



Montgomery County
Domestic Violence Fatality Review

2017 Annual Report

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Executive Summary

The Montgomery County Domestic Violence Fatality Review Team (DVFRT) is a multidisciplinary group of professionals and community members that meets regularly to examine the circumstances leading to fatalities and near-fatalities that occurred between intimate partners in Montgomery County, Maryland. In 2017, the Montgomery County DVFRT completed a review of four domestic violence-related cases that resulted in death or serious injury. Among the four cases the offenses committed included three homicides and one attempted homicide. Two of the homicides also involved offender suicides. The cases reviewed occurred between 2010-2015. Multiple factors were assessed, including the following: gender, age, weapon ownership and use, child witness, precipitating event(s), history of arrest or conviction, interventions sought, and convictions/outcome. The Montgomery County DVFRT made several findings and recommendations related to the following topics: education, outreach and training; legislation and policy; and systems improvement.

Team Members

Montgomery County (MC) DVFRT Officers: Debbie Feinstein, MC-DVFRT Chair, Chief, Special Victims Division, Montgomery County Office of the State's Attorney; Thomas Manion, MC-DVFRT Vice-Chair, Director, Montgomery County Family Justice Center, Montgomery County Office of the Sheriff

Community Members: *Vacant*

Community Organizations: Alexandra Iannolo, Attorney, House of Ruth Maryland; Hilary Tebeleff, Attorney, House of Ruth Maryland; Juanita Murkey, Attorney, House of Ruth Maryland; Donna Rismiller, Attorney, DVS Legal Services; Amy Palumbo, Attorney, DVS Legal Services; Dr. Rashid Chotani, Executive Director, Muslim Community Center Medical Clinic; Rahel Schwartz, Therapist, Jewish Coalition Against Domestic Abuse

Hospital Based Health Care Provider: Jessica Volz, Clinical Nurse Manager, Forensic Medical Unit, Adventist Health Care, Shady Grove Medical Center; Vania Baioni, Forensic Nurse Examiner, Forensic Medical Unit, Adventist Health Care, Shady Grove Medical Center, Heidi Bresse, Adventist Health Care, Shady Grove Medical Center

Judiciary of Maryland, Commissioner's Office: Carolyn Creel, Administrative Commissioner

Maryland District Court Clerk, Montgomery County: *Vacant*

Maryland District Court Judge, Montgomery County: *Vacant*

Maryland Division of Parole and Probation: William Sollod, Retired Field Supervisor, Maryland Division of Parole and Probation; Rochelle Perry, Field Supervisor (Acting)

Montgomery County Circuit Court Clerk: *Vacant*

Montgomery County Circuit Court Judge: *Vacant*

Montgomery County Criminal Justice Coordinating Commission: Michael L. Subin, Executive Director

Montgomery County Department of Correction and Rehabilitation: Gale Starkey, Deputy Warden, Inmate Programs and Services; Ben Stevenson, Deputy Chief, Pre-Release Services Programs and Services

Montgomery County Department of Health and Human Services: Cornelia Skipton, Abused Persons Program; Marja Booker, Abused Persons Program; Wendy Grier, Assessment Manager, Child Welfare Services; Larissa Royal, Services Supervisor, Child Sexual Abuse and Fatalities Investigations, Child Welfare Services

Montgomery County Department of Police: Russell Hamill, Assistant Chief of Police, Management Services Bureau; Laura Lanham, Assistant Chief of Police, Investigative Services Bureau; Captain Darren Francke, Director, Major Crimes Division, Investigative Services Bureau; Sergeant Jason Bahm, Special Victims Investigations Division; Sergeant John Reinikka, Special Victims Investigations Division

Montgomery County Public Schools: Dr. Jonathan Brice, Associate Superintendent; Dr. Elizabeth Rathbone, Coordinator, Student Health and Wellness

Montgomery County Office of the County Attorney: Elizabeth Evans, Retired Chief, Health and Human Services Division; Lena Kim, Associate County Attorney

Montgomery County Office of the Sheriff: Lieutenant Colonel Christina Calantonio, Assistant Sheriff; Lieutenant Robin Lewis, Domestic Violence Section, Family Division; Smita Varia, Program Manager, Domestic Violence Coordinating Council

Montgomery County Office of the State's Attorney: Laura Chase, Deputy State's Attorney; Christina Miles, Program Director

Takoma Park Police Department: Sergeant Richard Poole, Criminal Investigations; Diana Dean, Victim/Witness Coordinator, Criminal Investigations

The Office of the Medical Examiner: *Vacant*

Montgomery County DVFRT Staff: Ngozi Obineme, Program Manager, Montgomery County Family Justice Center, Montgomery County Office of the Sheriff

Acknowledgements

We would like to thank the dedicated county agencies, community partners and individual members for their contributions to the review process.

Thank you to the following people for your continued support and allocation of dedicated staff to participate in the review process:

- County Executive Isiah Leggett
- Honorable John McCarthy, Montgomery County State's Attorney
- Montgomery County Sheriff Darren Popkin
- Montgomery County Police Chief Thomas Manger
- Takoma Park Police Chief Antonio B. DeVaul
- Uma Ahluwalia, Director, Montgomery County Department of Health and Human Services
- Robert Green, Director, Montgomery County Department of Correction and Rehabilitation
- Honorable Marc Hansen, Montgomery County Attorney
- Stephan T. Moyer, Secretary, Maryland Department of Public Safety and Correctional Services
- Carolyn Creel, Administrative Commissioner, Maryland District Court, Montgomery County
- Dorothy Lennig, Director, Marjorie Cook Legal Clinic at House of Ruth Maryland
- Jack Smith, Superintendent, Montgomery County Public Schools
- Donna Rismiller, Executive Director, DVS Legal Services
- Dr. Rashid Chotani, Executive Director, Muslim Community Center Medical Clinic
- Elissa Malter Schwartz, Former Executive Director, Jewish Coalition Against Domestic Abuse
- John Sackett, President, Adventist Health Care Shady Grove Medical Center

A very special thank you to Deputy State's Attorney Laura Chase for her leadership and guidance.

Our sincerest gratitude also goes to Ngozi Obineme, Program Manager, for her tireless coordination efforts and for keeping our team moving in a forward and productive direction.

About the Montgomery County DVFRT

Mission

The mission of the Montgomery County DVFRT is to:

- 1) Achieve a better understanding of why and how people are injured and/or die in domestic violence-related incidents;
- 2) Find ways to improve community involvement, work collaboratively in responding to, effectively addressing and preventing domestic violence-related deaths and serious injuries; and
- 3) Formulate recommendations for systemic improvements in individual agency policies and protocols to prevent domestic violence-related deaths and serious injuries.

The Montgomery County DVFRT is one of eleven regional DVFRTs in Maryland. DVFRTs were authorized by the Maryland General Assembly in 2005, and the Montgomery County DVFRT was established in 2005.

Purpose

The purpose of Montgomery County DVFRT is to prevent deaths and serious injuries related to domestic violence. This purpose is accomplished by:

- 1) Promoting a coordinated community response among agencies that provide domestic violence-related services;
- 2) Identifying gaps in service and developing an understanding of the causes that result in deaths and serious injuries to domestic violence; and
- 3) Recommending changes, plans and actions to improve:
 - a. coordination related to domestic violence among member agencies,
 - b. the response to domestic violence by individual member agencies, and
 - c. state and local laws, policies and practices.

Case Review Process

Selection of Cases for Review

The Montgomery County DVFRT (hereinafter referred to as DVFRT or Team) reviews domestic violence-related deaths or serious injuries that occur in Montgomery County, Maryland. The review process begins with the Montgomery County Police Department (MCPD) compiling a list of cases. Cases include those that have been adjudicated through trial and sentencing or have resulted in the death of the perpetrator. The DVFRT Case Screening Committee (CSC) determines which domestic violence homicide and attempted homicide cases that the Team will review at each meeting. Per the request of the Chair, the Team is given the names of the victim and offender and other basic identifying information to gather information pertinent to the case. The cases selected for review occurred between 2010-present year.

Gathering Information

The Team is asked to research agency and organization files to locate records they have on the parties involved in the case. The Team may also request records and information from agencies and organizations that do not participate as DVFRT members, as authorized by statute Section 4-705 of the Family Law Article of Maryland Annotated Code. The release of medical records is covered by federal statute under HIPAA, however exceptions are made for release of information mandated by state law, such as the Team statute.

The Team may also choose to interview certain informed individuals that had contact with the involved parties. Informed individuals can include family and non-family members of the parties involved in the case. If the Team determines that the individual may have information relevant to the review, a designated team member will request and, if granted, conduct an interview with that individual. Interviews of informed individuals will often be assigned to counselors and advocates due to the sensitive nature of the discussion. All information gathered by the Team will be shared at the DVFRT meetings.

Review Meetings

The Chair convenes meetings monthly to review selected cases. DVFRT meetings are comprised of two parts, public and confidential. Members of the public are welcome to attend the public portion of the meeting where the Team discusses general community issues and events related to domestic violence. The Team reviews cases during the confidential portion of the meeting, which is open only to designated team members. Before the confidential portion of the meeting is called to order, all Team members in attendance are required to sign a sworn statement honoring the confidentiality of the information, records, discussions, and opinions disclosed during case review. A breach of confidentiality will result in removal from the Team and possible prosecution under Section 4-706 or 4-707 of the Family Law Article of the Maryland Annotated Code.

The Chair calls to order and presides over the discussion. A member of the Montgomery County Police Department typically offers the initial case overview. Other Team members present relevant information from gathered records, documents and interviews. When reviewing cases, the Team analyzes the following: the facts and circumstances surrounding the death or serious injury of the victim; the possible gaps in services, coordination of services, and systems response; and individual, relationship, community and societal risk factors associated with the case.

Findings, Recommendations and Annual Report

After case analysis, the Team offers specific findings and recommendations. Finalized findings and recommendations are reached by consensus. The Team's recommended actions aim to prevent deaths and serious injuries related to domestic violence. Recommendations are collected throughout the year and are not attributed to any one specific case. Findings and recommendations collected during the calendar year are included in a written annual report, which is disseminated the following year.

Data Collection Findings

In 2017, the Team reviewed four domestic violence cases, which included three domestic violence-related homicides and one attempted homicide. The following are the prominent findings from the Team's review:

- Three of the four homicide/attempted-homicide victims were female, and three of the four offenders were male.
- Two of the four offenders died by suicide immediately after perpetrating the homicide or attempted homicide.
- The average age of victims was 33 years old, with an age range of 24 to 38 years old. The average age of offenders was 38 years old, with an age range of 30 to 42 years old.
- All the offenders owned firearms, and in all four cases a firearm was used as the fatal or near-fatal agent.
- One of the cases involved a child who directly witnessed the homicide.
- Three of the cases involved either termination or separation of the intimate partner relationship and a belief or perception that the victim had a new intimate partner.
- The historical information from all the cases demonstrated some history of domestic violence between the victim and the offender.
- Three of the offenders had a documented history of arrest or conviction for non-domestic violence offenses.
- Only one victim sought law enforcement intervention and obtained a protective order prior to the homicide or attempted homicide. None of the victims sought victim advocacy services prior to the homicide or attempted homicide.
- The two living offenders were charged and convicted of criminal offenses: one was found guilty of first degree murder and one was found guilty of attempted first degree murder.

Recommendations

Education, Outreach and Training

Finding: When reviewing the cases, the Team found that some of the victims met their partner online, either through an online dating site or social media. Disclaimers on dating websites did not dissuade individuals with criminal convictions from using online dating sites and did not cause individuals to disclose their criminal history to their potential dating partners. The Team found that there has been little community education in Montgomery County regarding the use of dating sites and apps and the associated risks of domestic and other violence.

As means to communicate with others via technology continues to advance, there is also a need for advocates and service providers who assist victims of domestic violence to receive technology-specific training including safety tips and privacy strategies. It is important to equip community members, victims of domestic violence and advocates with knowledge about domestic violence safety issues related to using the internet.

Recommendation: Advocate for more resources for, and education on, online dating safety and dating violence prevention, and provide continuing education and training to advocates regarding safety planning with victims around the internet and social media.

Response: The Montgomery County Domestic Violence Coordinating Council (DVCC) Education and Outreach Committee (EOC) hosts an annual teen dating violence prevention conference, Choose Respect Montgomery Conference (CRMC), for teenage students, parents, youth service providers and teachers. In 2018, the CRMC committee added dating abuse warning signs to the Choose Respect Montgomery Conference promotional flyers to spread awareness about dating abuse. The DVCC EOC also provides in-class presentations in Montgomery County public and private schools and other youth-facing organizations through their Expect Respect Curriculum on healthy teen dating. Trained facilitators educate teens about dating violence, warning signs, and how to help a friend. The DVCC EOC has added dating abuse via technology and online safety tips to the presentation curriculum. In the 2017-18 school year, over 4,000 students attended Expect Respect presentations.

In addition, in 2017 the Family Justice Center (FJC) hosted a Technology Safety training, presented by the National Network to End Domestic Violence. The training was attended by victim advocates, client assistants, police detectives, sheriff deputies and sergeants, prosecutors and legal assistants. The training provided information on new technological advances that affect victims of domestic violence and offered safety tips specific to technology abuse.

Finding: One case involved a male victim who did not access advocacy services for domestic violence. Many victim advocacy agencies in Montgomery County find that men who are victims of domestic violence are less likely to seek victim advocacy services. In Montgomery County, the DVCC EOC offers a program called Coaching Boys into Men (CBIM) that provides a comprehensive toolkit of information for high school coaches to teach male athletes skills to avoid violence and abuse in their relationships. Agencies and organizations that provide services to domestic violence victims in Montgomery County have made great strides in increasing outreach efforts towards women and underserved populations, including immigrants and the youth, by educating on the warning signs, victim rights, and the accessibility of victim advocacy services and the criminal justice systems that are available to help. In addition to continuing outreach efforts toward the highest at-risk groups of domestic violence victims and offenders, the Team recommends increasing outreach to men to emphasize that men, as well as women, are victims of domestic violence and to continue to educate young men and boys about healthy relationships.

Recommendation: Increase visibility of male victims in outreach and promotional materials.

Response: The DVCC continues to include updated information about male and LGBTQIA victims and offenders in the Expect Respect presentation curriculum.

Finding: One case involved bystanders providing support for the victim. Bystanders are individuals who witness conditions that perpetuate violence, or who are present during a violence incident and are in the position to safely support or provide assistance to the impacted victim(s).¹ Bystander intervention plays a vital role in the fight against domestic violence, not only in the intervention stage, but in the prevention of domestic violence at the individual, relational, community and societal level. Providing information about domestic violence and bystander education programs to the community increases the community's level of empowerment, knowledge and skills to effectively assist in the prevention of domestic violence. Bystander intervention campaigns will help to shift the social norm as it relates to the societal "acceptance" of domestic violence and the role of a bystander by decreasing the myths and stigma surrounding domestic violence and increasing bystander self-efficacy.²

Recommendation: Advocate for and provide bystander education.

Response: At the 2018 CRMC, a bystander intervention workshop was provided to participants at the conference. The workshop educated participants on how to identify sexual and relationship violence and how to safely intervene and help friends and family get support when needed. Bystander education was also added to the Expect Respect presentation curriculum in 2018.

Legislation and Policy

Finding: The data findings indicate that the offender used a firearm in all four cases reviewed by the Team. Based on these findings, the Team identified the need to support legislation that would prevent domestic abusers from obtaining and owning firearms. In one of the cases reviewed by the DVFRT, the offender was able to legally purchase a replica antique firearm and use it to murder the victim. At the time of the homicide, the offender was on a registry list that precluded the offender from purchasing certain firearms but the list did not preclude purchase of replica antique firearms.

According to Futures Without Violence, two-thirds of women murdered by a firearm were murdered by their intimate partners.³ An offender's access to firearms increases the risk of domestic violence homicide by three-fold.⁴ These statistics further demonstrate the importance of supporting legislation that will have a positive impact on domestic violence victims and aid in the decrease of domestic violence homicides.

Recommendation: Support legislation regarding the accessibility of firearms to domestic violence offenders by individuals, agencies and organizations involved in domestic violence prevention and intervention.

Response: Individuals, agencies, and organizations involved in DVFRT supported three Maryland State bills related to firearms:

- 1) HB 1646/SB 1036 – Criminal Procedure – Firearms – Transfer: Requiring a State's Attorney to serve a written notice on a certain defendant, defendant's counsel, and the court prior to trial or the acceptance of a guilty plea or the equivalent; requiring a court to inform, verbally or in writing, a defendant convicted of a certain offense that the defendant is prohibited from possessing certain firearms and is ordered to transfer certain firearms in accordance with the Act; authorizing the court to issue a search warrant based on probable cause that certain weapons have not been surrendered.⁵ This bill was approved by the Maryland Governor and will go into effect on October 1, 2018.
- 2) HB 1302 – Family Violence – Seizure of Lethal Weapons – Lethal Violence Protective Order (“Red Flag Bill”): Authorizing certain individuals to file a petition for an extreme risk protective order with a certain court or a District Commissioner under certain circumstances; requiring a petition for an extreme risk protective order to contain certain information on the present danger including the number, types, and location of any known firearms in possession of the respondent; authorizing a judge to enter an extreme risk protective order to require the respondent to surrender any firearm in the respondent's possession.⁶ This bill was approved by the Maryland Governor and will go into effect on October 1, 2018.
- 3) HB 402 – Public Safety – Firearms Disqualifications – Antique Firearm: Applying certain provisions disqualifying a person from possessing a rifle or shotgun to an antique firearm.⁷ This bill has not yet passed the Maryland General Assembly. Team members will continue efforts to support this bill.

Systems Improvement

Finding: After finding that an offender who had several firearm convictions did not have a relevant cautionary alert on his criminal record, the Team discovered that caution codes for offenders arrested in Montgomery County were not included in certain databases. Offender caution codes and alerts are critically important for community and law enforcement safety.

Recommendation: Work to ensure that law enforcement and criminal justice databases include pertinent and accessible information about offenders, including access to firearms, a history of violence or other safety-related concerns.

Response: After the DVFRT's discussion regarding this finding and recommendation, relevant agencies met to address the issue. Adjustments were made to appropriate database systems, and relevant staff members received training to ensure that all necessary caution codes are added to the appropriate database systems.

Finding: The Team found a few inaccuracies related to criminal records in database systems, including sentencing information in the Maryland Judiciary Case Search and warrant information. Maryland Judiciary Case Search and other criminal record database systems are vital systems used by multiple law enforcement and corrections agencies, including prosecutors, pretrial services, parole and probation, sheriff's deputies and police. Therefore, it is important that sentencing and warrant information, in addition to other pertinent information, is accurate.

Recommendation: Review processes and procedures around data entries related to sentencing; pre-trial, post-trial, and probation conditions; and warrant information.

Response: The Team plans on examining this issue and offering potential solutions.

Finding: When reviewing a case, the Team discovered that civil protective order history was not included in the official pre-trial assessment report for an offender. When a domestic violence offender is charged with a new non-domestic violence related offense, the offender's prior history of domestic violence may not be included as a part of the risk assessment.

Recommendation: Include information about in-state and out-of-state civil protective order history on an offender's bond and pretrial risk assessment reports.

Response: The assessment reports are currently being re-evaluated.

Resources

1. Stop Sexual Violence: A Sexual Violence Bystander Intervention Toolkit. New York State Department of Health. Retrieved from: <https://www.health.ny.gov/publications/2040.pdf>
2. Engaging Bystanders. National Sexual Violence Resource Center, (2013, 2015). Retrieved from: https://www.nsvrc.org/sites/default/files/2015-01/publications_nsvrc_factsheet_media_packet_engaging-bystanders_0.pdf
3. The Facts on Women, Children, and Gun Violence. Futures Without Violence. Retrieved from: https://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Guns.pdf
4. When Men Murder Women: An Analysis of 2010 Homicide Data. Violence Policy Center. Retrieved from: <http://www.vpc.org/studies/wmmw2012.pdf>
5. House Bill 1646; Retrieved from: http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_251_hb1646e.pdf
6. House Bill 1302; Retrieved from: http://mgaleg.maryland.gov/2018rs/fnotes/bil_0002/hb1302.pdf
7. House Bill 402; Retrieved from: <http://mgaleg.maryland.gov/2018RS/bills/hb/hb0402f.pdf>