

DELAWARE FATAL INCIDENT REVIEW TEAM REPORT

Submitted To
The Domestic Violence Coordinating Council

September 2007

Domestic Violence Coordinating Council
New Castle County Courthouse
500 N. King Street, Suite 9425
Wilmington, DE 19801-3732
302-255-0405

INTRODUCTION

In June 1996, Governor Thomas R. Carper signed into law the Domestic Violence Fatal Incident Review Act.

Domestic violence continues to be a devastating problem and deaths resulting from this crime are the ultimate acts of abuse. The Domestic Violence Coordinating Council's Fatal Incident Review Team's ultimate purpose is to review domestic violence fatalities and try to reduce these deaths in the future.

The Review Team members are dedicated professionals who conduct system audits of State agencies and private organizations that had contact with the deceased victim and/or the alleged perpetrator to assess the system's response.

During the two-year period, 2005 through 2006, Domestic Violence Coordinating Council (DVCC) records indicate there were 30 deaths resulting from domestic violence. Of those 30 deaths, 24 were homicides, 2 were murder/suicide, and 4 were suicides only. In some of these cases the victims had taken steps to protect themselves and/or their families from their abusive partner. Despite their efforts, some victims died from the very person who claimed to love them.

Although the domestic violence fatality reviews are retrospective in nature, their purpose is prospective. The reviews focus on identifying trends, patterns and obstacles in services, assessing agency interventions, and, most importantly, developing practical recommendations aimed at improving the system and preventing future injury and death.

Membership

Membership on the Fatal Incident Review Team is by statute and includes the following core members or their designee:

- **Co-Chairs – two members of the Domestic Violence Coordinating Council elected by the Council**
- **Attorney General**
- **Director of the Division of Family Services**
- **Chief Judge of Family Court**
- **Chair of the Domestic Violence Task Force**
- **Secretary of the Department of Education***
- **Chief Magistrate of the Justice of the Peace Courts**
- **Director of the Division of Substance Abuse and Mental Health***
- **Law Enforcement officer to be appointed by the Delaware Police Chiefs' Council**

The Review Team also invites other relevant persons to serve on an ad hoc basis and participate as full members of the Team when it is determined that they possess pertinent information in a particular case. These ad hoc members have included, but are not limited to, private attorneys, public defenders, probation and parole, therapists, victim service workers, caseworkers, and representatives of other relevant agencies.

Team members (or their designee) are responsible for providing information maintained by their agency or discipline, which is specific to the case under review. Team members also serve as a resource by providing general information regarding their agency or discipline such as explanation of legal issues, types of services available for victims, or overview of court procedures.

**In response to a FIRT Recommendation, on June 13, 2006, an Act to amend Title 13 of the Delaware Code relating to the Fatal Incident Review Team, SB 262, was passed to expand the Fatal Incident Review Team to include two core members adding the Secretary of Department of Education (or designee) and the Director of the Division of Substance Abuse and Mental Health (or designee).*

Review Team Members & Participants

Co-Chairs

Honorable Vincent J. Poppiti, Domestic Violence Coordinating Council
Dana Harrington Conner, Domestic Violence Coordinating Council

Members and Participants

Honorable Beau Biden, Attorney General
Carlyse V. Giddens, Director, Division of Family Services, Department of Services for Children, Youth and Their Families
Honorable Chandlee Johnson Kuhn, Chief Judge Family Court
Mary Davis, Chair, Domestic Violence Task Force
Valerie A. Woodruff, Secretary of the Department of Education
Honorable Alan Davis, Chief Magistrate Justice of the Peace Courts
Renata J. Henry, Director of the Division of Substance Abuse and Mental Health
Chief Michael Capriglione, Delaware Police Chief's Council
Maria Knoll, Attorney General's Office
Leann Summa, Family Court
Alan Grinstead, Probation and Parole
Joseph Paesani, Department of Correction
Sgt. Randy Fisher, Delaware State Police
Sgt. Patricia Davies, New Castle County Police
Det. Anthony Harris, Wilmington Police Department
Linda Shannon, Division of Family Services
Jo Ann Bruch, Division of Family Services
Anna Lewis, Justice of the Peace Courts
Lynda Lord, Division of Health and Social Services
Cindy Mercer, Child Inc., Domestic Violence Shelter
Debbie Reed, Delaware State Police, Victim Services
Elaine Aviola, New Castle County Police, Victim Services
Stephanie Rensch, Wilmington Police, Victim Services

Staff

Laura Giles, Domestic Violence Coordinating Council

Review Team Data

In an attempt to ensure that no domestic violence fatality escapes review, the Fatal Incident Review Team has adapted the following broad definition of domestic violence, which is similar to the definition used by the Department of Justice.

Domestic Violence is any abusive act between family members, husband and wife, ex-husband and wife, intimate cohabitants, former intimate cohabitants, dating couples, and former dating couples. Abusive acts include physical, sexual, and emotional abuse, threats of abuse, and destruction of property. Domestic violence shall also include abusive acts in which an individual who has a relationship with the domestic violence victim is killed as a result of the offender's actions. The offender and victim in a domestic violence case may be of the same sex. The death of a minor will only be reviewed, where the minor's parents or guardians were involved in an abusive relationship and the minor's death is directly related to that abuse.

The Review Team meets monthly, but no case may be reviewed until prosecution is completed in criminal cases and authorized by the Attorney General's Office. During a review each team member completes a data sheet providing information regarding his/her agency's contact with the victim and/or perpetrator. Members also provide any documents maintained by their agency concerning a particular case to staff prior to the review. Staff then reviews all documents and provides the team with a time line of events. In addition, staff provides copies of each participating agency's documents which are available one hour prior to the meeting for review by panel members. Files are confidential and therefore cannot be distributed.

The information contained in this report represents cumulative data collected from 70 cases, which occurred over a period of 10 years. The fatality statistics contained in this report occurred between 1996 and 2006. However, not all of the cases that occurred during this time period appear in this report. Since cases can not be reviewed until prosecution is completed, not all cases that occurred between 1996 and 2006 appear in this report. (13 Del. C. Section § 2105)

A total of 92 deaths resulted from the 70 cases contained in this report. This included homicides, suicides, and murder/suicides (those are cases where the perpetrator murdered the victim and then committed suicide.)

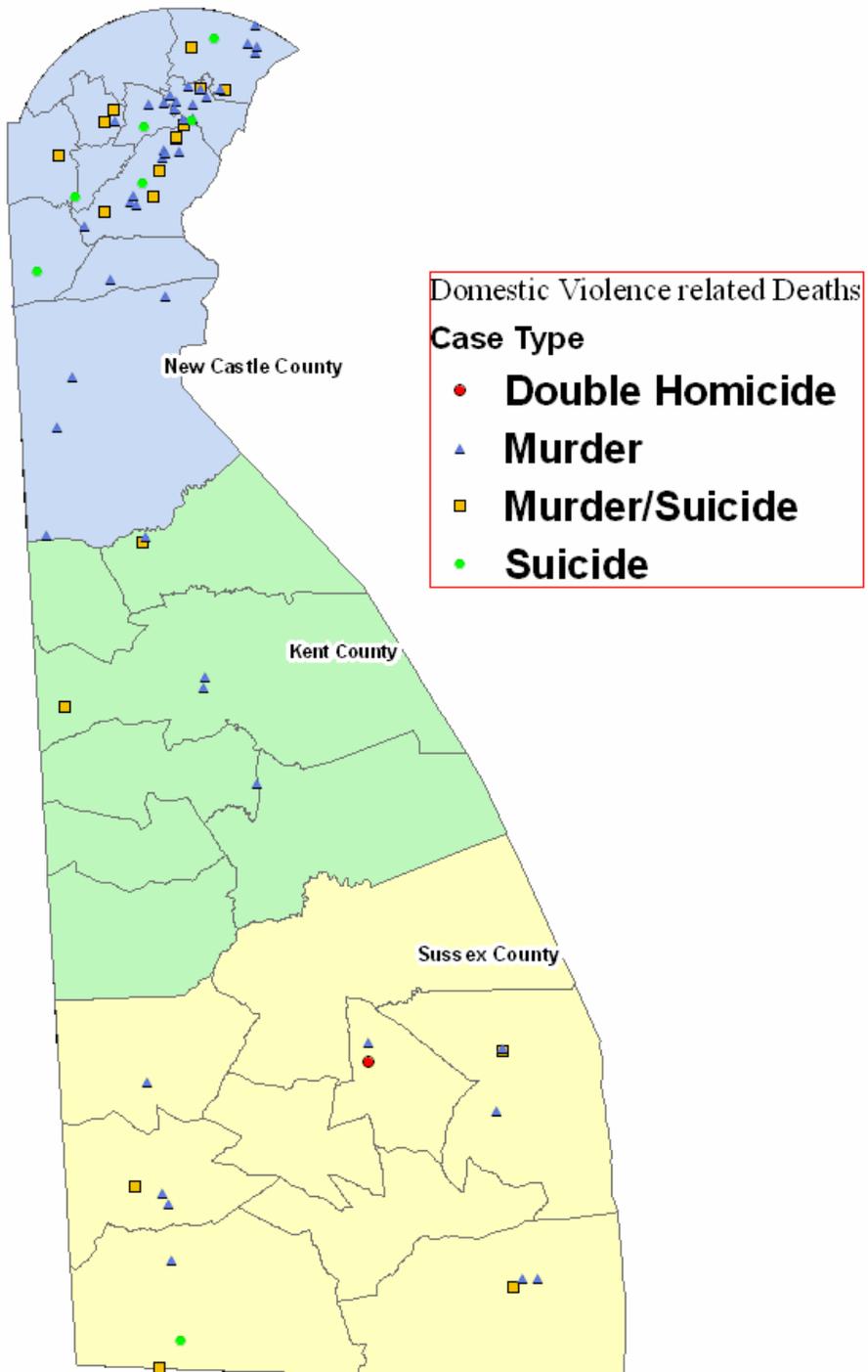
Confidentiality Requirements

Legislation mandates confidentiality requirements in the review process and any records created therein are exempt from the provision of the Freedom of Information Act. Therefore, all records of the reviews are confidential and are maintained in the Domestic Violence Coordinating Council office and may only be used by the DVCC in the exercise of its proper function.

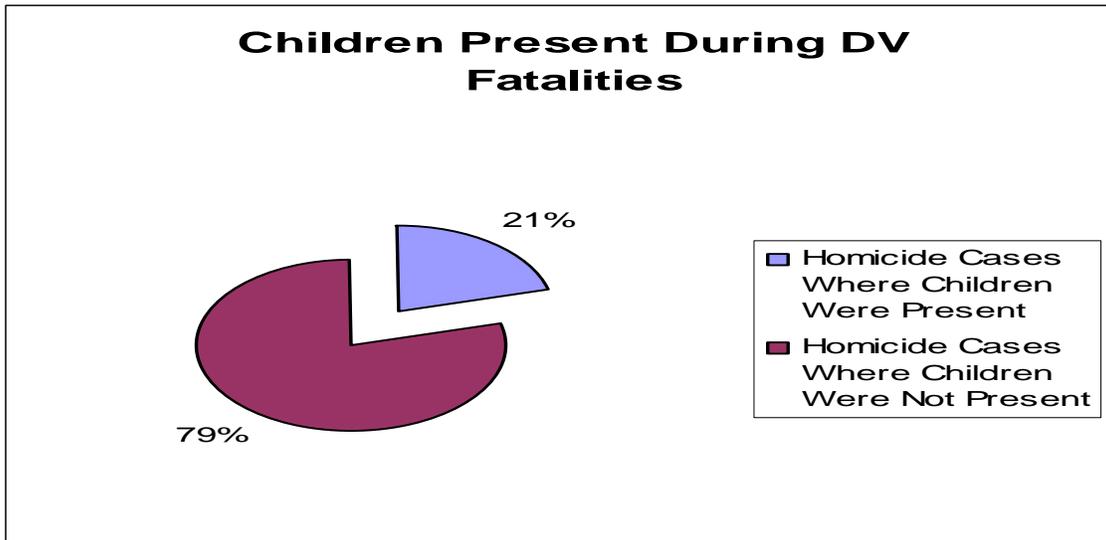
70 Domestic Violence Fatal Incident Cases Resulting In 92 Deaths

Homicide Victims	Perpetrator Suicides Following Homicide	Suicides	Undetermined Victim Deaths
66	18	7	1

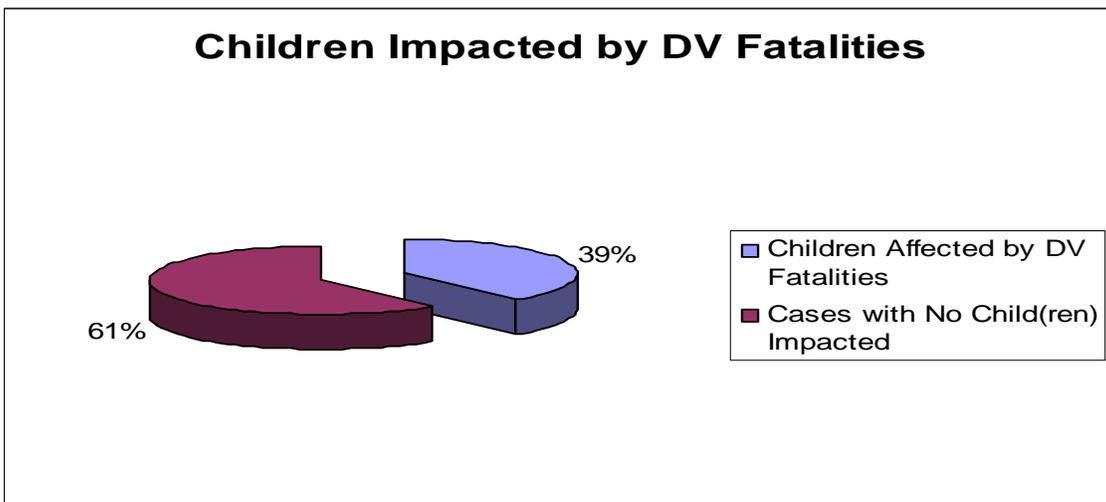
70 Domestic Violence Fatality Cases



Impact of Domestic Violence on Children



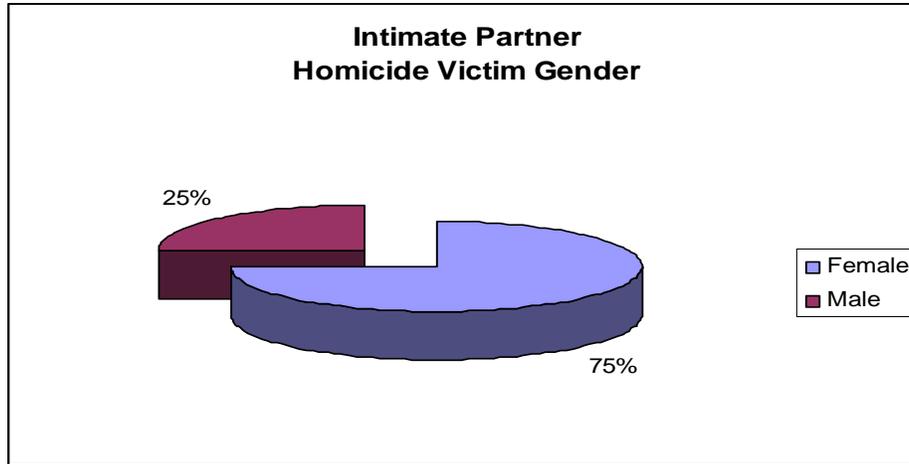
There are 70 cases in this report. In 15 or 21% of the cases, children were present in the home. There were 31 children on the premises when the fatality occurred. Two children died as a result of the domestic violence incident.



In 27 or 39% of the 70 cases, 55 children were impacted by domestic violence fatalities. Thirty-one (31) children were present during the domestic fatality and an additional 24 children lost a parent(s).

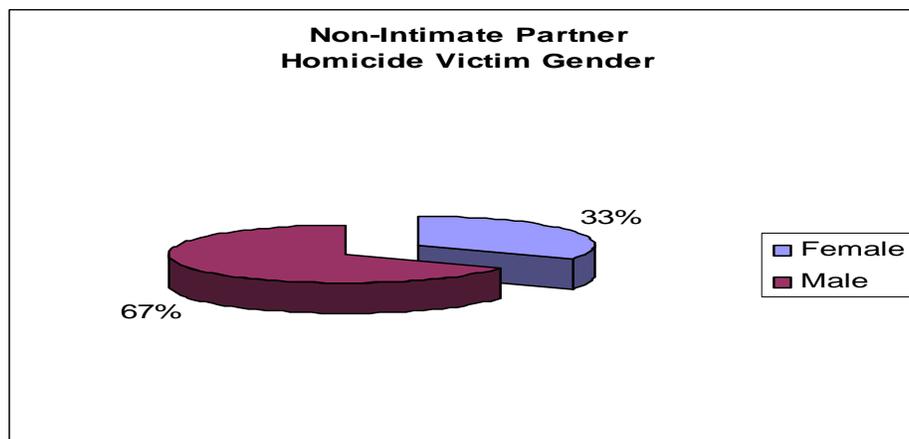
In 2 cases, the victims were pregnant at the time of the homicides.

Intimate Partner Homicide Victim Gender



Out of the 66 homicide deaths included in this report, 48 were the result of “Intimate Partner” homicide. Of those 48 deaths, 36 or 75% of the victims were female and 12 or 25% victims were male.

The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples who are living together. Intimate partners may be of the same gender.

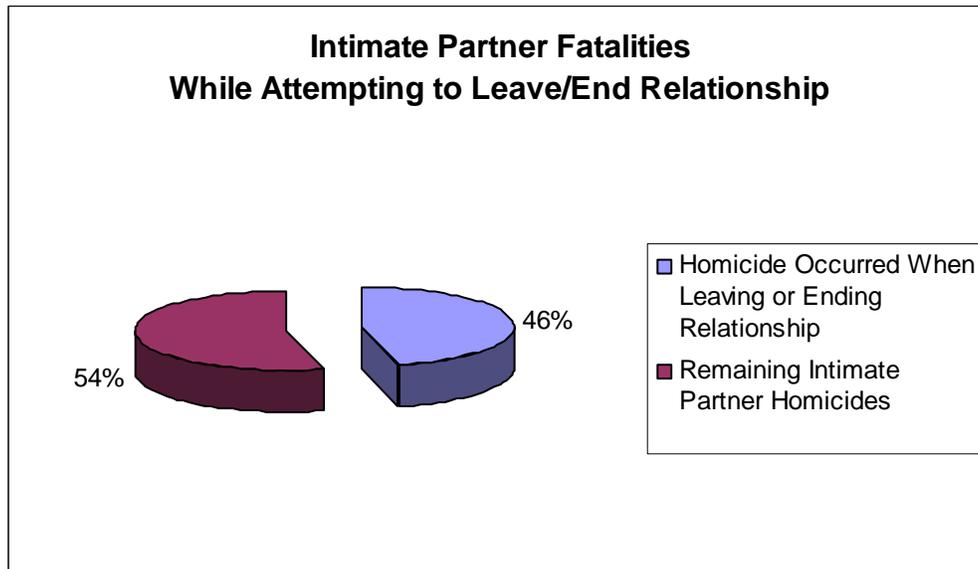


Out of the 66 deaths, 18 were “Non-Intimate Partner” homicides. Of those 18 deaths, 6 or 33% were female and 12 or 67% were male.

A “Non-Intimate Partner” is an individual not included as an intimate partner; such as parent/child, brother/sister.

Intimate Partner

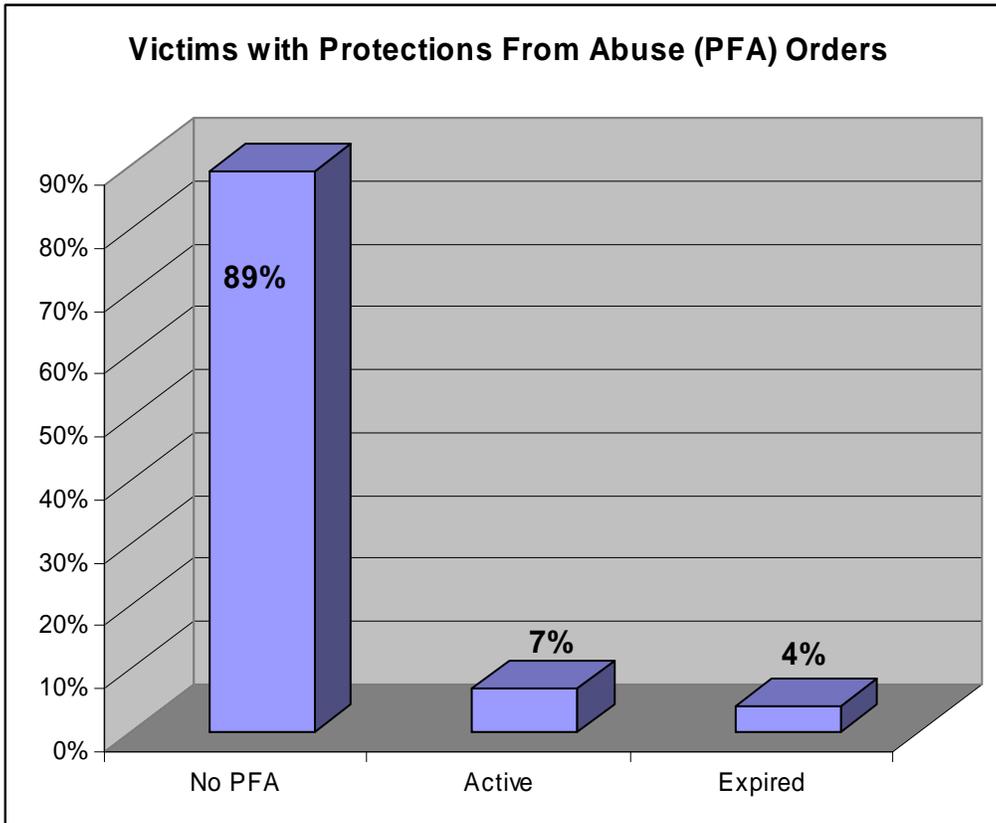
Attempting to Leave or End the Relationship



Of the 48 “Intimate Partner” homicides, 22 or 46% of the homicides occurred when the victim attempted to leave or had ended the relationship with the perpetrator.

Accessing the System

Courts

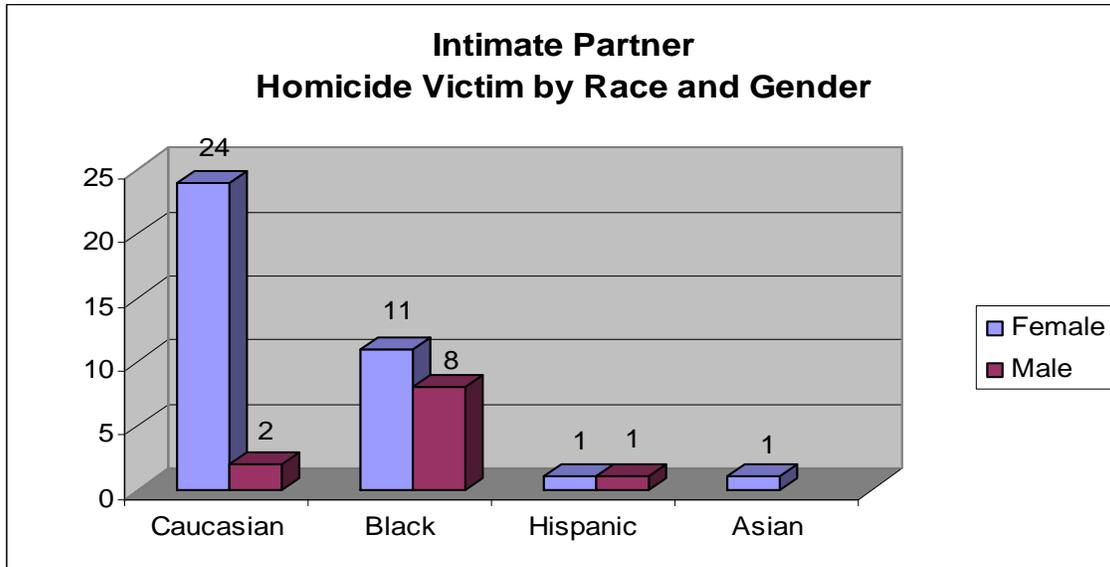


Of the 70 cases in this report, 62 or 89% of the victims did not have a Protection From Abuse Order.

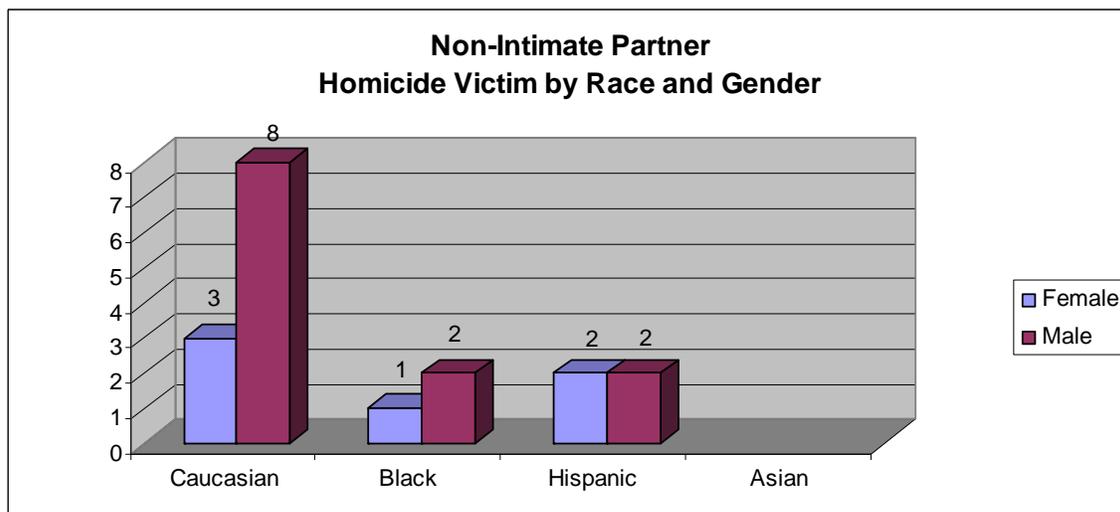
In 5 or 7% of the cases there was an Active PFA at the time of the fatality.

In 3 or 4% of the cases the victim had a PFA which had expired.

Victim Demographics

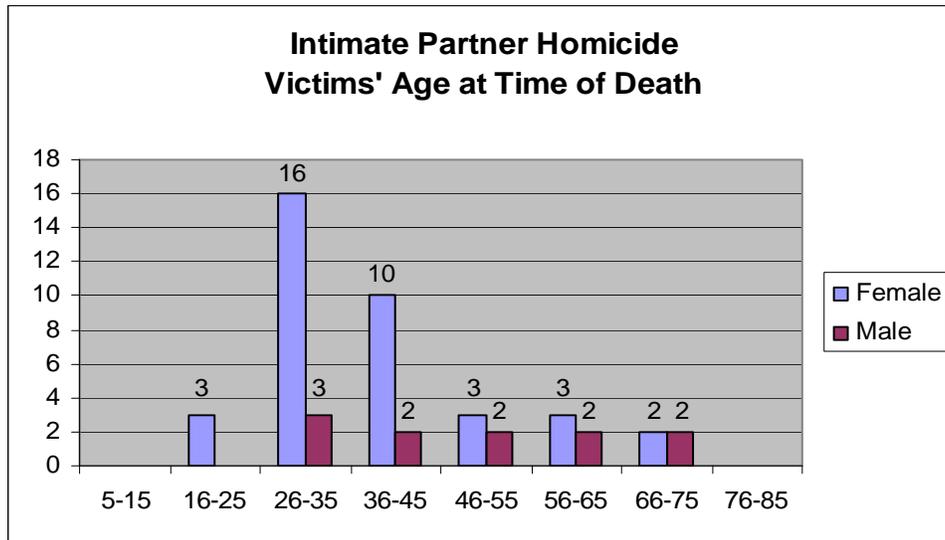


Of the 48 “Intimate Partner” homicides in this report, 37 or 77% were female and 11 or 23% were male.



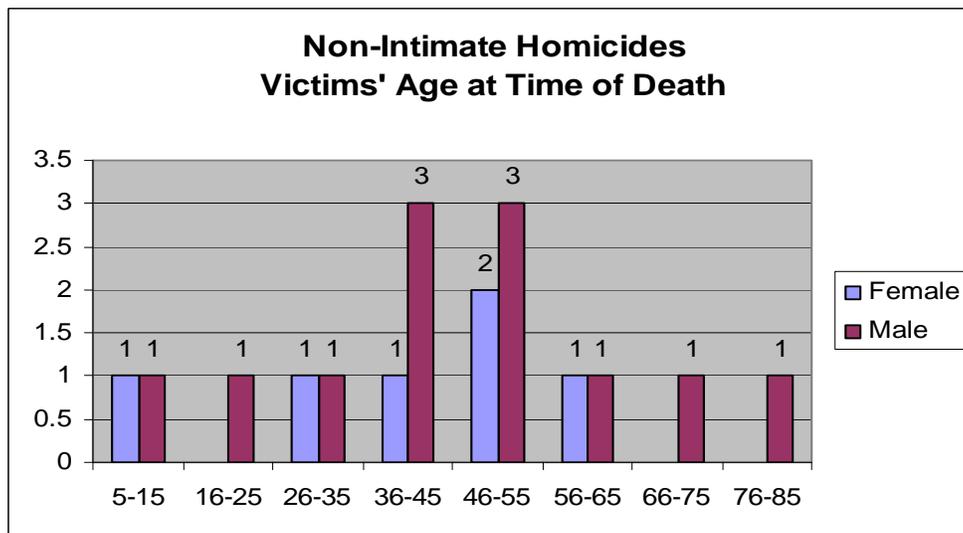
Of the 18 “Non-Intimate Partner” homicides, 6 or 33% were female and 12 or 67% were male.

Victim Demographics



Of the 48 “Intimate Partner” homicides, 37 were female. Of the 37 females, 16 or 43% were between 26–35 years of age.

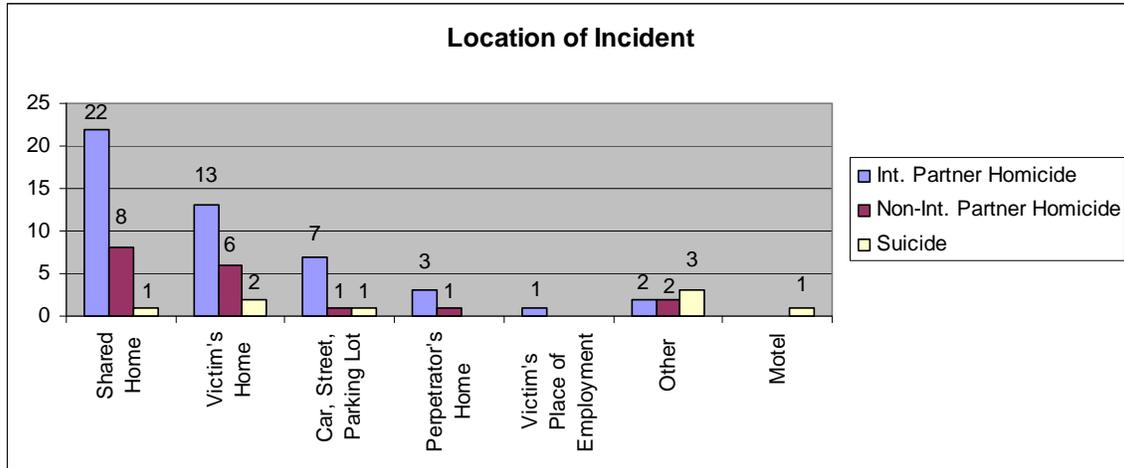
Of the 11 male victims, 3 or 27% were between 26–35 years of age.



Of the 18 “Non-Intimate Partner” homicides, 6 were female. Of the 6 females, 2 or 33% were between 36–45 years of age.

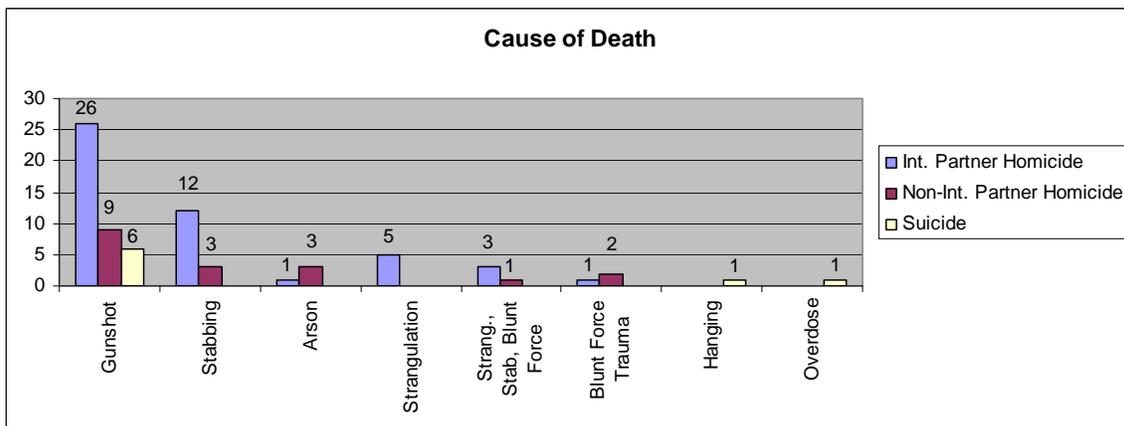
Of the 12 male victims, 3 or 25% were between 36–45 years of age and 3 or 25% were between 46–55 years of age.

Location of Incident & Cause of Death



Of the 48 “Intimate Partner” homicides, 22 or 46% occurred in the parties’ shared home.

Of the 18 “Non-Intimate Partner” homicides, 8 or 44% occurred in the parties’ shared home.

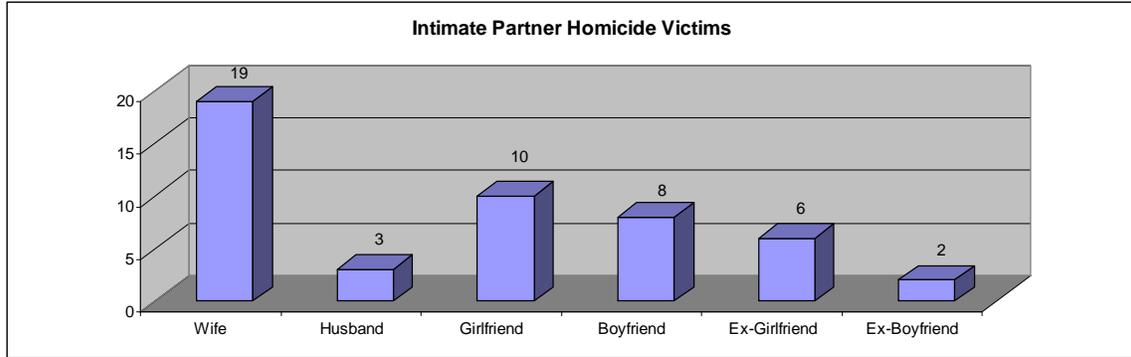


Of the 48 “Intimate Partner” homicides, 26 or 54% of the victims were killed by a gunshot.

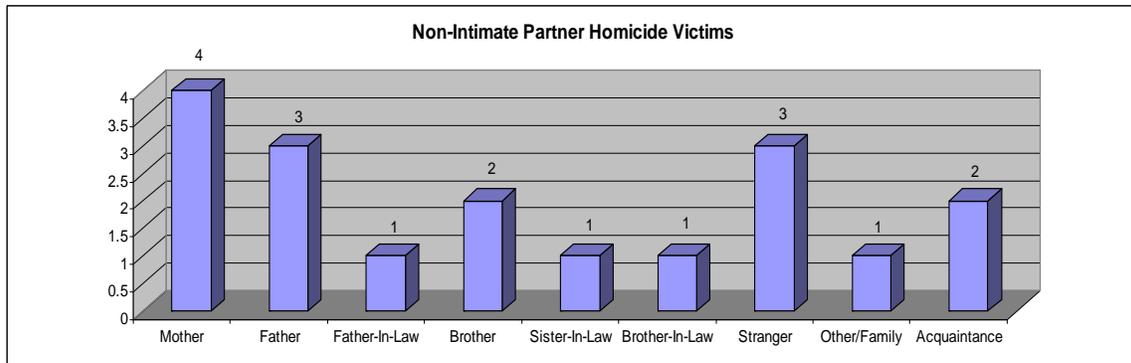
Of the 18 “Non-Intimate Partner” homicides victims, 9 or 50% were killed by a gunshot.

Of the 8 DV related suicide/undetermined deaths, the victim committed suicide with a firearm in 6 or 75% of the cases.

Homicide Victims' Relationship To Offender



Of the 48 “Intimate Partner” homicides, 19 or 40% of the victims were murdered by their husbands.

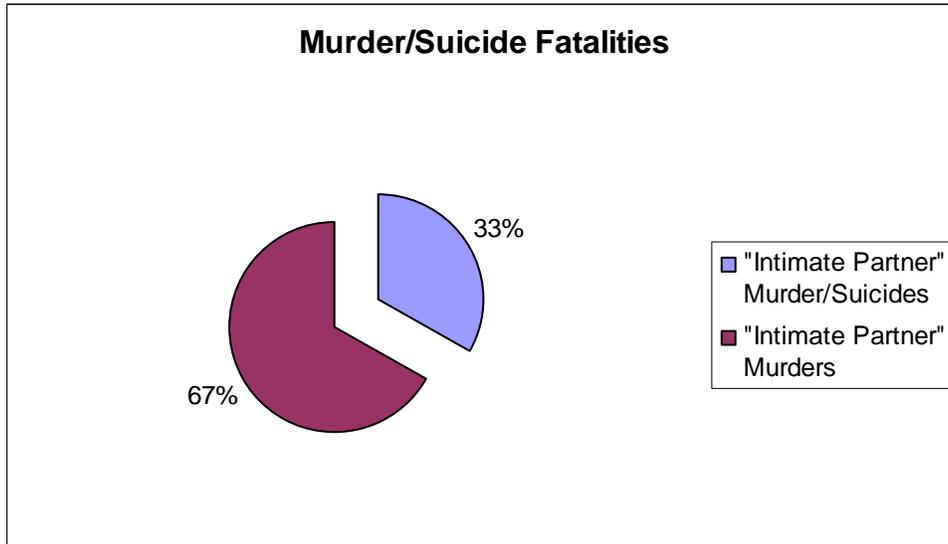


Of the 18 “Non-Intimate” Partner homicides, 4 or 22% were mothers who were murdered by their sons.

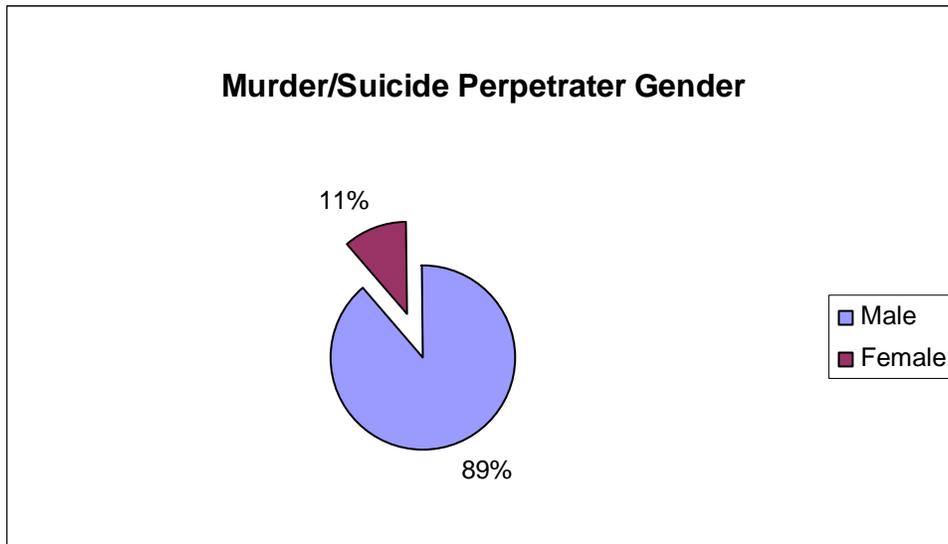
***Acquaintance – represents the new boyfriend who was murdered by the ex-husband/boyfriend.**

***Stranger – represents 3 individuals who died as the result of a domestic incident.**

Murder/ Suicide Perpetrator Gender

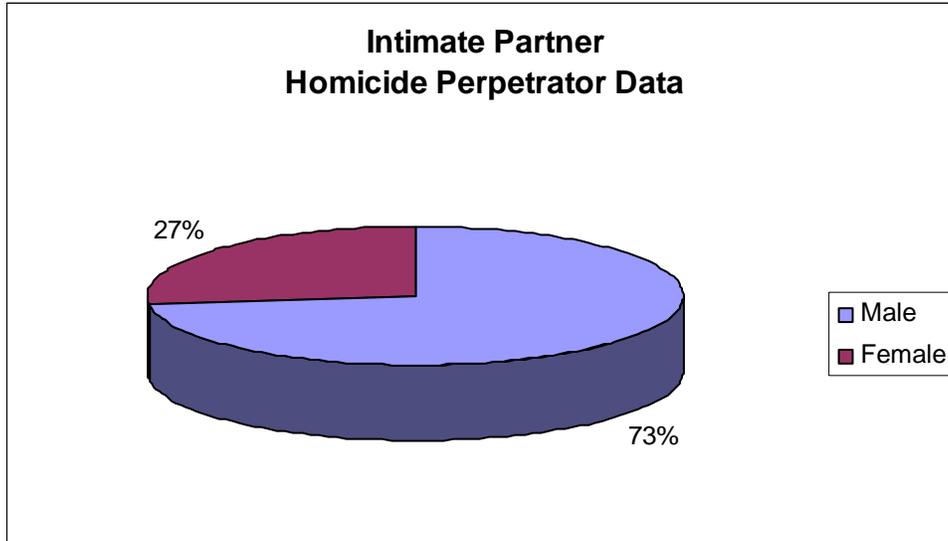


Of the 48 "Intimate Partner" fatalities, 16 or 33% (1/3) resulted in murder/suicide.



There were 18 murder/suicide cases. Of those, 16 or 89% of the perpetrators were male and 2 or 11% were female.

Perpetrator Data



There are 48 “Intimate Partner” homicides in this report.

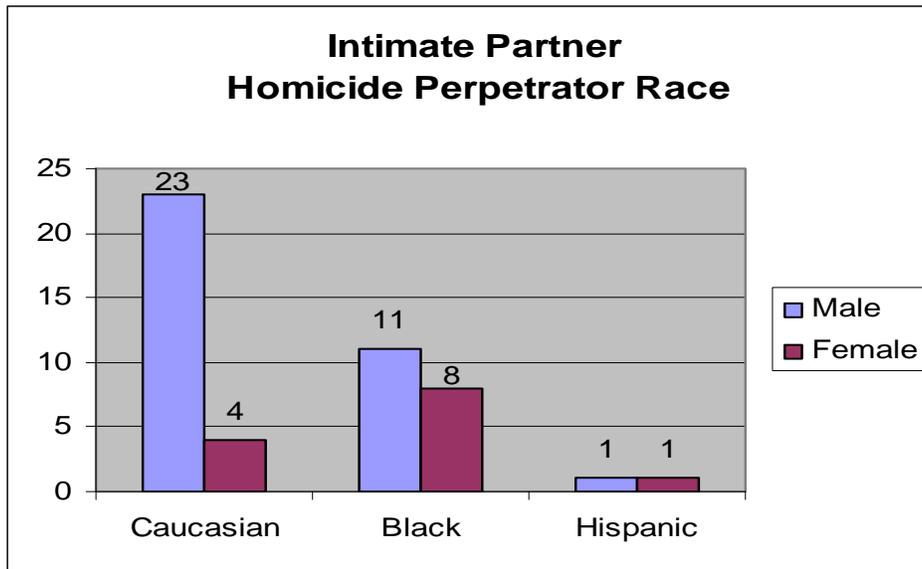
35 or 73% of the perpetrators were male.

13 or 27% of the perpetrators were female.

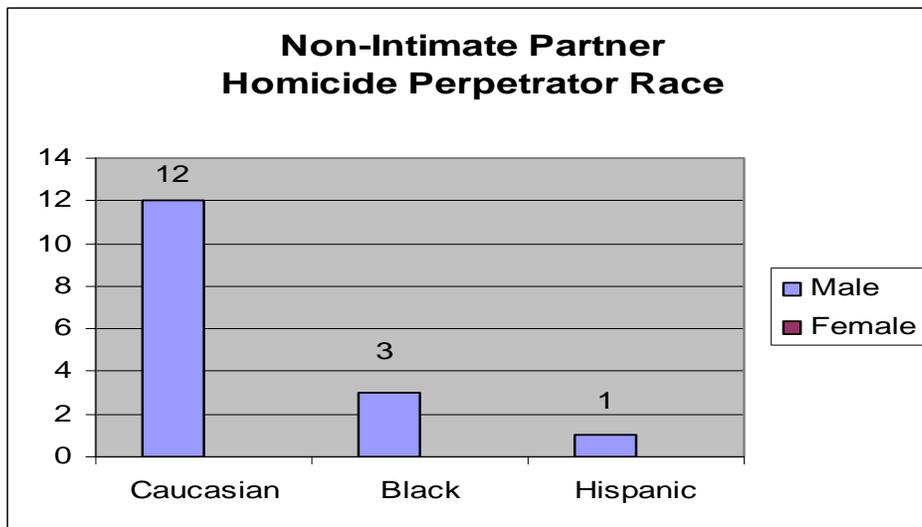
The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples who are living together. Intimate partners may be of the same gender.

A “Non-Intimate Partner” is an individual member not included as an intimate partner; such as parent/child, brother/sister.

Perpetrator Data



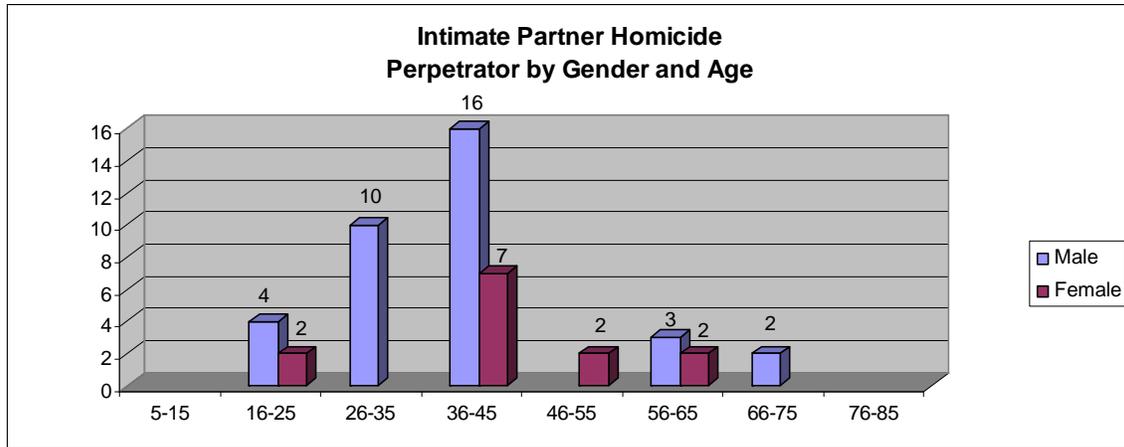
Of the 48 “Intimate Partner” homicide perpetrators, 35 were male. Of those 35, 23 or 66% were Caucasian.



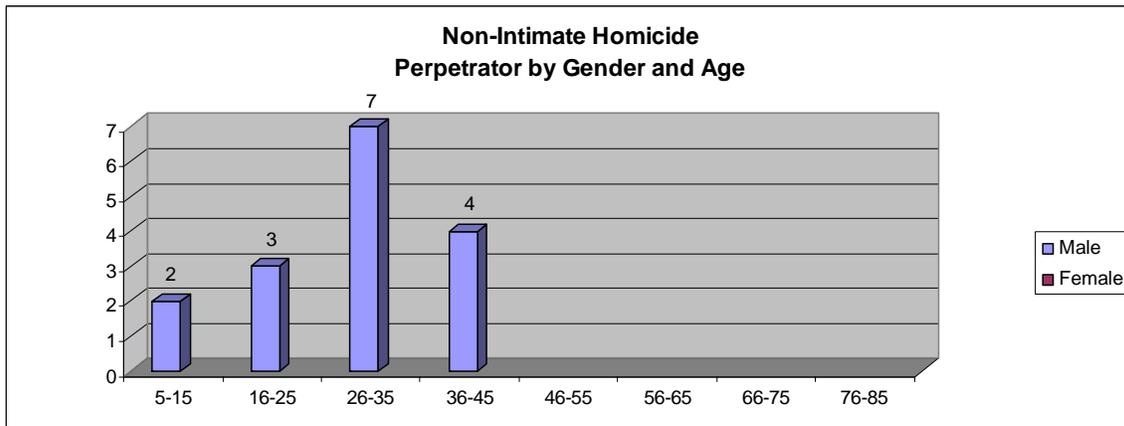
There are 18 “Non-Intimate” Partner homicides in this report. There were only 16 perpetrators responsible for these deaths and all were male. One of whom caused the death of three individuals.

Of the 16 male perpetrators, 12 or 75% were Caucasian.

Perpetrator Data



Of the 48 “Intimate Partner” homicide perpetrators, 35 were males. Of the 35, 16 or 46% were between 36-45 years of age.



There were 18 “Non-Intimate” Partner homicides and a total of 16 male perpetrators responsible for the deaths. Of the 16 perpetrators, 7 or 44% were committed by males who were between 26-35 years of age.

There were 2 male perpetrators who were between the ages of 5-15 years of age. In both of these cases, the perpetrator was the victim’s son.

2005 Responses to Recommendations for Improving System Response

The ultimate purpose for reviewing domestic violence fatalities is to reduce the incidence of such deaths. At the end of each case review, following the presentation of information, team members are asked if they have any recommendations for improving the system response to domestic violence.

The 2005 FIRT Recommendations were sent to relevant agencies and organizations throughout the State. The Responses to those Recommendations are listed below in **BOLD**.

We thank the participating agencies for their time and effort in working to improve Delaware's response to domestic violence.

Recommendation:

Family Court and Superior Court should require convicted domestic violence offenders to enroll in certified domestic violence treatment programs.

Superior Court:

The Superior Court judicial officers will consider these recommendations when setting bail for a defendant charged with a domestic violence crime or when sentencing a convicted domestic violence offender. The setting of bail and sentencing are subject to the discretion of the judicial officer. It is noted that the Superior Court relies upon the Attorney General's Office to identify domestic violence cases.

Family Court:

The Family Court currently is working on placing standardized language on its PFA Orders requiring respondents to be evaluated and follow any recommendations of a DVCC certified provider.

Recommendation:

Superior Court, Court of Common Pleas, Family Court, and Justice of the Peace Court judicial officers should require the surrender and removal of firearms, as a condition of bail, in the possession or control of any defendant charged with a domestic violence felony or Class A Misdemeanor. The same relief should be applied in other cases as warranted.

Superior Court:

The Superior Court judicial officers will consider these recommendations when setting bail for a defendant charged with a domestic violence crime or when sentencing a convicted domestic violence offender. The setting of bail and sentencing are subject to the discretion of the judicial officer. It is noted that the Superior Court relies upon the Attorney General's Office to identify domestic violence cases.

Court of Common Pleas:

Most cases adjudicated in the Court of Common Pleas are transferred from the Justice of the Peace Court. Bail and related conditions are imposed at arraignment and transferred with the case from the Justice of the Peace Court. Therefore, in most cases, bail is not addressed by the Court of Common Pleas.

However, where the issue of bail and related conditions are appropriate for review, the judges agreed they will consider the surrender and removal of firearms by the defendant in domestic violence Class A Misdemeanor offenses. They will also consider this condition where appropriate in other cases.

Family Court:

Since November 1, 2005, the Family Court began issuing Writs of Injunction/Sequestration in PFA actions where facts satisfied the Court the Respondent was in possession of firearms and the Petitioner will suffer harm at the hands of the Respondent if the firearms remain in the Respondent's possession.

Justice of the Peace Court:

The JP Court has serious concerns as to how the additional influx of weapons would be handled if 60 Justices of the Peace Courts began requiring, as a condition of bond, the surrender of weapons in DV cases. However, the court is committed to addressing their DV no-contact order worksheet to highlight the issue for the judges so that, as cases warrant, they should also consider the surrender of weapons as a condition of bond.

Recommendation:

The Family Court should take steps to insure that in custody matters, all interviews with children are on the record and that no other parties who have an interest in the case be present during the child interview.

Family Court:

Interviews with children are on the record. Title 13, Section 724, relates to child interviews in custody matters.

Recommendation:

The Delaware Department of Justice should provide the Fatal Incident Review Team with data on defendants' use of Extreme Emotional Distress defense in domestic violence homicide cases.

Department of Justice:

The Department of Justice will be pleased to advise whether any particular domestic-related homicide identified by FIRT had an Extreme Emotional Distress defense.

Recommendation:

Probation and Parole officers should have access to (LEISS) online police reports.

Probation and Parole:

Probation Officers have access to the information in the LEISS system by utilizing the DELJIS system, which enables Officers to access all police reports.

Recommendation:

Probation and Parole should implement the use of a standard form to be used for referring domestic violence offenders to Treatment Providers.

Probation and Parole:

Probation and Parole uses a standard referral form for Kent and Sussex Counties as DV treatment services are paid for in those counties. Funds in New Castle County provide for assessments and individual treatment for those offenders who demonstrate diminished mental capacity and require a more in-depth psychological examination. Historically, New Castle County providers requested more information on their referral forms than could legally be supplied, but cases were still accepted without the additional information. These same New Castle County providers currently accept cases directly by offenders referring

themselves since treatment is not paid for by the Department of Correction.

Recommendation:

The Delaware Coalition Against Domestic Violence should conduct public awareness campaigns to encourage the use of confidential Hotline services by victims of DV. The DVCC should support the public awareness campaign efforts.

Delaware Coalition Against Domestic Violence:

The DCADV engaged in a number of public information and education activities throughout the year to raise awareness regarding DV. These activities include, but were not limited to, media outreach and interviews, distribution of public service announcements to local radio stations, and display of the Silent Witness Project at community events. The DVCC worked with the DCADV on several public awareness campaigns such as the Statewide Taillight Bus Ads on Teen Dating Violence, Channel 28 – Community Spotlight Program, which ran during the month of February, and the Teen Dating Violence Awareness Month Press Conference.

Recommendation:

The DVCC should purchase software and provide the support and/or training for staff to develop and maintain a fatality review database.

Domestic Violence Coordinating Council:

The DVCC is researching different database software systems to provide predefined reports including, but not limited to, case fields, graphs, and case trends.

Recommendation:

DVCC should release the FIRT Report at a Press Conference, cite data from the report, and draw attention to the potential for lethality in abusive and violent relationships.

Domestic Violence Coordinating Council:

The DVCC Public Awareness and Education Subcommittee is working with the Fatal Incident Review Team to coordinate a press conference in 2007.

Recommendation:

DVCC should send a letter to the Director of the Division of Family Services commending them on their response in the case recommending the development of “special teams” that use experienced workers for response in similar situations.

Domestic Violence Coordinating Council:

The Executive Director of the Domestic Violence Coordinating Council sent a letter to the Director of the Division of Family Services complimenting DFS on their excellent response to a domestic violence fatal incident and recommending they develop a team, based on that model response.

Recommendation:

DVCC should contact the Director of State Personnel about developing a State policy on Violence in the Workplace.

Domestic Violence Coordinating Council:

The State of Delaware Workplace Violence Policy was revised in October 2005. In this revision, Section E addresses Domestic Violence issues.

Recommendation:

The DVCC Legislative Subcommittee should amend the Statute (13 Del. C. 2105) to expand the core members of the FIRT team to include the Secretary of Education or a high-ranking member of the Department.

Domestic Violence Coordinating Council:

Legislation was introduced and passed by the General Assembly in June 2006 adding the Secretary of Education or his/her designee to the core members of the Fatal Incident Review Team.

Recommendation:

The DVCC should develop a safety plan with information specific to what children need to know, like when to call 911.

Domestic Violence Coordinating Council:

The DVCC and other agencies have developed public awareness materials about the impact of domestic violence on children.

Recommendation:

The DVCC should develop a public awareness campaign to increase awareness of domestic violence.

Domestic Violence Coordinating Council:

The DVCC coordinates the Domestic Violence Awareness Month Press Conference with the Governor's Office each year. The Governor signs a Proclamation declaring October as Domestic Violence Awareness Month, in order to increase public awareness about domestic violence and the services available to assist victims. DVCC also collaborated with Milford High School students to develop the Statewide Taillight Bus Campaign on teen dating violence. The DART Campaign featured taillight displays created by Milford High School students. The taillights, which listed Hotline numbers on teen dating violence, were posted on DART buses throughout the State during February and March of 2007.

Recommendation:

The DVCC Legislative Subcommittee should amend the Protection From Abuse (PFA) Statute (10 Del. C.S. 1041) to expand members of protected classes to include same sex intimate partner relationships and those dating relationships not currently covered by the PFA statute.

Domestic Violence Coordinating Council:

Senate Bill 57, amending the definition of parties protected under the PFA statute to include substantive relationships not previously included under the law, such as dating relationships and same sex relationships, was introduced in March 2007. The bill was passed by the General Assembly and signed by Governor Minner at a special ceremony on June 20, 2007.

Recommendation:

The DVCC should write a letter to the Chair of the Child Death Review Commission recommending the Fatal Incident Review Team have an ad-hoc representative on the Commission.

Domestic Violence Coordinating Council:

House Bill 90, adding a representative from the Domestic Violence Coordinating Council to the Child Protection Accountability Commission, was passed by the General Assembly in June 2007.

Recommendation:

The DVCC Legislative Subcommittee should change the Statute (13 Del. C. § 2105) to expand the core members of the Fatal Incident Review Team to include the Director of the Division of Substance Abuse and Mental Health.

Domestic Violence Coordinating Council:

Legislation was introduced and passed by the General Assembly in June 2006 adding the Director of the Division of Substance Abuse and Mental Health or his/her designee to the core members of the Fatal Incident Review Team.

Recommendation:

The Fatal Incident Review Team co-chairs should review the current legislation regarding Extreme Emotional Distress.

Fatal Incident Review Team:

The Fatal Incident Review Team Co-Chairs will review the current legislation regarding use of the Extreme Emotional Distress defense.