

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

Table of Contents

I.	Dedication	3
II.	Acknowledgement	4
III.	Executive Summary	4-5
IV.	Membership	5-6
V.	Background	6-8
VI.	Philosophy and Process	8-10
VII.	Findings and Recommendations	10-11
VIII.	Data	11
IX.	Looking Ahead	12
X.	Appendices	13

I. Dedication

The Massachusetts Domestic Violence State Fatality Review Team dedicates the annual report to the 28 victims killed in Massachusetts (as of December 15, 2019) as a result of domestic violence, their surviving families and friends, and to victims and survivors of domestic violence everywhere.

II. Acknowledgment

The Massachusetts 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 throughout this process. 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. We look forward to our continued work with those Offices, along with those that will host review sessions in the near future. Last, but certainly not least, we would like to thank the local community partners who have participated 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 2019. The State Fatality Review Team aims to address the problem of domestic violence and to seek solutions to reduce the number of domestic violence incidents in Massachusetts. Recommendations listed in this report are based on in-depth review sessions with local partners.

This year, the State Team continued its efforts in assisting District Attorneys' Offices to create local teams and lead their own fatality review sessions. The State Team worked with local teams in selecting cases falling under the following criteria: one case that did not have prior contact with the criminal justice system, one that did have prior contact, and one 'outlier case' that involves an underserved population of victims, such as immigrants, elders, teens, members of the LGBTQ community, or persons with disabilities. The Team continued to review exclusively intimate partner-related fatalities, which are a subset of overall domestic violence related-homicides.

We present our recommendations in Section VII of this report. As of December 15, 2019, there were 24 domestic violence homicide incidents, resulting in 28 domestic violence homicide victims and 7 perpetrator suicides or deaths. The need for our Team remains urgent; there is still much work to be done.

We have 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 data from statewide organizations is intended to improve our understanding of the context of domestic violence here in Massachusetts.

Moving forward, the Team anticipates continuing our work in 2020 with the current process of comprehensive case review sessions across the Commonwealth and assisting District Attorneys' Offices in building local infrastructure and teams.

As we look to next year and the years ahead, we are heartened by the continued progress and funding of the "RESPECTfully" statewide public awareness and prevention campaign, initiated by Lt. Governor Polito in May of 2019. We are also very pleased that the Massachusetts FY20 budget included \$1 million for healthy relationships programs and teen dating violence prevention. These efforts, along with the efforts of social workers, law enforcement, local 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, Acting 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, Massachusetts 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 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.”¹

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.

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;

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

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 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 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

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

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.”³

The State Fatality Review Team organized in early 2019. Members held meetings and partnered with several District Attorneys' Offices, supporting the preparation, coordination, and execution of reviews in order to deliver a robust annual report for 2019.

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

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

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

Each review session took place in the county where the crime was committed and involved a Local Review 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 host local review chair created a timeline of events from all gathered information and shared this with team members. This exercise was designed to ex-

pose 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 impacts of both, 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 a number of 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. All materials, reports, and timelines used and created during meetings are not part of public record.

VII. Findings and Recommendations from the Fatality Review Sessions

In 2019, the State Fatality Review team traveled to three counties across the Commonwealth, partnering with District Attorneys' Offices and local review teams to review cases that involved homicide by intimate partners followed by suicides. During each Fatality Review, the Team reviews case-specific facts and other similarities to provide recommendations for systemic improvements. Each review session lasted a full day at the respective District Attorney's Offices.

Below are the recommendations provided by the State Review Team based on in-depth, comprehensive fatality review sessions.

1. The State Team recommends filing legislation adding three new members to the State Fatality Review Team.

It has become clear that there is need to add three additional members to the State Team. Members feel adding the following three seats would benefit both the state and local teams: (1) A representative from a community non-profit program with expertise in perpetrators of intimate partner violence and risk assessment; (2) The Commissioner of the Massachusetts Department of Children and Families or a designee; and (3) The Commissioner of the Department of Transitional Assistance or a designee.

2. The State Team recommends the Massachusetts Executive Office of Public Safety and Security, in consultation with the Massachusetts Department of Public Health, to explore options in creating and/or expanding current efforts on coordinated community response and infrastructure to all domestic violence-related calls.

A common theme that emerged in all local reviews is the need for direct advocacy support for victims directly after law enforcement response. This support should occur after all domestic violence calls, not just those involving extreme violence. While information on support services is shared on-scene with survivors by the responding officer, the number of survivors who actually reach out for support is low. Utilization of “civilian police advocates” in police departments contributes to this support, but infrastructure for such programs is inconsistent and varies across the state. Members believe by exploring options and/or expanding efforts surrounding a coordinated community response and infrastructure would increase the number of victims receiving support.

VIII. Data

Domestic violence does not discriminate – it effects every demographic and every community throughout Massachusetts. Furthermore, 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.

According to the Massachusetts Trial Courts, there have been a consistent number of Protective Orders (209A) and Harassment Prevention Orders (258E) filed in recent years. With an average of 44,000 orders filed annually, this breaks down to ~29,000 to 32,000 209A orders and ~14,000 258E orders filed per year.⁴ The Massachusetts Trial Courts’ data also show a consistent number of charges (violation of a restraining order, assault or battery on a household member, and violation of a harassment order) filed annually since 2016, averaging 23,000 each year.⁵

Jane Doe, Inc. is the Massachusetts statewide coalition against sexual and domestic violence. The organization publishes an annual overview of domestic violence homicides in Massachusetts. The 2019 overview (as of December 15, 2019) is included in Section X of this report.

According to Jane Doe, Inc., as of December 15, 2019, there were 24 domestic violence homicide incidents, resulting in 28 domestic violence victims and 7 perpetrator suicides or death. From 2017 to 2018, there was a decrease in domestic violence homicide victims. However, from 2018 to 2019 there was an increase. Although we hope to see a continued decrease in the number of domestic violence homicides with each coming year, even one homicide is one too many.

⁴<https://public.tableau.com/profile/drap4687#!/vizhome/MassachusettsTrialCourtCaseFilingsHarassmentandRestrainingOrders/HarassmentandRestrainingOrders>

⁵ <https://public.tableau.com/profile/drap4687#!/vizhome/MassachusettsTrialCourtChargesDashboard/Dashboard>

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 identify replicable best practices that increase safety for victims and hold offenders accountable.

IX. Looking Ahead to 2020

Unfortunately, there is still a need for the State Domestic Violence Team. As we continue to review cases for 2020, members 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 'outlier 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 receive training from the National Domestic Violence Fatality Review Initiative to build an infrastructure that enables local teams to interview family, friends, coworkers, and others in order to gain a deeper understanding of each case.

X. Appendices

A. Jane Doe, Inc. Domestic Violence Homicides in Massachusetts Year to Date (12/15/19)



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 2019			
		WHO ARE THESE DV HOMICIDE VICTIMS?	
		# of DV Homicide Incidents	24
		Male DV Victims	2
# of DV Homicide Victims	28	DV Perpetrators (except when killed by police)	0
# of DV Perpetrator Suicides or Deaths [^]	7	Female Associated with DV Victim	0
Total DV Deaths	35	Male Associated with DV Victim	1
Male DV Homicide Perpetrators	19	Children Associated with DV Victim	6
Female DV Homicide Perpetrators	3	Family (non-IPV)	0
		Bystanders (includes police)	1
Note: no dv homicide victims in 2 cases			

Details Domestic Violence Homicides in Massachusetts January 1, 2019 through YTD 2019

DATE	HOMICIDE VICTIM	AGE	ALLEGED HOMICIDE PERPETRATOR (relationship)	AGE	CITY/ COUNTY	LOCATION/ method
1/5/2019	Karina Nieves	24	Nelson Cardona (S) Current male spouse	26	Northampton, Hampshire	Home/ Shooting
1/13/2019	Alexis M. Avery	20	Blake J. Scanlon Current male partner	23	Westfield, Hampden	Home/ Stabbing
3/14/2019	Justine Wilbur and three children	41	Luke Karpinski (S) Current male spouse	41	Sheffield, Berkshire	Home/ Arson
4/24/2019	Debra Blasko	57	Thomas M. Blasko (S) Current male spouse	57	Northborough, Worcester	Home/ Shooting
5/4/2019	Telma Bras	43	Ilton Rodrigues Current male spouse	48	Stoughton, Norfolk	Home/ Stabbing
5/20/2019	Alexander Urtula	22	Inyoung You Current female partner	21	Boston, Suffolk	Public/ Encouraged Suicide by jumping
5/30/19	Shen Cai	49	Hongyan Sun Current male spouse	50	Lexington, Mid- dlesex	Home/ Mechanical asphyxiation
6/1/2019	Cleucilene Alves da Silva	41	Antonio Lucas Former male partner	40	Worcester, Worcester	Home/ Stabbing

6/22/2019	Brandi Berg	37	Steven Fregeolle (S) Former male partner	32	North Attleboro, Bristol (couple from Rhode Island)	Public Location/ Shooting
7/3/2019	Amanda Dabrowski	31	Carlos Asencio Former male partner	28	Worcester, Worcester	Public Location/ Stabbing
7/4/2019	Biqiang He	55	Huixiam Liu Current female spouse	46	Quincy, Norfolk	Workplace/ Stabbing
8/11/2019	Dora Chaves	38	Vladir B. Chaves Current male spouse	43	Boston, Suffolk	Home/ Stabbing

Details Domestic Violence Homicides in Massachusetts January 1, 2019 through YTD 2019

DATE	HOMICIDE VICTIM	AGE	ALLEGED HOMICIDE PERPETRATOR (relationship)	AGE	CITY/ COUNTY	LOCATION/ method
9/15/2019	Jennifer Kalicki	39	Eric Griffin Current male partner	40	Tewksbury, Middlesex	Home/ TBD (blunt force)
9/15/2019	Heng Seng Tan	50s	Hoeup Honn Former male partner of homicide victim's neighbor	38	Lowell, Middlesex	Home/ TBD (blunt force)
10/2/2019	Jennifer Vazquez- Rivera	34	Thomas Bergstrom Former male partner	36	Worcester, Worcester	Home/ Stabbing
10/7/2019	Deirdre Zaccardi and three children	40 (11, 9, 9)	Joseph Zaccardi (S) Current male spouse	43	Abington, Plymouth	Home/ Shooting
10/18/2019	Jason Swedberg	40	Jennifer Algarin Current female partner	32	Worcester, Worcester	Home/ Stabbing
10/20/2019	Mary Fairbairn	57	Gregory Fairbairn Current male spouse	62	Groton, Middlesex	Home/ Stabbing
10/21/2019	Jamee Ammons- Maddrey	27	Christopher McKoy Current male partner	25	Framingham, Middlesex	Home/ Stabbing
10/22/2019			Name Not Yet Released (S)	41	Lowell, Middlesex	Home/ Stabbing self-inflicted
11/3/2019	Shanike Roldan	34	Anthony Potito Current male partner	51	Springfield, Hampden	Public/ Shooting
11/15/2019			Name Not Yet Released (D) Current male spouse		Westborough, Worcester	Home/ Killed by police
12/1/2019	Charli Cook	44	Michael Cook		North Adams, Berkshire	Home/ Blunt Force trauma
12/12/2019	Karla Rodriguez	20	Luis Santos	23	Hudson, Middlesex	Car/ Shooting

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" 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 incidents.