

STATE OF VERMONT
DOMESTIC VIOLENCE
FATALITY REVIEW COMMISSION
REPORT



2013

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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.

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. A copy of the protocol with the Council is at Appendix B.

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.

This is the Eleventh Commission Report. This Report includes data regarding fatalities for 2012 and updates the statistical information that dates back to 1994.

The Commission members 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. A list of Commission members can be found at Appendix C.

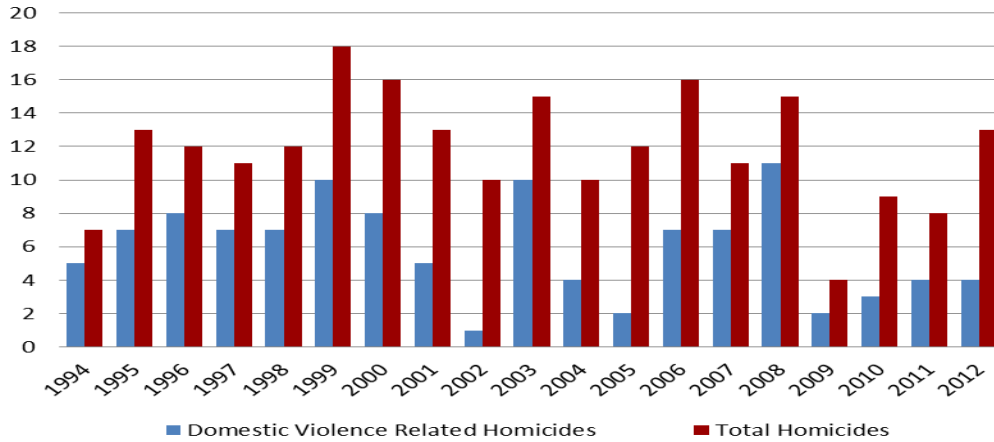
In addition, the Commission encourages the public to refer us case review matters and a case referral form can be found at Appendix D.

EXECUTIVE SUMMARY OF COMMISSION DATA

The Commission data indicates:

- Between 1994 – 2012, 50% of all Vermont homicides were domestic violence related.
- 56% of Vermont's domestic violence related homicides were committed with firearms and 80% of the suicides associated with the homicides (i.e. murder/suicides) and domestic violence are committed with firearms.
- 83% of Vermont's domestic violence related fatalities are committed by males and 54% of their victims are female and 46% are male.
- In 2012, of the 13 homicides of adults, 4 were deemed domestic violence related thus 31% of our adult 2012 homicides were domestic violence related. Of the 4 adult domestic violence related homicides, 1 was committed with a firearm and 3 involved blunt trauma. 1 of the cases was a murder/suicide tragedy. 3 of the cases involved family members residing together and in those cases all 3 of the victims were elderly with their ages ranging from 71 to 99. 1 case involved estranged intimate partners.
- Of the 4 domestic violence related homicides of adults, all 4 occurred in residences.
- According to the 2010 VT Crime Report, approximately 65% of violent crime occurs in Vermont residences making the home the most frequent location for violent criminal incidents.
- The Commission does note that when reviewing the adult homicides for 2012, one case involved sexual violence and was clearly a violence against woman crime but it did not meet the Commission's definition of Domestic Violence fatality which can be found at Appendix E.

Homicides 1994 - 2012



SUMMARY OF 2012 DATA

- 14 total homicides
- Of the total homicides, 13 adult victims
- Of those 13 adult homicides, 4 are domestic violence related or 31%

DATA REGARDING 2012 DOMESTIC VIOLENCE RELATED HOMICIDES

Gender			
Victims		Responsible Party	
Female victims	2	Male	2
Male Victims	2	Female	1
Relationship			
Partner	0	Household Member	0
Ex-Partner	1	Other Domestic Violence Related	0
Family Member	3		
County Distribution			
Addison	0	Lamoille	0
Bennington	0	Orange	1
Caledonia	0	Orleans	0
Chittenden	0	Rutland	1
Essex	0	Washington	0
Franklin	0	Windham	0
Grand Isle	0	Windsor	2
Crime			
Firearm	1	Stabbing	0
Fire	0	Blunt Trauma	3
Strangulation	0	Motor Vehicle	0
Drowning	0		
Children Present			0
Locations of Homicides			
In Residence	4	Outside Residence in Street	0
In Workplace	0	Outside Residence in Hall	0
In Public Place	0		
Domestic Violence Related Homicides			31%

HOMICIDE AND FATALITY CHART FROM 1994 - 2012

Year	Total # Adult Homicides	Partner	Ex-Partner	Family Member-non partner	Household Member – non partner	Other DV Related	Total # DV	Total % DV
2012	13 ¹	0	1	3	0	0	4	31%
2011	8 ²	3	1	0	0	0	4	50%
2010	9 ³	0	0	2	0	1	3	33%
2009	4 ⁴	0	1	0	0	1	2	50%
2008	15 ⁵	5	0	30	0	3	11	73%
2007	11 ⁶	1	2	2	2	0	7	64%
2006	16 ⁷	2	1	2	1	1	7	44%
2005	12 ⁸	0	0	0	0	2	2	17%
2004	10 ⁹	3	1	0	0	0	4	40%
2003	15	1	2	4	1	2	10	66%
2002	10 ¹⁰	1	0	0	0	0	1	10%
2001	13 ¹¹	0	0	3	1	1	5	38%
2000	16 ¹²	3	1	2	0	2	8	50%
1999	18 ¹³	2	1	3	2	2	10	56%
1998	12 ¹⁴	3	2	1	0	1	7	58%
1997	11 ¹⁵	2	1	2	0	2	7	64%

¹ One case involves a child fatality and is not reflected in this total, as the matter is referred to the Child Fatality Review Team and 1 responsible party committed suicide following the homicide.

² One case involves a child fatality and is not reflected in this total, as the matter is referred to the Child Fatality Review Team.

³ Two cases involve child fatalities and are not reflected in this total, as the matters are referred to the Child Fatality Review Team. One adult homicide remains under investigation and is reflected in the 9 but the Commission is unable to determine if it is domestic violence related. In addition to the 9, 1 responsible party committed suicide following the homicide.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ One 2006 case under investigation was deemed a homicide and a domestic violence related homicide involving a family member thus the number of overall adult homicides increased to 16 and the DV related increased to 7 or 44%.

⁸ 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.

⁹ 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.

¹⁰ 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.

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

¹³ 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.

¹⁴ In addition to these 12 cases, 3 responsible parties committed suicide following the homicides.

¹⁵ In addition to these 11 cases, 2 responsible parties committed suicide following the homicides.

1996	12 ¹⁶	1	2	2	1	2	8	67%
1995	13 ¹⁷	6	0	0	0	1	7	54%
1994	7 ¹⁸	1	1	1	0	2	5	71%
TOTAL	225	34	17	30	8	23	112	50 %

SUMMARY OF DATA FROM 1994 – 2012			
Homicides	Total – 225		
Domestic Violence Homicides	Total 112 or 50%		Responsible Party
	• Female victims	60	• Female 18
	• Male Victims	52	• Male 93
Relationship	Partner	34	Household Member 8
	Ex Partner	17	Other Domestic
	Family Member	30	Violence Related 23
County Distribution	Addison	9	Lamoille 3
	Bennington	8	Orange 5
	Caledonia	10	Orleans 6
	Chittenden	23	Rutland 20
	Essex	2	Washington 6
	Franklin	4	Windham 5
	Grand Isle	1	Windsor 10
Manner of Homicide	Firearm	63	Strangulation 5
	Stabbing	16	Motor Vehicle 1
	Fire	2	Blunt Trauma & Strangulation 1
	Blunt trauma	19	Other 5
Children Present	At crime scene	33	Aware of crime scene immediately before or after 6
Relief From Abuse Orders	17 (17 cases where order was in effect to protect victim vs. responsible party)		
Law Enforcement Related Cases	3 (3 cases where domestic violence suspects were killed by law enforcement)		
Suicides related to domestic violence	Total:	29	Female 2
			Male 27
	Firearm	23	Asphyxia by Fire 1
	Stabbing	1	Asphyxia by Carbon Monoxide 2
	Hanging	1	Jump/Fall 1

¹⁶ 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.

¹⁷ 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.

¹⁸ In addition to these 7 cases, 1 responsible party committed suicide after the homicide.

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)

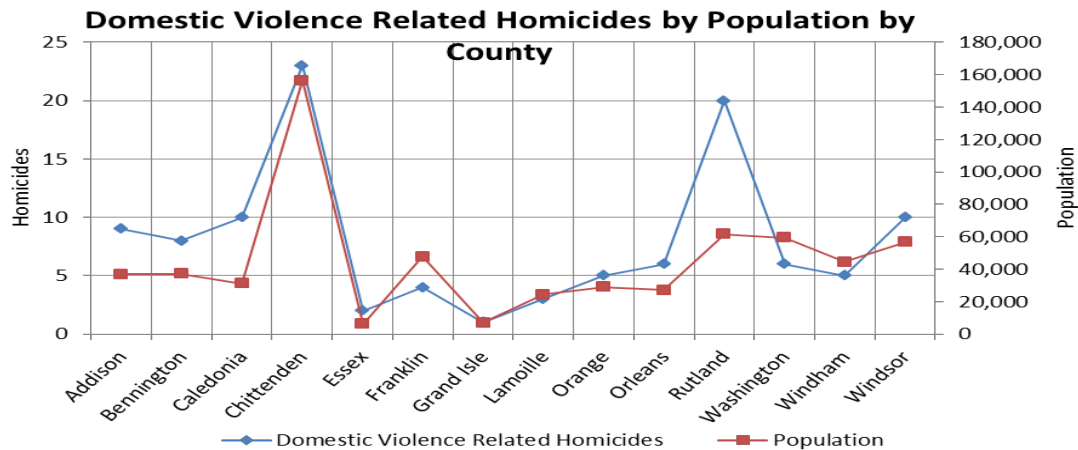
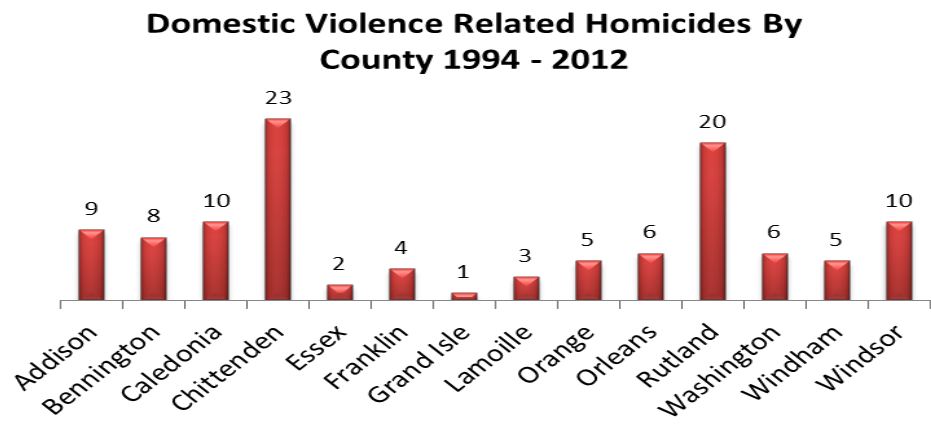
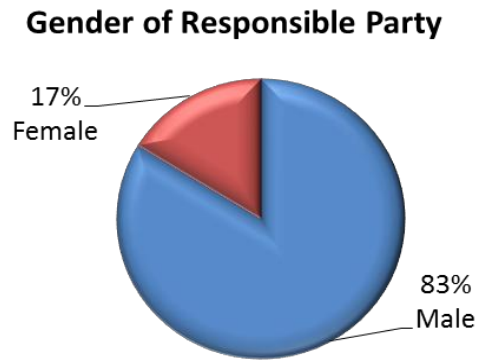
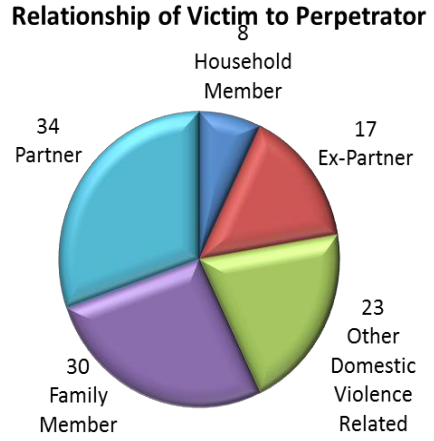
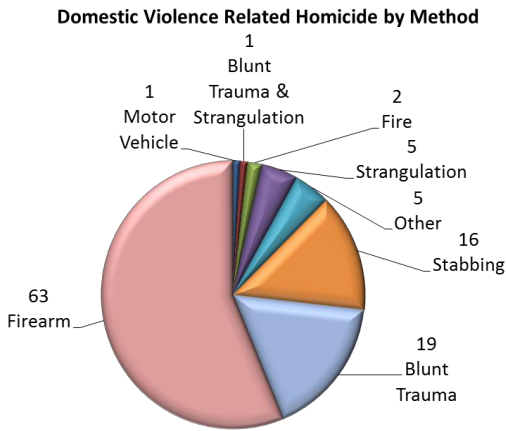
Ex-Partner – Homicide where the responsible party and victim were intimate partners formerly but are not currently (e.g., divorced spouse kills spouse, ex-girlfriend kills ex-boyfriend)

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.



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:

§ 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.

(16) the commissioner of the Department of Mental Health, or his or her designee; and

(17) one judge, appointed by the Chief Justice of the Vermont Supreme Court.

(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.

§ 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

Background

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, now the Vermont Council of 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 had been created in 1993 by Executive Order and was codified in 2008 and re-named the Vermont Council on Domestic Violence at 15 VSA §§ 1171 – 1173. The Vermont Council provides leadership for Vermont’s statewide effort to eradicate domestic violence. In the Vermont Council’s statute one of its responsibilities is to “collaborate with the Vermont Fatality Review Commission to develop strategies for implementing the Commission’s recommendations.” 15 VSA § 1172(b).

Agreement

In an effort to promote statewide coordination of advocacy and public awareness, the Council and the Commission will work in consultation with each other. In addition, the Council and Commission will collaborate on developing strategies for the implementation of the Commission’s recommendations. To meet these ends, the Council and the Commission adopt the following agreement.

1. The Council Coordinator will serve as the Council Representative to the Commission (the Council Representative).
2. The Council Representative will serve with the Chair of the Commission as 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 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 Representative will oversee relevant implementation plans and will report 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 Consultation Committee and the Office of the Attorney General.

APPENDIX C - DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION MEMBERS

Pursuant to 15 VSA § 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;

Ilisa Stalberg, MSS, MLSP
Public Health Programs Administrator
Vermont Department of Health
108 Cherry St., PO Box 70
Burlington, VT 05402
802-865-1338 phone
ilisa.stalberg@state.vt.us

Alternate:
Sally Kerschner, RN, MSN
Vermont Department of Health
108 Cherry St., PO Box 70
Burlington, VT 05402
802-652-4179 phone
skersch@ahs.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
802-769-6314 phone
ellie.breitmaier@state.vt.us

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

Rick Bates
District Manager
VT Department of Corrections
Brattleboro, VT
Rick.Bates@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@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
Steven.shapiro@ahs.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;

Megan Campbell
Washington County State's Attorney's Office
255 North Main Street
Barre, VT 05641
802-479-4220 phone
802-479-4408 fax
Megan.campbell@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;

Kym Anderson
Vermont Coalition of Batterer Intervention Services
Director, Violence Intervention & Prevention Programs
Spectrum Youth & Family Services
31 Elmwood Avenue
Burlington, Vermont 05401
(802) 864-7423 ext. 217 phone
(802) 540-0116 fax
kanderson@SPECTRUM.org

- 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

- A physician, appointed by the Governor;

Dr. Gail Yanowitch
 Associates on Gynecology and Obstetrics
 Berlin, Vermont 05602
Gail.yanowitch@cvmc.org
- 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
- The Commissioner of the Department of Mental Health, or his or her designee;

Kristin J. Chandler
 Assistant Attorney General
 Attorney General's Office
 Department of Mental Health- Legal Division
 103 South Main Street, Ladd Hall
 Waterbury, VT 05671
 802-241-4051 phone
Kristin.chandler@state.vt.us
- One Judge, appointed by the Chief Justice of the Vermont Supreme Court.

The Honorable Cortland Corsones
 Rutland Superior Court
 Family Division
 9 Merchants Row
 Rutland, VT 05701
Cortland.corsones@state.vt.us

APPENDIX D: COMMISSION CASE REFERRAL FORM

	DOMESTIC VIOLENCE FATALITY REFERRAL FORM	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 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.atg.state.vt.us>.

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 V.S.A. § 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.atg.state.vt.us/>

APPENDIX E - 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 V.S.A. Section 1303¹ and as noted as "family" in the Abuse Prevention statute at 15 V.S.A. Sec 1101(6)²;
- c. the alleged perpetrator and victim were related as "household members" under the Abuse Prevention Act at 15 V.S.A. 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;
- m. the fatality is a substance abuse related death (chronic abuse, suicide, overdose) that is related to domestic violence.

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 V.S.A. § 1303

² "Family" shall include a reciprocal beneficiary. 15 V.S.A. § 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 V.S.A. § 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"