

Domestic Violence Fatality Review

2020

Legislative Report

INTRODUCTION

While the pandemic placed extraordinary demands on many of its members, the Commission kept to its regular meeting schedule in 2020 and met six times. It required us to meet differently, but we are very proud of the fact that we continued to do this work despite the challenges of meeting remotely. The Committee completed one in depth case review. We are very grateful to all the witnesses who agreed to meet with us under these conditions. We are very pleased that we were able to continue our work through these difficult times. For a list of current members of the Commission, please see the attached appendix. The Commission is greatly indebted to Ellie Breitmaier from the Department for Children and Families who retired in September 2020 and Sally Kerschner from the Vermont Department of Health who is retiring in April 2021. We would like to thank them for their service and contributions to the Commission.

DOMESTIC VIOLENCE 2020 HOMICIDE DATA

According to the Medical Examiner's Office, there were 15 homicides in Vermont in 2020. Of these, eight involved a firearm. The Commission reviewed all 15 homicides and determined that eight were related to domestic violence. For the definition that the Commission uses to determine if a homicide is domestic violence related, please see the attached appendix.

Cause of Death

Of the eight domestic violence related homicides, four involved firearms, two involved stabbing and two involved blunt trauma injuries.

Relationship Between Decedent and Responsible Party

Five involved intimate partner relationships, two were recently separated and three involved current partners. In two of these, the responsible party was not the person directly involved in the relationship. Three involved family members who lived in the same household.

Background of Decedents

Decedents in the domestic violence related homicides ranged in age from 1 month to 71 years old. Seven decedents were white, one was black. There were seven male decedents and one female.

Background of Responsible Parties

Responsible parties ranged in age from 29 to 58. Seven responsible parties were white, one was black. Five were male and three were female.

Counties/Location

All but one of the domestic violence related deaths occurred in or around the decedent's home.

Chittenden	1
Franklin	1
Orange	1
Orleans	1
Washington	2
Windham	1
Windsor	1

Children Present

There were children present in four of the eight domestic violence related homicides.

Substances/Alcohol

There was alcohol or other substances involved in four of the eight domestic violence related homicides.

Relief From Abuse Orders

In one domestic violence related homicide, there was a relief from abuse order in effect.

Murder/Suicides

Of the eight domestic violence homicides, two of them were murder/suicides.

Suicides Related to Domestic Violence

The Commission is aware of three suicides, unrelated to a homicide, that were related to domestic violence. All three of the decedents were male and were recently separated from their intimate partners. All three involved a firearm. Two had criminal charges involving domestic violence and their ex-partners had obtained a relief from abuse order.

DOMESTIC VIOLENCE HOMICIDE 2019 DATA

There were 19 homicides in Vermont in 2019. Of those, ten involved a firearm. One more involved a firearm that was not fired. Of the total number of homicides, the Commission determined that eight were domestic violence related.

Cause of Death

Of the eight domestic violence related homicides, four involved firearms, two involved strangulation, one involved neglect of care and one involved a vehicle.

Relationship Between Decedent and Responsible Party

Of the eight domestic violence related homicides, six involved intimate partner relationships. Four of the six were current partners and the other two were separated. In one, the responsible party was not directly involved in the relationship and one was an officer involved shooting in response to service call. Two domestic violence related homicides involved family members.

Background of Decedents

Decedents ranged in age from 28 to 85 years old. Five decedents were female and three were male. All were white.

Background of Responsible Parties

Responsible parties ranged in age from 28 to 71. Six were male and one was female. Seven were white and one was black. In one case, there were two responsible parties. The demographics of the officer involved shooting in response to a service call is not included.

Counties/Location

<u>Addison</u>		<u>2</u>
<u>Chittenden</u>		<u>2</u>
<u>Rutland</u>		<u>4</u>

Six of the deaths occurred in or around the home of one of the parties. Two occurred outdoors in a location not near the home.

Children Present

In one of the domestic violence related homicides, there were young children present. One of the parties involved in one of the incidents was pregnant.

Substance/Alcohol

There were substances involved in three of the domestic violence related homicides.

Relief From Abuse Orders

None of the decedents had obtained relief from abuse orders.

Murder/Suicide

Of the eight domestic violence related homicides, two were murder/suicides.

DOMESTIC VIOLENCE HOMICIDE 2018 DATA

In 2018, there were 16 homicides in Vermont. Twelve involved firearms. Five of the 16 homicides were domestic violence related.

Cause of Death

Four of the five were committed with firearms. One death was caused by asphyxiation.

Relationship between Decedent and Responsible Party

Four involved intimate partners and one involved a family member. Of the four intimate partners, one was a current partner and the other three involved recently separated partners.

Background of Decedents

Decedents ranged in age from 11 mos to 54 years old. One was male and four were females.

One was black and four were white.

Background of Responsible Party

Responsible parties ranged in age from 23 to 70 years old. All were male. Three were white and two were black.

Counties/Location

Chittenden	1
Orleans	1

Washington	1
Windsor	2

All decedents died inside their homes.

Substances/Alcohol

At least two of the five domestic violence related homicides involved drugs and/or alcohol

Children Present

One homicide involved a child. There were children present in one other domestic violence related homicide.

Relief from Abuse Orders

Two of the decedents had obtained relief from abuse orders in the past. None were in effect at the time of the homicide.

Murder/Suicide

There was one murder/suicide and one murder/attempted suicide.

Historical Data 1994-2020

The Commission has been tracking adult, domestic violence related homicides since 1994. Prior to 2014, the Commission did not track child decedents. Thus the following data omits any child decedents from the totals and therefore the totals are undercounted.

Since 1994, there have been 346 adult homicides. Of those, 167 or 48% were domestic violence related. Of the 167 deaths, 94 were caused by firearms, or 56%.

National Data

According to the Center for Disease Control and Prevention, U.S. crime report data suggest that nationally 1 in 5 homicide victims are killed by an intimate partner and that over half of female homicide victims are killed by a current or former partner.

<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>. The CDC reports that most intimate partner related homicides are committed with a firearm.

<https://www.cdc.gov/mmwr/volumes/69/ss/ss6908a1.htm>.

Resources

There are many resources available for people experiencing domestic violence. The National Domestic Violence Hotline: you can use their safety planning tip sheet

<https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms> or call (800)

799-SAFE. The Vermont Network Against Domestic and Sexual Abuse has a statewide hotline for domestic abuse that can be reached at 800-228-7395. The Network's fifteen member programs provide services to survivors in all fourteen counties in Vermont. For an interactive map to help you locate a local program near you, visit <https://vtnetwork.org/get-help/>

APPENDIX A - DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION MEMBERS

Pursuant to 15 VSA § 1140(b), the Commission is comprised of 17 members, consisting of the following:

- The Attorney General, or his or her designee;

Carolyn Hanson
Assistant Attorney General
Office of Attorney General
109 State Street
Montpelier, VT 05609
802-828-5512 phone
802-828-2154 fax
carolyn.hanson@vermont.gov

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

Kimberly Swartz, MHSc
Director of Adolescent and Reproductive Health
Division of Maternal and Child Health
Vermont Department of Health
(802) 652-4184 (office)
kimberly.swartz@vermont.gov

Alternate:
Sally Kerschner, RN, MSN
108 Cherry St., PO Box 70
Burlington, VT 05402
802-652-4179 phone
sally.kerschner@vermont.gov

- The Commissioner of Department for Children and Families, or his or her designee;

Julie Ryley
Director of the Domestic and Sexual Violence Unit
Department for Children and Families
280 State Drive, HC 1 North
Waterbury, VT 05671-1030
802- 760-0878 (cell)
julie.ryley@vermont.gov

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

Gary Marvel
Field Operations Manager
VT Department of Corrections
gary.marvel@vermont.gov

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

Major Daniel Trudeau
Vermont State Police
45 State Drive
Waterbury, VT 05671
802-316-9297 phone
daniel.trudeau@vermont.gov

Kathryn (Kate) Brayton
Victim Services Director
Vermont State Police
45 State Drive
Waterbury, VT 05671
802-585-9605 phone
kathryn.brayton@vermont.gov

- The Chief Medical Examiner, or his or her designee;

Dr. Steve Shapiro
Office of Medical Examiner
Department of Health
111 Colchester Ave. Baird 1
Burlington, VT 05401
802-863-7320 phone
Steven.shapiro@vermont.gov

- A State's Attorney with experience prosecuting domestic violence cases, appointed by the Executive Director of the Vermont State's Attorneys' Association;

Tracy Shriver, Esq.
Windham County State's Attorney
185 Main St., 2nd Floor
PO Box 785
Brattleboro, VT 05302
802-257-2860 phone
802-257-2864 fax
tracy.shriver@vermont.gov

- The Defender General, or his or her designee;

Kerrie Johnson
Office of the Defender General
6 Baldwin Street, 4th Floor
Montpelier, VT 05620-3301
Kerrie.Johnson@vermont.gov

- A member of the Vermont Coalition of Domestic Violence Accountability Programs;

Melissa Deas
Representative for Coalition of Domestic Violence Accountability Programs
Batterer Invention Program
PO Box 321
Bristol, VT 05443-0321
802-734-9256
melissadeas5@gmail.com

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

Sarah Robinson
Deputy Director
The Vermont Network Against Domestic and Sexual Violence
PO Box 405
Montpelier, VT 05601
802-223-1302 phone
sarahkr@vtnetwork.org

- A representative of the Vermont Council on Domestic Violence;

Heather Holter
Coordinator
Vermont Council on Domestic Violence
PO Box 405
Montpelier, VT 05601
802-917-1793
vtdvcouncil@gmail.com

- A representative of local law enforcement, appointed by the Governor;

Shawn Burke, Chief
S. Burlington Police Department
19 Gregory Dr.
S. Burlington, VT 05403
846-4111 phone
846-4102 fax
sburke@southburlingtonpolice.org

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

Susan Hardin

- A physician, appointed by the Governor;

Dr. Tania Bertsch (retired)
UVMHC, Internist
111 Colchester Ave.
Burlington, VT 05401
taniabertsch@gmail.com

Alternate:

Dr. Mariah McNamara
UVMHC Emergency Dept.
111 Colchester Ave.
Burlington, VT 05401
mariah.mcnamara1@uvmhealth.org

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

Jennifer Firpo
Training and Curriculum Coordinator
Vermont Criminal Justice Training Council
Vermont Police Academy
317 Academy Road
Pittsford, VT 05763-9712
802-483-6228 phone
802-483-2343 fax
jennifer.firpo@vermont.gov

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

Emily Hawes
Director of Mental Health Services
Vermont Department of Mental Health
Agency of Human Services
26 Terrace St.
Montpelier, VT
802-828-3856 phone
emily.hawes@vermont.gov

- One Judge, appointed by the Chief Justice of the Vermont Supreme Court.

The Honorable Kirstin Schoonover
Superior Court Judge
Family and Criminal Division
Kirstin.Schoonover@vermont.gov

APPENDIX B - COMMISSION DEFINITION OF DOMESTIC VIOLENCE RELATED FATALITY

When determining whether a fatality is domestic violence related for data collection and/or full case review, the Executive Committee and the full Commission may consider the following criteria.

Whether:

- a. the alleged perpetrator was related to the victim as a "family member" according to the "plain and commonly accepted meaning" of the term. Donley v. Donley 165 Vt. 619 (1996)
- c. the alleged perpetrator and victim were related as "household members" under the Abuse Prevention Act at 15 V.S.A. Sec 1101(2)¹
- d. the alleged perpetrator killed an estranged partner's current "household member"
- e. the alleged perpetrator killed a current partner's estranged "household member"
- f. the alleged perpetrator killed a family member's current or estranged "household member"
- g. the alleged perpetrator killed bystander(s) while attempting to harm family or "household members"
- h. the alleged perpetrator is a law enforcement officer forced to kill in the line of duty when responding to a domestic violence incident;
- i. a law enforcement officer is killed in the line of duty when responding to a domestic violence incident;
- j. the fatality is domestic violence related but is ruled a justifiable homicide;
- k. the fatality is a murder-suicide matter involving family or household members;²
- l. the fatality is a suicide where there is documented history of domestic violence to include victim suicide; alleged perpetrator suicide (as violent act in front of family or household members); alleged perpetrator suicide by law enforcement and teen suicide.³

¹ "Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include: (a) the nature of the relationship; (b) the length of time the relationship existed; (c) the frequency of interaction between the parties; (d) the length of time since the relationship was terminated, if applicable. 15 V.S.A. § 1101 (2)

² Those who died by suicide are not included in the Vermont homicide numbers or in the domestic violence related homicide numbers.

³ Those who died by suicide are not counted in Vermont homicide total, or in the domestic violence related homicide total, but they are counted by the Vermont Department of Health. More information can be found here: <https://vtspc.org/vermont-statistics-on-suicide/> and https://www.healthvermont.gov/sites/default/files/documents/pdf/HSVR_Injury_Weekly_Suicide_Report.pdf

There is no formal reporting process for domestic violence related suicides. The Commission only reports those that are reported to them. These numbers are grossly underreported.