

**STATE OF VERMONT**  
**DOMESTIC VIOLENCE**  
**FATALITY REVIEW COMMISSION**  
**REPORT**



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### DEDICATION

This report is dedicated to the family members, professionals and community members who have worked with the Commission to implement its 2005 recommendations. The Commission is encouraged by the demonstrated willingness of all identified partners to consider and adopt new ideas and practices. Community, agency and department participation is a critical component of the Commission’s work. We thank all the people who have helped us in our collective efforts to increase the safety of all Vermonters.

## **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 Fifth Commission Report. In January of 2003 the Commission issued its first Biennial Report and in January of 2004 the Commission issued a Statistical Report outlining data from 1994 - 2003. In 2005, the Commission's Report updated the data in the 2004 Statistical Report and presented recommendations based on two case reviews conducted that year.

This Report includes data regarding the fatalities for 2006 and updates the statistical information that dates back to 1994. It also reports on two case reviews conducted in 2005 and 2006 and the Commission's recommendations based on those case reviews. Finally, the Report provides an update for the 2005 Report's recommendations.

## **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;
- to identify barriers to safety, the strengths and weaknesses in communities, and systemic responses to domestic violence;
- to educate the public, service providers and policymakers about domestic violence fatalities and strategies for intervention and prevention; and
- to 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 Services<sup>1</sup>, or his or her designee;
- The Commissioner of the Department of Corrections, or his or her designee;

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<sup>1</sup> 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 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 2006**

In January of 2006, the Commission issued a Report summarizing domestic violence related fatality data from 1994-2005 and presenting the Commission's recommendations regarding two case reviews. 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. In addition, the Chair of the Domestic Violence Fatality Review Commission presented the Report to the Governor's Cabinet on Criminal Justice.

During 2006, the Commission met bi-monthly and the Executive Committee met monthly. In addition, the Commission added meetings when it conducted a case review in order to accommodate witnesses. The Commission completed one case review in 2005 and another case review in 2006. The Commission reviewed and amended its case review process to make it more effective. The Commission used the new case review process for the 2006 review and found it very useful. In addition, in 2006, the Commission worked on the implementation of a database, which will assist the Commission in maintaining its statistical data.

According to 2007 Commission data (covering 1994 – 2006), 49% of all Vermont homicides during the past twelve years were domestic violence related. In addition, when the data incorporated suicides that followed domestic violence related homicides (i.e. murder/suicides) and suicides prompted by domestic violence, the percentage increases to 61%. 56% of Vermont's domestic violence related homicides are committed with firearms and 75% of the domestic violence related suicides are committed with firearms.

In 2006, 40% of all Vermont homicides were domestic violence related and 66% were committed with firearms. The 2006 number of domestic violence related fatalities rises to 53% when suicides are added. In terms of case numbers, in 2006, there were 15 homicides and 6 were domestic violence related as defined by the Commission. In addition, there were two domestic violence related suicides.

Two of the homicides occurred in workplaces, two on public lands and two in residences. There was one child present in one of the residences.

An additional 2006 fatality was referred to the Commission for review, but this case did not meet the Commission's definition of a domestic violence related fatality as it did not involve intimate partners, household members or acquaintances. This is the second review case that involved strangers and sexual violence that would not meet the Commission's definition but that raised community safety issues.

The Commission in its 2007 recommendations will be addressing bystander and witnessing issues especially given the nature of the 2006 data, the cases we could not review, and the two in-depth case reviews the Commission conducted. The Commission recognizes that in order to reduce the prevalence of violence in our communities we need to broaden the audience and further increase collaboration and partnerships.

According to the Department of Corrections, one thousand three hundred and seventy (1370) persons were under the supervision of Corrections<sup>2</sup> as of June 30, 2006 for domestic violence related offenses<sup>3</sup>. Of those offenders, 287 were incarcerated, 814 were on Probation and 269 were either on Parole or furlough statuses. When compared to the overall population of persons under Corrections' supervision (13, 526) the portion of those persons whose charges relate to domestic violence is approximately ten percent (10%). Importantly, this number only reflects persons for whom the designated domestic violence offense is the most serious offense. The Department cautions that there may be 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 [www.doc.state.vt.us/about/reports/ff/2006](http://www.doc.state.vt.us/about/reports/ff/2006).

During 2006, the sixteen Member Programs of the Vermont Network Against Domestic and Sexual Violence received and responded to seventeen thousand one hundred and seventy two (17, 172) hotline calls. Five hundred and thirty eight (538) survivors were housed in shelters and safe homes statewide. Eight thousand six hundred and ninety two (8,692) victims of domestic violence and one thousand five hundred and fourteen (1,514) victims of sexual violence reached out to the Member Programs of the Network. Nine thousand one hundred and nineteen (9, 119) children and youth were identified by the Network as having been exposed to violence in their homes.

During 2006, the Vermont Department for Children and Families, Family Services Division received one thousand six hundred and ninety eight (1,698) intake calls that identified co-occurring domestic violence and child maltreatment. Three hundred and ninety four (394) of these intakes were accepted and opened for investigation, resulting in one hundred and sixteen (116) substantiations of child maltreatment. Staff in the DCF, Family Services Division, Domestic Violence Unit provided three hundred and fifteen (315) hours of direct service to adult and child victims and one

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<sup>2</sup> Under the supervision of the Department of Corrections includes: prison; reentry; pre-approved furlough; supervised community sentence; parole; and probation.

<sup>3</sup> The offenses include domestic assault; violations of relief from abuse orders; aggravated domestic assault; and stalking.

thousand one hundred and twelve (1,112) hours of case consultation to Family Services staff and community service providers.

According to the Office of Court Administrator, eight hundred and fifty six (856) domestic assault charges (felony and misdemeanor) were disposed of in 2005 through June of 2006. Of the 856 charges, 812 were disposed of by plea agreement and 44 by trial.

According to the 2005 Vermont Crime Report compiled by the Department of Public Safety and released in September of 2006, in Vermont the total amount of overall crime declined 1-3% and the property crime index declined 2.5%, but the violent crime index increased 2.5%. The Report attributes the increase to aggravated assaults. The Vermont violent crime index for 2005 illustrates that 89% of the violent crime cases involved intimate partners, family members or acquaintances.

The Commission attempted to gather emergency room data related to domestic violence related health care visits but was unable to access said data. The Commission encourages Vermont's health care providers to work on establishing a system for tracking this data for future prevention initiatives. According to the Vermont Department of Health 2005 Youth Risk Behavior Survey, which surveyed 31,617 Vermont students at 138 schools in eighth through twelfth grade, six (6% or 1,897) of the students report that they were hit, slapped or physically hurt by a boyfriend or girlfriend. More information about Vermont's Youth Risk Behavior Survey is found at: [www.healthvermont.gov/pubs/publications.aspx](http://www.healthvermont.gov/pubs/publications.aspx).

In the national context, according to a Department of Justice, Bureau of Justice Statistics December 2006 Report, intimate partner violence declined from 1993 – 2003 but the violence remained unchanged from 2003 until 2004. In 2004, nationally there were 627,400 nonfatal intimate partner violence victimizations with 475,900 against women and 151,500 against men. Females ages 20 to 24 experience the highest rate of intimate partner violence. In 2004, nationally there were 1,544 intimate partner murders with 1,159 female victims and 385 male victims. According to the Centers for Disease Control, the cost of intimate partner violence exceeds 8.3 billion which includes medical and mental health care, lost productivity and lost lives. (CDC, 2004)

The Commission is dedicated to playing an integral role in the coordinated community response to domestic violence with the hope of reducing fatalities and improving Vermont's strategies for intervention and prevention.

The Commission invites 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 related fatalities. The Commission also encourages the public to refer cases for the Commission's review. A case referral form is attached as Appendix D.

## SUMMARY OF 2006 DATA

<b>Total Homicides - 15</b>		<b>Responsible Party</b>	
Domestic Violence Related	6	Female	1
Female victims	5	Male	5
Male Victims	1		
<b>Relationship</b>			
Partner	2	Household Member	1
Ex-Partner	1	Other Domestic	1
Family Member	1	Violence Related	
<b>County Distribution</b>			
Addison	0	Lamoille	0
Bennington	1	Orange	0
Caledonia	1	Orleans	1
Chittenden	2	Rutland	0
Essex	0	Washington	0
Franklin	0	Windham	0
Grand Isle	1	Windsor	0
<b>Crime</b>			
Firearm	4	Stabbing	0
Fire	0	Blunt Trauma	0
Strangulation	1	Motor Vehicle	0
Drowning	1		
<b>Children Present</b>			
In residence			1
<b>Locations of Homicides</b>			
In residence	2		
In workplace	2		
In public place	2		
<b>Domestic Violence Related Homicides</b>			40 %
<b>Domestic Violence related Homicides including two suicides</b> (Firearm 1, Jumping/Fall 1)			53%

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). Please see next page for additional Commission definitions.

**HOMICIDE AND DOMESTIC VIOLENCE RELATED FATALITIES  
CHART 1994-2006**

<b>Year</b>	<b>Total # Homicides</b>	<b>Partner</b>	<b>Ex-Partner</b>	<b>Family Member</b>	<b>Household Member</b>	<b>Other DV Related</b>	<b>Total # DV</b>	<b>Total % DV</b>
2006	15	2	1	1	1	1	6	40%
2005	12 <sup>2</sup>	0	0	0	0	2	2	17%
2004	10 <sup>3</sup>	3	1	0	0	0	4	40%
2003	15	1	2	4	1	2	10	66%
2002	10 <sup>4</sup>	1	0	0	0	0	1	10%
2001	13 <sup>5</sup>	0	0	3	1	1	5	38%
2000	16 <sup>6</sup>	3	1	2	0	2	8	50%
1999	18 <sup>7</sup>	2	1	3	2	2	10	56%
1998	12 <sup>8</sup>	3	2	1	0	1	7	58%
1997	11 <sup>9</sup>	2	1	2	0	2	7	64%
1996	12 <sup>10</sup>	1	2	2	1	2	8	67%
1995	13 <sup>11</sup>	6	0	0	0	1	7	54%
1994	7 <sup>12</sup>	1	1	1	0	2	5	71%
<b>TOTAL</b>	164	25	12	19	6	18	80	49 %

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> In addition to these 16 cases, 1 responsible party committed suicide following the homicide.

<sup>7</sup> 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.

<sup>8</sup> In addition to these 12 cases, 3 responsible parties committed suicide following the homicides.

<sup>9</sup> In addition to these 11 cases, 2 responsible parties committed suicide following the homicides.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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)

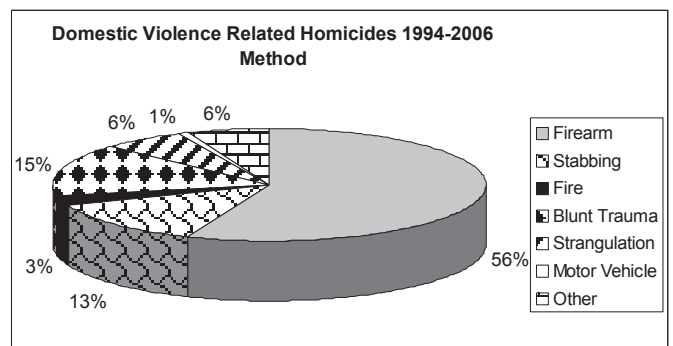
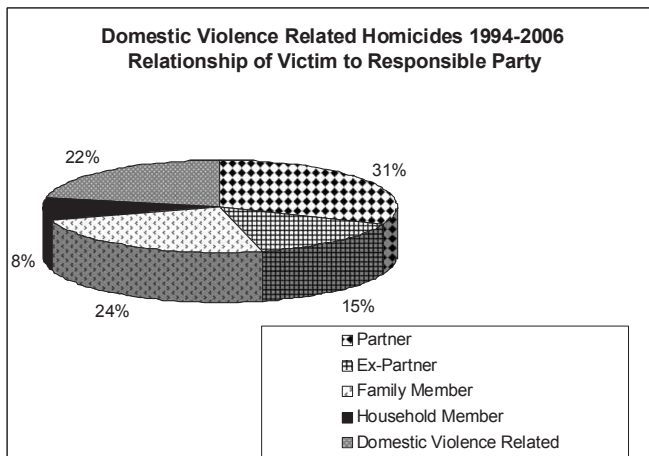
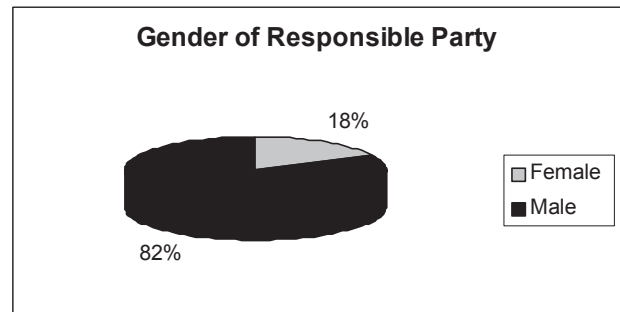
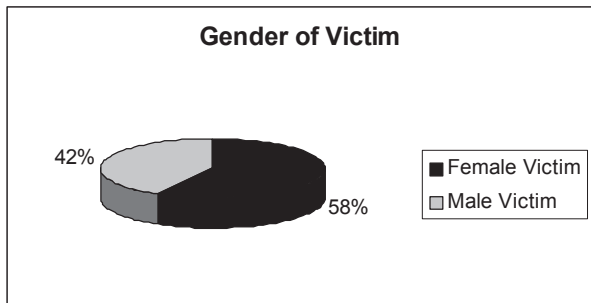
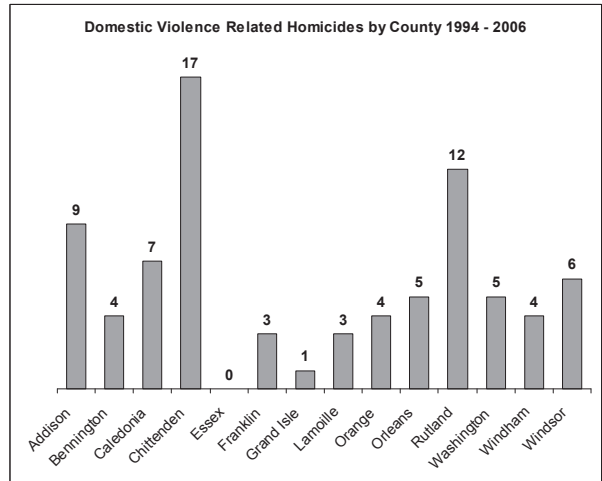
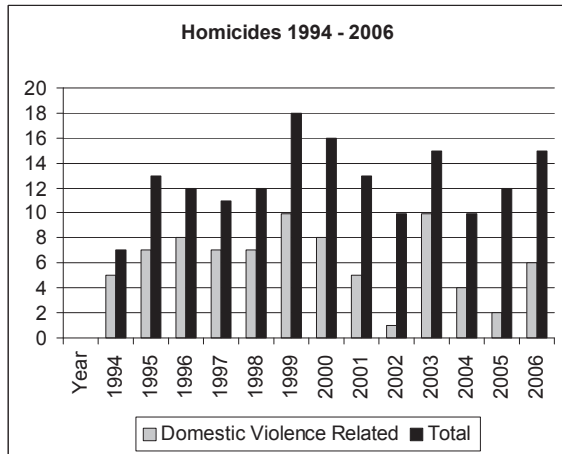
**Other Domestic Violence (DV) Related** – Homicide where the responsible party and the victim fit none of the above relationships but the fatality is related to domestic violence (e.g. estranged spouse kills ex-spouse's current intimate partner, law enforcement officer kills person while responding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

SUMMARY OF DATA FROM 1994 – 2006			
Homicides	Total - 164		
Domestic Violence Homicides	Total 80 or 49%		Responsible Party
	• Female victims	46	• Female 14
	• Male Victims	34	• Male 66
Relationship	Partner	25	Household Member 6
	Ex Partner	12	Other Domestic violence related 18
	Family Member	19	
County Distribution	Addison	9	Lamoille 3
	Bennington	4	Orange 4
	Caledonia	7	Orleans 5
	Chittenden	17	Rutland 12
	Essex	0	Washington 5
	Franklin	3	Windham 4
	Grand Isle	1	Windsor 6
Manner of Homicide	Firearm	45	Strangulation 5
	Stabbing	10	Motor Vehicle 1
	Fire	2	Other 5
	Blunt trauma	12	
Children Present	At crime scene	17	Aware of crime scene immediately before or after the fact 6
Law Enforcement Related Cases	3 (3 cases where domestic violence suspects were killed by law enforcement)		
Suicides related to domestic violence - 20 <sup>14</sup>	Female	2	
	Male	18	
	Firearm	15	Asphyxia by Fire 1
	Stabbing	1	Asphyxia by Carbon Monoxide 1
	Hanging	1	Jump/Fall 1

<sup>14</sup> When these suicide figures are combined with the domestic violence related homicide numbers for 1994 – 2006, the percentage of homicides that are domestic violence related is 61%.

# DOMESTIC VIOLENCE RELATED HOMICIDE CHARTS FOR 1994-2006



## **SUMMARY OF 2005 AND 2006 CASE REVIEWS**

During 2005 and 2006, the Vermont Domestic Violence Fatality Review Commission completed in-depth reviews of two fatalities. In the reviews, we heard from a variety of witnesses including surviving family members, co-workers, social service, law enforcement and prosecuting agencies. We also reviewed documents provided by government agencies and families. 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 manners of death were homicide (by stabbing) and driving while under the influence with death resulting. The two decedents were female and the responsible parties were male.

One decedent had recently separated from her partner of approximately ten years and had applied for and received a temporary relief from abuse order. The other decedent had been involved with her partner for approximately a month and no relief from abuse order was pending. One decedent was assaulted in the presence of friends and acquaintances immediately prior to her death. One decedent was murdered in a public space in the presence of bystanders. In both matters the Commission heard testimony of extensive histories of criminal behavior by the males including assaultive behavior directed at their current and former partners as well as friends and acquaintances. Some of these incidents were reported to police and resulted in criminal charges and convictions and others were not reported. Some of the incidents were only involvements with police and did not rise to the level of criminal charges. Both responsible parties had been on probation in their past criminal histories.

### **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.

#### **Community Justice Center**

- In one case, a newly created Community Justice Center played a supportive and critical role in getting services and resources for the surviving family members immediately after the offense and then continuing to mediate between the family and state agencies once the case was resolved. The family considered the Center as a relief organization like the Red Cross for victims and surviving families and encourages the Legislature to continue on-going support for these centers.

## **Employer and Employment Assistance Programs (EAP) services**

- In both cases, prompt EAP services and grief counseling for surviving family members and co-workers helped people cope with the tragedies.

## **Funeral Home**

- In one case, the funeral home was very considerate regarding billing and assisted the family with working with the Medical Examiner's Office. By providing emotional and financial support, the funeral home employees eased significantly the family's burden.

## **Victim Impact Panels**

- In both cases, the remaining family members remarked how isolated and alone they felt after the case was resolved. They noted that there was an intense energy and level of activity while the case was pending (often for years) and then it all ended. They found the local victim impact panels run by the community justice centers very helpful at this lonely time.

## **Law Enforcement Victim Advocate**

- In one case, the local law enforcement agency had a victim advocate on staff that provided essential support services to the family. Expansion of this model would benefit all Vermonters. Collaboration between law enforcement and victims is enhanced by this service.

## **Law Enforcement**

- Both cases demonstrated the value of law enforcement regularly reviewing and updating their domestic violence protocols with their local domestic violence programs and the value of having up-to-date victim resources cards distributed to victims by law enforcement.

## **State's Attorneys' Victim Advocates**

- Both matters demonstrated that the victim advocates in the prosecutors' offices play a critical role in the criminal justice process. The Commission notes that many of these positions are funded by discretionary federal grants and State financial support of these positions would benefit all Vermonters.

## **COMBINED 2006 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 did 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 and determining the system's response is to increase the safety of all Vermonters.

## - **Community: Bystander Education Campaign**

### **Recommendation:**

- A public awareness and education prevention campaign should be implemented which will help community members become more sensitive to issues of domestic violence and teach Vermonters how to intervene and assist. The campaign should take a broad community approach and teach all community members how they can become pro-social bystanders and participate in community change. The campaign should also include schools and males as a focus. The Commission encourages the Governor's Council on Domestic Violence, the Vermont Network Against Domestic and Sexual Violence and the local Domestic Violence Task Forces to join with universities, schools, and civic groups such as the White Ribbon Campaign (discussed below) to implement this community education and awareness campaign. Finally, the Commission recommends that the State consider funding this statewide preventative campaign.

**Comment:** In one case there were bystanders who witnessed domestic violence before the fatality and in the other case bystanders who witnessed the murder. In both cases, there were attempts made to intervene and assist by bystanders but there were also witnesses who observed and heard the violence but did not know what actions to take.

The cases raised the issue of the need to understand the use of violence in intimate relationships and how violence is perpetuated, permitted and sadly advocated by our society. The Commission consulted with a national expert on bystander issues. We learned that often the closer the relationship between the parties the harder it is to intervene. We also learned that certain factors prevent bystander intervention:

1. the size of a group of bystanders will defuse the responsibility as folks will assume that others will call or act;
2. the ambiguity of the situation sometimes makes folks hesitant to act;
3. broader community norms such as victim blaming can undermine intervention;
4. people are not sure what to do and do not have the skills to act and are not sure of the risks and benefits. We learned that a prevention campaign can personalize the issue and can convince the public that we all have a stake in the issue.

Similar to the classic public education bystander campaign of "Friends do not let Friends drive drunk", a bystander campaign can be implemented in Vermont that changes attitudes and allows citizens to participate in community change.

The national expert encouraged Vermont to review the existing bystander education programs in other states. The campaign should consider how schools and men and boys can be part of the solution. The national expert stressed that males are part of the solution and cautioned us that if males are targeted only as perpetrators then they will not be part of the community dialogue. The Commission notes that this work has already started in Vermont. A Vermont Chapter of the White Ribbon

Campaign started in January of 2007. The White Ribbon Campaign was founded in 1991 by a group of Canadian men after the massacre of 14 women in 1989 at the University of Montreal. The Vermont Group of founding members is attempting to raise awareness in the community of men's violence against women. More information regarding the White Ribbon Campaign is found at: [www.whiteribbonvt.org](http://www.whiteribbonvt.org)

The Commission encourages a multi-disciplinary collaboration to implement an effective bystander education and awareness program in Vermont.

## **VERMONT EMPLOYERS**

### **Recommendation:**

- 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.

### **Comment:**

The Commission notes that domestic violence often follows people to their workplaces as evidenced in our reviews. Employers can play an important role in providing clear personnel guidelines and support services. In addition, the Commission encourages all Vermont employers to perform safety audits of their work environments and adopt safety plans.

The Commission notes that the Vermont Attorney General's Office implemented a Domestic Violence and the Workplace Initiative which offers on-site trainings for Vermont businesses and offices regarding the effects of domestic violence and the workplace. In addition, The Attorney General's office distributes brochures and drafted a model workplace policy for Vermont employers. More information regarding the Attorney General's Domestic Violence and the Workplace Initiative can be found at [www.atg.state.vt.us](http://www.atg.state.vt.us).

The Commission notes that the Agency of Human Services created a Domestic Violence Initiative and is working on the implementation of model workplace policies in state government. In addition, the City of Burlington has been training all City Department heads, managers and supervisors on domestic violence and the workplace and is in the process of adopting a workplace policy. Finally, the Burlington Police Department recently adopted a workplace policy regarding domestic violence.

The Commission commends these agencies for their work on this critical public safety issue. The Commission encourages all Vermont employers to follow their lead and address the effects of domestic violence in the workplace. National information regarding this topic can be found at the Family Violence Prevention Fund at [www.fvppf.org](http://www.fvppf.org).

## **DEPARTMENT OF CORRECTIONS (DOC), LAW ENFORCEMENT AND PROSECUTION**

### **Recommendation:**

- Communication between law enforcement and probation and parole should be improved when a defendant is being supervised in the community and when DOC is contemplating a discharge of the defendant from supervision.
  - Specifically while a defendant is being supervised in the community there should be an automatic referral by law enforcement to DOC regarding any involvement or contact with the defendant.
  - A standard condition of probation should be added requiring an offender under community supervision to notify his or her probation officer of any law enforcement interaction.
  - Before considering submitting a petition for a defendant's discharge from supervision, the DOC officer should run criminal record checks (Vermont, New England and Federal), review the CAD system and local police logs for entries in the involvement and names tables and review VLETS for motor vehicle incidents.

### **Comment:**

In one case, the responsible party had been supervised previously by probation and discharged without the probation office being aware of all the involvements the responsible party was having with law enforcement. The Commission heard from a local probation officer who recommended some of the changes outlined above to enhance the quality of DOC's supervision and their discharge practices.

## **DEPARTMENT OF CORRECTIONS (DOC):**

### **Recommendation:**

- The Department should notify a homicide victim's family of the defendant's facility changes including out of state transfers and parole status and parole hearings in a timely manner.
- The Department should consider adding domestic violence related homicides to the Department's Sensitive Notification list.

### **Comment:**

The Commission is aware that the Department is in the process of reviewing its notification practices and encourages the Department to consider these suggestions from surviving family members.

## **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.

### **Comment:**

In one of the cases, the decedent obtained a relief from abuse order prior to her murder but there were no explicit firearm restrictions in the order. The Commission believes that notice needs to be provided to the litigants in the relief from abuse hearing that the federal Gun Control Act prohibits possession of a qualifying firearm and ammunition while the Order is in effect.

In addition the Commission notes that pursuant to the Federal Violence Against Women and Department of Justice Reauthorization Act of 2005, all recipients of federal STOP funds must certify that their judicial administrative policies and practices include notification to domestic violence offenders of the certain requirements delineated in the federal Gun Control Act. The relevant provisions of the Act prohibit a domestic violence offender who is subject to a relief from abuse order or convicted of a qualifying domestic violence offense or felony from possessing or purchasing a firearm or ammunition. (Section 922(g)(8) and (g)(9) of Title 18, United States Code) Vermont does receive STOP funds and in particular all of Vermont's designated domestic violence attorneys are STOP funded. The Office of Court Administrator is in the process of amending their court forms and practices to meet this requirement. States have until January 5, 2008 to certify this practice. The Commission encourages the Office of Court Administrator to provide training for judges and court staff on the new language and practice.

### **Recommendation:**

- The Office of Court Administrator should consider providing judicial education regarding dangerousness/lethality factors in domestic violence cases.

### **Comment:**

In both cases, the responsible parties exhibited characteristics that would be considered dangerousness/lethality factors (i.e., history of abuse towards partners, making threatening jealous statements, making threats to kill self and/or partner if the partner leaves, isolating controlling behavior towards partner and their interactions with others, following and stalking partner at work and in community, etc.). The Commission encourages the judiciary to familiarize themselves with these factors in order to assess accurately the cases before them.



## **LAW ENFORCEMENT**

### **Recommendation:**

- Regarding death notification by law enforcement, the Commission recommends the police adopt a protocol that provides support services to the surviving family members at the time of the 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.

### **Comment:**

In one of the cases, the surviving family members were advised of the death of their loved one by a single officer who was not associated with the primary investigating agency and did not offer any services. The family was only given a card that had the name of the investigation officer. The family was at a loss as to what to do and how to do it. The Commission encourages law enforcement to adopt a protocol that is sensitive to the trauma involved with tragic deaths. The protocol should address viewing of the deceased body and the crime scene after the autopsy is completed and the crime scene is cleared and no longer needed for the investigation. The Commission encourages law enforcement and the Office of Medical Examiner to determine the best protocol for accomplishing these viewings and to work closely with the family. The Commission encourages law enforcement to consider having a victim advocate or second officer present whose role is to provide resources and act as a support for the family. The Commission also encourages death notification training for all law enforcement.

### **Recommendation:**

- During the death investigation, the Commission encourages law enforcement to consider the circumstances of where and when they interview surviving family members and adopt a protocol that would create a supportive environment for these interviews.

### **Comment:**

In both cases, surviving family members were interviewed at police barracks in interview rooms where suspects are regularly questioned without the services of an advocate or an officer to provide support to the family. The Commission concludes that a better practice would be to interview the family in a setting that will not intimidate them with an advocate or support person present. The Commission is aware that steps are currently being taken by law enforcement to accomplish this recommendation. Once these efforts are completed, the Commission encourages law enforcement to issue a memorandum and a training bulletin about the recommended practice.

## **PROSECUTION**

### **Recommendation:**

- The Commission recommends that the victim advocate in the prosecutor's office stay in touch with surviving family members after the case is resolved to assure they are coping.

### **Comment:**

As noted above in the strengths, once the case is resolved the remaining family members felt isolated and alone. While Victim Impact Panels and Community Justice Centers provided important services to the families, the Commission recommends that the victim advocate in the prosecutor's office also stay in touch with surviving family members after the case is resolved to assure they are coping. The Commission notes that the advocate could contact them on sensitive dates (for example, anniversary of death, birthday of relative, etc.) and place a reminder in their calendars.

## RESPONSES TO 2005 RECOMMENDATIONS

Twenty eight Commission recommendations were developed as a result of the case reviews conducted in 2004.<sup>14</sup> The recommendations were published in the Commission's 2005 Report and were presented to the respective agencies and organizations by Commission members in 2005 and 2006. Below the Commission is reporting on the recommendations that have been adopted and the recommendations that are still being considered. The Commission is gratified that its work is having a positive and tangible impact in Vermont.

### SUCCESS!

- **Law Enforcement**

**Recommendation:**

- Law enforcement agencies should adopt a statewide uniform domestic violence checklist to be used when processing a domestic violence suspect similar to the DUI processing form. The checklist should be part of a training bulletin and should include a contact page for services available to domestic violence victims and a section for documenting contacts and follow-up efforts by investigators and advocates.

**RESPONSE:** The Department of Public Safety drafted and adopted a domestic violence checklist to be used by police and dispatchers when processing a domestic violence suspect. The checklist was released through the Office of Professional Development and includes an on-line training class. The checklist provides information regarding services for victims and for follow-up efforts. The checklist has also been distributed to all Chiefs of Police and Sheriffs in Vermont for their consideration.

In addition, the Department of Public Safety has amended its death investigation forms to include a category for domestic violence history which will assist the Commission in its future data collection and will hopefully contribute to the breadth of the criminal investigation.

- **Department for Children and Families (DCF), Family Services Division (FSD)**

**Recommendations:**

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<sup>15</sup> In the two fatalities reviewed, the manners of death were homicide and suicide. The two decedents were female and the perpetrator of the homicide was male. In both cases, criminal charges were pending in which the decedents were the alleged victims of assaults by their spouses. One decedent had applied for a relief from abuse order but failed to attend the hearing and the second decedent did not file for a relief from abuse order. In one case, the spouse was on probation for a previous assault on his wife and was attending batterer's intervention programming. The Commission was unable to ascertain if the decedents or the responsible party were attending mental health counseling. In both matters the Commission heard testimony of extensive histories of abusive behavior by the spouses directed at their wives. Some of these incidents were reported to police and others were not.

- The Department for Children and Families, Family Services Division should establish a multidisciplinary workgroup to discuss the role of Child Protection in situations where children witness the homicide of one parent by the other. Discussion should include: termination of parental rights of the perpetrator, contact and visitation issues, working with Probate courts, collaboration with children's mental health programs, child advocacy centers, and the AHS Children Trauma Workgroup on services for children exposed to domestic violence, etc.
- The Department in conjunction with prosecutors, law enforcement and domestic violence child advocates should develop and adopt a best practice or protocol which addresses the needs of children when present at a domestic violence related fatality. In this protocol, consideration should be given to interviewing children and to Vermont's Model Protocol noted above regarding the law enforcement response to children at the scene of a domestic violence incident.

**RESPONSE:** In response to these recommendations and because of a recent fatality that involved these issues, the Department for Children and Families began an internal discussion to review existing practices and to explore whether additional policies may be needed to address the needs of children who witness domestic homicide.

In 2007, DCF Family Services added language to their Risk of Harm Policy that is presently an interim policy but should be adopted in the next six months. The new policy states that "an intake will be accepted... when there is a death of a parent or caretaker as a result of domestic violence and the child was reported to have been in the home or on the property when the incident occurred, regardless of the child's exact location."

In addition, "Vermont's Model Protocol: Law Enforcement Response to Children at the Scene of a Domestic Violence Incident", is currently being revised by both advocates and law enforcement to address the law enforcement response to children present at or aware of (immediately before or after) a domestic violence homicide.

- **Department of Corrections**

**Recommendations:**

- All incarcerated persons convicted of domestic violence offenses should receive gender appropriate domestic violence prevention programming while incarcerated.
- If a domestic violence offender is incarcerated and Corrections is considering allowing contact between the defendant and his/her children (including letters, phone, email, in person, etc.), the Department of Corrections should consult with domestic violence and child advocates, and mental health professionals to determine appropriateness of contact.

**RESPONSE:** The Department of Corrections started the incarcerative Intensive Domestic Abuse Program in April of 2007 and will continue to transition defendants from that incarcerative program into the community based Intensive Domestic Abuse Program (IDAP) when appropriate.

In 2006, the Department of Corrections through its Victim Services Unit implemented a visitation directive that addresses the issues of offender/victim contact discussed above.

Also, the Victim Services Unit of the Department of Corrections is currently updating the victim notification process.

Finally, the Department of Corrections along with the Department for Children and Families have created Department based domestic violence advisory groups to implement the Agency of Human Services Domestic Violence Initiative goals. For the Department of Corrections, this involves a review of how the Department addresses domestic violence cases.

**Recommendation:**

- The Department of Corrections should reinstate specialist positions to work exclusively with domestic violence offenders.

**RESPONSE:**

The Department of Corrections is working on further domestic violence training for all staff and certain Correctional offices have specialized probation and parole officers.

- **Courts**

**Recommendation:**

- Judges should receive training regarding potential dangers to an alleged victim of domestic violence and the affected children. Such training should include, information from domestic violence advocates, child advocates, batterer's intervention programs and mental health professionals who can

address the dangers of contact between a victim and the victim's alleged batterer once legal protection has commenced. The training should address issues of conditions of release and contact between the defendant and the family with an emphasis on visitation, custody issues and based on best practices.

**RESPONSE:** Members of the Commission met with the Office of the Court Administrator's staff to discuss the recommendations. The Administrative Judge for the State Court System has pledged to train more judges on domestic violence issues. In addition, two members of the Commission along with an Assistant United States Attorney conducted training in November of 2005 at Family Law Day for the Vermont Bar Association and the Judiciary on the interplay between domestic violence, relief from abuse orders and the federal gun control act.

Also, the Court Administrator's Office and the Commission continue to work together on trainings relating to domestic violence, sexual assault and stalking issues. For example, the Court Administrator's Office is reviewing the protection order process and has prepared uniform court procedures for court staff regarding issuance and service and an education program for pro se litigants. Commission members assisted the Office with their pro se education program.

## **WORK IN PROGRESS**

### **- Courts and Prosecutors**

#### **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 2005 recommendations were 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.

#### **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.

## **- Prosecutors**

### **Recommendations:**

- In the case of a domestic violence fatality, a referral should be made for victim's compensation funds for the affected children and such claim should be filed through the victim's advocate in the prosecutor's office.
- Notification should be made to the affected children's school or childcare regarding the domestic violence fatality by the victim advocate in the prosecutor's office.
- The victim advocate in the prosecutor's office should work with the custodian of the affected children providing support that could include referrals to mental health counseling.

**RESPONSE:** The Report and the recommendation were presented to the victim advocacy community. In 2007, a Commission member will follow-up on these efforts by presenting the recommendation to the quarterly victim advocates' meetings.

### **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 this recommendation with the dispatchers and those in law enforcement that maintain the arrest warrant lists.

## **Recommendations:**

- Police Departments should adopt a Domestic and Sexual Violence protocol designed with their local Network program which includes effective follow-up policies for domestic violence cases when a defendant has not been apprehended or evades service. The protocols should be updated annually.
- Domestic violence programs and local law enforcement agencies should work to develop a professional relationship that supports communication and discussion around particular issues of concern. Opportunities should be considered for regular regional meetings and cross training on issues related to domestic violence, including how to make referrals to domestic violence programs.

**RESPONSE:** The Network Against Domestic and Sexual Violence has begun to investigate which Programs have current protocols with their local law enforcement agency. The Network's goal is to create a domestic violence protocol template and distribute that to Programs who do not have existing protocols.

### **• 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.

### **- Department of Motor Vehicles**

#### **Recommendation:**

- The Department of Motor Vehicles should have the authority to perform thorough criminal checks which would include accessing state and federal arrest warrant information before issuing driver's licenses.

**RESPONSE:** The Chair of the Commission discussed this recommendation with investigators at the Department of Motor Vehicles. Currently, investigators at the Department of Motor Vehicles do have the ability to access this information and we are continuing to discuss the possibility of sharing the information in a timely manner with the licensing employees at the Department.

### **• Interpreters**

#### **Recommendation:**

- Interpreters should be provided at every stage of a criminal case to assure due process including initial investigation, court proceedings and case preparation.



**RESPONSE:** The Vermont Supreme Court’s Committee on Fairness and Equal Access to Justice Sub-Committee on Court Interpreters has been working on implementing the recommendations to improve access and the quality of all interpreters. Currently there is a clear understanding of ADA obligations for interpreter services for Deaf and hard of hearing plaintiffs and defendants. For people with limited English proficiency, access to Language Line Services has been expanded at the Courts. In addition, the sub-committee is conducting trainings for interpreters so that they can be qualified to act as interpreters in court settings. The goal is to gather a statewide registry of qualified interpreters that would be available for all parties. The Judiciary has also been conducting trainings for the Judges and court staff on best practices for appointing and using interpreters.

**- Domestic Violence Advocates**

**Recommendation:**

- Domestic violence programs and support agencies (such as local law enforcement, Family Services Division, mental health providers, etc.) should work together to create letters of agreement or Memoranda of Understanding which address how to make referrals to local domestic violence programs and establish protocols for support agencies that wish to call a domestic violence hotline on a victim’s behalf.

**RESPONSE:** Many domestic violence programs already have Memoranda of Understanding or Letters of Understanding in place with their local support agencies. However, the Network’s representative serving on the Commission has met with Program directors to discuss this issue further. The goal of these discussions is to create a Memorandum of Understanding or Letter of Agreement template that will then be passed along to Programs to use and/or modify with their local support agencies.

**Recommendation:**

- Domestic Violence programs should agree to release confidential information to the Fatality Review Commission regarding a deceased victim of domestic violence whom they had contact with. In this vein, programs should adopt a procedure between staff and clients that elicits a dialogue regarding the potential sharing of confidential client information in the event of the client’s death.

**COMMENT AND RESPONSE:** The Commission appreciates the careful consideration that the Network domestic violence programs have given this issue. Pursuant to 15 V.S.A. Section 1140, the Commission is a confidential body and its proceedings are not subject to subpoena, discovery or introduction into evidence in a criminal or civil action. Given the Commission’s statutory confidentiality, the Commission is hopeful that the domestic violence programs will perhaps in the future re-consider their current position of retaining confidential information.

• **Community Resources**

**Recommendation:**

- Countywide financial support services for victims of domestic abuse (e.g., childcare, emergency funds, transportation, food, jobs, education, housing, health care, etc.) should be created. The domestic violence programs and the local domestic violence task forces should work together to address immediate economic issues for victims and their families.

**COMMENT AND RESPONSE:** The Commission notes that in both review cases economic issues appeared to restrict the choices of the victims. The Commission encourages local advocates to collaborate on ways to get real dollars and resources in the hands of folks who need immediate assistance to establish safety. The Commission is encouraged by the Vermont Network Against Domestic and Sexual Violence's newly staffed position entitled Economic Justice Coordinator and we look forward to collaborating with this Coordinator on these critical issues.

**Recommendation:**

- Local domestic violence task forces should consider convening community forums to discuss issues of violence in their community and to strategize how to create a wider and more accessible safety net for all. The forums should include a wide base of community partners such as: schools, medical community, domestic violence advocates, child advocates, law enforcement, prosecutors, defense attorneys, private attorneys, corrections, child protection agencies, child care providers, universities and colleges, municipal employees, legislators, judges, court employees, business owners, chambers of commerce, etc.

**RESPONSE:** The Commission has identified two local county Domestic Violence Task Force groups that have expressed an interest in addressing these economic issues and community based issues discussed in the two recommendations above. The Commission will continue to work on these local initiatives. In addition, the Chair of the Commission testified before the Senate Judiciary Committee regarding these two recommendations in February of 2007.

- **Health Care - Recommendation:**

The Commission will research the issue of accessing medical records of the decedents to include the ability to speak with the decedents' medical providers and the interplay of HIPPA and domestic violence fatality investigations. The Commission will consult with other states' Fatality Review Teams on these topics.

**RESPONSE:** The Commission researched this issue and contacted other states' fatality review groups. The Commission has prepared a release to use in cases where the surviving family members consent to the access. When a family member refuses access to the records the records are not available to the Commission despite its confidential statutory protections.

## **CONCLUSION**

Vermont' Domestic Violence Fatality Review Commission is encouraged by the steps taken in response to our first set of recommendations and looks forward to continuing our work on the first and second set of our recommendations. 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 1303<sup>5</sup> and as noted as "family" in the Abuse Prevention statute at 15 VSA Sec 1101(6)<sup>6</sup>;
- c. the alleged perpetrator and victim were related as "household members" under the Abuse Prevention Act at 15 VSA Sec 1101(2)<sup>7</sup>;
- d. the alleged perpetrator killed an estranged partner's current "household member"<sup>8</sup>;
- e. the alleged perpetrator killed a current partner's estranged "household member"<sup>9</sup>;
- f. the alleged perpetrator killed a family member's current or estranged "household member";<sup>10</sup>
- g. the alleged perpetrator killed bystander(s) while attempting to harm family or "household members";
- h. the alleged perpetrator is a law enforcement officer forced to kill in the line of duty when responding to a domestic violence incident;
- i. a law enforcement officer is killed in the line of duty when responding to a domestic violence incident;
- j. the fatality is domestic violence related but is ruled a justifiable homicide;

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<sup>5</sup> For a reciprocal beneficiaries relationship to be established in Vermont, it shall be necessary that the parties satisfy all of the following criteria: (1) be at least 18 years of age and competent to enter into a contract; (2) Not be a party to another reciprocal beneficiaries relationship, a civil union or marriage; (3) Be related by blood or by adoption and prohibited from establishing a civil union or marriage with the other party to the proposed reciprocal beneficiaries relationship; (4) Consent to the reciprocal beneficiaries relationship without force, fraud or duress. 15 VSA Sec. 1303

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

<sup>7</sup> "Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include: (a) the nature of the relationship; (b) the length of time the relationship existed; (c) the frequency of interaction between the parties; (d) the length of time since the relationship was terminated, if applicable. 15 VSA 1101 (2)

<sup>8</sup> See footnote 3 for definition of "household member"

<sup>9</sup> See Footnote 3 for definition of "household member"

<sup>10</sup> See Footnote 3 for definition of "household member"

- 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.

## **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  
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802-828-2154 fax  
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- The Commissioner of the Department of Health, or his or her designee;

Dr. Don Swartz  
Department of Health  
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Alternate:

Edith Munene  
Public Health Specialist – Injury Control and Prevention Program  
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- The Commissioner of Social and Rehabilitation Services, or his or her designee;

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Coordinator of the Domestic Violence Unit  
Department For Children and Families  
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ellie.breitmaier@ahs.state.vt.us



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

Amy Holloway  
Director, Victim Services Program  
Department of Corrections  
103 South Main Street  
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241-2286 phone  
amyh@doc.state.vt.us

As of March 2007 Department of Corrections Representative:  
Susan Onderwyzer LICSW BCD LADC  
Program Services Executive  
VT Department of Corrections  
103 South Main Street  
Waterbury, VT 05671-1001  
802-241-3582  
susan.underwyzer@state.vt.us

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

Captain Edward J. Ledo  
Chief Criminal Investigator - BCI  
Department of Public Safety  
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Alternate:

Major Bruce Lang  
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- The Chief Medical Examiner, or his or her designee;

Dr. Steve Shapiro  
Office of Medical Examiner  
Department of Health  
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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  
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Burlington, VT 05401  
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- The Defender General, or his or her designee;

Matthew Valerio  
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Alternate:

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

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

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- A representative of the Vermont Council on Domestic Violence;

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[laurasubin@gmavt.net](mailto:laurasubin@gmavt.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](mailto:shill@dps.state.vt.us)

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

Susan Hardin  
P.O. Box 328  
Chelsea, VT 05038  
[susanhardin@charter.net](mailto:susanhardin@charter.net)

- A physician, appointed by the Governor;

Dr. Elizabeth Turner

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

TJ Anderson  
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](mailto:tj.anderson@state.vt.us)

**APPENDIX D: COMMISSION CASE REFERRAL FORM**

	<b>DOMESTIC VIOLENCE FATALITY REFERRAL FORM</b> 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.			
<b>SUBMITTED BY</b>			
Name			
Address	Town/City	State	
Contact Phone 1		Contact Phone 2	
<b>Send completed forms to:</b> Office of Attorney General, 109 State Street, Montpelier, VT 05609 ATT: 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/>

