

# A Report from the State Domestic Violence Fatality Review Team



**Presented by:**

The State Domestic Violence Fatality Review Team  
and the Executive Office of Public Safety and Security

**Presented to:**

Governor Charlie Baker; Lieutenant Governor Karyn Polito; the Clerks of the House and Senate; the House and Senate Committees on Ways and Means; the Joint Committee on Children, Families and Persons with Disabilities; the Joint Committee on Public Safety and Homeland Security, and the Joint Committee on the Judiciary

2020

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## **I. Dedication**

The Massachusetts State Domestic Violence Fatality Review Team dedicates the annual report to the 7 victims killed in Massachusetts as of December 31, 2020 as a result of domestic violence, their surviving families and friends, and to victims and survivors of domestic violence everywhere.

## **II. Acknowledgment**

The Massachusetts State Domestic Violence Fatality Review Team Members would like to thank Governor Baker, Lt. Governor Polito, and the Governor's Council to Address Sexual Assault and Domestic Violence for their continued support. We would also like to thank the Massachusetts District Attorney's Association, along with the Commonwealth's District Attorneys and staff who have dedicated their time and efforts to facilitate review sessions. Finally, we would like to thank the local community partners who have participated in or will participate in local reviews. Without this support, these review sessions, and our work, would not be possible.

## **III. Executive Summary**

The Massachusetts State Domestic Violence Fatality Review Team presents its annual report for 2020. The State Fatality Review Team aims to address the problem of domestic violence and seek solutions to reduce the number of domestic violence incidents in Massachusetts. Due to the COVID-19 pandemic, the State Fatality Review Team pivoted to convene reviews through remote meetings on secured networks. For this report, the team developed its recommendation from information gathered during the review and from the COVID-19 pandemic's impact on domestic violence.

In early 2020, the State Team convened at the Middlesex County District Attorney's Office for an interactive webinar training conducted by Dr. Neil Websdale, the Director of the National Domestic Violence Fatality Review Initiative. This training focused on building infrastructure to include family, friends, and colleagues in the interviewing process for in local fatality reviews. The State Team plans to revise its policies and procedures to incorporate the lessons learned from this training and will begin piloting with several Local Teams by 2022.

We present our recommendation(s) in Section VII of this report. As of December 31, 2020, there were 7 domestic violence homicide incidents in Massachusetts, resulting in 7 domestic violence homicide victims and 4 perpetrator suicides or deaths. The need for our Team remains urgent; there is still much work to be done.

We also included Massachusetts data in Section VIII of this report, pulled from the Massachusetts Trial Courts and Jane Doe, Inc. – the Statewide Coalition on Sexual Assault and Domestic Violence. The inclusion of this data is intended to improve our understanding of the context of domestic violence in Massachusetts.

In 2021, the Team will continue with its current process of comprehensive case review sessions across the Commonwealth and assisting District Attorneys' Offices in building local infrastructure and teams. Due to the COVID-19 pandemic, we will continue with virtual case review sessions, making improvements to the process.

As we look to next year and the years ahead, we are inspired by the continuation of the "RESPECTfully" statewide public awareness and prevention campaign initiated by Lt. Governor Polito, in partnership with the Legislature. This campaign has become exceedingly important during the COVID-19 pandemic in which remote learning and social media utilization has increased exponentially. We are also very pleased that the FY21 budget included \$1 million for the continuation of the Healthy Relationships Grant Program. The Healthy Relationships Grant Program builds upon

collaborative efforts between youth-serving organizations and sexual assault and domestic violence programs and culturally-specific entities to teach youth about healthy relationships, with the goal of preventing sexual assault and dating violence. These primary prevention efforts will, in the end, reduce and prevent domestic violence and domestic violence homicides.

In our efforts on domestic violence response, we are pleased to see the continued utilization and expansion of the Domestic Violence Toolkit across police departments in the Commonwealth. Additionally, it is important to note the finalization and utilization of the Statewide Recommended Best Practices for Domestic Violence High Risk Teams in Massachusetts and buildup of all teams across the Commonwealth; Massachusetts now has a High Risk Team in every county. These best practices were created to provide guidance and assist counties across the state to establish or enhance their teams. The multi-disciplinary teams work to identify the most dangerous cases of domestic violence in our communities, prevent cases from escalating to lethal levels, and provide a cohesive systemic response. These efforts, along with the efforts of social workers, law enforcement, the courts, and others on the ground, moves us closer to a future where the tragedy of domestic violence will be a thing of the past.

#### **IV. Membership**

##### ***Standing Members***

Kelly Dwyer, *Executive Director of the Governor's Council to Address Sexual Assault and Domestic Violence, Executive Office of Public Safety and Security (Chair)*

Shara Benedetti, *Deputy General Counsel, Massachusetts Parole Board*

Jennifer Snook, *Assistant Attorney General, Office of the Attorney General*

Dr. Mindy Hull, *Chief Medical Examiner, Office of the Chief Medical Examiner*

Deborah Mendoza-Lochrie, *Chief Policy Officer, Office of the Chief Medical Examiner*

Middlesex District Attorney Marian Ryan, *Massachusetts District Attorneys Association*

MaryBeth Long, *General Counsel, Office of Middlesex District Attorney Marian Ryan*

Major John Lannon, *Division of Investigative Services, Massachusetts State Police*

Dianne Fasano, *Office of Probation*

Liam Lowney, *Executive Director, MA Office for Victim Assistance*

Diane Coffey, *Director of Victim Services, Massachusetts Office for Victim Assistance*

Chief Justice of the Trial Court or a designee\*

Chief Justice of the Family and Probate Court or a designee\*

\*In accordance with the Committee on Judicial Ethics (CJE) Opinion No. 2014-4, "Serving on Statutory Commissions", dated December 10, 2014, Judges are not permitted to serve on the State Fatality Review team despite being named in statute:

*"The Code also does not permit you to serve on the domestic violence state review team, St. 2014, c. 260, § 4, because its clear focus and unbalanced make-up could convey the impression that*

*domestic violence victims have a special position of influence with the judiciary and that the judiciary is aligned with the interests of law enforcement and the prosecution.*

*You may, however, consult with the Juvenile Life Sentence Commission and the domestic violence state review team pursuant to Section 4C(1) on discrete matters that concern the business of the courts as long as you make your limited participation clear in the reports and any records these commissions produce.*

*Additionally, the Code does not prohibit you from appointing non-judge employees of the judiciary to serve on any of these commissions as your designees. Those designees cannot have more powers than you. Although the Committee cannot render advice to non-judges, the Committee instructs you to inform your designees that the Code's limitations on your participation also apply to the designees and that these limitations should be clearly disclosed on all documents that list committee members and on all reports and recommendations the committee makes."<sup>1</sup>*

## **V. Background**

The State Fatality Review Team was created by Chapter 260 of the Acts of 2014, *An Act Relative to Domestic Violence*. Chapter 260 was passed unanimously by the Legislature and signed into law on August 8, 2014.

Section 4 of Chapter 260 outlines the Team's roles and responsibilities:

*"The purpose of the state team shall be to decrease the incidence of domestic violence fatalities by: (i) developing an understanding of the causes and incidence of domestic violence fatalities and domestic violence murder-suicides and the circumstances surrounding them; and (ii) advising the governor and the general court by recommending changes in law, policy and practice designed to prevent domestic violence fatalities. The state review team, in conjunction with any local review teams, shall develop a report to be sent to the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on children, families and persons with disabilities, the joint committee on public safety and homeland security, and the joint committee on the judiciary. The report shall be issued not later than December 31 of each year.*

*To achieve its purpose, the state review team shall: (1) develop model investigative and data collection protocols for local review teams; (2) annually review incidents of fatalities within the commonwealth and assign at least 3 reviews, selected at random, to a local review team for investigation and report; provided, that no review shall be assigned unless it is approved by a majority vote of the state review team and all criminal proceedings, including appeals, related to the fatality are complete; (3) provide information to local review teams, law enforcement agencies and domestic violence service providers for the purpose of protecting victims of domestic violence; (4) provide training and written materials to local review teams to assist them in carrying out their duties; (5) review reports from local review teams; (6) analyze community, public and private agency involvement with victims and perpetrators of domestic violence and their families prior to and subsequent to fatalities; (7) develop a protocol for the collection of data regarding fatalities and provide training to local review teams on the protocol, which shall include protocol and training on the issues of confidentiality of records, victims' identities and any*

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<sup>1</sup> <http://www.mass.gov/courts/case-legal-res/ethics-opinions/judicial-ethics-opinions/cje-2014-4.html>

*personally identifying data; (8) develop and implement rules and procedures necessary for its own operation and the operation of local review teams, which shall include the use of confidentiality agreements for both the state and local review teams; and (9) provide the governor and the general court with annual written reports, subject to any applicable confidentiality restrictions, which shall include, but not be limited to, the state team's findings and recommendations.”<sup>2</sup>*

In selecting cases for review, the State Review Team assigns cases to Local Review Teams. Per Section 4 of Chapter 260:

*“Each local review team shall be chaired by the local district attorney and shall be comprised of at least the following members, who shall be appointed by the district attorney and who shall reside or work within the district: a medical examiner or pathologist; a chief of police; a probation officer; a member with experience providing non-profit legal services to victims of domestic violence; a member with experience in the delivery of direct services to victims of domestic violence; and any other person with expertise or information relevant to an individual case who may attend meetings on an ad hoc basis, including, but not limited to, local or state law enforcement officers, local providers of social services, providers of community based domestic violence, rape and sexual assault shelter and support services, hospital representatives, medical specialists or subspecialists, teachers, family or friends of a victim and persons recommended by the state review team.*

*The purpose of each local review team shall be to decrease the incidence of preventable domestic violence fatalities by: (i) coordinating the collection of information on fatalities assigned to it for review; (ii) promoting cooperation and coordination between agencies responding to fatalities and providing services to victims or victims’ family members; (iii) developing an understanding of the causes and incidence of domestic violence fatalities within its area; and (iv) advising the state review team on changes in law, policy or practice which may affect domestic violence fatalities.*

*To achieve its purpose, each local review team shall, subject to assignment by the state review team: (1) review, establish and implement model protocols from the state review team; (2) execute a confidentiality agreement; (3) review individual fatalities using the established protocol; (4) recommend methods of improving coordination of services between agencies and service providers in its area; (5) collect, maintain and provide confidential data as required by the state review team; and (6) provide law enforcement or other agencies with information for the purposes of the protection of victims of domestic violence and for the accountability of perpetrators.”<sup>3</sup>*

## **VI. Philosophy and Process**

The Mission Statement, Values, and Process are reviewed and read aloud at the start of all fatality review sessions. They provide a template for decision making throughout the review.

### *MISSION STATEMENT*

The Massachusetts State Domestic Violence Fatality Review Team provides strategic leadership for, and conducts collaborative, multi-disciplinary reviews of domestic violence-related fatalities with

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<sup>2</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

<sup>3</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>

local review teams in an effort to better understand the dynamics of such deaths and develop recommendations—without blame—for creative and effective strategies to reduce the number of domestic violence deaths in the Commonwealth.

### *CORE VALUES*

It would be a daunting task to review all domestic and family violence deaths in Massachusetts each year. Accordingly, the State Team decided to take a similar approach to Montana and other states – focusing its time and resources on reviewing only “intimate partner” homicides and related fatalities. Even then, the Team can only meaningfully review three cases per year, as members have opted to take a deep dive into a smaller number of cases instead of a cursory review of all fatalities. The National Domestic Violence Fatality Review Initiative (NDVFRI) demonstrates, however, that recommendations from a handful of meticulous case reviews can yield far-reaching implications for reducing Massachusetts’ domestic violence fatalities in the future.

During review sessions, members have embraced the “no blame and no shame” philosophy that guides many national fatality review teams. The State Fatality Review Team is not looking to single out individuals or agencies as bearing responsibility for these deaths. Rather, members will seek to identify systemic failures stemming from shortfalls and inefficiencies in local and state responses and then recommend appropriate solutions. This includes identifying when there are needs related to public awareness and education. Additionally, Team recommendations are issued in general terms so as not to infringe upon the confidentiality of those involved in each case.

### *THE REVIEW PROCESS*

Historically, each review session takes place in the county where the crime was committed and includes a Local Review Team chaired by the District Attorney with jurisdiction over the case. However, due to the COVID-19 pandemic, we transitioned to virtual review sessions on secure online networks, still led by the District Attorneys’ offices.

In conjunction with the State Team, the Local Team requests all available information and connected with relevant parties. This included consultation with law enforcement, as well as gathering criminal histories, medical records, autopsy reports, and other case history. The goal is to gather as much background information as possible to paint an accurate portrait of the victim, perpetrator, and those that knew them.

In the week prior to assembling, the host local review chair creates a timeline of events from the gathered information and shares with team members. This exercise was designed to expose strengths and weaknesses in the system, get a better understanding of relationship dynamics, understand the formal and informal support networks and their knowledge, determine any history of help-seeking and offender accountability and the impacts of both, and help the team understand the circumstances leading up to the fatality. Once assembled, the members continue to refine the timeline until they had exhausted all available information.

At the conclusion of each session, members identified several practical recommendations and corresponding objectives that are measurable over time. These criteria enable the State Team to monitor progress of its recommendations and ultimately measure success.



The State and Local Teams operate under strict confidentiality in accordance with the law. The confidential information shared during the review process is deemed necessary in order to carry out a team's purpose and duties, however, meetings will not be open to the public and information will not be disseminated to individuals outside of the review teams. All materials, reports, and timelines used and created during meetings are not part of the public record.

## **VII. Findings and Recommendations from the Fatality Review Sessions**

In 2020, the necessary steps of preventing the spread of COVID-19 have left children, individuals, and families experiencing violence in the home, particularly vulnerable, isolated, and at an increased risk.

Isolation can create increased anxiety and may leave victims feeling more alone than ever. There were periods of time that children were out of schools and adults were out of work, making our ability to identify individuals and children at risk of abuse increasingly difficult. This was demonstrated further by a reduction of 9-1-1 calls, restraining order filings, and outreach to advocacy groups.

Since the pandemic began, the Baker-Polito Administration has been in constant contact with partners in the fight to end child abuse, sexual assault, and domestic violence including Jane Doe, MA Children's Alliance (MACA), MA Office for Victims Assistance (MOVA), the Trial Court, law enforcement, and District Attorneys. The Administration has worked with our partners across the state to ensure that guidance and resources are provided in a centralized way, so that all parties have access to the information in real time.

In early stages of the pandemic, the Administration announced the expansion of SafeLink – Massachusetts' statewide 24/7 toll-free, confidential domestic violence hotline to triage calls to local area Rape Crisis Centers, creating a "no wrong door" policy. Additionally, the Department of Public Health (DPH) worked with 2-1-1 to expand access to survivors during this challenging time.

In response to the challenges of housing and homelessness, the Administration established Isolation and Recovery Sites for COVID-19 positive individuals who are unable to safely isolate at home, or who are homeless. Within this program, the Administration's COVID-19 Command Center established domestic violence-specific safety protocols titled "Code Purple"<sup>4</sup>, removing barriers for access to these sites for survivors within domestic violence emergency shelters across the Commonwealth.

The Baker-Polito Administration ensured emergency shelters, as well as sexual assault and domestic violence community-based programs (SDV) had access to PPE and other supplies necessary to maintain cleaning and sanitation practices while continuing to serve this vulnerable population.

Additional lines of funding were distributed by the Executive Office of Health and Human Services (EOHHS) and DPH during the height of the pandemic to all SDV programs to support the COVID-19 response.

Finally, due to COVID-19, the State Team was unable to conduct in-person reviews with the District Attorneys' Offices local review teams. The 2020 reviews were conducted remotely through secure online networks in partnership with the District Attorneys' Offices. As the team developed the

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<sup>4</sup> Code Purple was established to provide access to isolation and recovery sites for domestic violence survivors currently staying in emergency shelters. This protocol ensured communication remained confidential between staff and safety as well as health recovery of the survivor were main priorities.

recommendation for this report, the team broadened the recommendation to include COVID-19-related considerations.

Below is the State Team's recommendation generated from comprehensive fatality reviews and consideration of the challenges posed by the COVID-19 pandemic.

**1. The Massachusetts Department of Public Health and the Department of Housing and Community Development shall explore opportunities in creating and/or expanding response and infrastructure related to housing options for survivors.**

Housing-related matters have been a common theme in past reviews and reports, and have become an overwhelming concern during the COVID-19 pandemic. The need for survivors to access temporary emergency domestic violence sheltering options and to transition to long term housing options is critical. This includes exploring opportunities to provide survivors safe options to remain in their home or community. The State Team recommends state agencies review current unintended systems barriers, explore and enhance training opportunities, and expand efforts for a coordinated response to support long term housing placements for individuals and families experiencing domestic violence.

**VIII. Data**

Domestic violence does not discriminate – it affects every demographic and every community throughout Massachusetts. Further, it is difficult to measure the true impact of domestic violence due to vast underreporting; this is important to remember when reviewing data. Some survivors report to law enforcement, while others rely on the support of friends and family or of local program services.

In our 2019 report, we shared information from the Trial Courts demonstrating the number of Protective and Harassment Prevention Orders, along with the number of charges (violation of a restraining order, assault or battery on a household member, and violation of a harassment order) since 2016.

We are including similar data points in the 2020 report. In 2020, Massachusetts has seen a significant drop in the number of restraining orders filed as well as number of charges. However, these numbers do not accurately reflect the reality of domestic violence here in Massachusetts.

According to the Massachusetts Trial Courts, there have been a reduction in the number of Protective Orders (209A) and Harassment Prevention Orders (258E) filed in FY2020, which is believed to be attributed to the COVID-19 pandemic. There have been nearly 40,000 total orders filed in FY20. The 40,000 total includes approximately 27,000 209A orders and approximately 12,000 258E orders.<sup>5</sup> The Massachusetts Trial Courts' data also shows a decrease in the number of charges (violation of a restraining order, assault or battery on a household member, and violation of a harassment order) filed annually compared to 2019 and prior years. In FY2020, there were approximately 21,000 total charges, whereas in FY2019, and the years prior averaged approximately 23,000 total charges. As previously stated, this does not reflect a reduction in domestic violence across Massachusetts, but may be result of the pandemic.

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<sup>5</sup><https://public.tableau.com/profile/drap4687#!/vizhome/MassachusettsTrialCourtCaseFilingsHarassmentandRestrainingOrders/HarassmentandRestrainingOrders>

As with previous years, we continue to maintain updated information within this report from Jane Doe, Inc., the Massachusetts statewide coalition against domestic violence and sexual assault, which publishes an annual overview of domestic violence homicides in Massachusetts. Jane Doe, Inc.'s 2020 overview is included in Section X of this report.

As of December 31, 2020, there were 7 domestic violence homicide incidents, resulting in 7 domestic violence victims and 4 perpetrator suicides or death. From 2017 to 2018, there was a slight decrease in domestic violence homicide victims from 19 to 15. However, from 2018 to 2019 there was an increase from 15 to 28 homicide victims. There is no research to explain the significant decrease in domestic violence homicides for 2020.

The success of the State Review Team will ultimately be measured by our ability to identify opportunities to improve systems and community response to domestic violence, identify opportunities for prevention and education, and to identify replicable best practices that increase safety for victims and hold offenders accountable.

## **IX. Looking Ahead to 2021**

Unfortunately, there is still a need for the State Domestic Violence Fatality Review Team. As we continue to review cases in 2021, the team will select cases at random under the following topics: one case that did not have prior contact with the criminal justice system, one case with prior contact, and one case that involves an underserved population of victims, such as immigrants, elders, teens, members of the LGBTQ community, or persons with disabilities.

The Team will continue to look for particular identifiers to ensure that chosen cases do not all look the same. For example, identifiers could include: children in the home, use of a firearm, high profile perpetrators and/or victims, open probate and criminal issues, and murder/suicide.

Additionally, the State Team will utilize the information provided by Dr. Neil Websdale from the National Fatality Review Initiative to develop the Massachusetts infrastructure for inclusion of family, friends, and colleague interviews, which will enable the State Team and Local Teams to better understand the lives of all involved in each case reviewed. The State Team will strive to develop the training and policies for the Local Teams, working towards the goal of implementing this infrastructure in 2022.

## **X. Appendices**

Jane Doe Inc. collects and reports on domestic violence homicides in Massachusetts each year. The below 2020 data is through November 2020. As of December 31, 2020, there were 7 domestic violence homicide incidents in Massachusetts, resulting in 7 domestic violence homicide victims and 4 perpetrator suicides or deaths.



**Jane Doe Inc.**  
The Massachusetts Coalition  
Against Sexual Assault and  
Domestic Violence

JDI's definition of domestic violence homicide provides context for these different categories and information provided here.

Overview of Domestic Violence Homicides in Massachusetts Year to Date 2020			
# of DV Homicide Incidents	6	WHO ARE THESE DV HOMICIDE VICTIMS?	
		Female DV Victims	6
		Male DV Victims	0
# of DV Homicide Victims	6	DV Perpetrators (except when killed by police)	0
# of DV Perpetrator Suicides or Deaths <sup>^</sup>	3	Female Associated with DV Victim	0
<b>Total DV Deaths</b>	<b>9</b>	Male Associated with DV Victim	0
Male DV Homicide Perpetrators	6	Children Associated with DV Victim	0
Female DV Homicide Perpetrators	0	Family (non-IPV)	0
		Bystanders (includes police)	0

Details Domestic Violence Homicides in Massachusetts January 1, 2020 through YTD 2019						
DATE	HOMICIDE VICTIM	AGE	ALLEGED HOMICIDE PERPETRATOR (relationship)	AGE	CITY/COUNTY	LOCATION/method
3/26/2020	Sandra L. Kumar (or Corfield)	53	Marc Audette Current male partner	45	Mashpee, Cape & Islands	Home/ Blunt Force Trauma
3//27/2020	Mardiette Deboyes	57	Danny Sherman Lived with victim	54	Wareham, Plymouth	Home/ Shooting
5/14/2020	Kathleen McLean	45	Ingolf Tuerk Current male spouse	58	Dover, Norfolk	Home/ Strangulation
6/27/2020	Amber Periera	30	Joshua Perira (S) Former male partner	31	Somerset, Bristol	Home/ Shooting
8/8/2020	Migdalia Perez	47	Jose Munez Badillo (S) Current male partner	49	Gardner, Worcester	Home/ Shooting
8/17/2020	Megan McNeil	27	Trey Mahone (S) Current male partner	25	Worcester, Worcester	Home/ Shooting

**KEY:**

<sup>^</sup> This list includes all cases of domestic violence related deaths including dv perpetrator suicide or death with or without either murder or attempted murder of dv victim as long as suicide occurred in the context of a relationship with domestic violence. In these cases, there will be no name listed under "homicide victim" and explains why the total number of incidents does not always equal the total number of perpetrators.

(S) - indicates suicide

(D) - indicates other cause of domestic violence homicide perpetrator death, including being killed by dv victim in self-defense and suicide by police

(A) - attempted suicide by domestic violence homicide perpetrator

(DVV) - indicates that domestic violence victim committed the murder

**JDI Definition of Domestic Violence Homicide**

JDI's definition of domestic violence homicide aims to capture the full picture and context of domestic violence homicides. Homicides are considered domestic violence related if :

- the homicide victim and perpetrator were current or former spouses or intimate partners, adults or teens with a child in common, or adults or teens in a current or former dating relationship
- the homicide victim was a bystander or intervened in an attempted domestic violence homicide and was killed (including friends, family members, new intimate partners, law enforcement

officers or other professionals attempting to assist the victim of domestic violence, roommates and co-workers)

- the motive for the murder was reported to have included jealousy, in the context of an intimate partner or dating relationship, or
- a relationship existed between the homicide perpetrator and adult or teen victim that could be defined as exhibiting a pattern of power and control (including family or household members and caregivers).

We also include the deaths of perpetrators, whether by suicide, police or self-defense by the victim to demonstrate the broad impact of domestic violence. This list may be edited over time to reflect any new information that comes to light about these domestic violence homicide incidences.