The Commission shall report its findings and recommendations in a public report. The Report shall contain general statistical data regarding deaths as well as findings and recommendations related to case reviews but will not contain case specific information. The report shall examine general trends and patterns with the goal of reducing domestic violence related deaths.

Questions or comments concerning the Commission can be directed to:

Office of the Attorney General  
Criminal Division  
109 State Street  
Montpelier, Vermont, 05609.  
Telephone (802) 828-5512

On the Web - <http://www.state.vt.us/atg/>

