

State of Vermont

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**Domestic
Violence
Fatality
Review
Commission**

2017 Report

Vermont Attorney General's Office
<http://www.ago.vermont.gov>

Background

On May 2, 2002, then-Governor Howard Dean signed into law H.728, which created Vermont's Domestic Violence Fatality Review Commission. 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. There are now over forty states that have active multi-disciplinary domestic violence fatality review teams across the country. By examining data and information we hope to better understand why and how the fatalities occurred and what can be done to prevent future deaths.

Methods

The Commission reviews all domestic violence-related homicides every year. The first step is to gather information about all cases from the prior year which the Medical Examiner's Office has ruled to be a homicide. The Commission then reviews all available information to determine if any of the homicides were domestic violence-related. We also select one or two cases to review in depth from closed cases from all previous years.

The Commission considers a homicide to be domestic violence-related if it involves family or household members as defined by Vermont law. The Commission would also include homicides in which (1) the responsible party killed a household member of an estranged intimate partner; (2) the responsible party killed a current partner's estranged household member; (3) the responsible party killed a family member's current or estranged household member; (4) the responsible party killed a bystander while attempting to harm a family or household member. It would also include a law enforcement-related death where the officer is forced to kill in the line of duty when responding to a domestic violence incident or when a law enforcement officer is killed in the line of duty while responding to a domestic violence incident. It also includes domestic violence-related deaths that are ruled justifiable homicide. It also includes fatalities that result from a murder/suicide involving family or household members and suicides where there is a documented history of domestic violence.

For cases that the Commission decides to review in depth, the case review process includes creating a timeline for the case, identifying lethality factors, reviewing all available documents, inviting witnesses to testify, taking testimony from witnesses before the Commission, and discussing at length what can be learned from that case. The proceedings and records of the Commission are confidential to protect the privacy of surviving family members. It is always our intent to learn as much as possible from direct sources in every case. We attempt to speak directly with police officers, social workers and others that were part of the systematic response, as well as family members of the victim and the responsible party.

By statute, the commission is required to issue findings and recommendations on a biennial basis. 15 VSA §1140(g). In many past years, the Commission report included recommendations annually. This year's report does not include recommendations. However, we did spend nearly a year reviewing a case and taking testimony related to issues raised by it. We expect to have recommendations from that case by next year. This year's report is focused on clarifying and

Current Year Data—2016

Victim & Responsible Party Demographic Information, 2016

In 2016, there were 20 homicides and 124 suicides that occurred in the state of Vermont¹. Of the 20 homicides, 6 were domestic violence (DV)-related. This amounts to 30% of homicides. Victims ranged in age from 20 to 93. None of the victims of DV-related homicides had relief from abuse orders in effect at the time and 100% occurred in the home.

Overall, two thirds of the victims of DV-related homicide were male and one third were female.

Gender of Victim	#
Male	4
Female	2

The gender breakdown of responsible parties (RP) was similar to the victim's gender breakdown. However, in one instance, there were two responsible parties for one domestic violence homicide. It is also important to note that one RP died by suicide.

Gender of RP	#
Male	4
Female	3

The majority of the RP-Victim relationships were current partners.

RP-Victim relationship	#
Current Partner	4
Family Member	1
Household Member	1

Half of DV-related homicides were committed using firearms.

Manner of Death	#
Firearm	3
Stabbing	1
Blunt Trauma	1
Neglect of Care	1

Two DV-related homicides occurred in Rutland and one occurred in each of the following counties: Bennington, Orange, Orleans and Washington.

Police Response, 2016

In 2016, 79 Vermont police agencies responded to 3,491 incidents involving domestic violence. Police response to an incident does not necessarily mean that there was an arrest made.²

¹ Vermont Medical Examiner's Office, obtained Jan 2017

² Data from Vermont Intelligence Center, obtained 5/17/17.

Criminal Division Data, FY2016

Out of 3,336 total felonies filed in the Criminal Division of the Vermont District Court in FY 2016, 504 (15%) were domestic violence-related according to the Court Administrator's office. Out of 12,376 total misdemeanor charges filed, 734 (6%) were DV-related.

The table below shows the total domestic violence-related felonies and misdemeanors for each county as contrasted to total cases filed.

Criminal Charges Filed by County, Total and DV-related, FY2016

	Total Felony	DV-related Felony	Total Misdemeanor	DV-related Misdemeanor
Addison	101	7 (6.9%)	395	28 (7.1%)
Bennington	332	58 (17.5%)	925	58 (6.3%)
Caledonia	165	18 (10.9%)	633	27 (4.3%)
Chittenden	807	94 (11.6%)	3,564	167 (4.7%)
Essex	36	5 (13.9%)	56	9 (16.1%)
Franklin	277	61 (22.0%)	1,097	45 (4.1%)
Grand Isle	22	6 (27.3%)	77	4 (5.2%)
Lamoille	76	14 (18.4%)	374	11 (2.9%)
Orange	95	15 (15.8%)	415	28 (6.7%)
Orleans	151	31 (20.5%)	462	40 (8.7%)
Rutland	343	70 (20.4%)	1,254	99 (7.9%)
Washington	317	33 (20.4%)	1,145	80 (7.0%)
Windham	295	48 (16.3%)	1,024	74 (7.2%)
Windsor	339	44 (13.0%)	955	64 (6.7%)
Statewide total:	3,356	504 (15.0%)	12,376	734 (6.0%)

In tracking criminal dispositions, the Annual Statistical Report for the Vermont Judiciary does not break down the data by offense type.³ Out of a total of 2,941 felonies disposed in FY2016, the majority were by plea (2,157 or 73%). Most other cases were disposed by dismissal (683 or 23%). Jury and court trials make up 2% of the total felony dispositions (53 or 1.8% jury and 4 or .1% court).

Trial numbers in Vermont are thus relatively small compared to plea agreements and dismissals. The following table shows the total number of felony and misdemeanor trials in each county, but the data is **not specific** to domestic violence.

³ That data is available from the Crime Research Group and is found further in this report.

Orleans	0	5	0	22	6	0	33
Rutland	0	0	3	25	15	0	43
Washington	0	1	2	13	12	0	28
Windham	0	4	0	12	31	0	47
Windsor	0	0	0	13	20	0	33
Statewide total:	1	14	9	195	171	0	390

Criminal Charge Dispositions by County, DV Misdemeanors, FY2016

The following information from the Crime Research Group shows all violations of 13 VSA §1042. For information regarding the column headings, please refer to the felony charge chart on the previous page.

	Alternative Disposition	Acquitted	Dismissed	Guilty	Nolle Prosequi	Transfer	Total
Addison	0	1	0	15	8	0	24
Bennington	0	0	3	44	33	0	80
Caledonia	1	3	0	26	18	0	48
Chittenden	2	0	6	78	116	1	203
Essex	0	0	0	11	0	0	11
Franklin	0	1	0	32	32	0	65
Grand Isle	0	0	1	2	0	0	3
Lamoille	0	0	0	11	4	0	15
Orange	2	0	1	19	17	0	39
Orleans	0	0	3	29	16	0	48
Rutland	1	2	0	64	38	0	105
Washington	4	3	0	42	41	1	91
Windham	3	3	3	40	64	0	113
Windsor	0	5	0	40	43	0	88
Statewide total:	13	18	17	453	430	2	933

Vermont Department of Corrections, 2016

As of December 30, 2016, there were 1,723 DV offenders in the Vermont Department of Corrections system, 447 of whom were incarcerated. The remaining 1,276 were under community supervision. Of those under community supervision, 753 were on probation, and 568 were on DV probation.

Of the 3,386 petitions disposed in FY 2016, 2,500 temporary orders were granted (74%) and of those, 1,150 resulted in final orders (46%). Of the total 3,386 disposed, 870 were denied a temporary order.⁵

The 1,150 final orders were obtained in one of three ways: through a contested judgment (384 or 33%), through a consent judgment (436 or 38%) or through a default judgment (330 or 29%). In 1,350 cases, the temporary order was either dismissed (953 or 71%) or withdrawn (397 or 29%).⁶

The following table breaks down the disposed petitions for Relief from Abuse by county:

Temporary and Final Relief from Abuse Orders by County, FY2016

County	Total RFAs Requested	TROs Granted*	FROs Granted**
Addison	188	140 (74%)	72 (51%)
Bennington	281	221 (79%)	102 (46%)
Caledonia	177	102 (58%)	42 (41%)
Chittenden	558	471 (84%)	202 (43%)
Essex	32	31 (97%)	9 (29%)
Franklin	311	241 (77%)	105 (44%)
Grand Isle	48	29 (60%)	13 (45%)
Lamoille	130	91 (70%)	45 (49%)
Orange	151	116 (77%)	64 (55%)
Orleans	187	177 (95%)	57 (32%)
Rutland	529	370 (70%)	214 (58%)
Washington	322	213 (66%)	69 (32%)
Windham	252	144 (57%)	77 (51%)
Windsor	220	154 (70%)	79 (51%)
Statewide total:	3,386	2,500 (74%)	1,150 (46%)

Note – RFA: Relief from Abuse Order; TRO: Temporary Relief Order; FRO: Final Relief Order

*Percentage indicates percent of total RFAs resulting in a TRO for a given county

**Percentage indicates percent of all TROs resulting in an FRO for a given county

⁵ There are 16 cases in the 3,386 petitions are noted as change of venue or invalid/missing, thus the discrepancy in the total when adding the 2,500 granted to the 870 denied petitions.

⁶ **Contested Judgment:** The judge decides the order after hearing testimony from both parties and any witnesses provided by the parties.

Consent Judgment: Parties agree to an order without findings by the judge. The judge asks what the parties want included in the order (for example, contact restrictions, exchange of children for parent/child contact) and the judge issues an order of protection based on the agreement.

Default Judgment: Defendant did not appear for the hearing. The final order of protection is a public record since the defendant had the opportunity for a hearing before the court and failed to appear. The judge issues the protection order by default.

Dismissed by Court: After a contested hearing where both parties have an opportunity to enter testimony on the record, judge does not find that there is enough evidence to issue a protection order. The temporary protection order is vacated or expires, and no final order is issued. The case is dismissed by the court.

Withdrawn: Plaintiff withdraws their petition and case is closed. If the petition was not served on the defendant, the case remains confidential. If the petition was served on the defendant with a temporary order of protection, the holding station is contacted to withdraw the temporary order from their system. Only the temporary order is public, not the complaint and affidavit since there was no opportunity for a hearing.

Windham	0	0	0	17	36	53
Windsor	1	0	0	13	15	29
Statewide total:	2	5	14	192	227	440

Civil Division Protection Order Data, 2016

Orders of protection against sexual assault and stalking are available from the Civil Division of the Vermont District Court. It represents a small percentage (8%) of the work this court does. Most of the work in this court involves hearing major civil cases and small claims. There is no after hours procedure to obtain these orders.

There were a total of 804 petitions for sexual assault or stalking protection orders filed in FY 2016. The majority were petitions for protection orders against stalking. The following chart breaks down the orders filed for each type by county.

Sexual Assault/Stalking Protection Orders Filed by County, FY2016

County	Sexual Assault	Stalking	Total Orders
Addison	2	53	55
Bennington	1	54	55
Caledonia	4	80	84
Chittenden	11	106	117
Essex	0	11	11
Franklin	4	133	137
Grand Isle	0	7	7
Lamoille	2	30	32
Orange	4	29	33
Orleans	1	42	43
Rutland	2	100	102
Washington	0	17	17
Windham	5	43	48
Windsor	3	60	63
Statewide total:	39	765	804

There were 811 total petitions disposed. Of those, 475 (58%) resulted in a temporary order and 333 (41%) were denied.

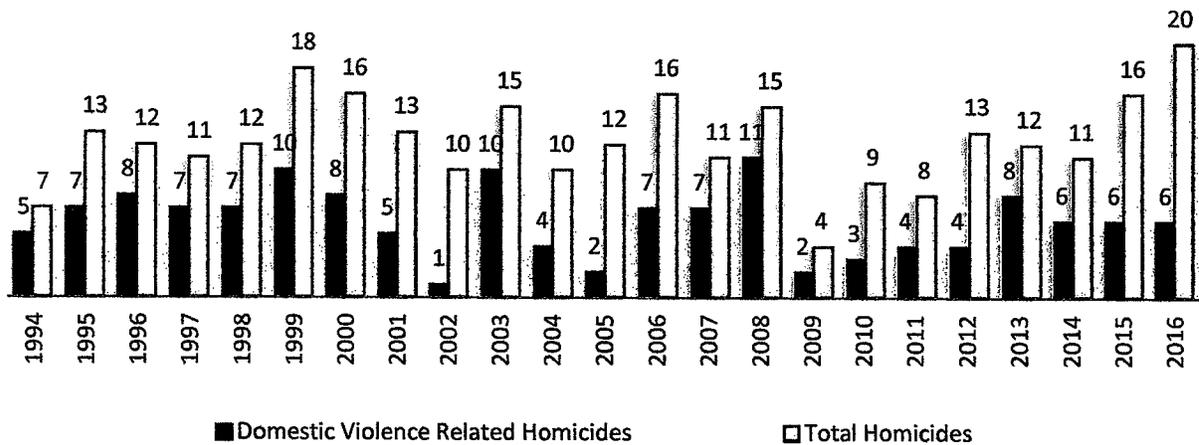
Of the 475 temporary orders granted, 209 (44%) resulted in a final order and 266 (56%) were denied. The following chart breaks down by county the number of temporary orders granted of the total requested and the number of final orders granted of the total requested.

Historical Data—1994 to 2016

The historical data for total homicides in Vermont and total domestic violence homicides in Vermont does not include any child victims whereas the 2016 current year data does include children.

From 1994-2016, the total number of adult homicides that occurred in Vermont was 279, the total number of adult domestic violence related homicides was 137. This amounts to 49% of homicides over this time period.

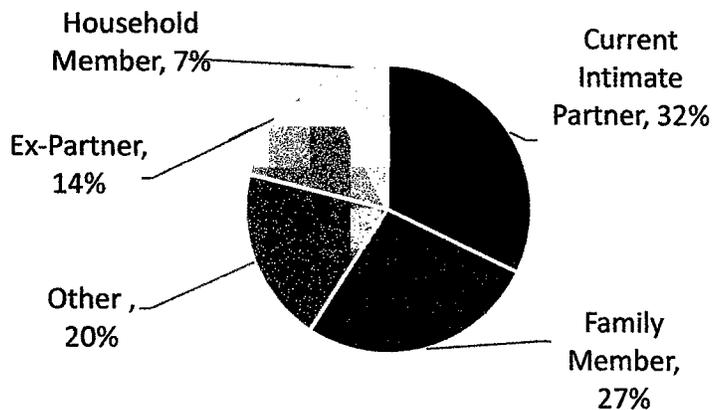
Adult Homicides and DV-related Homicide 1994 - 2016



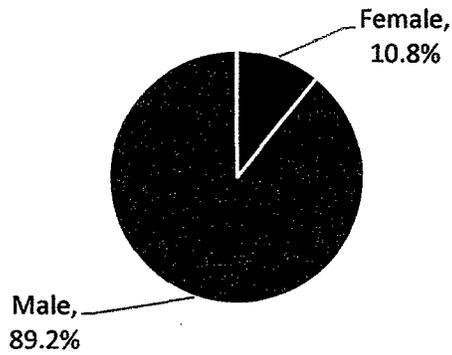
While the gender of the victims is 50% male and 50% female, the majority, 81% of responsible parties are male, while only 19% were female.

Most (32%) of the domestic violence-related homicides in Vermont have involved a current intimate partner:

Victim-RP Relationship, 1994-2016



DV-related Suicides, 1994-2016



For the majority of domestic violence-related suicides (78%), the method of suicide was firearm.

During this time frame, the Commission knows of 29 RPs who died by suicide, and an additional 4 RPs who attempted suicide.

Method of DV-related Suicide, 1994-2016

