

STATE OF VERMONT
DOMESTIC VIOLENCE
FATALITY REVIEW COMMISSION
REPORT



2010

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DEDICATION

On the inception of a new decade, the Commission re-dedicates its efforts to make Vermont a safe and peaceful community.

INTRODUCTION

On May 2, 2002, then 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 to prevent future tragedies. 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 the fatalities occurred and what Vermont can do to prevent these fatalities.

This is the Eighth Commission Report. This Report includes data regarding fatalities for 2009 and updates the statistical information that dates back to 1994. In 2009, the Commission completed in total two in-depth case reviews and case recommendations from those reviews are discussed in this Report. Finally, the Report provides an update on the Commission's earlier recommendations.

EXECUTIVE SUMMARY

- According to the Commission data covering 1994 – 2009, 52% of all Vermont homicides during the past fourteen years are domestic violence related. 57% of Vermont's domestic violence related homicides are committed with firearms and 80% of the suicides associated with the homicides (i.e. murder/suicides) and domestic violence are committed with firearms.
- In 2009 there was a decrease in the overall homicide rate in Vermont as well as a decrease in domestic violence related fatalities. The age of victims in Vermont homicides in 2009 ranged from 5 weeks old to 79 years of age. Given the 2009 statistics, it is important to note that the Commission only includes deaths of adults that are domestic violence related. By Commission protocol, child deaths that are domestic violence related are referred to Vermont's Child Fatality Review Team for analysis. According to Commission data, in 2009, there were 8 Vermont homicides and tragically 4 of these cases involved the deaths of children.
- According to the Commission's data, in 2009, there were 4 homicides of adults, 2 of which were domestic violence related as defined by the

Commission.¹ Thus, in 2009, 50% of all Vermont adult homicides were domestic violence related.

- In addition, in 2009, there was one domestic violence related suicide. Tragically, this was a suicide by firearm of an ex-partner in front of his estranged wife. In that case, there was a relief from abuse order in effect.
- Of the 2009 cases, the two domestic violence related homicides and one suicide case all involved parties who were separated and living apart. Relief from abuse orders were in effect in two of the cases.
- The two domestic violence related adult homicides both occurred in public parking lots adjacent to shopping malls. The Commission notes that public spaces like parking lots are often used for custody exchanges and the 2009 homicides raise issues regarding safety planning for victims and their families.
- The Commission asks all Vermonters to review this report and provide us with comments and suggestions as we continue to study the trends and patterns of domestic violence and related fatalities.

COMMISSION AND MEMBERSHIP

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;
- identify barriers to safety, the strengths and weaknesses in communities, and systemic responses to domestic violence;
- educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention; and
- recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.

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 Services², or his or her designee;

¹ As noted, 4 additional cases involve child fatalities and are not reflected in the Commission's data as the matters are referred to the Child Fatality Review Team per the Commission's Protocol.

² Now known as Department for Children and Families (DCF) and Department for Children and Families, Family Services Division (FSD).

- 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 and Sexual Violence;
- 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 and Sexual Violence;
- A physician, appointed by the Governor; and
- The Executive Director of the Vermont Criminal Justice Training Council, or his or her designee.

Appendix C lists the current members of the Commission.

SUMMARY OF COMMISSION'S ACTIVITIES IN 2009

In January of 2009, the Commission issued its Annual Report. As required by 15 VSA Sec. 1140, the Commission distributed its report to the General Assembly, the Governor, the Chief Justice of the Vermont Supreme Court and the Council on Domestic Violence.

During 2009, the Commission met bi-monthly and the Chair of the Commission and the Coordinator of the Vermont Council on Domestic Violence met monthly to work on recommendation implementation. A copy of the 2007 Protocol that outlines these roles is attached as Appendix E. In addition, the Commission completed two in-depth case reviews.

During 2009, the Commission drafted and adopted a new case review tool that incorporates risk assessment elements to assist the Commission in identifying lethality factors present in the cases being reviewed. This work was aided by the Lethality Assessment Program work being done in Washington County by Battered Women Services and Shelter (BWSS) and which is described on pages 16 and 28 of this Report. We want to thank BWSS for their technical assistance and commend them for their work.

On September 21st through 22nd, 2009, the Commission along with the Vermont U.S. Attorney's Office and the Tri-State Advanced Victim Assistance Academy sponsored a New England conference that addressed the risks posed by new technology to children and presented the work of the fatality review Commissions from Maine, New Hampshire and Vermont and specifically highlighted gun violence and gun storage. The Conference was entitled: "Potential Risks and Consequences: Youth Using Emerging Technology and Examining Gun Violence".

The Conference responded to an earlier recommendation of the Commission that requested that training be provided regarding gun violence and gun storage practices. The two-day multi-state Conference was held at the Vermont Statehouse and had approximately 275 attendees. The attendees included: law enforcement, court staff, advocates, domestic violence task forces, health care providers, Corrections personnel, child protection personnel, teachers, counselors, attorneys, legislators, prosecutors, supervised visitation staff and law students.

At the conference, national presenters provided an overview of child sexual exploitation, social networking sites and suicide prevention. In addition, national presenters discussed the impact of federal laws on domestic and gun violence and gun storage practices. There was a domestic violence fatality review commission panel, where Maine, New Hampshire and Vermont Commission chairs discussed their State Commissions and the impact of gun violence in their states.

The conference was well received. 91% of the evaluations rated the conference as very successful or successful. Examples of comments regarding the conference were: "Best conference I've ever been to!" and "I really enjoyed this conference and found it informative and interesting."

Because of the success of both the 2008 and 2009 conferences, the Commission hopes to continue working with local partners such as the Council on Domestic Violence and the U.S. Attorney's Office and to continue holding future conferences.

COMMISSION DATA FOR 2009

In 2009 there was a decrease in the overall homicide rate in Vermont as well as a decrease in domestic violence related fatalities. The age of victims in Vermont homicides in 2009 ranged from 5 weeks old to 79 years of age. Given the 2009 statistics, it is important to note that the Commission only includes deaths of adults that are domestic violence related. By Commission protocol, child deaths that are domestic violence related are referred to Vermont's Child Fatality Review Team for analysis. According to Commission data, in 2009, there were 8 Vermont homicides and tragically 4 of these cases involved the deaths of children. Based on Commission protocols, the Commission will report on the 4 homicides involving adult deaths and refer the 4 child cases, defined as children under the age of 18, to the Child Fatality Review Team. No 2009 homicide was committed with a firearm but from 1994 through 2009, 57% of Vermont's domestic violence related homicides were committed with firearms.

According to the Commission's data, in 2009, there were 4 homicides of adults, 2 of which were domestic violence related as defined by the Commission.³ In 2009, 50%

There were 4 homicides of adults in 2009, 2 of which were domestic violence related. There was 1 domestic violence related suicide.

³ As noted, 4 additional cases involve child fatalities and are referred to the Child Fatality Review Team per the Commission's Protocol.

of all Vermont adult homicides were domestic violence related. In addition, there was at least 1 confirmed domestic violence related suicide. The two domestic violence related homicides of adults both occurred in public parking lots adjacent to shopping malls.

In terms of the relationships in the 2 domestic violence related cases, 1 male killed 1 female and 1 male killed 1 male. In both cases, married parties were separated and living separately. The male killing male case involved an estranged partner confronting the new partner of his separated partner. Relief from abuse orders were in effect in one of the cases.

Tragically in 2009, there was a suicide by firearm of an ex-partner in front of his estranged wife. In that case, there was a relief from abuse order in effect.

According to the Commission data covering 1994 – 2009, 52% of all Vermont homicides during the past fourteen years are domestic violence related. 57% of Vermont's domestic violence related homicides are committed with firearms and 80% of the suicides associated with the homicides (i.e. murder/suicides) and domestic violence are committed with firearms.

OTHER VERMONT DATA FOR 2009

VERMONT CRIME REPORT

Domestic violence continues to be an on-going problem in Vermont communities. According to the 2008 Vermont Crime Report compiled by the Department of Public Safety and released in June of 2009, the Vermont Violent Crime Index for 2008 illustrates that 93% of the violent crime cases involved intimate partners, family members or acquaintances. Domestic violence incidents involving intimate partners increased by approximately 2%. The vast majority of domestic violence crimes involve simple assaults (70%) and aggravated assaults (21%). Aggravated assaults increased by 10% statewide. Fifty-three percent of victims of violent crimes were women. Men and women in the age group 21- 29 were more frequently the victims of violent crime than any other age group. Approximately 65% of violent crime in Vermont occurs in residences, which makes the home the most frequent location for violent crime. Highways and roads are the second most frequent location for violent crime. The two 2009 domestic violence homicides occurred in public parking lots. Additional information about the Vermont Crime Report can be found at: www.dps.state.vt.us/cjs/crime_08/

In 2008, 93% of the violent crime cases involved intimate partners, family members or acquaintances.

VERMONT DEPARTMENT OF HEALTH

The Vermont Department of Health 2009 Youth Risk Behavior Survey, surveyed 29,303 Vermont students at 141 schools in eighth through twelfth grade representing 55 supervisory unions. In the 2009 Survey,

In a 2009 survey, 7% of Vermont middle and high school students reported that they were hit, slapped or physically hurt by a boyfriend or girlfriend.

seven percent (7%) of the students reported that they were hit, slapped or physically hurt by a boyfriend or girlfriend. Eleven percent (11%) of the students reported that they have been touched against their wishes or forced to touch someone else sexually. These results are identical to the 2007 percentages for these questions. The Vermont Department of Health conducts this survey every two years and in 2011 a new survey will be published. More information about Vermont's Youth Risk Behavior Survey is found at: www.healthvermont.gov/pubs/publications.aspx.

VERMONT DEPARTMENT OF CORRECTIONS

According to the Vermont Department of Corrections, one thousand two hundred forty (1240) persons were under the supervision of Corrections⁴ as of June 30, 2009 for domestic violence related offenses⁵. Of those offenders, three hundred thirty three (333) were incarcerated, six hundred sixty four (664) were on Probation, fifty nine (59) were on parole, and one hundred eighty four (184) were on furlough status. Of the overall population of persons under Corrections' supervision (11,803), the portion of those persons whose charges relate to domestic violence is approximately ten percent (10.51%). Importantly, this number only reflects persons for whom the designated domestic violence offense is the most serious offense. The Department cautions that there are uncounted domestic abuse offenders with other charges that are deemed more serious by Corrections for classification purposes. For additional information regarding Department of Corrections data see http://doc.vermont.gov/about/reports/ff2008_adobe/view.

As of June 30, 2009, 1240 persons were under the supervision of the Department of Corrections for domestic violence related offenses.

VERMONT NETWORK AGAINST DOMESTIC AND SEXUAL VIOLENCE

During 2009, the fifteen member programs of the Vermont Network Against Domestic and Sexual Violence ("the Network") received and responded to ten thousand six hundred seventy six (10,676) hotline and crisis calls.

The Network's member programs statewide saw eighteen thousand nine hundred fifty two (18,952) person nights in shelters and safe homes for 2009. Six hundred forty one (641) survivors were housed in shelters and safe homes statewide. Six thousand five hundred sixty seven (6,567) victims of domestic violence and one thousand two (1002) victims of sexual violence reached out to the Member Programs of the Network.

The Network's member programs provided 18,952 person nights in shelters and safe homes last year.

⁴ Under the supervision of the Department of Corrections includes: prison; reentry; pre-approved furlough; supervised community sentence; parole; and probation.

⁵ The offenses include misdemeanor domestic assault; misdemeanor and felony violations of abuse prevention orders; 1st and 2nd degree aggravated domestic assault; and misdemeanor and felony stalking.

One hundred eighty two (182) children were housed in Network shelters or safe homes in 2009. One thousand sixty one (1061) children received services other than shelter, and Network Programs served one hundred ninety one (191) child victims of sexual violence.

One hundred thirty four (134) Vermonters over the age of 60 received services from Network Programs, as well as seven hundred fifty eight (758) Vermonters with disabilities.

On a bright note, Network Member Programs' prevention and education work throughout the state reached eight thousand four hundred fifty six (8456) youth from kindergarten through high school and four thousand six hundred fifty one (4,651) college and university students. Additionally, two thousand six hundred forty eight (2,648) professionals received training and education, including teachers, health and law enforcement professionals, state agency staff, and more.

VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES

During 2009, the Vermont Department for Children and Families, Family Services ("DCF") Division received one thousand six hundred seventy seven (1,677) reports of child maltreatment that included co-occurring domestic violence. Five hundred fifty one (551) of these calls were accepted for assessments or investigations. Forty three percent (43%) of these cases resulted in a substantiation.

Last year, DCF received 1,677 reports of child maltreatment that included co-occurring domestic violence.

VERMONT CENTER FOR JUSTICE RESEARCH

According to the Vermont Center for Justice Research, statewide in 2008, five hundred seventy four domestic assault charges (574: 119 felonies and 455 misdemeanors) were resolved by plea. This represents an increase since 2007 of 50 additional cases or approximately 9%. The counties with the highest numbers of cases were: Chittenden: 155 charges or 27%; Bennington: 78 charges or 13%; Windsor: 63 charges or 10%; Franklin: 55 charges or 9.6%; and Rutland: 46 charges or 8%.

During 2008, twenty eight (28) domestic assault charges went to trial which is an increase in ten (10) cases from 2007. In 2008, eight (8) trials ended with guilty verdicts and not guilty verdicts in twenty (20) cases. In 2007, the trial cases ended with similar percentages: five (5) guilty verdicts and thirteen (13) not guilty verdicts.

In terms of sentencing, for the misdemeanor domestic assault charges, in 2008, 39 % of the defendants received probation (down from 46% in 2007), 19% received a split sentence with incarceration followed by probation (up from 17% in 2007) and 19 % were incarcerated (up from 18% in 2007). In 2008, 21% of the charges were resolved with deferred sentences.

Regarding the 2008 felony domestic assault convictions, 63 % of the defendants received incarcerative sentences, an increase in 6% from 2007, while 17% received a split sentence which represents a decline of 8% from 2007 and 6 % received straight probation compared to 8.4% in 2007. Of the 2008 felonies, 14.8% resulted in a deferred sentence.

In 2008, 63% of the defendants convicted of felony domestic assault received incarcerative sentences.

RELIEF FROM ABUSE ORDERS

From July of 2008 through June of 2009, according to the Office of Court Administrator, three thousand six hundred fourteen (3,614) petitions for relief from abuse orders were filed with one thousand two hundred thirty one (1231) final orders granted, one thousand six hundred fifty (1650) temporary orders issued without a final order, seven hundred seventy eight (778) matters resulting in no order and thirteen (13) cases being transferred to another court. This represents a slight decline, 1% in the number of overall petitions filed and orders issued from the 2007 petitions and orders.

Of the 3,614 petitions for relief from abuse filed last year, 1,231 resulted in a final order issued by Vermont Family Court.

From July of 2008 through June of 2009, the counties with the highest percentages of relief from abuse order petitions were: Rutland 19%; Chittenden 18.5 %; Franklin 9 % and Windsor 9%. When comparing these percentages to Vermont's population the percentages are noteworthy. According to the 2008 Census Data, for instance, Rutland County contains 10% of the State's population but its relief form abuse docket represents 19%. Chittenden County represents 24% of the population and 18.5% of the orders. Finally, Franklin and Windsor County numbers are more in line with their population as Franklin's census count is 7% and 9% of the orders and Windsor County is 9% of the Vermont population and had 9% of the relief from abuse orders in the last calendar year.

SEXUAL ASSAULT AND STALKING ORDERS

Title 12 provides for protection orders for non-household and non-family members regarding stalking and sexual assault. From January through December of 2009, according to the Office of Court Administrator, in Superior Courts statewide, one hundred thirty six (136) stalking final orders were granted and three hundred ninety two (392) temporary stalking orders were granted. In Superior Courts statewide, there were thirty one (31) temporary sexual assault orders and seventeen (17) final orders issued.

In 2009, Vermont Superior Courts issued 17 final sexual assault orders and 136 final stalking orders.

BATTERER INTERVENTION PROGRAM CERTIFICATION

As part of the statewide standards and certification process adopted by the Council, as of January 2010, the Vermont Council on Domestic Violence reviewed the thirteen batterer intervention programs which serve the fourteen counties of Vermont. Every county is now served by at least one certified batterer intervention program. Certified programs will need to be reviewed at least every other year to remain certified.

As of January 2010, the Vermont Council on Domestic Violence has reviewed the thirteen batterer intervention programs which serve the fourteen counties of Vermont.

Below is 2009 enrollment data for the batterer intervention programs in 2009. Priors are the number of attendees that are enrolled at the beginning of the month. Continuing is the number of attendees enrolled at the end of the month. Referrals are clients referred during the month and starts are the number of attendees that are assigned to their first group during the month. Completions represents clients who complete the program and dismissals represent attendees who are asked to leave the program.

2009 Statewide Enrollment D												
	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Prior	199	180	181	183	192	198	208	207	201	193	203	207
Referrals	51	35	39	42	49	41	47	37	41	59	42	33
Starts	28	32	32	36	26	46	42	35	37	40	49	31
Completions	20	15	17	11	17	20	18	24	29	14	10	20
Dismissals	27	12	14	16	12	18	24	17	19	15	15	21
Continuing	180	187	183	193	187	206	204	203	190	204	227	179

2009 Enrollment by County												
	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Addison	9	10	9	8	9	11	10	9	9	7	8	8
Bennington	21	17	18	18	19	16	16	13	7	6	7	9
Caledonia	8	6	7	8	7	8	11	10	9	8	9	9
Chittenden	51	40	46	43	43	45	47	49	52	48	40	44
Franklin/ Grand Isle	20	17	22	20	22	21	19	15	17	21	17	26
Lamoille	9	8	7	6	6	7	4	3	6	3	3	4
Orange	0	0	0	0	0	0	3	6	7	9	9	8
Rutland	18	16	18	19	20	18	18	18	18	17	18	18
Washington	22	19	18	20	20	18	19	19	18	19	22	26
Windham	8	9	10	11	10	12	15	17	15	15	14	13
Windsor	23	24	21	26	30	28	31	34	30	28	35	24

CONCLUSION

The Commission encourages all Vermonters to assist us with our critical work. We encourage community members to provide us suggestions and to refer cases for the Commission to review. A case referral form is attached as Appendix D. Our recommendations related to previous case reviews follows after the Commission's data charts.

SUMMARY OF 2009 DATA

Total Homicides: 8

Total Homicides of Adults: 4

Domestic Violence Related Homicides of Adults: 2

DATA REGARDING 2009 DOMESTIC VIOLENCE RELATED HOMICIDES

Gender			
Victims		Responsible Party	
Female victims	1	Male	2
Male Victims	1		
Relationship			
Partner	0	Household Member	0
Ex-Partner	1	Other Domestic Violence Related	1
Family Member	0		
County Distribution			
Addison	0	Lamoille	0
Bennington	0	Orange	0
Caledonia	1	Orleans	0
Chittenden	0	Rutland	1
Essex	0	Washington	0
Franklin	0	Windham	0
Grand Isle	0	Windsor	0
Crime			
Firearm	0	Stabbing	2
Fire	0	Blunt Trauma	0
Strangulation	0	Motor Vehicle	0
Drowning	0		
Children Present			0
Locations of Homicides			
In Residence	0	Outside Residence in Street	0
In Workplace	0	Outside Residence in Hall	0
In Public Place	2		
Domestic Violence Related Homicides			50%

Note: **"Other Domestic Violence Related"** is defined as a homicide where the responsible party and the victim fit none of the above relationships but the fatality is related to domestic violence (e.g. estranged spouse kills ex-spouse's current intimate partner, law enforcement officer kills person while responding to a domestic violence incident). **"Children Present"** is defined as at the crime scene or aware of the crime scene immediately before or after. Please see page 12 for additional Commission definitions.

HOMICIDE AND DOMESTIC VIOLENCE RELATED FATALITIES CHART 1994-2009								
Year	Total # Homicides	Partner	Ex-Partner	Family Member- non partner	Household Member – non partner	Other DV Related	Total # DV	Total % DV
2009	4 ⁶	0	1	0	0	1	2	50%
2008	15 ⁷	5	0	30	0	3	11	73%
2007	11 ⁸	1	2	2	2	0	7	64%
2006	15	2	1	1	1	1	6	40%
2005	12 ⁹	0	0	0	0	2	2	17%
2004	10 ¹⁰	3	1	0	0	0	4	40%
2003	15	1	2	4	1	2	10	66%
2002	10 ¹¹	1	0	0	0	0	1	10%
2001	13 ¹²	0	0	3	1	1	5	38%
2000	16 ¹³	3	1	2	0	2	8	50%
1999	18 ¹⁴	2	1	3	2	2	10	56%
1998	12 ¹⁵	3	2	1	0	1	7	58%
1997	11 ¹⁶	2	1	2	0	2	7	64%
1996	12 ¹⁷	1	2	2	1	2	8	67%
1995	13 ¹⁸	6	0	0	0	1	7	54%
1994	7 ¹⁹	1	1	1	0	2	5	71%
TOTAL	194	31	15	24	8	22	100	52 %

⁶ Four cases involve child fatalities and are not reflected here as the matters are referred to the Child Fatality Review Team. One party committed suicide in the presence of his estranged wife. In addition, one responsible party attempted to commit suicide after the alleged homicide.

⁷ Five cases involved child fatalities and are not reflected in the 15 as the matters are referred to the Child Fatality Review Team. One responsible party attempted to commit suicide after the alleged homicide.

⁸ One case under investigation involves a child fatality and is not reflected in the 11 as the matter was referred to the Child Fatality Review Team. Also, in addition to the 11, 3 responsible parties committed suicide following the homicides.

⁹ 1 homicide remains under investigation and is reflected in the total number of homicides but the Commission is unable to determine at this time if it is domestic violence related. The data will be updated when further information is available.

¹⁰ One additional case under investigation involves a child fatality and is not reflected in the 10 as the matter would be referred to the Child Fatality Review Committee per the Commission's protocol. Also, in addition to the 10 cases, 1 responsible party committed suicide following the homicide.

¹¹ 1 case remains under investigation and is reflected in the total number of homicides but the Commission is unable to determine if it is domestic violence related. The data will be updated when further information is available.

¹² 1 case remains under investigation and is reflected in the total number of homicides but the Commission is unable to determine if it is domestic violence related. The data will be updated when further information is available.

¹³ In addition to these 16 cases, 1 responsible party committed suicide following the homicide.

¹⁴ In addition to these 18 cases, 2 responsible parties committed suicide following the homicides. 1 case remains under investigation and is reflected in the total number of homicides but the Commission is unable to determine if it is domestic violence related. The data will be updated when further information is available.

¹⁵ In addition to these 12 cases, 3 responsible parties committed suicide following the homicides.

¹⁶ ¹¹ In addition to these 11 cases, 2 responsible parties committed suicide following the homicides.

¹⁷ In addition to these 12 cases, 3 responsible parties committed suicide following the homicides. Also, 1 case remains under investigation and is included in the total homicide number but not the domestic violence number. The data will be updated when further information is available.

¹⁸ In addition to these 13 cases, 4 responsible parties committed suicide following the homicides and 2 cases remain under investigation and are included in the total homicide number but not in the domestic violence number. The data will be updated when further information is available.

¹⁹ In addition to these 7 cases, 1 responsible party committed suicide after the homicide.

SUMMARY OF DATA FROM 1994 – 2009			
Homicides	Total – 194		
Domestic Violence Homicides	Total 100 or 52%		Responsible Party
	• Female victims	54	• Female 16
	• Male Victims	46	• Male 84
Relationship	Partner	31	Household Member 8
	Ex Partner	15	Other Domestic
	Family Member	24	Violence Related 22
County Distribution	Addison	9	Lamoille 3
	Bennington	6	Orange 4
	Caledonia	9	Orleans 5
	Chittenden	20	Rutland 19
	Essex	2	Washington 6
	Franklin	4	Windham 4
	Grand Isle	1	Windsor 8
Manner of Homicide	Firearm	57	Strangulation 5
	Stabbing	14	Motor Vehicle 1
	Fire	2	Blunt Trauma & Strangulation 1
	Blunt trauma	15	Other 5
Children Present	At crime scene	33	Aware of crime scene immediately before or after 6
Law Enforcement Related Cases	3 (3 cases where domestic violence suspects were killed by law enforcement)		
Suicides related to domestic violence	Total:	24	Female 2
			Male 22
	Firearm	19	Asphyxia by Fire
	Stabbing	1	Asphyxia by Carbon Monoxide
	Hanging	1	Jump/Fall

DEFINITIONS

DV – Domestic Violence

Partner – Homicide where the responsible party and victim are intimate or dating partners (e.g. spouse kills spouse, boyfriend kills girlfriend)

Ex-Partner – Homicide where the responsible party and victim were intimate partners formerly but are not currently (e.g., divorced spouse kills spouse, ex-girlfriend kills ex-boyfriend)

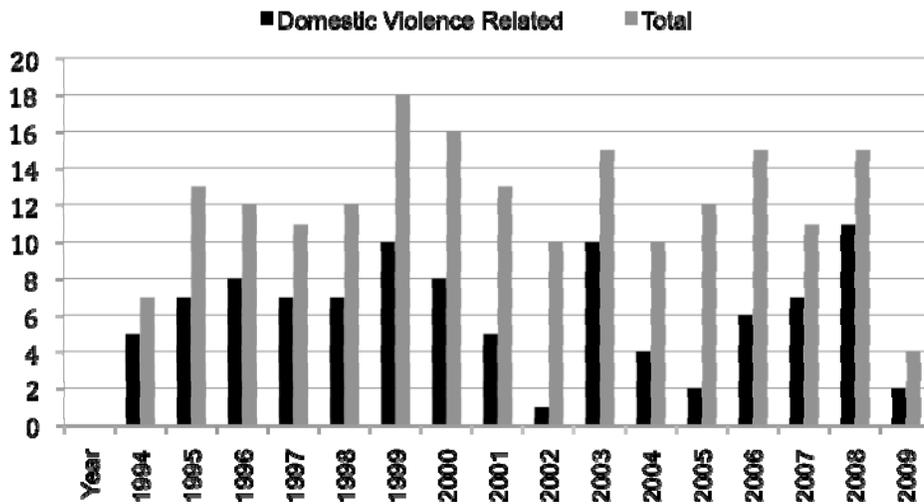
Family Member – Homicide where the responsible party and the victim were not intimate partners or dating partners but are family members

Household Member – Homicide where responsible party and victim currently or formerly lived in the same household but were not intimate or dating partners or family members (e.g., child living with non-related caregiver)

Other Domestic Violence (DV) Related – Homicide where the responsible party and the victim fit none of the above relationships but the fatality is related to domestic violence (e.g. estranged spouse kills ex-spouse's current intimate partner, law enforcement officer kills person while responding to a domestic violence incident)

Responsible Party – The responsible party is the person to whom the fatality can be attributed. It is a broader term than defendant or perpetrator. For example, it may include a convicted defendant, a battered spouse who was not charged with the fatality due to self-defense or a police officer responding to a domestic violence incident that kills one of the parties in the course of his/her duty.

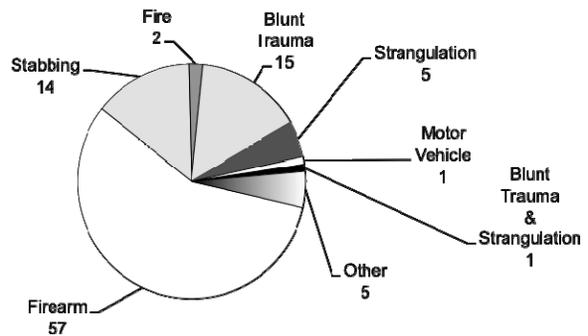
DOMESTIC VIOLENCE RELATED HOMICIDES 1994 – 2009



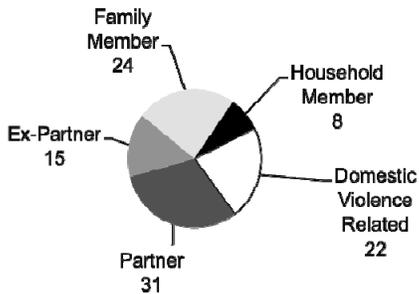
Gender of Victim



Domestic Violence Homicide by Method



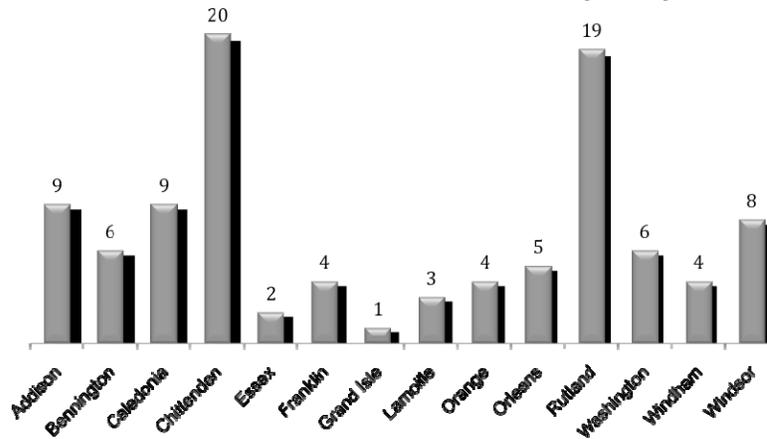
Relationship of Victim to Responsible Party (Terms defined on Page 12)



Gender of Responsible Party



Domestic Violence Related Homicides by County



SUMMARY OF 2009 CASE REVIEWS

During 2009, the Commission completed in-depth case reviews of two fatalities. In the reviews, we heard from a variety of witnesses and reviewed documents provided by government agencies. Please note that when conducting our reviews in 2009, we used our new lethality assessment form to identify risks present and we have listed those risks below as part of our summary.

Pursuant to 15 V.S.A. Section 1140, the purpose of the Commission includes identifying strengths and weaknesses in systemic responses to domestic violence and making recommendations that will encourage collaboration, intervention and prevention. Below please find relevant data regarding the completed case reviews and the Commission's findings regarding strengths in the community and recommendations to improve the response to domestic violence.

CASE REVIEW INFORMATION

In the two fatalities reviewed, the manner of death was homicide by firearm of a female followed by the male responsible party committing suicide with the same firearm and homicide by firearm of a male followed by suicide by firearm of the male perpetrator. Both deaths occurred in the victim's residence.

In each of the two cases reviewed, children were present at the time of the homicide/suicide.

In one case, the male and female partners were living together with a child from the female's previous relationship. In that case the relationship was described as "very volatile" by family members. There was significant systems involvement in this case as both parties were under supervision by the Department of Corrections at the time of their deaths. In addition, the male partner had been involved with the criminal justice system since his teens and had prior felony convictions for domestic assault in addition to relief from abuse orders issued against him. This relationship was eight months old at the time of the homicide/suicide. There was a child in the residence at the time of the homicide/suicide; the child discovered the bodies.

In the second case, the male was separated from his female partner for two months and a final relief from abuse order was in place. The parties had a child in common. The mother had custody of the child and the father was allowed contact although there was conflict over contact and visitation. The female partner was residing with a prior boyfriend with whom she had a child in common. The male perpetrator shot this boyfriend and then committed suicide in front of the ex-partner. There were two children in the house at the time. In this case there was some involvement in the past with the criminal justice system and current interaction with the court system regarding parental rights and responsibilities.

In both matters, the responsible parties did have criminal history records. In one case, the responsible party had a multiple misdemeanor criminal record

and in the other review the responsible party had an extensive criminal history involving aggravated domestic assaults and was a felon.

In both cases the male perpetrators were prohibited from possessing firearms under the Federal Gun Control Act as one was a felon and the other was subject to a final relief from abuse order. In both cases, the males were unemployed and had histories of controlling behavior and access to and familiarity with firearms. In both cases, the males had substance abuse and alcohol issues. One perpetrator had threatened suicide previously on several occasions and was engaged in counseling.

In both cases the male perpetrators were prohibited from possessing firearms under the Federal Gun Control Act.

Children were present at both residences during the crimes and the incidents both followed a holiday which raised issues related to visitation and access to children.

As indicated above, as part of the Commission's Case Review process, the Commission adopted a new lethality assessment tool. Below are the factors noted in these two cases.

In **both** cases the following risk factors were noted:

1. serious violent threats, ideation or intent;
2. escalation of physical/sexual violence or threats, ideation, intent;
3. violations of civil and criminal court orders;
4. negative controlling attitudes about partner;
5. criminal history;
6. relationship problems;
7. financial and employment problems;
8. substance and alcohol abuse;
9. access to weapons;
10. threats to others; and
11. stalking behavior.

STRENGTHS IN THE COMMUNITY

As noted above, part of the Commission's statutory role is to identify strengths in addition to barriers in responses to domestic violence. During the reviews, the Commission identified a number of strengths and we note the following positive practices.

1. Victims of abuse accessed the relief from abuse system and were successful in obtaining protection orders.
2. Local law enforcement was very responsive and helpful when victims contacted them asking for assistance regarding investigating criminal conduct and obtaining civil remedies.
3. Family members were aware of the violent history and actively supported the victim and her children.

4. Substance abuse and mental health counseling was available to parties who asked for help.

CASE REVIEW RECOMMENDATIONS

The Commission makes the following recommendations reflecting issues common to both cases. We identify relevant professions and agencies that may be able to incorporate our recommendations in their practices and protocols. We encourage these groups to give careful consideration to these recommendations and we welcome the opportunity to discuss our recommendations further with these entities.

In no way does the Commission intend to imply that any agency or policy is responsible directly or indirectly for these deaths. The goal of the Commission in making these recommendations is to increase the safety of all Vermonters.

RECOMMENDATIONS

CHILD SUPPORT AND ECONOMIC SERVICES

- Office of Child Support (OCS) caseworkers, magistrates, paralegals and regional managers should be provided specialized training regarding domestic and sexual violence that includes referral information about domestic and sexual violence agencies and community-based services.

COMMENT

In both cases, there were overlapping issues relating to child support, parental rights and responsibilities, compliance with court orders and domestic violence. The Commission heard testimony from the Office of Child Support regarding their agency's response to allegations of domestic violence and their ability to flag the case with a domestic violence waiver. In order to assure that the OCS employees are aware of the dynamics of domestic and sexual violence and to assist them in referring victims to appropriate local services it is recommended that training be provided at each of the five regional offices.

OFFICE OF CHILD SUPPORT AND DEPARTMENT OF CORRECTIONS

- Under the auspices of the Agency of Human Services, the Office of Child Support and the Department of Corrections should explore a Memorandum of Understanding allowing the two agencies to talk and share information when a supervised offender is in arrears or in contempt of a child support order.

COMMENT

In both cases, multiple agencies were involved with supervising parties and enforcing child support orders and contempt orders that affected the financial stability of the family. It appeared that the agencies were operating independently of one another. The Commission learned that because of federal

laws regarding child support there are limits as to what information can be shared, but, the Commission recommends that the two agencies explore through a memorandum of understanding what could be shared. The sharing of information would hopefully improve enforcement of child support orders and the effective supervision of domestic violence offenders by Corrections. In addition, sharing of information may assist Family Court in determining whether an offender is meeting his/her family obligations.

RECOMMENDATION

OFFICE OF CHILD SUPPORT

- Office of Child Support Caseworkers should be allowed access to Vermont Court Access System (VCAS) so that they are able to investigate the existence of all protection orders and other court actions that may affect the enforcement of a child support order.

COMMENT

In both cases, there were overlapping issues related to compliance with child support orders and compliance with relief from abuse orders. At the Office of Child Support, every regional manager and attorney has access to VCAS but not every caseworker. The Commission recommends that caseworkers be given this access in order to determine the domestic violence waiver as well as to aid in the enforcement of the child support order.

FEDERAL, STATE AND CHARITABLE ECONOMIC SERVICES

RECOMMENDATION

- Poverty hinders victims and their families from leaving abusive situations. Countywide financial support services for victims of domestic abuse (e.g., childcare, emergency funds, transportation, food, jobs, education, housing, health care, etc.) need to be expanded. The local domestic violence programs, the Network's Economic Justice Specialist and local domestic violence task forces and legislators should work together to address immediate economic issues for victims and their families and explore federal, state and charitable funding sources for this critical need.

COMMENT

The Commission notes that in both review cases economic issues appeared to restrict and hinder the options of the victims and their families. The Commission encourages advocates and legislators to collaborate on ways to get real dollars and resources in the hands of victims who need immediate assistance to establish safety.

DEPARTMENT OF CORRECTIONS

RECOMMENDATION

- The Commission recommends that the Department of Corrections consider the overall criminal history of the defendant in addition to the “instant” offense or the offense for which he/she is currently being supervised when determining conditions of supervision and treatment.

COMMENT

In one of the review cases, the responsible party had a lengthy criminal record involving domestic violence felonies, however, at the time of the murder/suicide he was being supervised by the Department of Corrections for a non-violent property crime. His supervision was governed by that “instant” offense as opposed to his criminal history. The Commission notes that had his extensive domestic violence history along with his status as a prohibited person under the Federal Gun Control Act been considered more carefully, his supervision in the community and treatment may have been more structured. In addition, the Commission notes that if this history was reviewed carefully it may have caused Corrections to scrutinize his living arrangements with a fellow DOC supervisee with a young child. The Commission was advised that the Department of Corrections is starting to look at these issues within the context of sexual violence offenders and advised that they could refer the matter to their domestic violence advisory committee to review further.

DEPARTMENT OF CORRECTIONS

RECOMMENDATION

- The Commission recommends that the Department of Corrections incorporate lethality assessment criteria when they are determining offender treatment and supervision.

COMMENT

The Commission notes that the Department does use risk assessment tools to determine dangerousness of offenders. These tools do not take into account lethality assessment criteria. The Department is beginning to consider incorporating lethality assessment criteria in their evaluation and is working with their domestic violence advisory committee on the issue. The Commission notes that in both review cases, the responsible parties exhibited many lethality assessment factors as noted above in the Case Review section. The Commission encourages the Department to consult with Battered Women Services and Shelter (BWSS) in Washington County as to the training they have received about the Maryland Lethality Assessment Program.

DEPARTMENT OF CORRECTIONS

RECOMMENDATION

- The Commission recommends that the Department's Caseworkers contact prior intimate partners when they are supervising offenders with a history of domestic and sexual violence.

COMMENT

The Commission notes that in order to effectively supervise and rehabilitate an offender it would be advisable to contact as many sources as possible for information. In one review case, the responsible party had a previous relationship that involved multiple relief from abuse actions, arrears in child support, conflict over visitation and parental rights and responsibilities, threats of suicide, and domestic assault convictions. The Commission concludes that firsthand knowledge of this history would aid the Department in determining the appropriate level of supervision and the nature of the treatment needed for rehabilitation.

DEPARTMENT OF CORRECTIONS

RECOMMENDATION

- The Commission recommends that the Department regulations and statutes be amended to give them authority to search an offender's residence for firearms.

COMMENT

The Commission notes that currently the Department is allowed to ask offenders regarding the existence of firearms in their residence but they are only authorized to search the residence if the offender is on furlough. If the offender is on probation or parole they can only search if they have cause. In both review cases, the responsible parties were prohibited persons under the Federal Gun Control Act and both had access to firearms in their residence. The homicides and subsequent suicides were committed with these firearms.

COURTS

RECOMMENDATION

- The Commission notes that nationwide integrated domestic violence courts are being established to streamline the prosecution of civil and criminal domestic violence matters and to provide services to the litigants. The Center for Court Innovation has studied the nation's specialized courts and a study regarding their findings and recommended best practices can be found at <http://www.courtinnovation.org>. In Vermont, the Court Administrator's Office has established the Bennington Integrated Domestic Violence Court. The Commission visited the Bennington Court and commends it for its work.

The Commission notes the following integrated domestic violence court best practices that are related to the two case reviews conducted in 2009 and which present possible promising practices.

- Allowing court personnel to consolidate the entire court history of the parties and to access the criminal record database and provide this complete packet of information to presiding judges to review before court hearings;
- In domestic violence cases, filing and hearing all violations of probation promptly;
- Consider having litigants represented by counsel at Relief From Abuse Hearings;
- Adopt an integrated vertical prosecution of cases which allows for the same attorneys and judges to work on the domestic violence docket.

COMMENT

In one of the review cases, nine different judges over ten years were involved in cases involving the same defendant. Each judge saw an element of his criminal and civil court history but may not have been aware of the complete history or picture. The first recommendation would allow for a comprehensive history to follow the offender regardless of who the presiding judge is.

In the same review case, there were instances that violated the offender's probation that were not brought back to the court. In particular, the offender missed multiple appointments with his probation officer and in fact lost complete contact with him for a period of time. If these violations were filed and litigated promptly by the court it may have allowed the presiding judge to determine the underlying reasons for the lack of contact.

Finally, in one review case, the transcript of the relief from abuse hearing demonstrated that the allegations of abuse were not being discussed or litigated but that the hearing was primarily a negotiation about child custody and support by two pro se litigants. The Commission noted in other case reviews that this negotiation often dilutes the underlying abuse allegations that are pending before the court. Representation by counsel at the relief from abuse hearings may assist in focusing the proceeding on the allegations of abuse.

LAW ENFORCEMENT

RECOMMENDATION

- In our 2008 Report, the Commission recommended that the police adopt a protocol that provides support services to the surviving family members at the time of death notification and coordinates interactions with the Office of Medical Examiner. The police should also consider having a victim advocate present at the time of notification. The Commission now recommends that the same policy be used for

notification regarding a critically wounded or injured person and it be expanded to all law enforcement in Vermont. The Commission notes that death notification training is given at the Basic Police Academy and would recommend that this practice be incorporated in that curriculum.

COMMENT

In one of the review cases, local law enforcement were concerned with the notification practice for critically injured people, as a policy did not exist. The Commission notes that the Vermont State Police have adopted a policy that addresses the sensitive needs of victims of crime. It is in their Rules and Regulations Section, Chapter 15, Other Related Activities, Article IV Victim's Assistance.

The purpose is to improve the treatment of victims of crime by providing them with the assistance and services necessary to ensure that law enforcement personnel treat them with courtesy and sensitivity and to prevent further victimization by the criminal justice system.

Pursuant to the policy, Officers will be familiar with the Victim's Assistance Act, 13 V.S.A. Chapter 167, and should refer victims to the advocate at the appropriate State's Attorney's office. Officers will also be familiar with 13 V.S.A. §§5351-5358, compensation to victims of crime, and will make the victim aware of this section by providing a Support Services Directory.

Pursuant to the policy, death notifications are made with at least two members of the Department and they are encouraged to have the local victims advocate with them to assist in providing the surviving family members with information related to the investigation as well as explaining the court process to them. Contact information for the lead investigator, their supervisor and the victim advocate are given to the family members. Officers are encouraged to locate family friends or clergy to be with the victim after the initial notification has been made.

The Commission encourages this policy be broadened to include critically injured persons and that all law enforcement statewide adopt it.

RESPONSES TO PREVIOUS RECOMMENDATIONS

The Commission has been conducting case reviews and making recommendations since 2003. These recommendations were published in the prior Commission Reports and presented to the respective agencies and organizations by Commission members. Every year we report on the efforts taken by the Commission to implement the recommendations. The Commission is gratified that its work is having a positive and tangible impact in Vermont.

MEDIA

The Commission recommends that the Commission, together with the Vermont Council on Domestic Violence, the Vermont Network Against Domestic and Sexual Violence and the University of Vermont's Anti-Violence Partnership engage with local media to raise public awareness about domestic violence related homicides, and resources available to victims, perpetrators, family and community members in Vermont.

Actions Taken

The Anti-Violence Partnership at the University of Vermont has commenced an initiative relating to media coverage of sexual and domestic violence and the Commission is contributing to the work of that initiative.

DEPARTMENT OF HEALTH

The Commission recommends that the Governor and/or the Vermont Department of Health issue a public health advisory identifying domestic violence as a public health issue in Vermont. The statement would raise awareness among Vermonters regarding available resources and encourage health care providers to effectively respond to suspected cases of domestic violence in their practices.

Actions Taken

The Department of Health Commission member contacted the Commissioner of Health regarding this recommendation and the Fatality Review Commission is continuing to work with the Department on the implementation of this recommendation.

DEPARTMENT OF EDUCATION

The Commission recommends that the Department of Education incorporate in middle school or high school curriculum a mandatory class or workshop that addresses domestic and dating violence, intimate partner violence and sexual violence, the health risks associated with this behavior and the resources available in the community to respond to these issues. The class should provide information, encourage self-awareness and self-esteem, support tolerance and independence and make safety a priority.

Actions Taken

The Commission notes that S.13, which was enacted into law last session required a sexual abuse prevention plan in all school health curricula and tasked the state's Sexual Violence Prevention Task Force with assisting schools in this effort. The Commission contacted the Task Force and recommended that the curricula be broadened to address domestic and dating violence as well as intimate partner violence.

COURT

RELIEF FROM ABUSE ORDERS, HEARINGS AND FIREARMS

The Commission recommends that in final relief from abuse orders, Defendants not be allowed access to guns in the order even during hunting season. The Commission also recommends that in the order, family members not be given the responsibility of storing the defendants' weapons.

The Commission recommends that the Vermont courts consider creating a process, such as a preliminary status conference, to differentiate between relief from abuse cases that require an evidentiary hearing and cases that may resolve with a stipulation. This would allow the Court to allocate more time to cases that require fact-finding hearings. As part of this assessment process, the Commission recommends that the courts refer to risk or danger assessment tools when reviewing the cases in order to be able to identify and weigh all the risk factors posed by each case. The Office of Court Administrator should consider providing judicial education regarding risk/dangerousness/lethality factors in domestic violence cases.

Actions Taken

The Commission chair met with the Office of Court Administration to review these recommendations. Jointly we are working to have the Commission's enabling legislation, at 15 V.S.A. Section 1140, amended to add a representative of the Judiciary as a Commission member to aid us in the future in drafting of court related recommendations and to implement existing recommendations.

VERMONT LEGISLATURE

The Commission recommends that the Vermont legislature consider adoption of a law that would govern the relinquishment, inventory, storage and return of guns for defendants subject to final relief from abuse orders.

Actions Taken

As noted above, the September 2009 Conference at the Vermont Statehouse included a presentation on the New Hampshire gun storage statute and practice by the New Hampshire Assistant Attorney General Ann Rice and the Honorable Judge Susan Carbon. The New Hampshire statute governs the relinquishment,

inventory, storage and return of guns. Vermont legislators were present and interested in the topic.

LAW ENFORCEMENT

The Commission recommends that a statewide system for tracking the service of protection orders be adopted.

Actions Taken

Commission Members also serve on the Office of Court Administrator's Protection Order Service Group. This group reviewed the current practice of serving orders in Vermont. Vermont statutes provide for persons who are subject to abuse, exploitation, sexual assault and stalking to file complaints for protection orders in the Vermont civil courts in addition to any criminal prosecution that may result. Timely and efficient service of all these protection orders results in due process for all parties and is a wise use of Vermont's court's and law enforcement's resources.

After collecting data from the courts, law enforcement, holding stations, victim advocacy programs, and the Vermont Council on Domestic Violence, the group helped to implement a new cover sheet for all protection orders forms and recommended additional best practices that will serve all Vermonters. The group's goal is to work cooperatively with all agencies in order to implement the new forms and best practices.

Free training on the new Public Safety Protection Order Service form and the county-based team system is being offered in 2010 at twelve local courthouses.

The Group also has discussed the implementation of a statewide system for tracking the service of orders that would benefit law enforcement and victims which would provide uniformity and a history of service and attempts to serve.

LAW ENFORCEMENT

The Commission recommends that Constables be included in county-based domestic violence trainings and task force meetings.

Actions Taken:

Constables are included in the mandatory domestic violence training opportunities being provided by the Vermont Criminal Justice Training Council in 2010. In addition, local Task Forces have reached out to Constables and invited them to local trainings and meetings.

LAW ENFORCEMENT

The Commission recommends that law enforcement consider using risk or danger assessment tools when responding to intimate partner violence cases in order to assess the dangerousness of the defendant and the victim's need for services.

Actions Taken

In 2009, the Commission heard a presentation by the Washington County Battered Women's Service and Shelter (BWSS) program regarding their lethality assessment program which is part of the Maryland lethality assessment initiative. BWSS is working with their local law enforcement to enact this program.

The Maryland Network Against Domestic Violence (MNADV) received a federal Byrne grant to provide training and assistance throughout the nation to expand their Lethality Assessment Program (LAP). The Maryland Network Against Domestic Violence (MNADV) developed a program over a two year-period from 2003 to 2005 called the Lethality Assessment Program for First Responders, a one-of-a-kind program designed to identify victims of domestic violence at the greatest risk of being killed and getting them out of harm's way and into domestic violence services. It uses a first responder screening instrument based on research and a proactive protocol whereby the officer/deputy on the scene uses the telephone to connect the victim to a hotline worker. The LAP was recognized by Harvard University as a Top 50 Program for 2008.

The Washington County BWSS applied for and was selected along with a program in New Hampshire to receive the Maryland Training. Washington County is in the process of being trained and working on the local implementation of the program. Once it is established in Washington County, BWSS will be making itself available to train other counties and law enforcement on the program.

VERMONT EMPLOYERS

The Commission encourages all Vermont employers to review their existing workplace and domestic violence policies and to consider adopting policies if none exist and train all employees.

Actions Taken

Drawing on the new collaborative Protocol between the Commission and the Vermont Council on Domestic Violence, both entities have devised a plan to implement this recommendation. A multi-disciplinary work group was convened and the group met throughout 2008 and 2009. The group is drawing on the work accomplished by the Vermont Attorney General's Office Domestic Violence and the Workplace Initiative, the Agency of Human Services Domestic Violence Initiative as well as the City of Burlington's domestic violence training and workplace policy work. The group is focusing on the following areas:

employer education and policies, collection of Vermont data, and workplace legal protections.

The work group is in the process of accomplishing the following goals:

- Create an employer education packet which includes model policies and information about available training resources.
- Distribute the packet to private and public employers, businesses, and regional organizations including Chamber of Commerce, regional development councils, Domestic Violence Task Forces, and other business groups.
- Replicate in Vermont a study conducted in Maine that researches the perpetrator's harassment of victims at work. The Maine Department of Labor and Family Crisis Services did the study in 2006. It found that nearly eight in ten domestic violence perpetrators use their employer's resources - cars, telephones or cellular phones - to intimidate their victims. The study also addressed absenteeism and recommended that employers establish a comprehensive DV policy in the workplace. The Maine Study can be found at: www.familycrisis.org/impact2004.pdf
- Review other states' laws regarding employment protections and anti-discrimination statutes for victims of domestic and sexual violence. Consider recommending Vermont laws to protect victims of domestic violence in the workplace.

The Commission notes that H. 382, a Bill relating to the Absence of Work for Health and Safety, was recently introduced and referred to the House Committee on General Housing and Military Affairs. The proposed Vermont legislation is modeled on the City of Milwaukee's recent paid sick and safe days initiative and allows for paid sick days to be used for issues relating to domestic and sexual violence and stalking. The Milwaukee legislation can be found at: <http://www.jsonline.com/news/statepolitics/33874059.html>

FINANCIAL INSTITUTIONS

In domestic violence cases, financial independence often allows the victim the means to re-locate and maintain safety. Financial issues can also be a source of discord and difficulties. The Commission recommends that banks and credit unions adopt domestic violence workplace policies and also provide training to their employees regarding the dynamics of domestic violence and the importance of maintaining customer confidences relating to their accounts especially in those circumstances.

Actions Taken

Commission members consulted with BISHCA regarding this recommendation and are still working on implementation.

COURTS

RECOMMENDATION

- Regarding the Relief from Abuse Process in Vermont, the Office of Court Administrator should provide judges and clerks training regarding firearms and relief from abuse orders and the federal Gun Control Act.

RESPONSE

The Commission Chair and the Council Coordinator met with the Judicial Caucus of the Council on Domestic Violence to discuss the Commission recommendations regarding training for judges regarding federal firearm laws. The topic was suggested as a possible judicial college training topic at their annual training in 2009. The Judicial Caucus recommended that the Commission and Council consider writing a Vermont Bar article on the topic for publication and distribution in order to train practicing attorneys and judges.

COURTS AND PROSECUTORS

ARREST WARRANT RECOMMENDATIONS

- Courts and prosecutors should create a process to expedite arrest warrant issuance in domestic violence cases.
- Once arrest warrants are issued, courts and/or prosecutors should notify arresting officer(s) and victim(s) of the issuance of the arrest warrants.

RESPONSE

The recommendation was distributed to the Office of the Court Administrator and the State's Attorneys' Association. The chair of the Fatality Review Commission met with an administrator from the Courts and discussed the implementation of this recommendation. The Chair of the Commission and the Court Administrator's office are working together to draft a protocol to improve communication between all the interested parties regarding the issuance and service of domestic violence warrants. The goal of the protocol is to prevent bureaucratic errors that could result in escalating the lethality in interpersonal violence cases.

LAW ENFORCEMENT

ARREST WARRANT RECOMMENDATIONS

- Arrest warrant lists should be made available to police officers prioritized with violent offense and domestic violence offense arrest warrants at the top and federal arrest warrants should be included in the lists for cross-reference.

- Law enforcement should adopt a county-based system that provides all police agencies within the county monthly arrest warrant list updates that reflect both the issuing court and the county of the defendant's residence.
- Law enforcement agencies should establish a policy that encourages officers to look for persons on arrest warrant lists on a periodic basis.
- Dispatchers should run a more in-depth search, such as an F2 super query, in all cases when running a motor vehicle license information request from law enforcement.

RESPONSE

The Commission's Department of Public Safety representative has been working to implement these recommendations with the dispatchers and those in law enforcement that maintain the arrest warrant lists.

FAMILY COURT

RECOMMENDATION

- Vermont statutes should be amended to ensure that Guardianship and Custody cases for children fall under the jurisdiction of the Family Court rather than Probate Court.

COMMENT AND RESPONSE

The Commission concluded that in fatalities that result in the custody of children being in question, the best practice would be for these matters to be heard by Family Court where services would be available to the children. The Representative from the Governor's Council on Domestic Violence discussed this recommendation with a county Probate Judge. The recommendation was favorably received. The recommendation was also presented to and discussed by the Department for Children and Families and the Court Administrator's Office. Although the response was supportive, because the recommendation will require legislative action, further steps need to be taken. The Chair of the Commission presented this recommendation to the Senate Judiciary Committee for their consideration in February of 2007. The Commission also highlighted this recommendation in their comments to the Judiciary regarding court re-organization.

EMERGENCY SERVICES

RECOMMENDATION

- Establishment of an enhanced cell phone locator identification system should be made available statewide.

RESPONSE

The Commission will continue to work on the adoption of this system with the Emergency Services personnel. Future and current technology advances and changes will affect the implementation of this system. The Emergency service system is in the process of updating its identification system.

CONCLUSION

Vermont's Domestic Violence Fatality Review Commission is heartened by the steps taken in response to our recommendations and looks forward to continuing our work. Many agencies, non-profit organizations and individuals have engaged in substantial work to improve the community-based response to domestic violence. The goal of the Commission is to act as a catalyst for efforts to improve Vermont's communities and together to prevent future incidents of domestic violence related fatalities. We thank all of our partners for their conscientious efforts. The Commission looks forward to continuing this critical work together to improve the safety and well being of all Vermonters.

APPENDIX A

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 post adjudication 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 - COMMISSION DEFINITION OF DOMESTIC VIOLENCE RELATED FATALITY

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 1303¹ and as noted as "family" in the Abuse Prevention statute at 15 VSA Sec 1101(6)²;
- c. the alleged perpetrator and victim were related as "household members" under the Abuse Prevention Act at 15 VSA Sec 1101(2)³;
- d. the alleged perpetrator killed an estranged partner's current "household member"⁴;
- e. the alleged perpetrator killed a current partner's estranged "household member"⁵;
- f. the alleged perpetrator killed a family member's current or estranged "household member";⁶
- 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;
- 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;

¹ 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

² "Family" shall include a reciprocal beneficiary. 15 VSA 1101 (6)

³ "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)

⁴ See footnote 3 for definition of "household member"

⁵ See Footnote 3 for definition of "household member"

⁶ See Footnote 3 for definition of "household member"

m. the fatality is a substance abuse related death (chronic abuse, suicide, overdose) that is related to domestic violence.

APPENDIX C - DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION MEMBERS

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;

Amy S. FitzGerald
Assistant Attorney General
Office of Attorney General
109 State Street
Montpelier, VT 05609
802-828-5520 phone
802-828-2154 fax
afitzgerald@atg.state.vt.us

- The Commissioner of the Department of Health, or his or her designee;

Sally Kerschner, RN, MSN
Department of Health
108 Cherry St., PO Box 70
Burlington, VT 05402
802-652-4179 phone
skersch@vdh.state.vt.us

From January - December 2009:
Sandra Dooley
Department of Health
108 Cherry St., PO Box 70
Burlington, VT 05402
802-951-4023 phone
sdooley@vdh.state.vt.us

- The Commissioner of Department for Children and Families, or his or her designee;

Ellie Breitmaier
Coordinator of the Domestic Violence Unit
Department For Children and Families
103 S. Main St.
Waterbury, VT 05671
241-1206 phone
ellie.breitmaier@ahs.state.vt.us

- The Commissioner of the Department of Corrections, or his or her designee;

From January 2009 – December 2009:
Susan Onderwyzer LICSW BCD LADC
Program Services Executive
VT Department of Corrections
103 South Main Street
Waterbury, VT 05671-1001
802-241-3582
sonderwy@doc.state.vt.us

As of January 2010:
Rick Bates
District Manager
VT Department of Corrections
Brattleboro, VT
Rick.Bates@ahs.state.vt.us

- The Commissioner of the Department of Public Safety, or his or her designee;

Captain David Covell
Chief Criminal Investigator - BCI
Department of Public Safety
103 S. Main St.
Waterbury, VT 05671
(802)241-5566
dcovell@dps.state.vt.us

- The Chief Medical Examiner, or his or her designee;

Dr. Steve Shapiro
Office of Medical Examiner
Department of Health
111 Colchester Ave. Baird 1
Burlington, VT 05401
863-7320 phone
sshapir@vdh.state.vt.us

- A State's Attorney with experience prosecuting domestic violence cases, appointed by the Executive Director of the Vermont State's Attorneys' Association;

Rosemary Gretkowski
Chittenden County State's Attorney's Office
32 Cherry Street
Burlington, VT 05401
802-863-2865 phone
802-863-7440 fax
rosemary.gretkowski@state.vt.us

- The Defender General, or his or her designee;

Matthew Valerio
Defender General's Office
6 Baldwin Street, 4th Floor
Montpelier, VT 05620-3301
828-3191/786-3803 phone
matthew.valerio@state.vt.us

Alternate:

Robert Sheil
Defender General's Office
6 Baldwin Street, 4th Floor
Montpelier, VT 05620-3301
802-828-3168 phone
802-828-3163 fax
bob.sheil@state.vt.us

- A member of the Vermont Coalition of Batterer Intervention Services;

Mark Larson
Vermont Coalition of Batterer Intervention Services
64 Temple Street
Burlington, VT 05401
862-7596 phone
marklvt@verizon.net

- A member of the Vermont Network Against Domestic and Sexual Violence;

Sarah Kenney
Public Policy Coordinator
The Vermont Network Against Domestic and Sexual Violence
PO Box 405
Montpelier, VT 05601
802-223-1302 phone
802-223-6943 fax
sarahk@vtnetwork.org

- A representative of the Vermont Council on Domestic Violence;

Heather Holter
Coordinator
Vermont Council on Domestic Violence
Montpelier, Vermont
heather_holter@tds.net

- A representative of local law enforcement, appointed by the Governor;

W. Samuel Hill, Sheriff
Washington County Sheriff's Department
10 Elm Street
Montpelier, Vt 05602
802-223-3001 phone
shill@dps.state.vt.us

- A victim or survivor of domestic violence, appointed by the Vermont Network Against Domestic and Sexual Violence;

Susan Hardin
P.O. Box 328
Chelsea, VT 05038
susanhardin@charter.net

- A physician, appointed by the Governor;

Dr. Gail Yanowitch
Associates on Gynecology and Obstetrics
Berlin, Vermont 05602

- The Executive Director of the Vermont Criminal Justice Training Council, or his or her designee.

TJ Anderson
Training and Curriculum Coordinator
Vermont Criminal Justice Training Council
Vermont Police Academy
317 Academy Road
Pittsford, VT 05763-9712
483-6228 ext 13 phone
483-2343 fax
tj.anderson@state.vt.us

APPENDIX D: COMMISSION CASE REFERRAL FORM

	DOMESTIC VIOLENCE FATALITY REFERRAL FORM Domestic Violence Fatality Review Commission Office of the Attorney General - Criminal Division 109 State Street - Montpelier, VT 05609		OFFICIAL USE ONLY	
			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 a 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 abuse 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	
Send completed forms to: Office of Attorney General, 109 State Street, Montpelier, VT 05609 ATT: Criminal 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/>

APPENDIX E

2007 PROTOCOL BETWEEN COUNCIL 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 appoint a Council Representative to the Commission (the Council Representative).
2. The Council Representative will serve as a member of the Executive Committee of the Commission.
3. The Council Representative will be authorized by the Council to represent the Council’s position on any aspect of the Commission’s work.
4. The Council Representative will report to and obtain guidance from the Council related to the ongoing work of the Commission. This discussion may, but will not be required to, include providing drafts of Commission reports to the Council, information regarding the collection of statistical data and general information regarding the review of individual cases.
5. The Council Representative is subject to the signed Commission Member confidentiality agreement and cannot report confidential information to the Council.

6. The Council Representative to the Commission will draw on the collective expertise of the Council to help the Commission draft its recommendations and conclusions.
7. Prior to endorsing a Commission recommendation that refers specifically to an individual member of the Council or an agency represented by a Council member, the Council Representative will review it with the relevant Council member(s). That review may include: the likely impact of the recommendation, the feasibility of its implementation and any potential consequences that may not have been foreseen by the Commission.
8. The Council will work with the Commission to develop strategies to implement Commission recommendations from the annual reports. The Council will oversee relevant implementation plans and will report regularly to the Commission on progress towards and/or barriers to implementing Commission recommendations.
9. 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.