



# **DELAWARE FATAL INCIDENT REVIEW TEAM REPORT**

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# The History of the Purple Ribbon

The Battered Women's Movement twenty-two years ago designated the Purple Ribbon as the emblem that represents countless lives lost to domestic violence. The explanations of why the Movement chose this color and when the formal use of the ribbon became widespread are various. However, one narration, believed by many, is as follows:

“There was a woman from the Midwest in the 1980's, who had left her abusive relationship and had worked her way to being a director of the battered women's program in her community. Her batterer was in jail, but he had been released on a temporary furlough. During his release, he crossed state lines and found her and killed her in her home. The woman's name was Lisa Bianco, and she was loved and sorely missed by those who knew her. Her friends and family wanted to remember the life of this beloved woman and chose to wear her favorite color in her honor - the color purple.”

This tragic and unfortunate incident led to the Purple Ribbon's unofficial use by domestic violence advocates before any awareness campaign ever existed.

From small beginnings are borne great fruits, and this is very much the case with the Purple Ribbon. At the beginning, scant numbers of communities used the Purple Ribbon to support the victims of domestic violence and their families. Today its widespread use has propelled the visibility of the movement to end domestic violence - regardless of age, gender identity, religion, race, ethnicity, nationality, income, or education.

Importantly, it shattered the silence about domestic violence, family violence, and violence in society. The message that the Ribbon puts into words is that domestic violence should be and must be stamped out of our global culture. Its presence in homes, churches, schools, workplaces and communities helps empower the message behind the Ribbon. In speaking for victims, survivors, and families, the Purple Ribbon ultimately represents the undying commitment of many women and men not to let those deaths and abuses continue. <sup>1</sup>

<sup>1</sup> Mountain Times, “October is Domestic Violence Awareness Month” October 2004

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# 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.

In 2007, the Domestic Violence Coordinating Council (DVCC) records indicate there were 10 domestic violence fatal incident cases, resulting in 10 deaths. 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 and/or friends died from the abusive perpetrator.

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 (13 Del. C. Section §2105) 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.



# 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 Joseph R. Biden**, Attorney General  
**Carlyse V. Giddins**, 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 Chiefs' Council  
**Maria Knoll**, Attorney General's Office  
**Leann Summa**, Family Court  
**Alan Grinstead**, Probation and Parole/Dept. of Correction  
**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  
**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  
**Kathy Goldsmith**, Department of Education

## Staff

**Laura Giles**, Domestic Violence Coordinating Council



# Review Team Process

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; however, 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 78 case reviews, which occurred over a period of 11 years. The fatality cases contained in this report occurred between 1996 and 2007. However, since cases cannot be reviewed until prosecution is completed, not all of the cases that occurred between 1996 and 2007 appear in this report (13 Del. C. Section § 2105).



## 78 Domestic Violence Fatal Incident Cases

A total of 100 deaths resulted from the 78 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 DVCC office and may only be used by the Domestic Violence Coordinating Council in the exercise of its proper function.

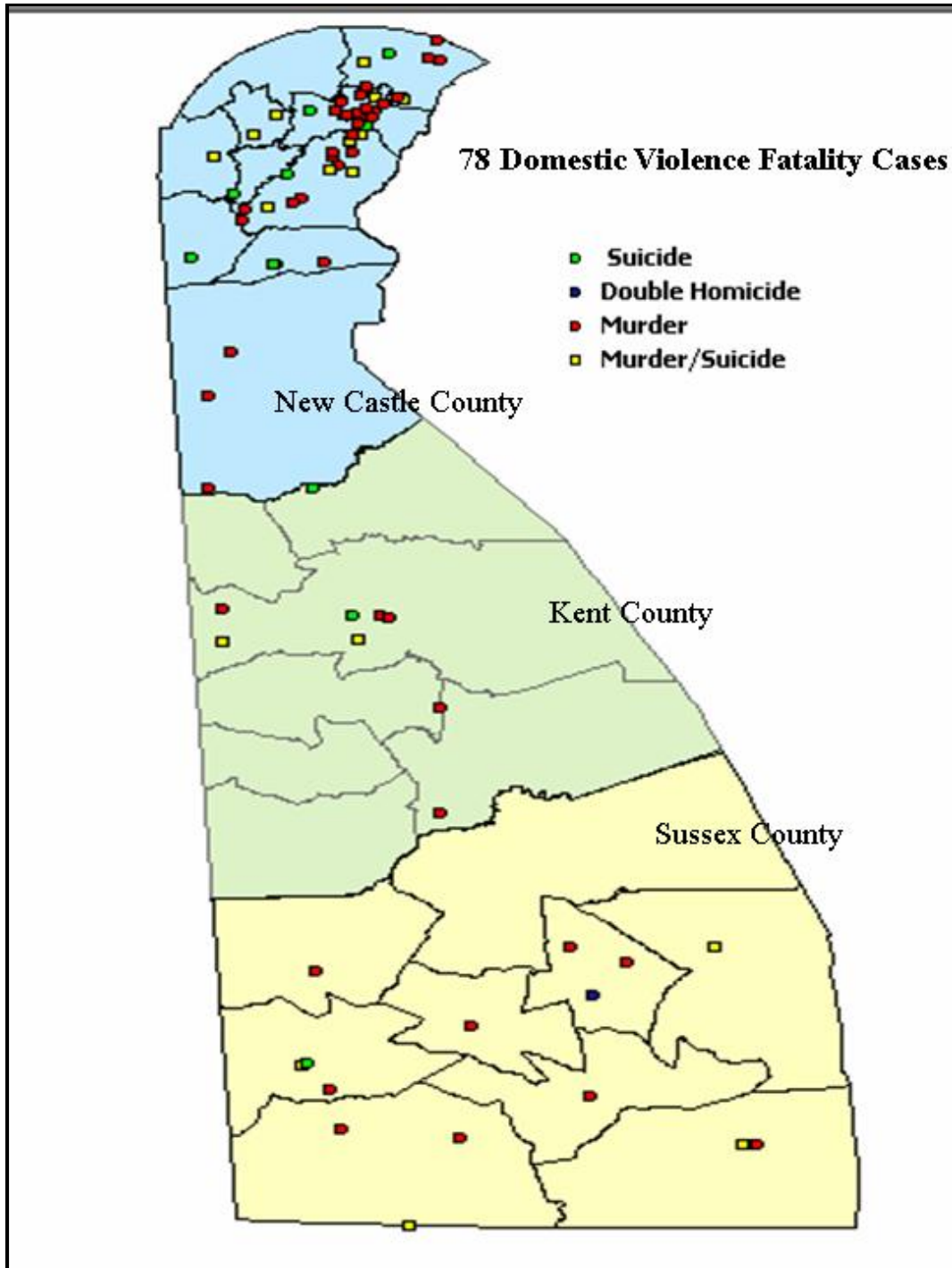
## **78 Domestic Violence Fatal Incident Cases Resulting In 100 Deaths**

<b>Homicide Victims</b>	<b>Perpetrator Suicides Following Homicide</b>	<b>Suicides</b>	<b>Undetermined Victim Deaths</b>
<b>70</b>	<b>18</b>	<b>11</b>	<b>1</b>





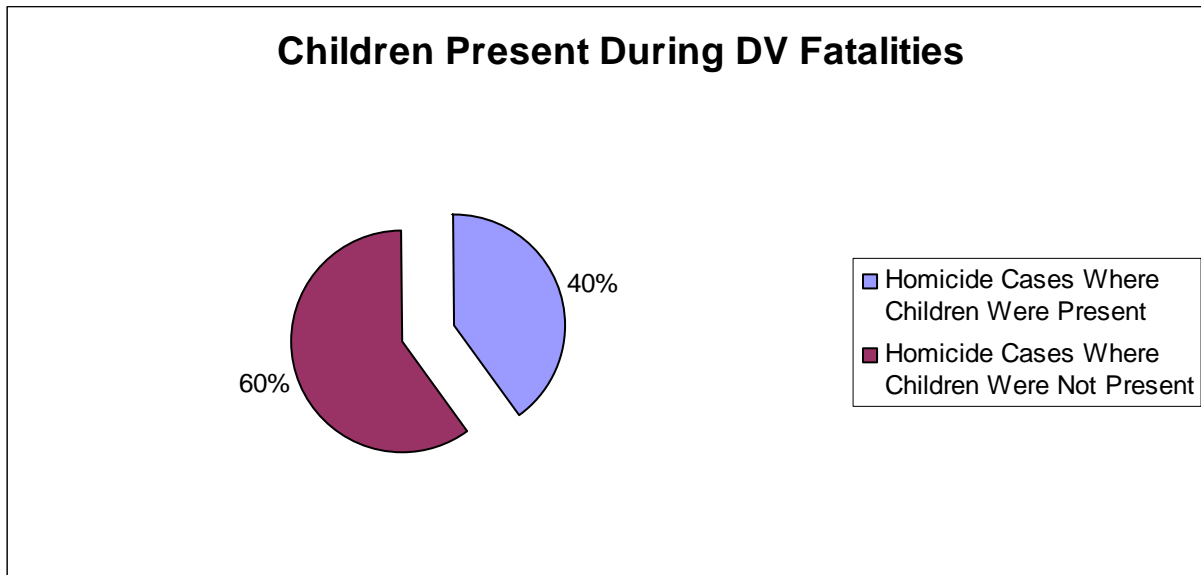
# Map of 78 Domestic Violence Fatality Cases





# Impact of Domestic Violence on Children

## Children Present During DV Fatalities



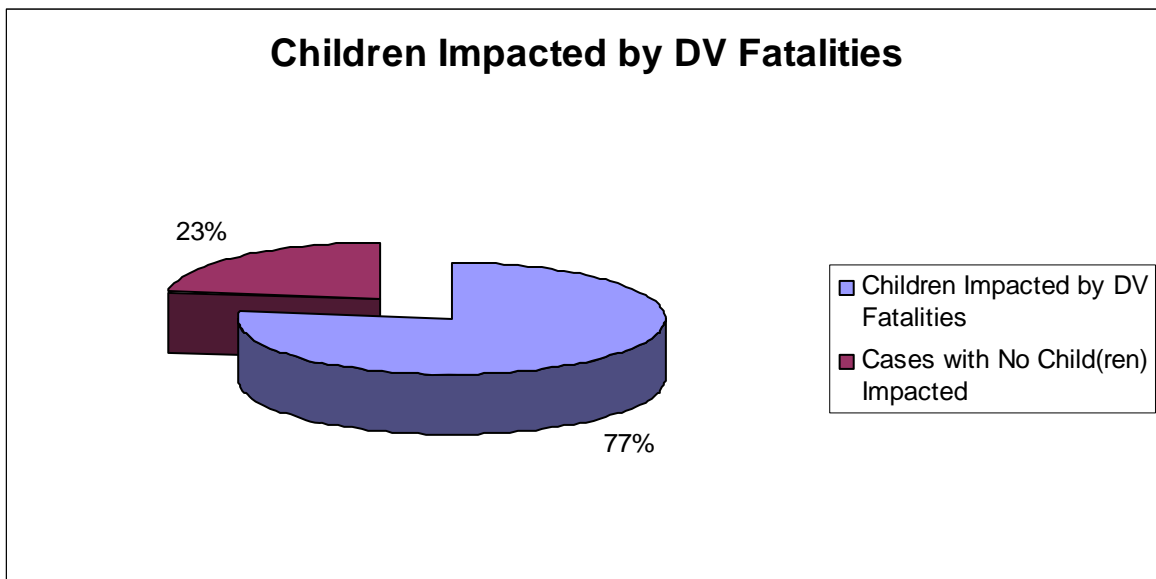
In 31 or 40% of the 78 cases reviewed in this report, 47 children were present when the fatality occurred.

Two children died as a result of the domestic violence incident.



# Impact of Domestic Violence on Children

## Children Impacted by Domestic Violence



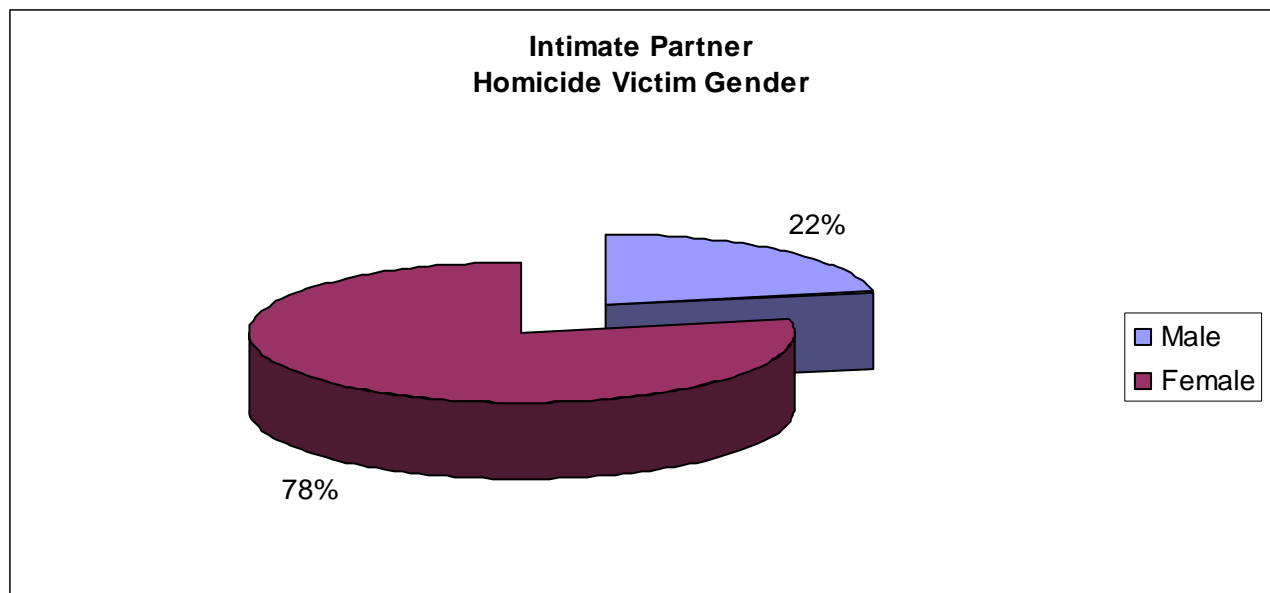
In 60 or 77% of the 78 cases reviewed in this report, 73 children lost a parent(s) due to domestic violence.

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



# Intimate Partner Homicide Victim Demographics

## Intimate Partner Homicide Victim Gender



Of the 70 homicide deaths included in this report,  
51 were the result of “Intimate Partner” homicide.

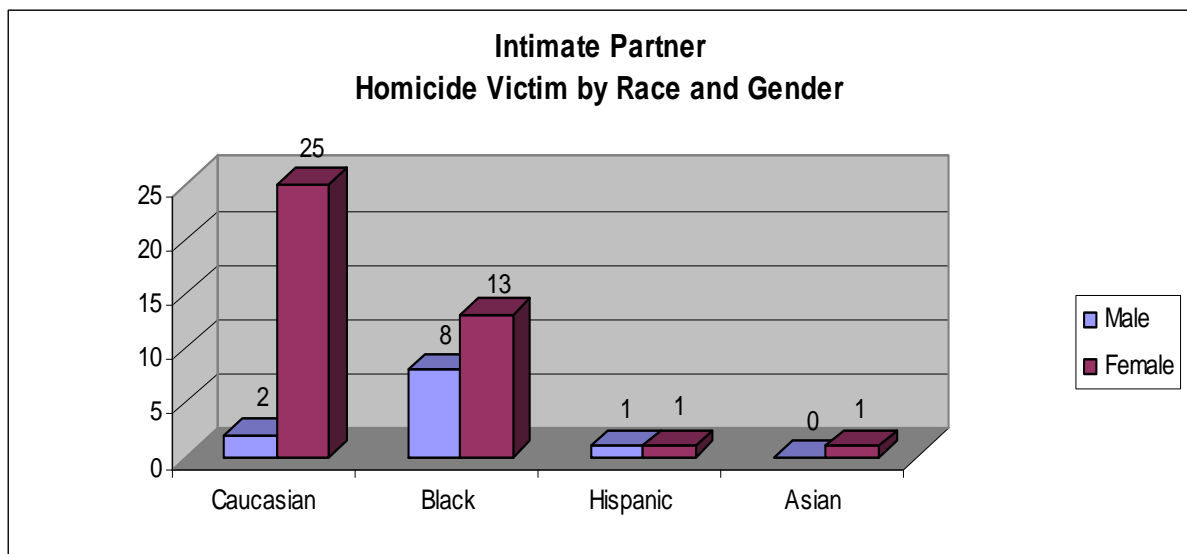
Of those 51 deaths, 40 or 78% of the victims were female and  
11 or 22% of the victims were male.

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



# Intimate Partner Homicide Victim Demographics

## Intimate Partner Homicide Victim by Race and Gender



Of the 51 “Intimate Partner” homicides in this report,  
27 or 53% of the victims were Caucasian  
and  
21 or 41% of the victims were Black.

In one case, the homicide was ruled “Self Defense.”

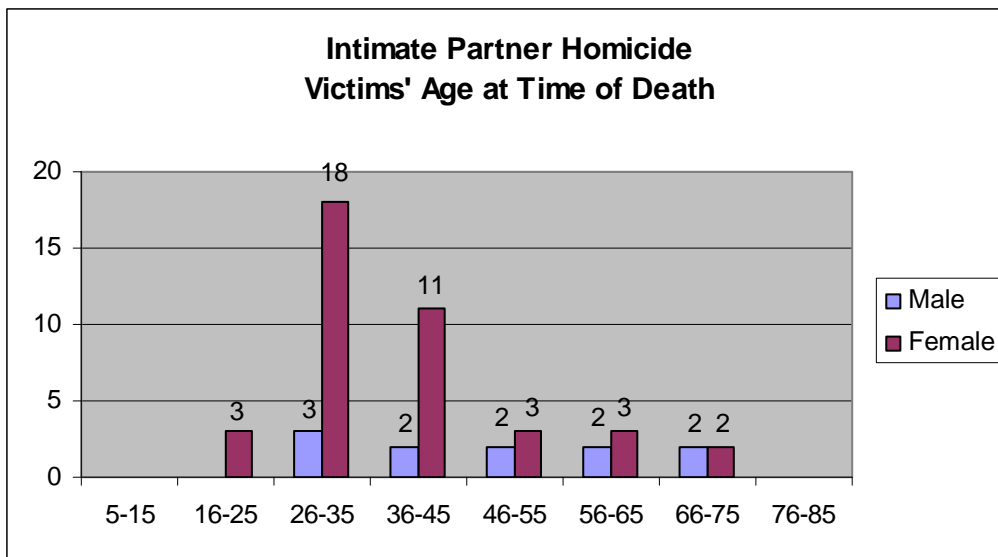
*The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples. Intimate partners may be the same gender.*

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# Intimate Partner Homicide Victim Demographics

## Intimate Partner Homicide Victims' Age at Time of Death



Of the 51 “Intimate Partner” homicides, 40 of the victims were female.

Of the 40 females,  
18 or 45% were between 26-35 years of age.

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

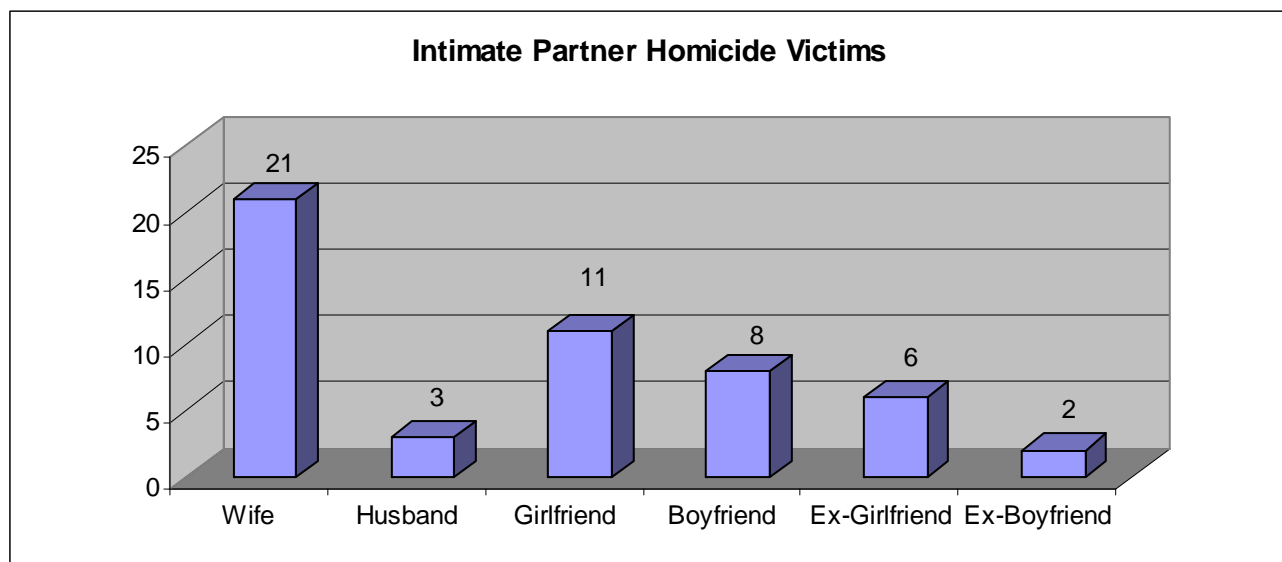
***The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples. Intimate partners may be the same gender.***

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# Intimate Partner Homicide Victim Demographics

## Intimate Partner Homicide Victims' Relationship to Offender



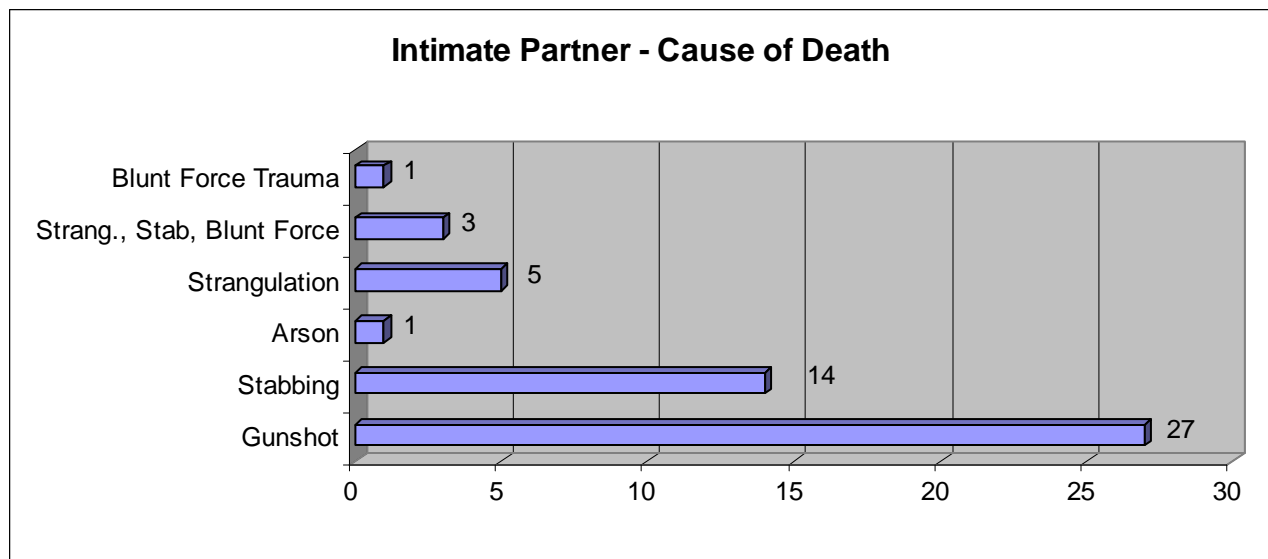
Of the 51 “Intimate Partner” homicide victims,  
24 or 47% of the victims were murdered  
by a spouse and  
19 or 37% of the victims were murdered  
by a person they were dating.

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



# Intimate Partner Homicide Victim Demographics

## Intimate Partner Homicide Cause of Death



Of the 51 “Intimate Partner” homicide victims,  
27 or 53% of the victims were killed by a gunshot and  
14 or 27% of the victims were stabbed to death.

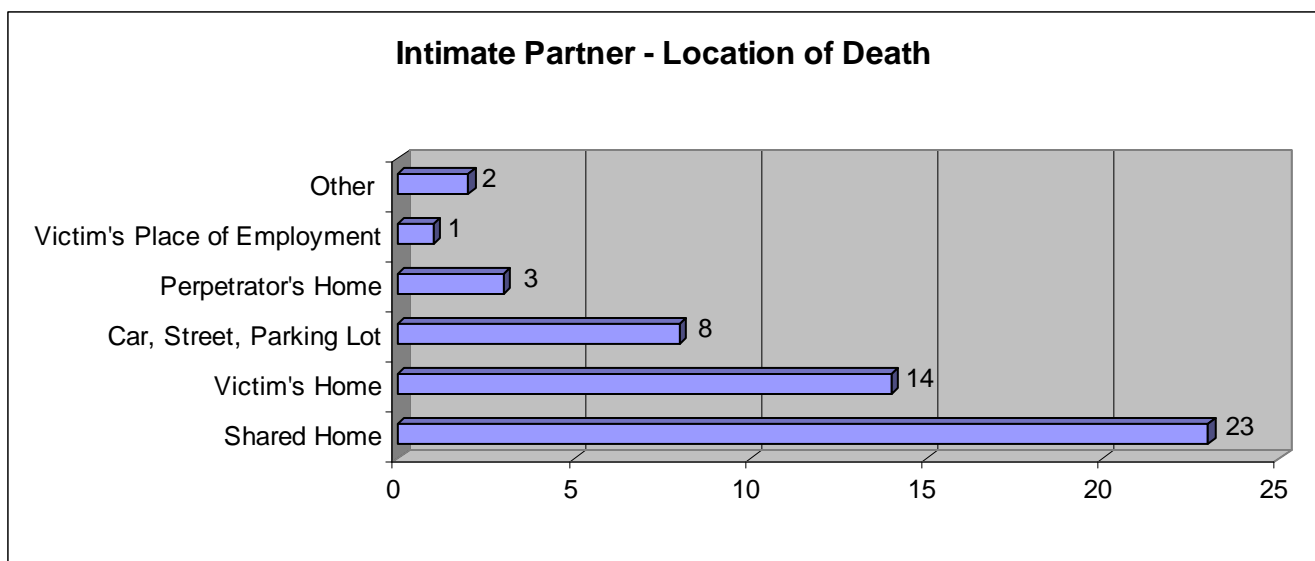
*The term “Intimate Partner” includes current and former spouses,  
current and former dating couples with or without a child in common  
and dating couples. Intimate partners may be the same gender.*





# Intimate Partner Homicide Victim Demographics

## Intimate Partner Homicide Location of Death



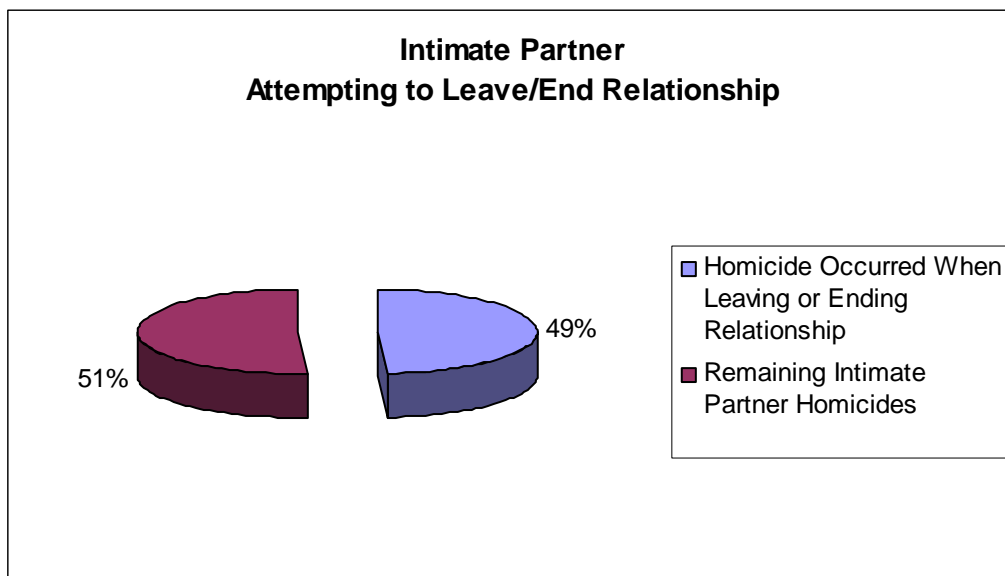
Of the 51 “Intimate Partner” homicides,  
23 or 45% occurred in the parties’ shared home and  
14 or 27% occurred in the victim’s home.

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



# Intimate Partner Ending the Relationship

## Intimate Partner Homicide Attempting to Leave/End Relationship



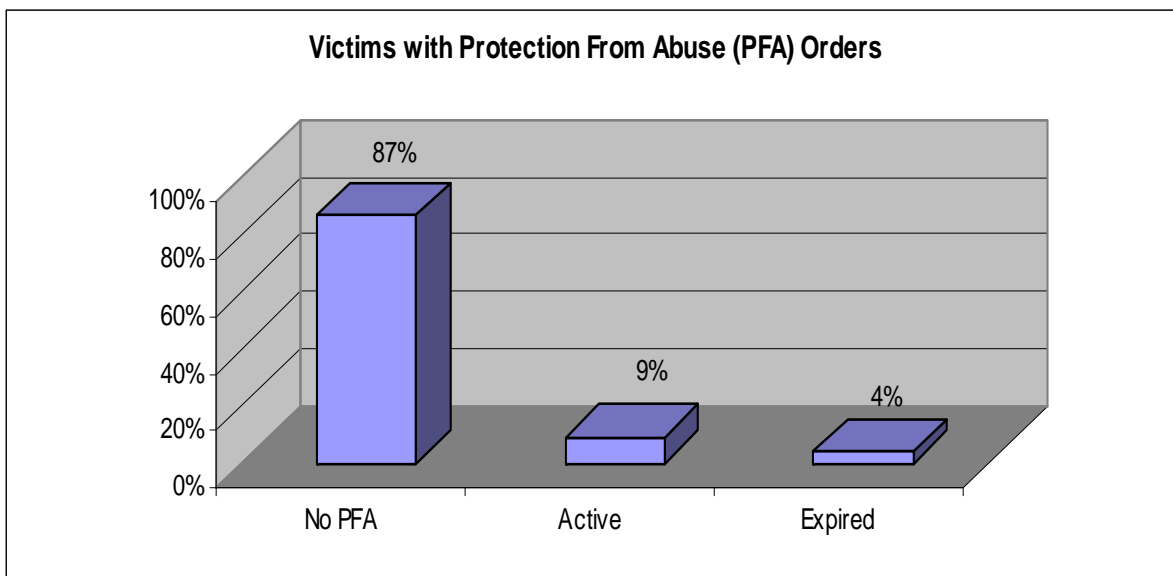
Of the 51 “Intimate Partner” homicides, 25 or 49% of the homicides occurred when the victim attempted to leave or had ended the relationship with the perpetrator.

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



# Accessing the System Victims With Protection Orders

## Victims with Protection From Abuse (PFA) Orders



Of the 78 cases in this report,  
68 or 87% of the victims did not have a  
Protection From Abuse Order.

In 7 or 9% 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.

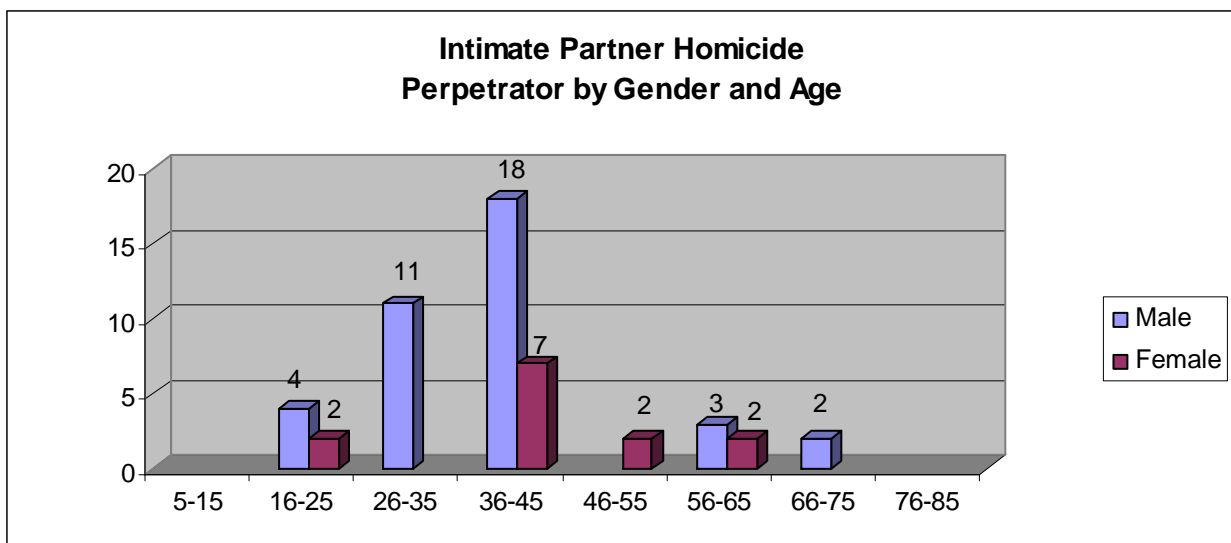
***A Protection From Abuse Order (PFA) is an order of Family Court ordering someone to stop abusing another person, and may include other relief, such as ordering the abuser to stay away from the person being abused. Abuse is defined as any threatening or harmful conduct including serious emotional harm.***

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# Intimate Partner Homicide Perpetrator Demographics

## Intimate Partner Homicide Perpetrator by Gender and Age



Of the 51 “Intimate Partner” homicide perpetrators,  
38 were male.

Of those 38,  
18 or 47% were between 36-45 years of age.

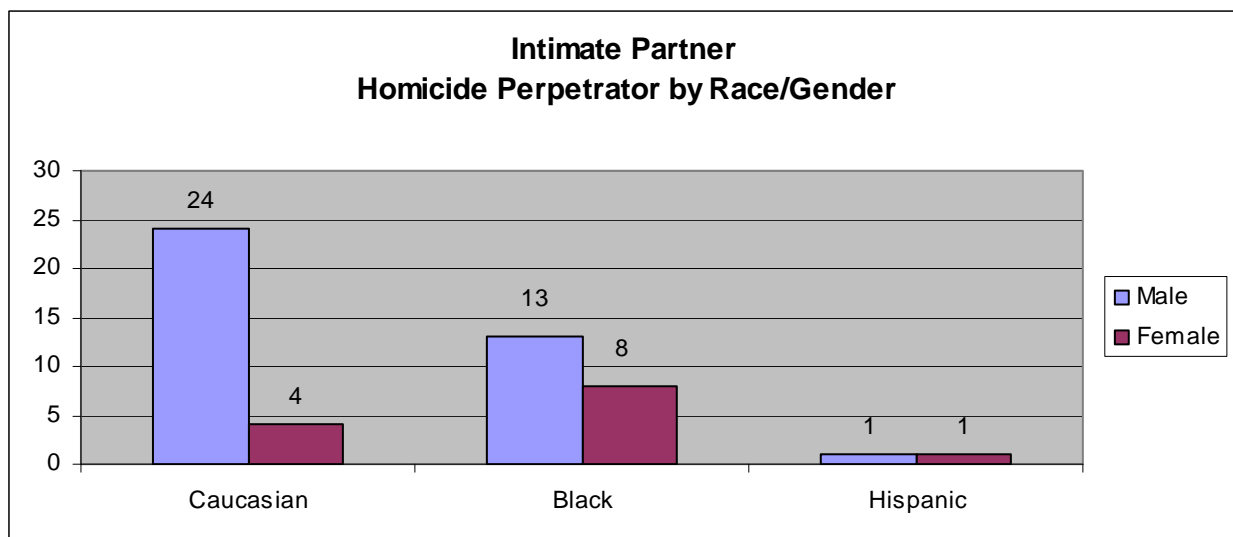
*The term “Intimate Partner” includes current and former spouses,  
current and former dating couples with or without a child in common  
and dating couples. Intimate partners may be the same gender.*

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# Intimate Partner Homicide Perpetrator Demographics

## Intimate Partner Homicide Perpetrator by Race and Gender



There are 51 “Intimate Partner” homicides in this report.

Of those, 38 or 75% of the perpetrators were male and  
13 or 25% of the perpetrators were female.

Of the 38 male perpetrators,  
24 or 63% were Caucasian.

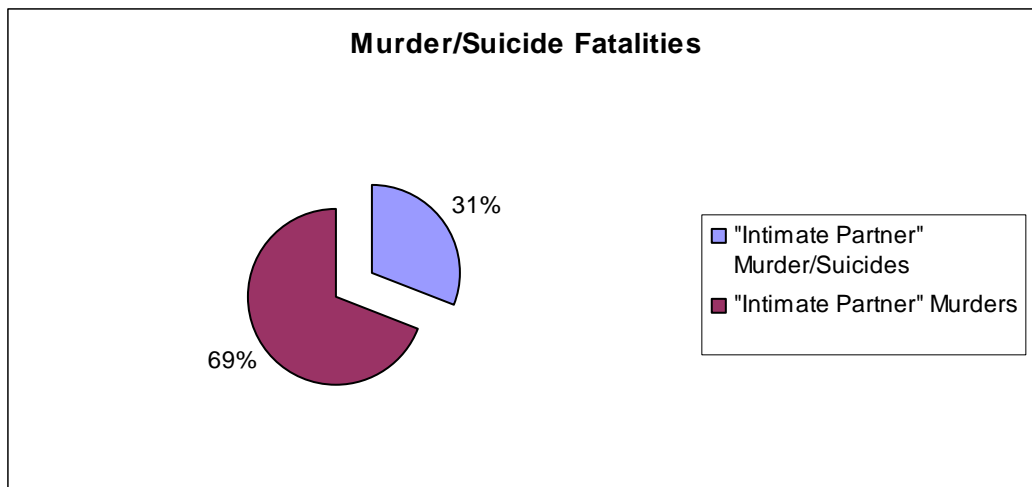
*The term “Intimate Partner” includes current and former spouses,  
current and former dating couples with or without a child in common  
and dating couples. Intimate partners may be the same gender.*

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# Murder/Suicide Fatalities

## Intimate Partner Murder/Suicide Fatalities



Of the 51 “Intimate Partner” fatalities,  
16 or 31% resulted from murder/suicide.

*The term “Murder/Suicide” are those cases where the perpetrator murdered the victim and then committed suicide.*

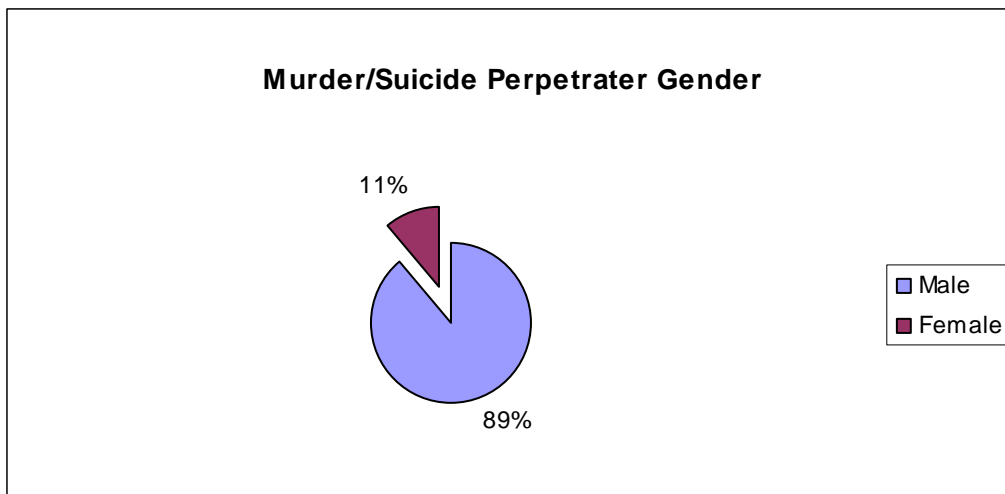
*The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples. Intimate partners may be the same gender.*

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# Murder/Suicide Perpetrator Gender

## Murder/Suicide Perpetrator Gender



There were 18 murder/suicide cases.

Of those, 16 or 89% of the perpetrators were male and  
2 or 11% were female.

***The term “Murder/Suicide” are those cases where the perpetrator murdered the victim and then committed suicide.***

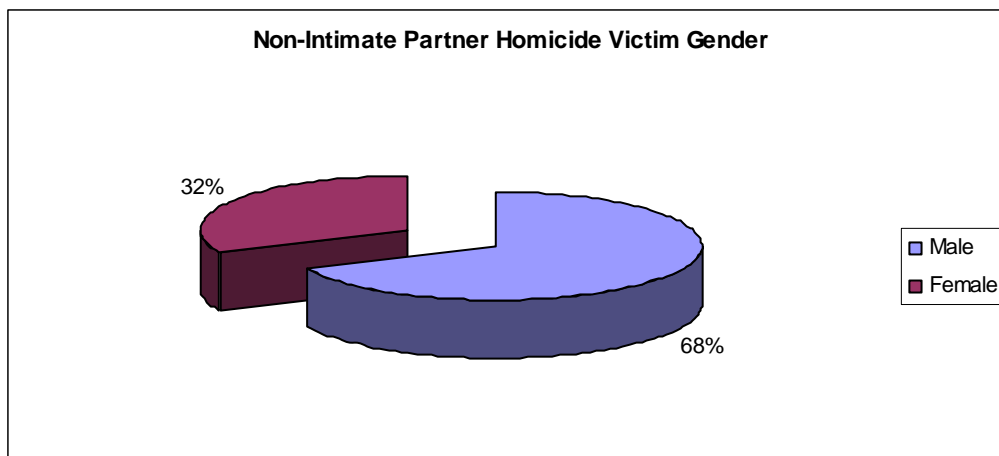
***The term “Intimate Partner” includes current and former spouses, current and former dating couples with or without a child in common and dating couples. Intimate partners may be the same gender.***

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# Non-Intimate Partner Homicide Victim Demographics

## Non-Intimate Partner Homicide Victim Gender



Of the 70 homicides,  
19 or 27% were “Non-Intimate Partner” homicides.

Of those 19 deaths,  
6 or 32% were female and 13 or 68% were male.

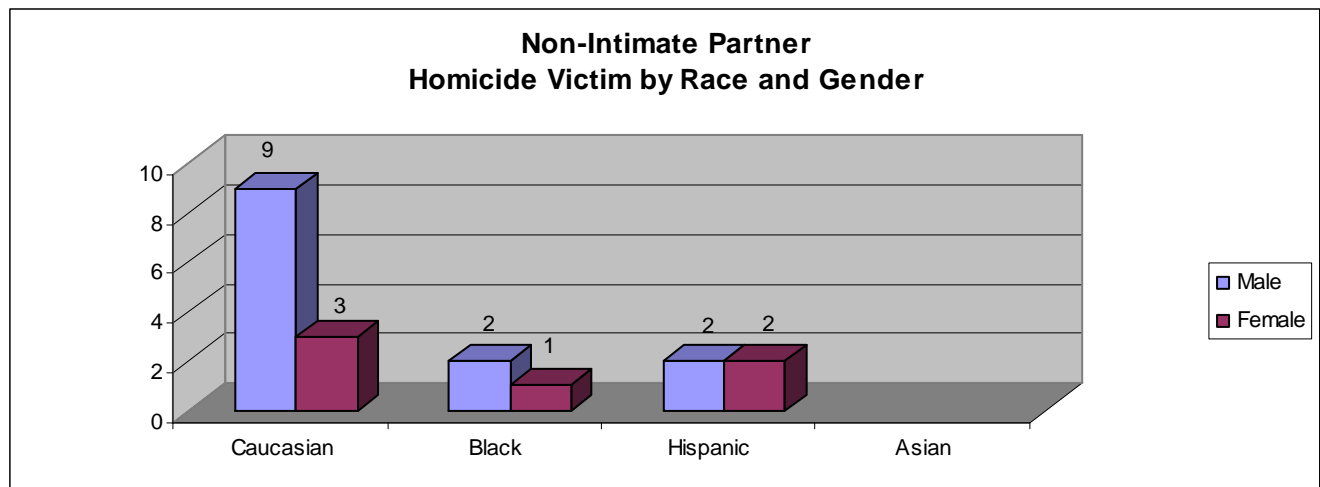
*A “Non-Intimate Partner” is an individual not included as an intimate partner; such as parent/child, brother/sister.*





# Non-Intimate Partner Homicide Victim Demographics

## Non-Intimate Partner Homicide Victim by Race and Gender



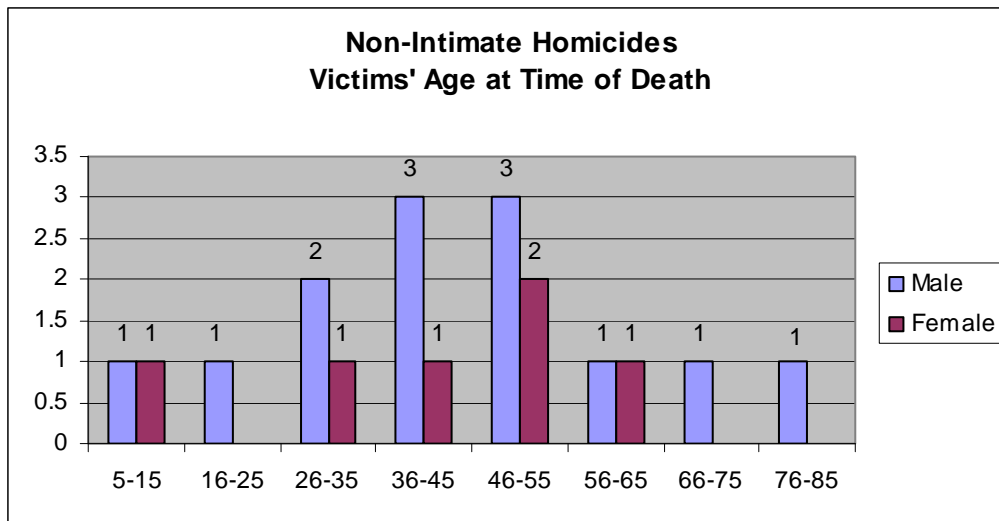
Of the 19 “Non-Intimate Partner” homicides,  
12 or 63% of the victims were Caucasian,  
3 or 16% were Black,  
and  
4 or 21% were Hispanic.

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



# Non-Intimate Partner Homicide Victim Demographics

## Non-Intimate Partner Homicide Victims' Age at Time of Death



Of the 19 “Non-Intimate Partner” homicides, 6 victims were female.

Of the 6 female victims,  
2 or 33% were between 46-55 years of age.

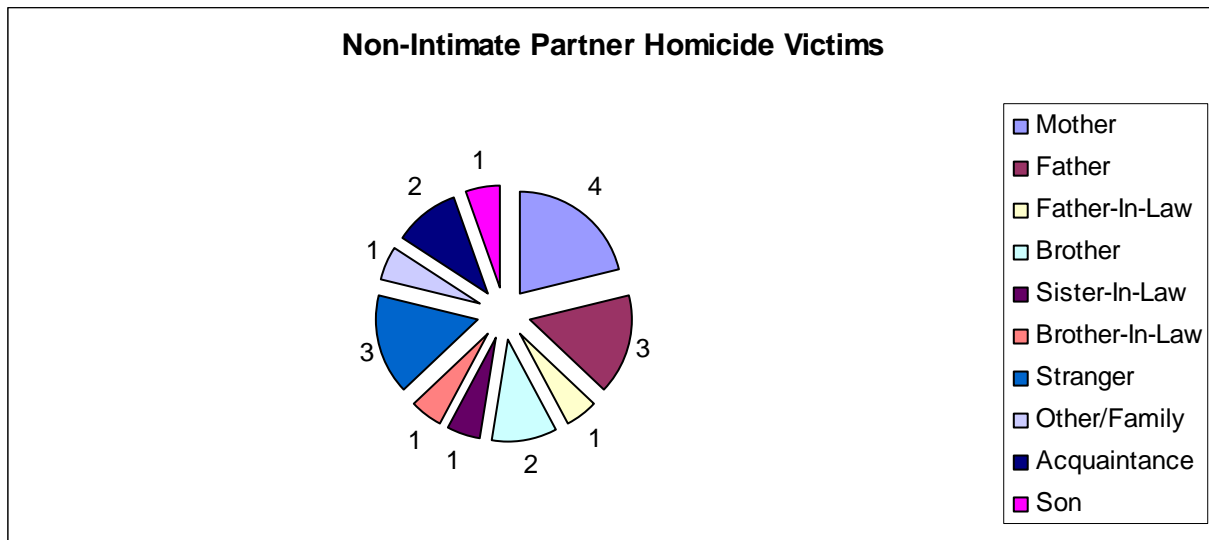
Of the 13 male victims,  
3 or 23% were between 36-45 and  
3 or 23% were between 46-55 years of age.

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



# Non-Intimate Partner Homicide Victim Demographics

## Non-Intimate Partner Homicide Victims' Relationship to Offender



Of the 19 “Non-Intimate Partner” homicides,  
4 or 21% were mothers who were murdered by their sons.

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

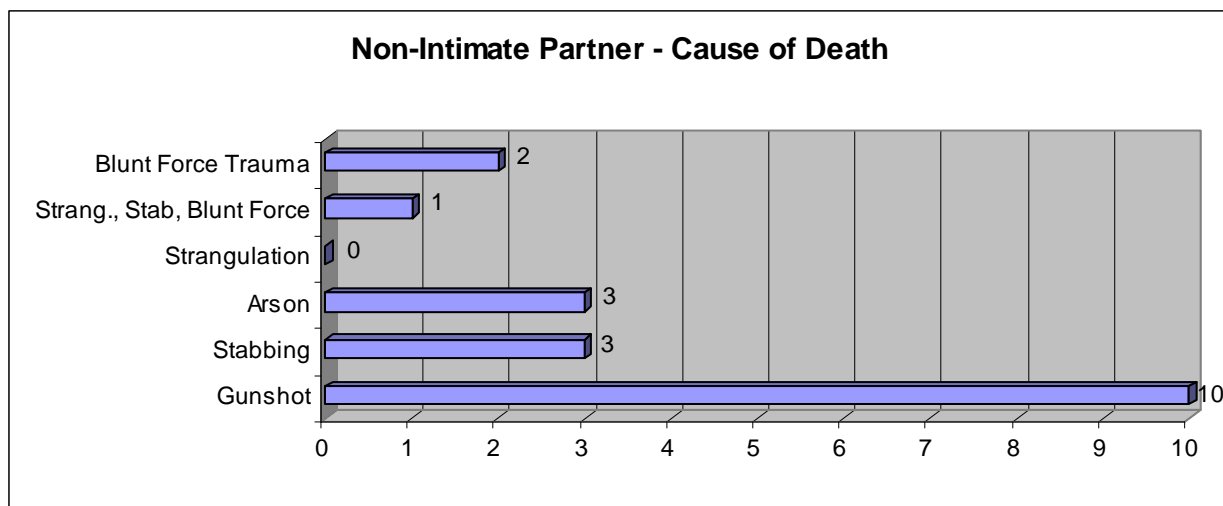
\*Stranger—represents 3 individuals who died as the result of a domestic  
incident.

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



# Non-Intimate Partner Homicide Victim Demographics

## Non-Intimate Partner Homicide Cause of Death



Of the 70 homicide deaths,  
19 or 27% were “Non-Intimate Partner” homicides.

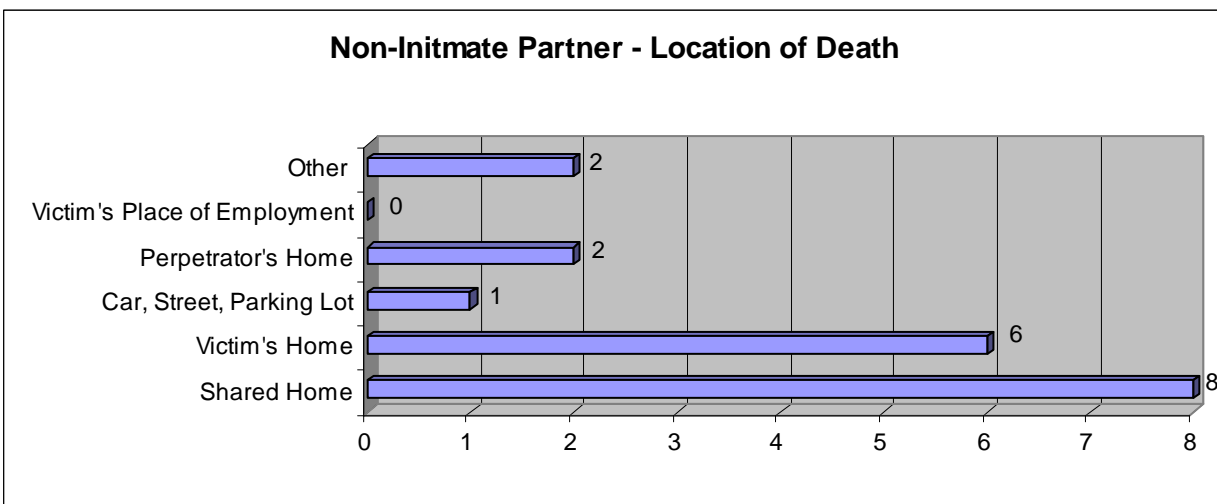
Of those 19 deaths,  
10 or 53% were killed by a gunshot.

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



# Non-Intimate Partner Homicide Victim Demographics

## Non-Intimate Partner Homicide Location of Death



There were 19 “Non-Intimate Partner” homicides.

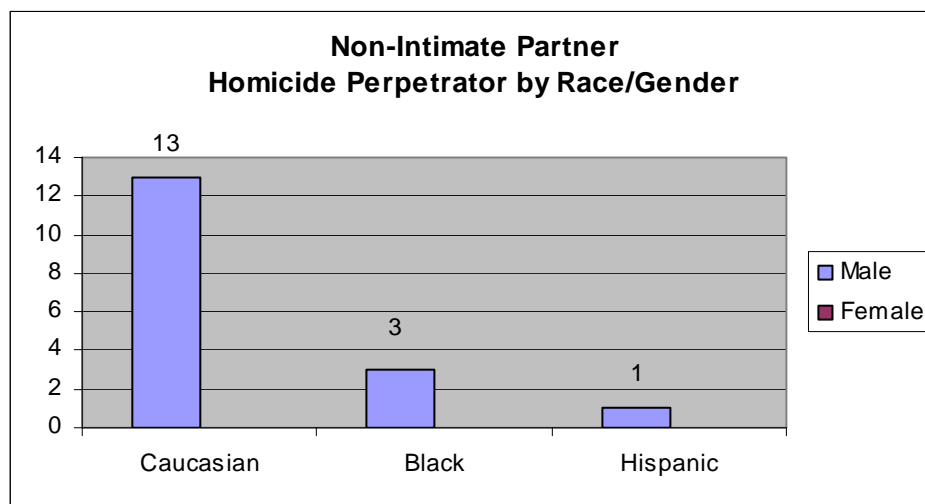
Of those, 8 or 42% occurred in the parties’ shared home and  
6 or 32% occurred in the victim’s home.

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



# Non-Intimate Partner Homicide Perpetrator Demographics

## Non-Intimate Partner Homicide Perpetrator by Race and Gender



There are 19 “Non-Intimate” Partner homicides in this report.  
There were 17 perpetrators responsible for these deaths  
and all were male.

One perpetrator is responsible for the deaths of three victims.

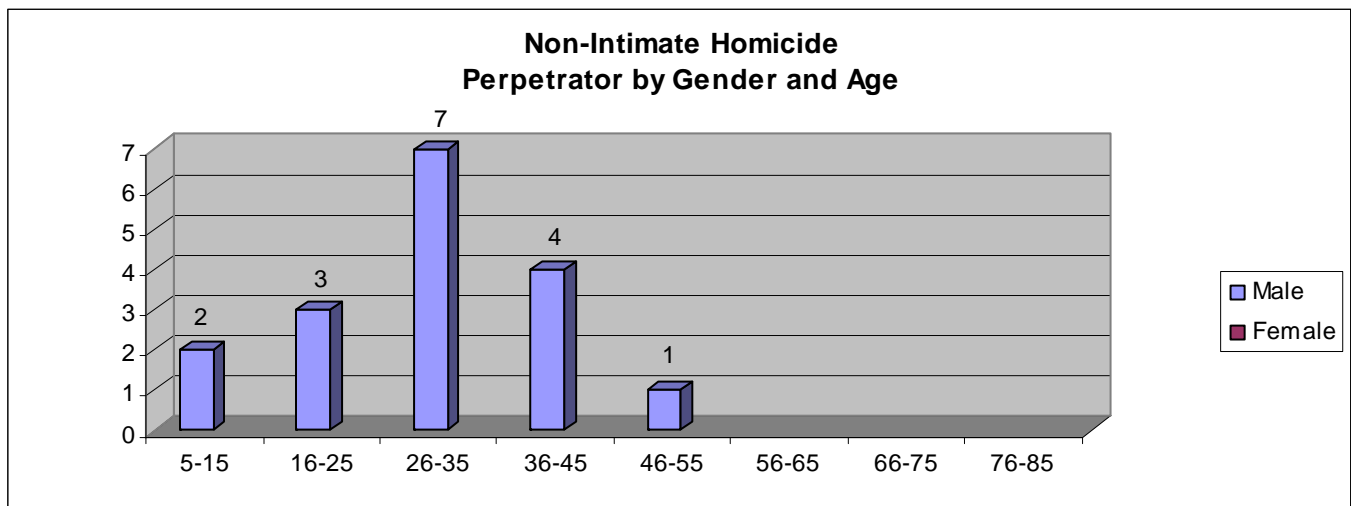
Of the 17 male perpetrators, 13 or 76% were Caucasian.

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



# Non-Intimate Partner Homicide Perpetrator Demographics

## Non-Intimate Partner Homicide Perpetrator by Gender and Age



There were 19 “Non-Intimate Partner” homicides and a total of 17 male perpetrators were responsible for the deaths.

Of the 17 perpetrators, 7 or 41% 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.

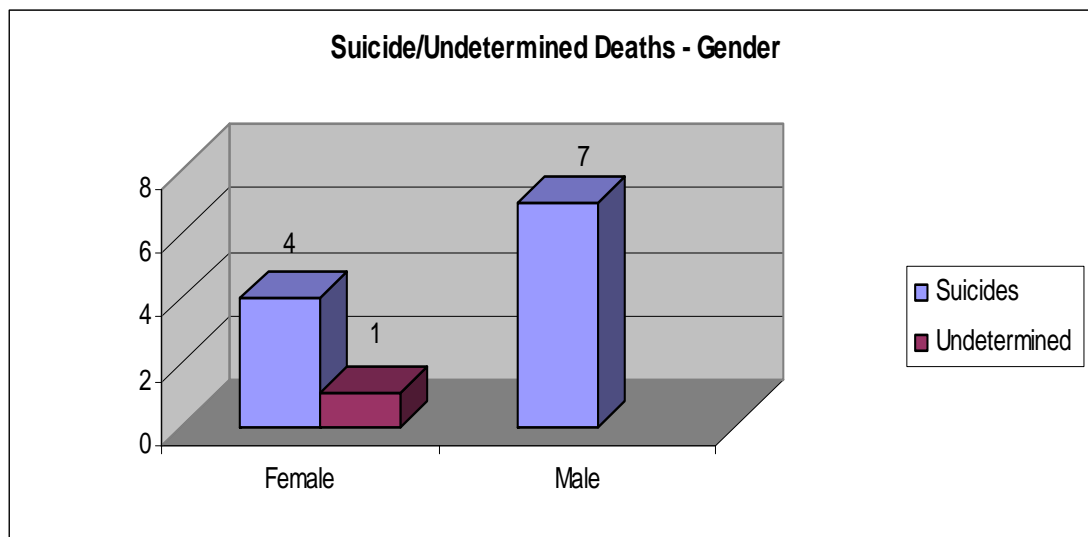
In both of these cases, the perpetrator was the victim’s son.

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



# Domestic Violence Related Suicides/Undetermined Deaths

## Domestic Violence Related Suicides/Undetermined Deaths - Gender



There were a total of 12 domestic related suicides/undetermined deaths.

Of those, 11 were domestic violence related suicides,  
4 or 36% were female and  
7 or 64% were male.

\*In the one case, the manner of death, homicide or suicide was undetermined.

*The term “Domestic Violence Suicide” are victims or perpetrators who have taken their own lives and who have had a significant history of abuse by/towards their loved one.*

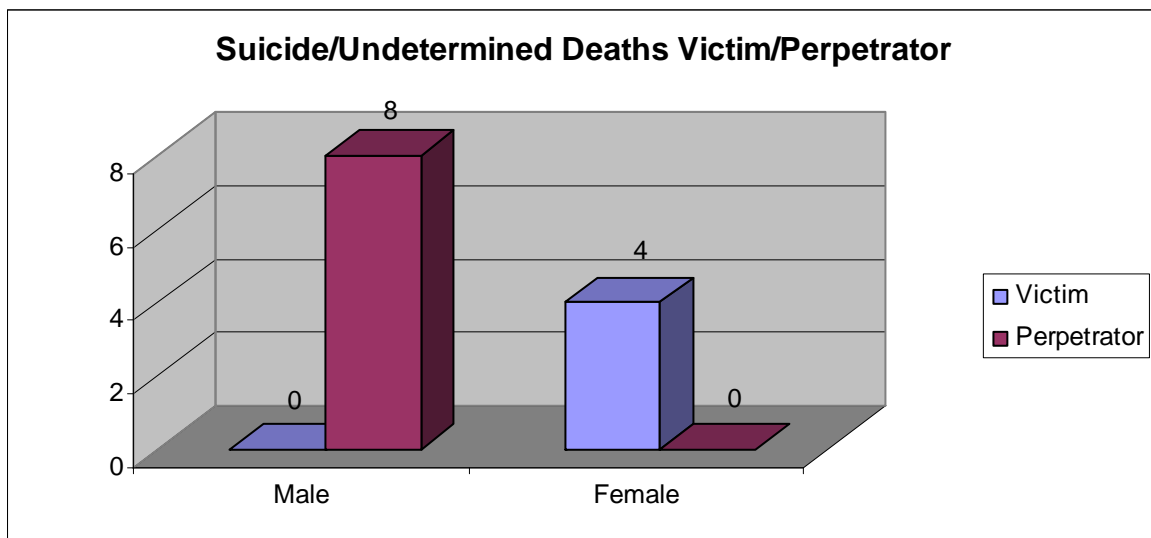
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# Domestic Violence Related Suicides/Undetermined Deaths

## Domestic Violence Related Suicides/ Undetermined Victim & Perpetrator



Of the 12 domestic related suicides/undetermined deaths,  
8 or 67% were perpetrators and  
4 or 33% were victims of domestic violence.

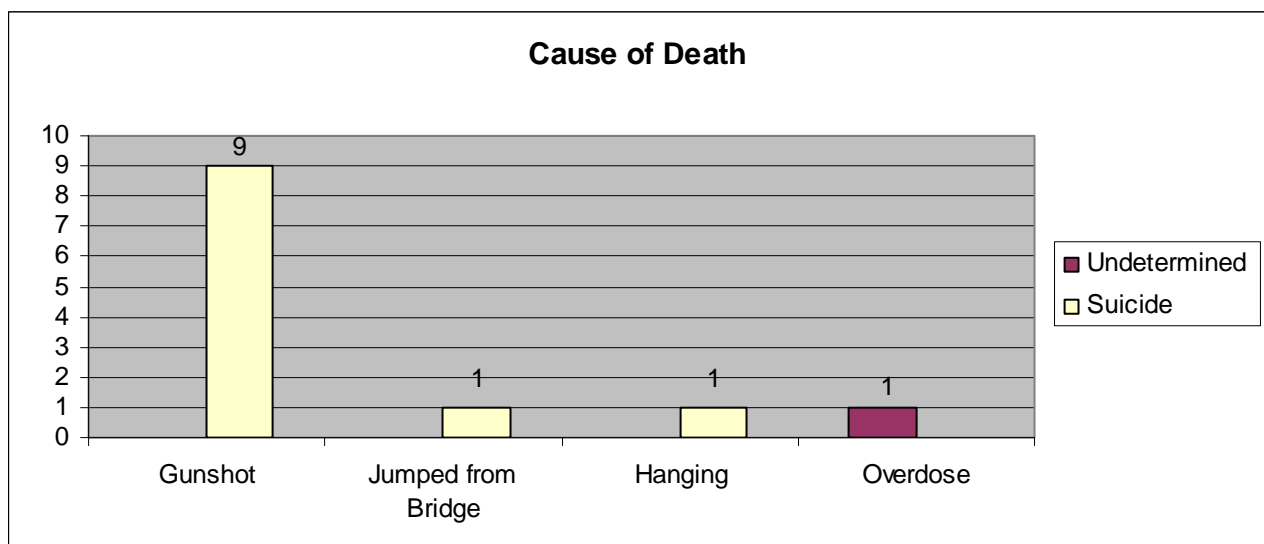
\*In one suicide, the male perpetrator's death was considered  
"Suicide by Cop."

*The term "Suicide by Cop" describes a suicidal incident whereby the suicidal individual engages in a consciously, life-threatening behavior to the degree that it compels a police officer to respond with deadly force.*



# Domestic Violence Related Suicides/Undetermined Deaths

## Domestic Violence Related Suicides/Undetermined Cause of Death



There were a total of 12 domestic related suicides, including one undetermined death.

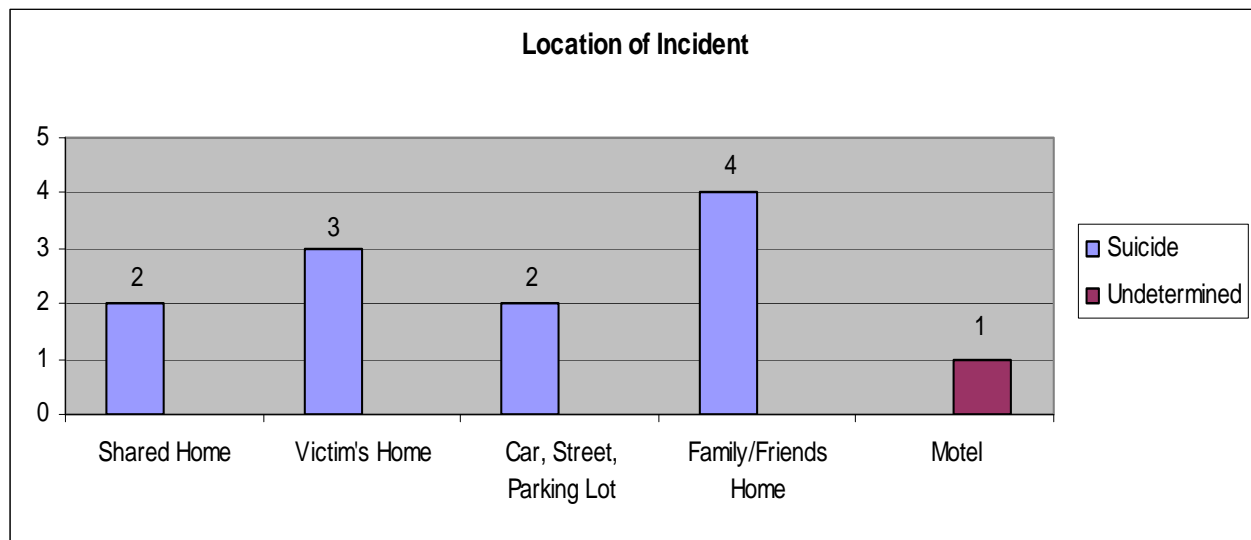
Of those, 12 domestic violence related suicides/undetermined deaths, the victim's death was a result of a firearm in 9 or 75% of the cases.

*The term "Domestic Violence Suicide" are victims or perpetrators who have taken their own lives and who have had a significant history of abuse by/towards their loved one.*



# Domestic Violence Related Suicides/Undetermined Deaths

## Domestic Violence Related Suicides/Undetermined Deaths - Location of Incident



There were 12 domestic related suicides/undetermined deaths.

Of the 12 deaths,  
4 or 33% of the victims committed suicide  
in a family/friends' home.

*The term “Domestic Violence Suicide” are victims or perpetrators who have taken their own lives and who have had a significant history of abuse by/towards their loved one.*

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# 2007 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 2007 FIRT Recommendations were sent to relevant agencies and organizations throughout the State. The Responses to those Recommendations are listed below in **BOLD**.

The Domestic Violence Coordinating Council is extremely grateful to the participating agencies for their commitment towards the mission to improve the system's response to domestic violence. We are fortunate to have the high level of cooperation demonstrated by the agencies' response to the Fatal Incident Review Team's recommendations.

## Courts

### Recommendation:

*Domestic violence intervention should be ordered for all convicted DV offenders, male and female.*

### **Superior Court Response:**

**The Superior Court judicial officers continue to consider this recommendation when sentencing convicted domestic violence offenders, male and female. It is noted that the Superior Court relies upon the Attorney General's office to identify domestic violence cases.**



## 2007 Responses to Recommendations for Improving System Response

### **Court of Common Pleas Response:**

It is the position of the judges that it would be best left to the expertise of the DVCC's certified agencies as to the level of counseling and/or treatment required for any particular defendant. Consequently, it is suggested that all persons convicted of any domestic violence related offense be ordered to be evaluated by a DVCC certified agency and be required to complete any recommended counseling or treatment.

### **Family Court Response:**

The Court generally orders DV intervention for convicted Domestic Violence offenders. The Court will continue to provide training and information to its Judges and Commissioners regarding DV intervention.

### **Recommendation:**

*Family Court should begin to track the basis for dismissals of PFA petitions following a hearing.*

### **Family Court Response:**

Currently, our automated systems are not equipped to collect data regarding the basis for dismissal of PFA petitions following a hearing. As new systems are implemented and/or modified, the Court will pursue collecting this data for the future.



# 2007 Responses to Recommendations for Improving System Response

## Law Enforcement

Recommendation:

Law Enforcement should develop a policy for follow-up on 911 calls that are *disconnected*.

**Delaware State Police Response:**

**Delaware State Police currently have a 911 disconnect call policy. This policy is incorporated in the Delaware State Police Communication Sections PSAP Center SOP Manual. Specific reference in the policy deals directly with the disconnect calls from both hardwire and cellular calls placed to the PSAP through the 911 system. In each case, the 911 disconnected calls are followed up on at both the PSAP receiver end as well as by a uniformed trooper.**

**New Castle County Police Response:**

**New Castle County Police Department currently implements that policy (Directive 81 and IOP for communication) as we respond to all 911 hang-up calls.**

**Wilmington Police Department Response:**

**It is the policy of WPD to follow-up on all 911 calls that are disconnected.**



## 2007 Responses to Recommendations for Improving System Response

### **Dover Police Department Response:**

**Respond to all 911 disconnects; a procedure that was implemented and is followed since the inception of the 911 program.**

### **Recommendation:**

*Law Enforcement agencies should, as a part of their Standard Operating Procedures, intake all suicides with the Attorney General's Office when there is a domestic violence history.*

### **Delaware State Police Response:**

**The Delaware State Police currently conducts an internal review to determine whether any elements of a crime are present including, but not limited to, any offense committed under 11 Del.C. § 645, promoting suicide. As a matter of policy and procedure, the Attorney General's office is involved in any death investigation that has indications of foul play or criminal culpability. To address your concerns, Delaware State Police will modify their policies to include an Attorney General's intake for every suicide that has an indication of domestic violence history. In addition, Delaware State Police will promote this practice with the members of the Police Chiefs' Council.**

### **New Castle County Police Response:**

**New Castle County Police Department does routinely contact the Attorney General's Office for these types of cases.**



## 2007 Responses to Recommendations for Improving System Response

### **Wilmington Police Department Response:**

It is not the policy of the WPD to intake all suicides with the Attorney General's Office when there is a domestic violence history. However, the Coordinator of Victim Services reviews all suicide reports generated; if a history of domestic violence is present, it is then referred to the Domestic Violence Coordinator for follow up.

### **Dover Police Department Response:**

Dover Police have implemented a policy in conjunction with the Department of Justice to intake Murder/Suicide where history of domestic violence is known.

### **Recommendation:**

*List all names of all children in household on intake forms.*

### **Delaware State Police Response:**

Officers are currently required to list any children present during the incident. Officers are also required to list children residing in the household whether they are present or not during the incident. Furthermore, in an effort to improve services to children and families and establish guidelines for collaboration and communication, the Department of Services for Children, Youth and Their Families, Delaware Police Departments and the Department of Justice created a Memorandum of Understanding for this specific purpose. The Memorandum of Understanding requires law enforcement to notify DFS in certain situations. The Delaware State Police will continue to work within the guidelines established in the Memorandum of Understanding. The original Memorandum of Understanding was adopted in 1989 and was revised in November 1998. The MOU is currently under revision at this time.





# 2007 Responses to Recommendations for Improving System Response

## **New Castle County Police Department Response:**

**This has been a common practice of all patrol officers to list if there are any children that are either victims, witnesses, or even if they live in the residence (Directive 41, Domestic Violence).**

## **Wilmington Police Department Response:**

**It is standard practice for WPD officers to include all children who are in the household during a domestic violence incident.**

## **Dover Police Department Response:**

**Lists names of all children and individuals in the households on DV incident reports and it is also a procedure that was put into practice during the onset of Domestic Violence Reporting.**

## Department of Justice

### *Recommendation:*

*Department of Justice should (track) identify cases in which Extreme Emotional Distress (EED) defense is used as consideration in resolution of cases against battered victims.*

### **Department of Justice Response:**

**The Department of Justice does identify cases in which the defense of Extreme Emotional Distress is used and considered in the resolution of a case. Last year, we provided Domestic Violence Coordinating Council with a list of such cases.**



# 2007 Responses to Recommendations for Improving System Response

## Department of Justice

Recommendation:

*Charging decision in DV Homicide cases to preclude Extreme Emotional Distress (EED).*

**Department of Justice Response:**

**The Department of Justice engages in extensive reviews of all homicide cases both prior to indictment and throughout the proceedings. While we cannot preclude a defense claim of Extreme Emotional Distress, we can and do undertake all necessary steps to combat unsound claims of Extreme Emotional Distress.**

## Division of Family Services

Recommendation:

*Division of Family Services should formalize a policy/agreement for immediate Crisis Team intervention for children who witness DV homicides/suicides.*

**Division of Family Services Response:**

**Based upon the urgency and request for immediate mental health services, the Division of Child Mental Health (DCMH) can provide an immediate assessment based on the individual needs of the child and in coordination with the investigating law enforcement agency and Division of Family Services. These services are available without the need for a policy or memorandum of agreement. Additionally, crisis intervention services are available to all Delaware residents regardless of income and insurance eligibility.**



# 2007 Responses to Recommendations for Improving System Response

## Delaware Coalition Against Domestic Violence

Recommendation:

*The Delaware Coalition Against Domestic Violence and the DVCC should distribute DV resource information in collaboration with NCCPD and DSP to property managers.*

**Delaware Coalition Against Domestic Violence Response:**

**DCADV's mission is to engage in domestic violence training, public information, advocacy and prevention efforts in Delaware. While we are able to make resources available to property managers upon request, we do not currently have the staffing or financial resources to provide for large scale distribution of resource information to all property managers in the state.**

Recommendation:

*Recommend that the DCADV regularly contact residential service providers to offer training and technical assistance on developing protocols for dealing with domestic violence.*

**Delaware Coalition Against Domestic Violence Response:**

**DCADV provides training and technical assistance on a per request basis to residential service providers. Again, we are not currently funded to engage in ongoing outreach, training and technical assistance efforts to all residential service providers in the state.**



## 2007 Responses to Recommendations for Improving System Response

### Delaware Volunteer Legal Services (DVLS)

Recommendation:

*The Delaware Volunteer Legal Services (DVLS) should train a group of volunteer attorneys in conjunction with DVCC and The Office of the Child Advocate to represent the guardians of child survivors of domestic violence homicides.*

**Delaware Volunteer Legal Services Response:**

**Delaware Volunteer Legal Services (DVLS) has scheduled a Continuing Legal Education seminar on representing guardians of child survivors of domestic violence in Family Court. The four-hour program will include a presenter from the DVCC, the Family Court and a private practitioner. We will also be inviting The Office of the Child Advocate representative to present as well.**

### Domestic Violence Coordinating Council (DVCC)

Recommendation:

*DVCC staff to review jury decision in DV cases with Extreme Emotional Distress Defense.*

**DVCC Response:**

**The Chairs and staff of the Fatal Incident Review Team met with the Attorney General to request case reviews. The DOJ reviewed domestic violence homicide cases that involved the use of Extreme Emotional Distress for the period 2000 through 2005. The resulting data was submitted to the Fatal Incident Review Team.**



## 2007 Responses to Recommendations for Improving System Response

### Domestic Violence Coordinating Council (DVCC)

Recommendation:

*DVCC shall send a notice to all Chief/President Judges outlining the difference between Anger Control Counseling and Domestic Violence Intervention and recommending DV counseling.*

**DVCC Response:**

**A notice was sent, from the Domestic Violence Coordinating Council to all Presiding Judges, regarding the differences between Anger Management and Domestic Violence Intervention. The list of DVCC Certified Domestic Violence Intervention Programs was sent along with the notice.**

Recommendation:

*DVCC Legislative Subcommittee should review the Endangering the Welfare of a Child statute in regards to the definition of witness.*

**DVCC Response:**

**The recommendation was forwarded to the DVCC Legislative Subcommittee.**



## 2007 Responses to Recommendations for Improving System Response

### Domestic Violence Coordinating Council (DVCC)

Recommendation:

*DVCC and the Delaware Coalition Against Domestic Violence should distribute DV resource information in collaboration with NCCPD and DSP to property managers.*

**DVCC Response:**

**In 2007 the Coordinating Council developed the Delaware Domestic Violence Resource Guide, to provide basic information on the dynamics of domestic violence and the resources available to assist victims. The DV Resource Guide can be downloaded from the agency website, [www.dvcc.delaware.gov](http://www.dvcc.delaware.gov).**

Recommendation:

*DVCC should better track DFS involvement in DV related Suicides and Homicides.*

**DVCC Response:**

**The Fatal Incident Review Team currently reviews the facts and circumstances surrounding all domestic violence related deaths in Delaware. The Division of Family Services is notified prior to each fatality review and routinely submits files relevant to the case.**

Recommendation:

*DVCC staff to research a DV court in Delaware and send a team to Bronx, N.Y., DV Court.*

**DVCC Response:**

**The Domestic Violence Coordinating Council Chairs and Director, along with members of the VAWA Implementation Committee, visited the Bronx, N.Y., DV Court.**



# 2007 Responses to Recommendations for Improving System Response

## Domestic Violence Coordinating Council (DVCC)

Recommendation:

*DVCC should work with DELJIS to develop a report to track family violence in Delaware, between adult children and their parents.*

**DVCC Response:**

**The DVCC Criminal Justice Subcommittee will work with DELJIS to develop a report to track family violence between adult children and their parents.**

Recommendation:

*Contact the National Domestic Violence Fatality Review Initiative (NDVFRI) to request they include the topic of Extreme Emotional Distress defense issue in future training.*

**DVCC Response:**

**The Coordinating Council has forwarded the request to the National Domestic Violence Fatality Review Initiative (NDVFRI) that they include the use of the Extreme Emotional Distress Defense in future trainings.**



# 2007 Responses to Recommendations for Improving System Response

## Domestic Violence Coordinating Council (DVCC)

Recommendation:

*The Chairs of the DVCC and Fatal Incident Review Team should meet with the Attorney General to discuss tracking the use of Extreme Emotional Distress Defense in domestic violence homicide cases.*

**DVCC Response:**

**The Chairs and staff of the Fatal Incident Review Team met with the Attorney General to request case reviews. The DOJ reviewed domestic violence homicide cases that involved the use of Extreme Emotional Distress for the period 2000 through 2005. The resulting data was submitted to the Fatal Incident Review Team.**

Recommendation:

*DVCC Legislative Subcommittee should draft a rebuttable presumption against custody or visitation to an individual who has caused the death of the other parent or household member.*

**DVCC Response:**

**The recommendation was forwarded to the DVCC Legislative Subcommittee.**





## 2007 Responses to Recommendations for Improving System Response

### Domestic Violence Coordinating Council (DVCC)

Recommendation:

*DVCC Legislative Subcommittee should draft legislation indicating that the standard to terminate a guardianship is in the best interest of the child.*

**DVCC Response:**

**The recommendation was forwarded to the DVCC Legislative Subcommittee.**

Recommendation:

*DVCC should review Delaware's Risk Assessment tools, coordinate the information that each system gathers, and explore the possibility that the risk assessment be incorporated in the integrated computer system developed by the Grants to Encourage Arrest. The Council should revisit the recommendations from the report, An Evaluation of the Domestic Violence Risk Assessment, written by Byron Johnson and Neil Websdale in July 2002.*

**DVCC Response:**

**The DVCC Criminal Justice Subcommittee will be asked to review the recommendations of Byron Johnson and Neil Websdale.**



## 2007 Responses to Recommendations for Improving System Response

### Fatal Incident Review Team (FIRT)

Recommendation:

*FIRT Co-Chairs should meet informally with the Presiding Judges of the Court to discuss having dedicated DV Judicial Officers.*

**FIRT Response:**

**The Fatal Incident Review Team Co-Chairs and staff will schedule a meeting with Presiding Judges of the Court to discuss having dedicated DV Judicial Officers.**



## Domestic Violence/Rape Crisis 24-Hour Hotline Numbers

### **New Castle County**

Domestic Violence 302-762-6110

Rape Crisis 302-761-9100

### **Northern Kent County**

Domestic Violence 302-678-3886

### **Kent and Sussex Counties**

Domestic Violence 302-422-8058

Rape Crisis 800-262-9800

Abriendo Puertas 302-745-9874

# Domestic Violence Coordinating Council

[www.dvcc.delaware.gov](http://www.dvcc.delaware.gov)