

**Domestic
Violence
Fatality
Review
Commission**

2017 Report

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This project was supported by grant number: 2014-WF-AX-0043, awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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

visually improving the way we report yearly and historical data. We welcome your comments on the new format.

Thank you to all who shared their experience and perspective with us this year. We hope that we can use this report and our recommendations as a starting point to improve our systemic response to domestic violence and make further strides in our efforts to prevent domestic violence fatalities.

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.

Vermont Network Against Domestic and Sexual Violence, 2016

In 2016, the Vermont Network Against Domestic and Sexual Violence had 19,816 calls to its hotline service. Network agencies provided services to 9,376 individuals effected by domestic and/or sexual violence.

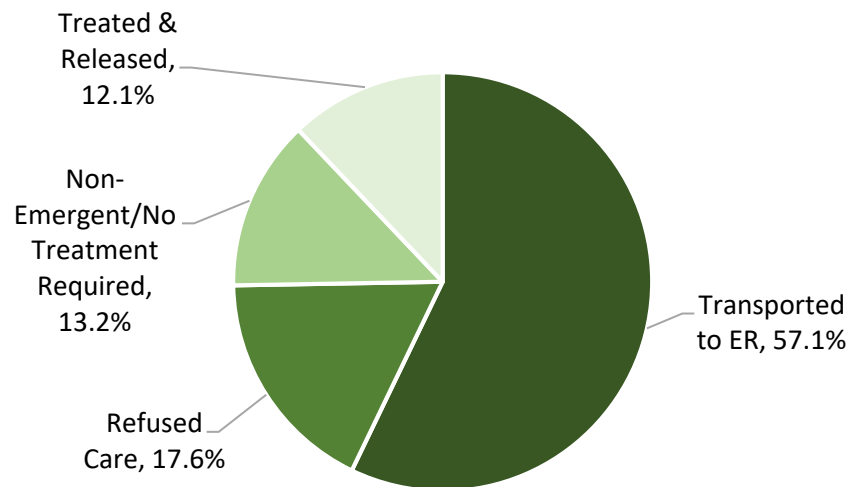
Vermont Department For Children and Families, 2016



The Statewide Incident Reporting Network (SIREN), 2016

SIREN is Vermont's pre-hospital electronic documentation database hosted by ImageTrend, Inc. All Vermont licensed ambulance agencies are required to submit electronic patient care reports within one business day after responding to an incident. In 2016, there were 92 incidents in which Emergency Medical Services (EMS) were activated that were related to violence between intimate partners. 85.5% of the victims were female, 7.7% were male, and in 6.8% of SIREN incidents, both a male and a female were injured.

SIREN Incident Disposition, 2016



14.1% of these cases involved strangulation, and an additional 14.1% involved self-harm or attempted suicide by one of the involved parties.

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.

Criminal Trials by County, Total, FY2016

	Jury Trials	Court Trials	Total Trials
Addison	8	1	9
Bennington	16	2	18
Caledonia	4	2	6
Chittenden	15	2	17
Essex	1	0	1
Franklin	8	0	8
Grand Isle	0	0	0
Lamoille	1	1	2
Orange	3	2	5
Orleans	7	0	7
Rutland	15	1	16
Washington	12	1	13
Windham	11	4	15
Windsor	9	0	9
Statewide total:	110	16	126

**trial data is total trials in the county for all felony and misdemeanors. The actual number of domestic violence related trials is not available from the Vermont Judiciary Annual Statistical Report for FY16.

Criminal Charge Dispositions by County, DV Felonies, FY2016

The following data was supplied by the Crime Research Group. It is available by request from their organization at <http://www.crgvt.org>. It includes all violations of 13 VSA §1043.

Alternative dispositions refers to diversion or treatment courts; it does not include deferred sentences. Deferred sentences are included in the guilty column. Acquitted refers to a finding of “not guilty” either by judge at a court trial or by jury at a jury trial. Dismissed refers to cases dismissed by the court with or without the prosecutor’s agreement. Guilty refers to cases where a plea agreement was reached and also includes cases in which the judge or jury found the defendant guilty after trial. Nolle prosequi is a legal term that refers to dismissal by the prosecutor which may or may not be coupled with a plea to another charge. Transfer refers to a transfer to another court.

	Alternative Disposition	Acquitted	Dismissed	Guilty	Nolle Prosequi	Transfer	Total
Addison	0	0	0	6	3	0	9
Bennington	0	3	1	19	34	0	57
Caledonia	0	0	0	9	2	0	11
Chittenden	1	1	1	36	26	0	65
Essex	0	0	0	4	0	0	4
Franklin	0	0	1	26	12	0	39
Grand Isle	0	0	0	1	0	0	1
Lamoille	0	0	0	5	6	0	11
Orange	0	0	1	4	4	0	9

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

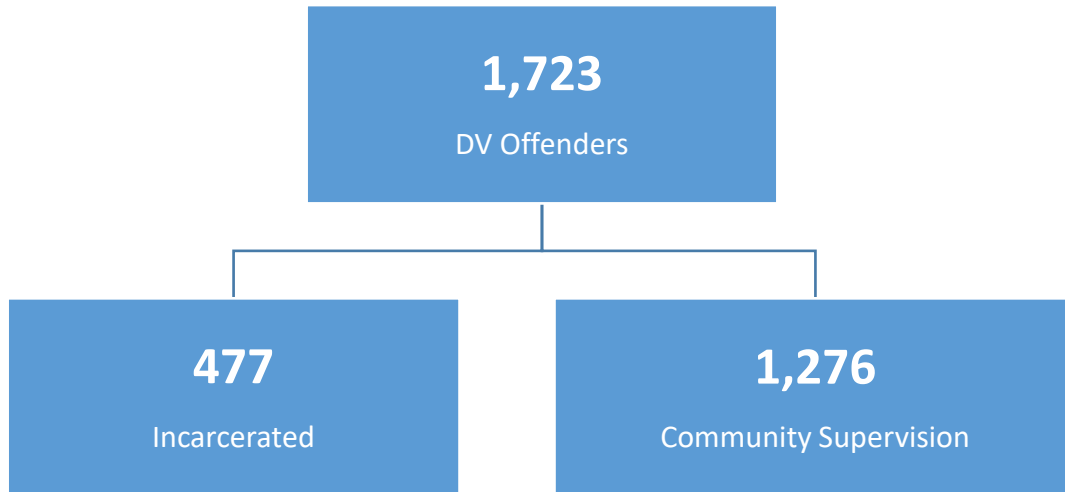
Criminal Charge Dispositions by County, DV Misdemeanors, FY2016

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.



Domestic Violence Accountability Programs, by County*, FY2016

Vermont currently has 12 Domestic Violence Accountability Programs (DVAPS). DVAPs are community-based, group education programs that effectively hold low to medium risk domestic violence offenders accountable for their behavior. Program participants may be court-ordered to complete a program through the criminal court or through the juvenile court when referred by the Department for Children and Families, or voluntarily enroll.

County	Participants Enrolled
Addison	21
Chittenden**	25
Orange	31
Orleans	30
Rutland	42
Washington	45
Windham	55

*There was no data for Bennington, Franklin, or Windsor counties for FY2016

**Chittenden county’s program did not begin until December 2015

Family Division Court Data, Relief from Abuse Orders, FY2016

There were 3,809 total petitions for Relief from Abuse filed in the Family Division of Vermont District Court in FY 2016. The Court Administrator’s office has noted that this number has been gradually declining for the past five years.⁴ It is not known how many of these petitions were filed after hours.

⁴ Vermont Judiciary Annual Statistical Report for FY16 p.14.

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.

Criminal Court Data, Violations of Relief from Abuse Orders, FY2016

In Vermont, the State’s Attorneys Office files violations of Relief from Abuse (“RFA”) orders in criminal court. The Family Division does have the authority to address violations of its orders through civil or criminal contempt proceedings but as a practical matter this is not done. The following data was supplied by the Crime Research Group. Felony RFA violations refers to violations of 13 VSA §1030(b). Misdemeanor RFA violations means a violation of 13 VSA §1030(a). For explanations of each column heading, refer to the chart regarding felony criminal dispositions (p. 7).

Felony RFA Violations by County, FY2016

	Alternative Disposition	Acquitted	Dismissed	Guilty	Nolle Prosequi	Total
Addison	0	0	2	2	0	4
Bennington	0	0	0	8	3	11
Caledonia	0	0	0	5	6	11
Chittenden	0	0	0	5	8	13
Essex	0	0	0	0	0	0
Franklin	0	0	1	7	6	14
Grand Isle	0	0	0	0	0	0
Lamoille	0	0	0	0	0	0
Orange	0	0	0	6	2	8
Orleans	0	0	0	11	1	12
Rutland	0	0	0	10	8	18
Washington	0	0	0	1	0	1
Windham	0	0	0	11	5	16
Windsor	0	0	0	2	3	5
Statewide total:	0	0	3	68	42	113

Misdemeanor RFA Violations by County, FY2016

	Alternative Disposition	Acquitted	Dismissed	Guilty	Nolle Prosequi	Total
Addison	0	1	0	9	6	16
Bennington	0	0	0	15	20	35
Caledonia	0	0	0	10	10	20
Chittenden	0	0	7	23	49	79
Essex	0	0	0	0	1	1
Franklin	0	1	2	24	26	53
Grand Isle	0	0	1	4	2	7
Lamoille	0	0	0	6	5	11
Orange	0	0	0	11	15	26
Orleans	1	0	1	25	4	31
Rutland	0	3	1	23	25	52
Washington	0	0	2	12	13	27

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.

Sexual Assault/Stalking Protection Orders, 2016 Dispositions

County	TRO Requested	TRO Granted*	FRO Granted**
Addison	54	33 (61%)	24 (73%)
Bennington	54	35 (65%)	20 (57%)
Caledonia	86	49 (57%)	23 (47%)
Chittenden	118	43 (36%)	19 (44%)
Essex	11	11 (100%)	2 (18%)
Franklin	147	110 (75%)	41 (37%)
Grand Isle	7	3 (43%)	2 (67%)
Lamoille	28	16 (57%)	10 (63%)
Orange	35	27 (77%)	13 (48%)
Orleans	42	42 (100%)	7 (17%)
Rutland	101	45 (45%)	23 (51%)
Washington	16	9 (56%)	3 (33%)
Windham	49	17 (35%)	5 (29%)
Windsor	60	35 (58%)	17 (49%)
Statewide total:	808***	475 (59%)	209 (44%)

Note – TRO: Temporary Relief Order; FRO: Final Relief Order

*Percentage indicates percent of all TROs requested resulting in a TRO granted for a given county

**Percentage indicates percent of all FROs requested resulting in an FRO granted for a given county

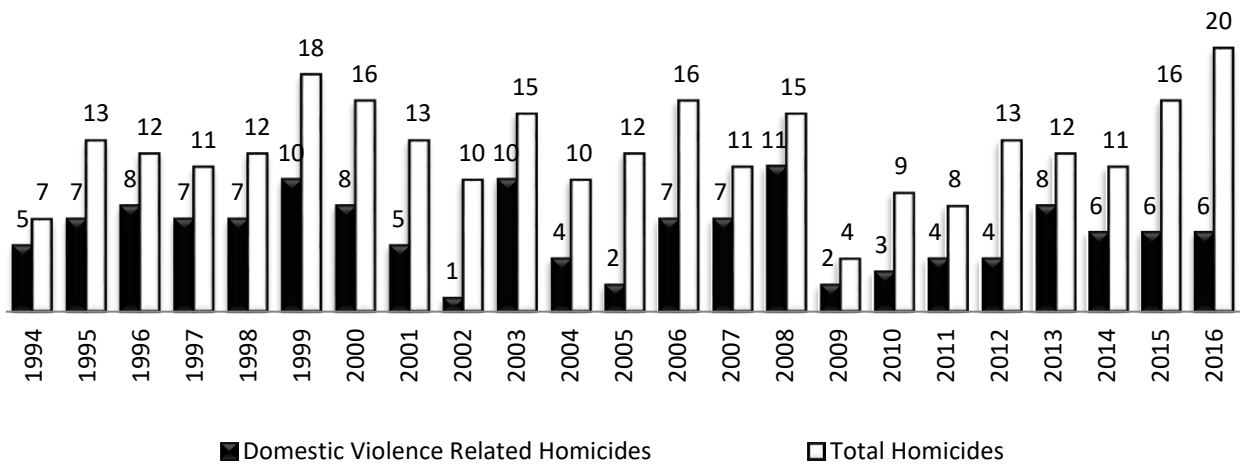
***808 statewide total TRO does not include 3 invalid/missing. There was a grand total of 811 dispositions as set forth in the text preceding the chart.

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.

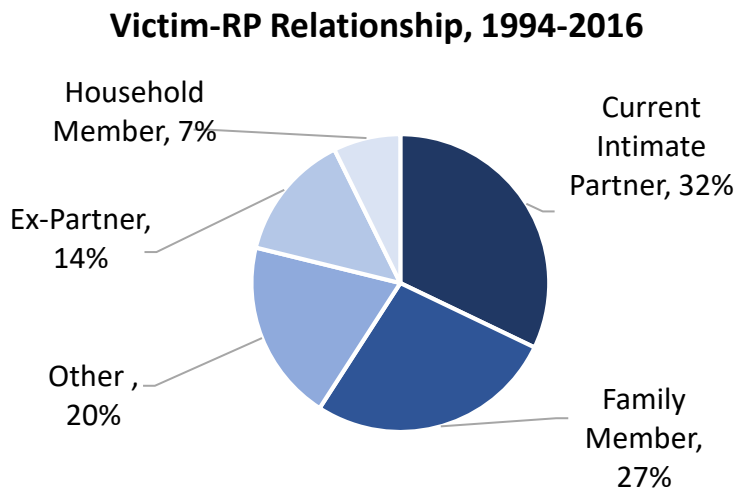
From 1994-2016, the total number of adult homicides that occurred in Vermont was 279, the total number of adult domestic violence related homicides was 137. This amounts to 49% of homicides over this time period.

Adult Homicides and DV-related Homicide 1994 - 2016



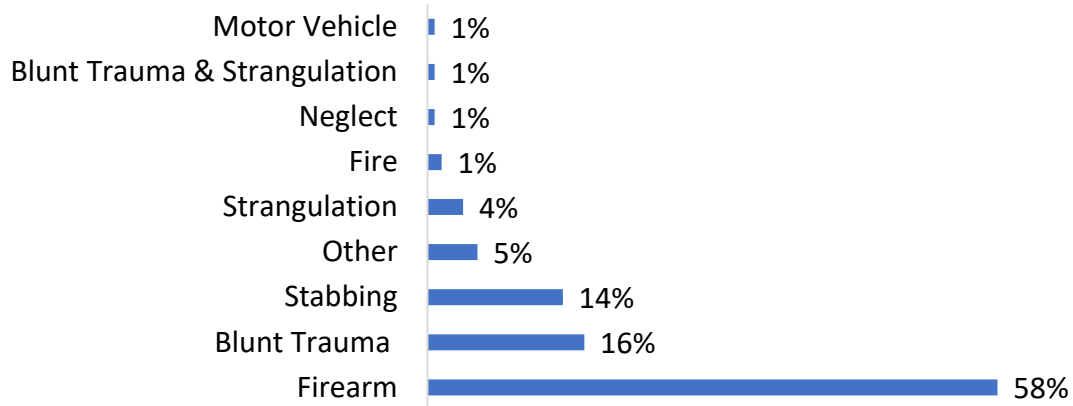
While the gender of the victims is 50% male and 50% female, the majority, 81% of responsible parties are male, while only 19% were female.

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



The majority (58%) of Vermont’s domestic violence-related homicides were committed with firearms:

Causes of DV-related Homicide in Vermont



Child Witnessing

From 1994-2016, there were 48 children who were either at the crime scene of a domestic violence-related homicide when the incident occurred, or who were at the crime scene immediately before or after the incident.

Abuse Prevention Orders

From 1994-2016, there were 18 victims of domestic violence-related homicide who had Relief from Abuse orders in effect against the responsible person.

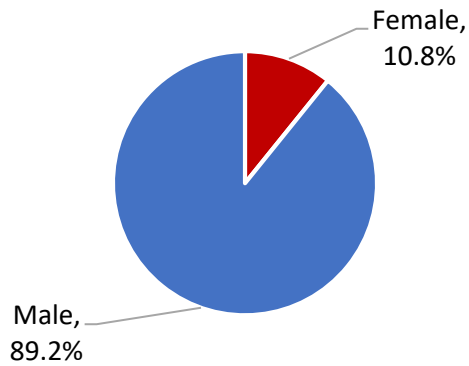
Officer Involved Shooting

From 1994-2016, there were 3 domestic violence-related homicide suspects who were killed by law enforcement.

Suicides

From 1994-2016, there were 37 suicides known to be related to domestic violence. Historical data around domestic violence-related suicide is limited, therefore this is likely an underrepresentation of the true number.

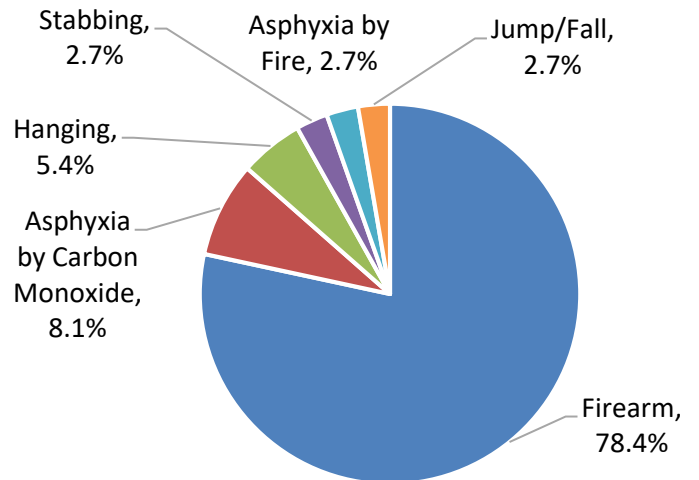
DV-related Suicides, 1994-2016



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



If you or someone you know needs help...

Domestic Violence Resources

1. **National Network to End Domestic Violence** nnedv.org 1-800-799-SAFE (7233) TTY 1-800-787-3224
2. **Vermont Network Against Domestic and Sexual Violence** vtnetwork.org
Statewide Domestic Violence Hotline: 1(800) 228-7395
Statewide Sexual Violence Hotline: 1(800) 489-7273
3. **Deaf Vermonters Advocacy Service (DVAS)** dvas.org
Hotline: (802) 661-4091
4. **Pride Center Of Vermont Safespace Program-** Support for LGBTQ survivors of violence www.pridecentervt.org/programs/safespace
Support line hours: Monday through Thursday 9am – 6pm and Friday 9am – 2pm
Hotline: 1 (802) 863-0003
Toll-free 1 (866) 869-7341
Email: safespace@pridecentervt.org

Suicide Prevention Resources

1. **National Suicide Prevention Lifeline:** 800-273-TALK (8255)
2. **Vermont Suicide Prevention Lifeline:** (802) 273-8255
3. **Dial 211:** for a Counselor if you are in VT
4. **Confidential online chat:** www.suicidepreventionlifeline.org