

# 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

December 31, 2015

## I. Executive Summary

Citizens of the Commonwealth:

The Massachusetts State Domestic Violence Fatality Review Team presents the inaugural report on its work for 2015.

Membership was finalized over the summer, and the State Domestic Violence Fatality Review Team held its first meeting on Wednesday, September 30<sup>th</sup> at the offices of the Executive Office of Public Safety and Security (EOPSS).

Members arrived at the first meeting eager to serve the Commonwealth in our new roles. However, we understood the serious and sensitive nature of our work would require deliberate planning and preparation before the Team was ready to select the first cases for review. Accordingly, members determined the Team should immediately explore options for technical assistance and training on review team national best practices.

Through consultation with the Fatality Review Team Working Group, under the Governor's Council Addressing Sexual and Domestic Violence, we connected with two nationally-recognized experts in the Domestic Violence Fatality Review field - David Adams, the co-founder of Emerge: Counseling and Education to Stop Domestic Violence, and Dr. Neil Websdale, the Director of the National Domestic Violence Fatality Review Initiative (NDVFRI). Mr. Adams subsequently spent a morning advising the Team on best practices recommended by the Fatality Review Team Working Group, and Dr. Websdale funded a half-day of on-site technical assistance with Matt Dale, the Director of the Montana State Fatality Review Commission. Mr. Dale's commission has been in existence for ten years and is nationally recognized as a leader in best practices.

As we look ahead to 2016, the Team will build upon our recent technical assistance prior to selecting cases for review. We anticipate holding a three-part training series for members on fatality review procedures and protocols. Members will once again lean on David Adams and the Fatality Review Team Working Group, as well as our new partnership with Dr. Websdale at NDVFRI, for their expertise and guidance.

The Team will likely select its first case for review by late spring. Members will need time early in the year to explore potential grant opportunities and other funding sources to complete their training and finance their review work. There were no appropriations made available through the Team's authorizing statute.

Sincerely,

Tammy Mello  
Chair, State Domestic Violence Fatality Review Team

## II. Membership

### ***Standing Members***

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

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

Henry M. Nields, MD, PhD, *Chief Medical Examiner, Office of the Chief Medical Examiner*

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

Major Joseph Duggan, *Division of Investigative Services, Massachusetts State Police*

Dianne Fasano, *Office of Probation*

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

### ***Members Yet To Be Appointed***

Chief Justice of the Trial Court or a designee

Chief Justice of the Family and Probate Court or a designee

In accordance with 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>*

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

### **III. 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 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*

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

*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>*

#### **IV. Meeting History**

- Wednesday, September 30<sup>th</sup> - Inaugural Meeting

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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>

- Tuesday, October 20<sup>th</sup> - Technical Assistance Session with David Adams, State Fatality Review Team Working Group of the Governor's Council to Address Sexual Assault and Domestic Violence
- Thursday, December 10<sup>th</sup> - Technical Assistance Session with Matt Dale, Director of the Montana Domestic Violence Fatality Review Commission
- Next Meeting: Wednesday, January 27, 2016

#### V. Consultation with the State Fatality Review Team Working Group of the Governor's Council to Address Sexual Assault and Domestic Violence

Through Executive Order 563, Governor Baker re-launched the Governor's Council to Address Sexual Assault and Domestic Violence on April 27<sup>th</sup>, 2015.

The Council's first priority was to assess the implementation of Chapter 260: An Act Relative to Domestic Violence. Chapter 260 was passed unanimously by the Legislature and signed into law on August 8, 2014. Accordingly, the Council reviewed each provision of the legislation and created working groups to address the main focus areas.

One of the working groups was established to gather information and best practices on the creation, formation, and procedures of the State Domestic Violence Fatality Review Team, as well as other overall recommendations regarding domestic violence homicide prevention. Working group member David Adams met with Team members to share the group's findings.

Among the key findings and best practices that Mr. Adams presented to the State Review Team were:

**State Review Team Membership:** After reviewing the composition of state and local teams nationwide, the group discussed the addition of several key agencies, organization, and stakeholders to the State Review Team. These included:

- a) Medical - A staff member at a medical center or hospital with an established domestic violence program within the agency and a strong interest in the prevention and intervention of Domestic Violence
- b) Mental Health - A representative from the Department of Mental Health (DMH) with a strong interest in the prevention and intervention of Domestic Violence
- c) MA Chiefs of Police - A designee with strong interest in the prevention and intervention of Domestic Violence
- d) Domestic Violence Service Agencies - A staff member of Jane Doe Inc. and a member of a Domestic Violence agency that also provides child witness services, sexual assault services, and supervised visitation

- e) Legal Aid Services - A member of a legal aid agency with a strong interest in the prevention and intervention of Domestic Violence
- f) Department of Children and Families (DCF) - Director of the Domestic Violence Unit
- g) Parole - Director of the Victim Service Unit
- h) Batterers Intervention Programs (BIP) - Director of BIP at the Department of Public Health (DPH) and a member of a certified BIP program chosen by the DPH member
- i) Substance Abuse - A representative of DPH substance abuse services with a strong interest in the prevention and intervention of Domestic Violence
- j) Ad Hoc Members - Each chosen case should also consider invited members as determined by the specifics of the case (for example, Department of Transitional Assistance, animal abuse, elder services, etc.)

**Local Review Teams:** The working group also discussed the formation and procedures for local review teams. Members agreed with the working group that the District Attorney with jurisdiction over the case being reviewed should identify and make first contact with potential local review team members.

**Selection of Cases:** When the State Fatality Review Team is ready to select cases for review, the working group recommended the Team take the following guidelines into consideration:

1. Chosen cases should include suburban, urban and rural incidents from different counties.
2. The Team should work towards a goal of reviewing upwards of 10 cases per year in order to cover the many facets and issues present in different domestic violence cases.
3. Members should select one case that did not have prior contact with the criminal justice system, one that did, and one 'outlier case' that involves an underserved population of victims, such as immigrants, elders, teens, GLBTQ, and the disabled.
4. The Team should look for certain 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.

**Review Protocols:** In reviewing cases, the State Fatality Review Team should consider the following procedures and protocols:

1. When possible, the Team should interview the family members of the victim(s) and defendant(s).
2. When making recommendations, the Team should detail information that was known to individuals when they made a decision regarding past contact with the abovementioned parties.

3. In reviewing cases, the Team should predetermine the number of recommendations they intend to issue after each individual study is complete. Limiting recommendations to the top 5 may be best.

State Review Team members welcomed Mr. Adams' feedback and recommendations from the Council working group. The Team looks forward to consulting regularly with Mr. Adams and the working group on best practices as it continues its work in 2016.

## **VI. National Best Practices and Technical Assistance**

At the recommendation of the State Fatality Review Team Working Group, the Team contacted Dr. Neil Websdale, the Director of the National Domestic Violence Fatality Review Initiative (NDVFRI). The NDFVRI provides technical assistance for local and state review teams. The Initiative promotes "reviewing of domestic violence related deaths with the underlying objectives of preventing them in the future, preserving the safety of battered women, and holding accountable both the perpetrators of domestic violence and the multiple agencies and organizations that come into contact with the parties."<sup>4</sup>

Dr. Neil Websdale is Professor of Criminology and Criminal Justice at Northern Arizona University. He has published extensive work on the impacts of domestic violence and built a national network of local and state review teams.

The Team was fortunate in that Dr. Websdale was able to fund on-site technical assistance with Matthew Dale, the Executive Director of the Montana Office of Victim Services and Director of the Montana State Fatality Review Commission for the past ten years.

Mr. Dale joined us in Boston for a half-day of training on Thursday, December 10, 2015. He shared his experiences in managing the Montana State Team for the past decade, particularly focusing on the way his team's methods and procedures have evolved during that time. Mr. Dale's Montana Team is now recognized nationally for its best practices in the review of domestic violence fatalities.

Similar to the recommendations from the State Fatality Review Team Working Group, Mr. Dale highlighted the need for the Team to consider broadening its membership. The Montana Commission consists of 18 members representing multiple facets of the community.<sup>5</sup> Government entities, non-profit organizations, and community stakeholders that are included in Montana but not Massachusetts are:

- A Legal Advocate
- A Counselor from a Batterer's Treatment Program
- A Licensed Social Worker from the Montana DCF equivalent
- A Member from the Faith Community
- A Member from the Judiciary
- A Member of the Legislature

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<sup>4</sup> <http://www.ndvfri.org/index.php>

<sup>5</sup> <https://dojmt.gov/victims/domestic-violence-fatality-review-commission/>

- A Member from the Health Care Industry
- A Sexual Assault Nurse Examiner
- A Representative from the Greater Boston Legal Services equivalent
- A Representative from a Community Non-profit Program with an interest in curbing incidence of Domestic Violence

Additionally, Mr. Dale stressed the need for Members to craft a clear mission statement and guiding principles to help direct our work through the fatality review process. These vision statements, to be read prior to the beginning of every review meeting, serve as a constant reminder of the Team's purpose, state its overarching goals, and provides a template for decision making throughout the review process.

Moving forward, Mr. Dale recommended that the State Fatality Review Team hold two to three training sessions with the NDVFRI for members to gain a comprehensive overview of national best practices for the fatality review process. We anticipate holding training sessions in early 2016 provided that the Team can secure financial resources to fund future technical assistance sessions.

## **VII. Looking Ahead to 2016**

Unfortunately, the need for the State Fatality Review Team has not diminished this past year. According to Jane Doe Inc., there were 23 separate episodes of Domestic Violence Homicide in Massachusetts in 2015, resulting in 26 deaths. Please see the full report from Jane Doe Inc. in Appendix A of this report.

The success of our State Review Team will ultimately be measured by our ability to both identify opportunities to improve system and community response to domestic violence, as well as identifying replicable best practices that increase safety for victims and hold offenders accountable. The need is urgent, and members are eager to complete their training so the Team can begin reviewing cases.

Beginning in January of 2016, the State Fatality Review Team has set forth the following goals:

- Complete technical assistance training with NDVFRI
- Draft Mission Statement
- Draft Accompanying Vision Statements
- Draft Guiding Principles
- Review First Case by late spring
- Consult Monthly with Matthew Dale and Dr. Websdale at the NDVFRI
- Consult Quarterly with the State Fatality Review Team Working Group within the Governor's Council to Address Sexual Assault and Domestic Violence
- Conduct additional training and technical assistance sessions as needed
- Review at least three cases by December 31, 2016

The team looks forward to publishing the results of our first case reviews and accompanying recommendations in our next report due December 31, 2016.

## VIII. Appendices

### A. Jane Doe Domestic Violence Homicides in Massachusetts Year to Date 2015

## APPENDIX A



Please refer to JDI's definition of domestic violence homicide to provide context for these different categories and the information provided here.

Overview of Domestic Violence Homicides in Massachusetts Year to Date 2015			
		WHO ARE THESE DV HOMICIDE VICTIMS?	
		# of DV Homicide Incidents	<b>23</b>
# of DV Homicide Victims	<b>18</b>	Male DV Victims	2*
# of DV Perpetrator Suicides or Deaths <sup>^</sup>	<b>8</b>	DV Perpetrators	1
<b>Total DV Deaths</b>	<b>26</b>	Female Associated with DV Victim	1
Male DV Homicide Perpetrators	<b>16</b>	Male Associated with DV Victim	0
Female DV Homicide Perpetrators	<b>2</b>	Children Associated with DV Victim	0
		Family (non-IPV)	0
		Bystanders (includes police)	1

### Details Domestic Violence Homicides in Massachusetts January 1, 2015 through YTD 2015

DATE	HOMICIDE VICTIM	AGE	ALLEGED HOMICIDE PERPETRATOR <i>(relationship)</i>	AGE	CITY/ COUNTY	LOCATION/ method
1/5/2015	Yahaira Hernandez	30	Pedro Vasquez <i>(Law enforcement identified as DV)</i>	40	Springfield, Hampden	Vehicle/ Shooting
2/5/2015	Lisa Trubnikova	31	Adrian Loya <i>Male Stalker</i>	31	Bourne, Cape and Islands	Home/ Shot
2/11/2015	Kathryn Mauke	17	Nickolas T. Lacrosse <i>Former male partner</i>	20	Springfield, Hampden	Home/ Stabbing
2/14/2015			Thomas E. Coburn III (S) <i>Current male spouse (separated)</i>	51	Milford, Worcester	Parking Lot/ Shooting
2/15/2015	Omar Mendez	39	Miguel Rivera <i>Current male partner</i>	50	Lawrence, Essex	Home/ Stabbing
2/17/2015			Douglas Sparks (D) <i>Former male partner</i>	30	Tewksbury, Middlesex	Outside/ Shooting by police
3/11/2015	Salina Merritt	29	Erick Buchanon <i>Current male partner of female DV victim</i>	46	Springfield/ Hampden	Home/ Stabbing
3/18/2015	Michelle Batista	31	Allen Murphy (S) <i>Current male partner</i>	27	Framingham, Middlesex	Home/ Shooting
3/27/2015	Donna Buonanduci	45	Joseph Buonanduci <i>Current male spouse (estranged)</i>	46	Peabody, Essex	Home/ Beaten
3/27/2015			Neil J. Seifert (D) <i>Former male partner</i>	40	Webster, Worcester	Home/ Suicide by cop
5/5/2015	Monique Van Zandt	25	Van Dorsey Jr. <i>Current male partner</i>	27	Springfield, Hampden	Home/ Stabbing
5/17/2015	Christine Giordano	45	Daniel Burns (S) <i>Former male spouse</i>	42	Wakefield, Middlesex	Home/ Stabbing

6/11/2015	Cedric Taylor	37	<b>Stephanie Cruz (DVV)</b> Current female partner	28	Leominster, Worcester	Home/ Stabbing
6/16/2015	Cheryl Young	55	<b>Brandon Hoar</b> Current male partner	59	Peabody, Essex	Home/ Stabbing
7/14/2015	Matilde Gabin	33	<b>Nelson Delarosa (S)</b> Current male spouse (estranged)	65	Lawrence, Essex	Home/ Shooting

Details Domestic Violence Homicides in Massachusetts January 1, 2015 through YTD 2015						
DATE	HOMICIDE VICTIM	AGE	ALLEGED HOMICIDE PERPETRATOR (relationship)	AGE	CITY/ COUNTY	LOCATION/ method
9/1/2015	Kate Church	31	<b>Matthew Church</b> Current male spouse	33	Georgetown, Essex	Home/ TBD
11/8/2015	Donna Cucinotta	55	<b>James Woodbury</b> Current male partner	44	Lynn, Essex	Home/ TBD
11/16/2015 (died from injuries on 11/21/2015)	Edith Black-Scherer	45	<b>Axel Scherer</b> Current male spouse	45	Beverly, Essex	Home/ Strangulation
11/21/2015			<b>Kevin J. Murray (S)</b> Current male partner	48	Norton, Bristol	Home/ Suicide by gunshot
11/28/2015	Jennifer Best	30	<b>Christen Longley</b> Former female partner of Best's current boyfriend	31	West Springfield, Hampden	Home/ Stabbing
12/6/2015			<b>Brandon Leonardo (S)</b> Current male partner	24	Swansea, Bristol	Home/ Suicide by gunshot
12/7/2015	Anthony Sinclair	28	<b>Valerie Cirilo-Perez</b> * Not enough information yet on relationship or who might be the domestic violence victim and the perpetrator	25	Boston, Suffolk	Home/ Stabbing
12/10/2015	Halena Irene Gill	37	<b>Timothy Gill</b> Current male spouse	38	Pittsfield, Berkshire	Home/ Strangulation

JDI also recognizes the murder of Marissa Randall, 19, on November 17, 2015, who was allegedly stabbed to death by Soi Ket Dang, 32, in Halifax. According to police, Dang contacted Randall through an app called "MeetMe" for prostitution services.

**KEY:**

^ 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."

(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**

Beginning in 2005 Jane Doe Inc. reconsidered its definition of domestic violence homicide and used the new definition in identifying all incidents that occurred in 2003 and subsequent years. The definition was modified in order 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).

Furthermore, in order to meet our goal of capturing the full picture of deaths due to domestic violence, we have also included the deaths of perpetrators, whether by suicide, police or self-defense by the victim. To the extent that information is available, we also add to this list domestic violence homicides that have a Massachusetts connection (e.g. perpetrator suicide and out of state). This list may be edited over time to reflect any new information that comes to light about these domestic violence homicides.

Jane Doe Inc. 14 Beacon Street, Suite 507 Boston, Massachusetts 02108 **T:** 617 248 0922 **TTY/TTD:** 617 263 2200 **W:** [www.JaneDoe.org](http://www.JaneDoe.org)