

A Report from the State Domestic Violence Fatality Review Team



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

2022

Table of Contents

I.	Dedication	3
II.	Acknowledgment	4
III.	Executive Summary	4
IV.	Membership.....	5
V.	Philosophy and Process	9
VI.	Findings and Recommendations from the Fatality Review Sessions.....	11
VII.	Data	12
VIII.	Looking Ahead: 2023	13

I. Dedication

The Massachusetts Domestic Violence State Fatality Review Team dedicates the 2022 annual report to those who've died in Massachusetts as a result of domestic violence or occurring within the context of domestic violence, and to the victims and survivors of domestic violence everywhere.

II. Acknowledgment

The Massachusetts State Domestic Violence Fatality Review Team Members would like to thank Governor Baker and Lt. Governor Polito for their commitment to supporting domestic violence, sexual assault, and human trafficking survivors across the Commonwealth. The Baker-Polito Administration has demonstrated their devotion to helping people across Massachusetts through significant programmatic budget increases and supports, creation of new prevention focused programming, implementation of the RESPECTfully statewide prevention and education campaign, increased access to housing options, and more. We would also like to thank the Massachusetts District Attorneys Association, along with the Commonwealth's District Attorneys and staff who continue to dedicate their time and efforts to facilitate review sessions. Last, but certainly not least, we would like to thank the local community partners who have participated in local reviews each year. Without their support and contributions to these review sessions, our work would not be possible.

III. Executive Summary

The Massachusetts State Domestic Violence Fatality Review Team ("State Team") presents its annual report for calendar year 2022. The State Team aims to address the problem of domestic violence and to seek solutions to reduce the number of domestic violence incidents in Massachusetts. The fatality review process creates recommendations for both community-level and systemic-level changes across Massachusetts. The focus is on strengthening prevention efforts and improving responses to prevent domestic violence and related fatalities in the future.

In 2022, the State Team conducted reviews virtually and in hybrid models. Due to the continuation of remote review sessions, we updated our policies and procedures to reflect the option, while maintaining information related to in-person reviews, which provides a comprehensive understanding for local teams for the choice in review process. The State Team expects to return to fully in-person review sessions beginning in 2023.

Unfortunately, the need for the State Team remains, and there is still more work to be done. **We present our recommendation in Section VII of this report.**

We also included **Massachusetts data in Section VIII** of this report, provided by the National Incident-Based Reporting System (NIBRS). The inclusion of data is intended to improve our understanding of the context of domestic violence in Massachusetts. It is important to note that as information and investigations emerge, the number of domestic violence-related incidences may change and may not be reflected in this report after publication.

As we look forward to the years ahead, we cannot help but reflect on the many milestones and accomplishments under the Baker-Polito Administration. In partnership with the Legislature, Massachusetts' overall state funding dedicated to sexual assault, domestic violence, and human trafficking programs and services increased from \$64.7M in FY15 to \$138.2M in FY23, representing a 114% increase. These funds have supported inter-agency and multidisciplinary collaborations as well as new initiatives across the state on efforts such as primary prevention, enhancements of technology in services, expansions of sheltering options and other housing solutions, and several other key programmatic supports and partnerships.

In previous years, we saw strengthened interagency collaboration among the Department of Public Health (DPH), MassHousing, and the Department of Housing and Community Development (DHCD), which resulted in improved housing options and solutions for survivors. We are encouraged to see these partnerships continue in a variety of ways including staff training and professional development, demonstrating that long-term sustainable housing access for survivors and their families remains a top priority. Additionally, we have begun to see a focus on enhancing connectivity between MassHire and domestic violence programs across Massachusetts. These partnerships are important to ensure “no wrong door” for survivors to gain economic independence. Last but certainly not least, we have continued to see prevention efforts in both the statewide public awareness campaign *RESPECTfully* and the Healthy Relationships Program. These efforts, developed to support youth, are instrumental in expanding awareness about what constitutes a healthy relationship by defining characteristics of what is acceptable and unacceptable behavior and helping youth identify those unhealthy traits either in a friend, relationship, or oneself and to reach out for help prior to it escalating. These primary prevention efforts emphasize the key message that it “starts with us” and encourage healthy relationships with the goal of preventing intimate partner violence in the future.

These significant steps continue to move Massachusetts closer to a future where survivors and their families can easily access and navigate services and obtain safety and independence seamlessly, and through continued prevention efforts, ultimately disrupt the chain of violence.

IV. Membership

MEMBERS

Chair Kelly Dwyer, *Executive Director, Governor's Council to Address Sexual Assault and Domestic Violence*

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, *Senior Advisor, Office of the Chief Medical Examiner*

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

Megan McGovern, *Assistant District Attorney, Middlesex District Attorney's Office*

Detective Captain Michael Farley, *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 Team despite being named in the 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.”¹

Per the CJE Opinion, the State Team is currently working with the Trial Court and the Family and Probate Court to name designees who can act in the limited consulting capacity outlined above.

It is important to note and acknowledge key additional State Agencies/Individuals that continue to assist and support the State Team and the identified District Attorney's Office both prior to and during review sessions in gathering allowable information and documentation to ensure information is accessible. These State Agencies/individuals include:

Anjeza Xhemollari, *Coordinator, Executive Office of Public Safety and Security*

Pamela Murphy, *General Counsel, Massachusetts Parole Board*

Keara Kelley, *Counsel II, Massachusetts Parole Board*

Sue English Lachowetz, *Domestic Violence Supervisor, Department of Children and Families*

Crystal Jackson, *Domestic Violence Unit Director, Department of Transitional Assistance*

Arielle Mullaney, *State Team Counsel, Executive Office of Public Safety and Security*

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

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

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 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.”²

In selecting cases for review, the State Team assigns cases to Local 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

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

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.”³

The State Team convened in early 2022. Members held meetings and partnered with several District Attorney Offices, supporting the preparation, coordination, and execution of reviews to deliver the 2022 annual report.

V. 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 local review teams 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.

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

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. The Team reviews 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 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

Each review session took place in the county where the crime was committed and involved a Local Team chaired by the District Attorney with jurisdiction over the case. In conjunction with the State Team, the Local Team requested 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 aim 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 local review chair created a timeline of events from all gathered information and shared this with team members as a part of the discussion. This exercise was designed to expose strengths and weaknesses in the system, get a better understanding of relationship dynamics, understand who the formal and informal support networks were and what they knew, determine any history of help-seeking and offender accountability and the outcomes, and help the team understand the circumstances leading up to the fatality. Once assembled, the members continued to refine the timeline until they had exhausted all available information.

At the conclusion of each session, members identified practical recommendations and corresponding objectives that are measurable over time. The state team monitors the progress and measures the success of any recommendations which are ultimately implemented.

The State and Local Teams operate under strict confidentiality. All materials, reports, and timelines used and created during meetings are not part of the public record.

VI. Findings and Recommendations from the Fatality Review Sessions

In 2022, the State Team continued to support local District Attorney Offices for each review process and began engaging with some offices regarding creating their own independent teams with policies and procedures. We continued to accomplish in-depth, robust reviews through virtual or hybrid meetings. Going forward, review meetings will be held in-person, with the option to hold a meeting remotely as needed on a case-by-case basis.

This year's review sessions brought up a unique, yet a not uncommon concept that would be important to explore in the coming years – domestic violence sessions /courts. These specialized courts are designed to increase victim safety and offender accountability. In the early 2000's, Dorchester District Court in Boston participated in a study through the Vera Institute of Justice and received funding from the U.S. Department of Justice's Office on Violence Against Women to participate in the Judicial Oversight Demonstration Initiative over a five-year period to enhance the coordinated community response through the judicial system. Several court-based and community systems such as law enforcement, victim services, probation, etc. came together to improve and enhance responses. A review from the studies conducted of the Dorchester Court⁴, as well as many others across the nation, reveal that specialized domestic violence courts come with several benefits including enhanced coordination of cases, consistent procedures, treatment of litigants, rulings and orders, and greater system accountability. On the other hand, there are concerns such as limited access to judges with specialized training or deterioration of neutrality.⁵ Due to the complexity of specialty courts/sessions, the State Team plans to continue to explore the possibility of a recommendation in future reports on formulating domestic violence specialty courts across Massachusetts.

The 2022 domestic violence fatality review process resulted in the following recommendation:

⁴ Enhancing Response to Domestic Violence:

https://web.archive.org/web/20071004100444/http://www.vera.org/publication_pdf/251_494.pdf

⁵ Specialization of Domestic Violence Case Management in the Courts: A National Survey:

<https://www.ojp.gov/pdffiles1/nij/199724.pdf>

1. *The State Team recommends filing legislation to create a domestic violence database like the Massachusetts Sex Offender Registry Board (SORB), which promotes public safety by educating and informing the public to prevent further victimization.*

The review sessions in 2022 led to the recommendation to explore possible legislation regarding a statewide domestic violence database which is easily accessible and no cost to the public. The database may include information on individuals convicted of violent or repeated offenses of family, domestic, or dating violence, and/or stalking, as well as indicating if the individual has active restraining orders against them. The goal of the database would be to ensure the public's safety, community awareness and prevention of future violence.

VII. Data

Data can be an incredibly useful tool in determining areas of need, identifying possible trends, and responding accordingly, as well as measuring successes. To date, the State Team has been unable to take a deep dive into the data metrics here in Massachusetts for several reasons, including the time it took to build the fatality review process since inception, the need to adapt to new procedures during the COVID-19 pandemic, and the resources and time it takes to collect and process the information. There are a variety of ways to obtain data related to intimate partner violence (IPV) and homicides such as law enforcement, friends and family, local programs, and online statewide tools such as the Trial Courts, and even nationally through agencies such as the Centers for Disease Control (CDC). This includes information being broken down in categories such as incident type, weapons used, location, and identifying populations disproportionately impacted. It is the hope in the coming years the State Team will take a deeper dive into Massachusetts based statistics and data related to IPV and related homicides to assess where challenges and opportunities arise. This includes determining outputs, what sites to pull in information from, and what we are hoping to understand from the information. In the meantime, we continue to pull together data from relative Massachusetts sources included in this report and in years past.

We have included data from the FBI's National Incident-Based Reporting System (NIBRS) which became the national standard for law enforcement crime data reporting in the United States in January of 2021. NIBRS reflects types of crimes addressed by law enforcement and as demonstrated within this report includes types of offenses within Massachusetts. Below is a chart from NIBRS which includes calendar years (CY) 2020 and 2021 for the total number of domestic violence related charges across Massachusetts. Domestic violence related offenses include those which involve a spouse, ex-spouse, intimate partner, ex-partner, child, stepchild, grandchild, sibling, stepsibling, parent, stepparent, grandparent, in-law, and other family member. Charges such as assault and

battery with a dangerous weapon, strangulation, and assault and battery on a pregnant woman are included in the aggravated assault totals. These numbers represent total number of offenses, not total number of arrests across Massachusetts. Comparing 2020 and 2021, regardless of the slight decrease in total offenses, the rates continue to demonstrate the importance for increased prevention efforts as well as continued immediate and long-term survivor supports.

Incident Date	Murder and Non-negligent Manslaughter	Kidnapping/Abduction	Aggravated Assault	Simple Assault	Intimidation
2020	21	290	5,690	16,026	3,347
2021	18	341	5,739	16,400	3,531

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

VIII. Looking Ahead: 2023

In 2023, the State Team hopes to explore expanding the review process to give local teams more autonomy. To do so, the State Team will work with local District Attorney Offices to create and maintain their local review teams, including finalizing policies and procedures, as well as annual meetings and reviews. The State Team will continue to utilize the information provided by Dr. Neil Websdale from the National Fatality Review Initiative in building out the Massachusetts infrastructure for inclusion of family, friends, and colleagues by way of interviews. This process is delicate, complex, and will take time to establish. The State Team will strive to develop the training and policies for the Local Teams, working towards the goal of implementing this infrastructure in the coming years.

The State Team has identified and secured the partnering District Attorney Offices and will continue to review cases to assist in determining recommendations each year with the goal of ending the cycle of violence.