

THE STATE OF NEW HAMPSHIRE



GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

**SEVENTH ANNUAL REPORT
May 2009**

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DEDICATION

This Seventh Report of the New Hampshire Domestic Violence Fatality Review Committee is dedicated to the **Honorable Susan Carbon, Supervisory Judge of the New Hampshire Family Division.** Judge Carbon was the prime founder of New Hampshire's Domestic Violence Fatality Review Committee, and served as Chair from its creation in 1999 until 2008. For the last two decades, Judge Carbon has been a true leader, not only in New Hampshire, but nationwide, on issues pertaining to domestic and sexual violence. It was during her tenure as President of the New Hampshire Bar Association in 1993 that she designated domestic violence as the major issue for the state to focus on that year. This resulted in the first Annual Statewide Conference on Domestic Violence and the creation of Domestic Violence Coordinating Councils all around the state. Since that time, Judge Carbon has been involved in many, if not most, of the state projects related to domestic and sexual violence. As an original member of the Governor's Commission on Domestic and Sexual Violence, she has been instrumental in the success of the Commission's work, developing and implementing numerous statewide initiatives, including the development of protocols, policies and training for all disciplines on the handling of these cases. In all of these initiatives, Judge Carbon brought the judicial perspective to the table. She is the Immediate Past President of the National Council of Juvenile and Family Court Judges, and has been involved with many of their Family Violence Department projects, including serving as chair of the National Summit for Community Safety in 2006 and is an Advisory Committee member of the National Judicial Institute on Domestic Violence. Judge Carbon's leadership, commitment and dedication has been instrumental to the success of the New Hampshire Domestic Violence Fatality Review Committee and we dedicate this Report to her work.

ACKNOWLEDGMENTS

The Co-Chairs wish to extend sincere appreciation to the members of the Fatality Review Committee who have continued to work diligently and respectfully to study New Hampshire's domestic violence related homicides in an effort to make New Hampshire a safer community in which to live. These cases deal with some of life's worst circumstances, and are difficult and painful to review. The Committee has worked extremely well together to honor the lives lost and examine ways to help prevent future losses. The Committee would like to recognize and thank all of the individuals who have made presentations at Committee meetings and who have participated as guests in reviewing the cases. We are indebted to these individuals for assisting us in better understanding domestic violence and all of its implications.

Finally, we would like to thank **Danielle Snook** of the Attorney General's Office who throughout the year provides information to Committee members, schedules meetings, coordinates the work, and prepares the Committee Reports. We are indebted to Danielle for all her outstanding administrative support for this project.

NEW HAMPSHIRE GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

MISSION STATEMENT

To reduce domestic violence-related fatalities through systemic multi-disciplinary review of domestic violence fatalities in New Hampshire; through inter-disciplinary training and community-based prevention education; and through data-driven recommendations for legislation and public policy.

OBJECTIVES

1. To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
2. To identify high risk factors, current practices, gaps in systemic responses, and barriers to safety in domestic violence situations.
3. To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
5. To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
6. To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.

**NEW HAMPSHIRE GOVERNOR'S COMMISSION ON
DOMESTIC AND SEXUAL VIOLENCE**

DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

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I. INTRODUCTION

The Domestic Violence Fatality Review Committee was created by Executive Order of Governor Jeanne Shaheen in July 1999, ten years ago this year. Six Reports have previously been issued, including over 200 recommendations for improved service coordination. This Report represents the work of the Committee from 2005 through 2008.

The Committee's goal from the outset has been to generate reports that serve as "revolving documents," intended to be examined and critiqued throughout the year. Over these ten years, we have generated recommendations for the many different agencies and organizations that work with domestic violence victims and offenders in an effort to improve our collective response to this significant social and legal problem. In developing and implementing recommendations, new policies, procedures and practices may be built upon New Hampshire's improved response to domestic violence.

Over the past three years, the three branches of government and many individuals, organizations and agencies have continued to implement the Committee's recommendations. The extent to which these bodies have worked together to provide a safer environment for all our citizens is truly remarkable.

This Seventh Annual report includes recommendations and responses from the - Committee's review of domestic violence homicides from 2005 through 2008.

II. OVERVIEW OF A DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

Domestic violence is one of the most prevalent legal and social problems in the United States. Every year between three and four million women throughout the United States are beaten by their partners (husbands or boyfriends) or ex-partners. When adult women are beaten, frequently children are as well. In approximately 75% of the cases where a couple has children and the female adult is abused, children witness the assaults and are themselves, often physically abused.

Domestic violence in its worst, and ultimate, form is homicide. Every year nearly 2,000 people die from domestic violence homicides in the United States, most frequently men causing the death of their female partners. Children are also homicide victims. In over half of all murders of children under 12, parents were the perpetrators. Half of all female homicide victims were killed by their male partners.

Many programs have been developed by victim advocates, law enforcement, courts and other agencies to address this problem. One of the programs being used around the United States, and in other countries including England, France and Australia, is called the "fatality review" process, or Fatality Review Committees.

A fatality review committee is a group of professionals from many different organizations, agencies and branches of government that convenes periodically to review domestic violence homicide cases. The theory underlying the fatality review process is that if we are able to understand better why and how a homicide occurred, we can learn important lessons to help prevent future deaths. The core belief underlying the Committee's work is that every death is preventable, and we must work together to make this belief a reality.

III. HISTORICAL BACKGROUND

On July 19, 1999, Governor Jeanne Shaheen created the New Hampshire Domestic Violence Fatality Review Committee. In issuing her Executive Order, she endorsed and encouraged a tradition begun in New Hampshire many years ago of multi-disciplinary collaboration. The Domestic Violence Fatality Review Committee was created as part of the Governor's Commission on Domestic and Sexual Violence, originally created by Governor Stephen Merrill in 1993, to provide systemic review of domestic violence homicides in order to reduce the number of future fatalities.

Approximately two years earlier, a group of representatives from law enforcement, victim services, batterers intervention and the courts was concerned that despite all the good work occurring in New Hampshire, domestic violence fatalities still represented a large portion of our total homicide count. Since 1990, while the total number of homicides has declined, domestic violence homicides comprise approximately 48% of all homicides. The Committee learned of a new program begun in a few jurisdictions around the country, called a Fatality Review Committee, or Death Review Team, which was being promoted as another tool to help prevent domestic violence homicides.

This group approached the Governor's Commission on Domestic and Sexual Violence and sought its endorsement to create a Fatality Review Committee and, having obtained it wholeheartedly, this Committee began its work. Coincidentally, the State Justice Institute, together with the United States Department of Justice and the National Council of Juvenile and Family Court Judges, was planning a First National Conference on Fatality Review, and New Hampshire's group was invited to attend. Upon return, the Committee applied for, and soon thereafter received, a Technical Assistance Grant from the State Justice Institute to augment this work. Altogether, the committee to create a Fatality Review Committee spent two years developing its structure, mission statement, objectives, protocol and selection of committee members.

All of this information was presented to Governor Jeanne Shaheen, including a proposed list of committee members, and she officially created the committee in 1999.

IV. FATALITY REVIEW IN NEW HAMPSHIRE

Mission Statement

The purpose of the Fatality Review Committee is set out in its Mission Statement, which reads:

To reduce domestic violence-related fatalities through systemic multi-disciplinary review of domestic violence fatalities in New Hampshire; through inter-disciplinary training and community-based prevention education; and through data-driven recommendations for legislation and public policy.

Objectives

The Committee has six goals and objectives, as follows:

- (1) To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
- (2) To identify high risk factors, current practices, gaps in systemic responses, and barriers to safety in domestic violence situations.
- (3) To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
- (4) To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
- (5) To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
- (6) To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.

Executive Order

Both the Mission Statement and Objectives have been incorporated into the Governor's Executive Order authorizing the work of this group. ([Appendix A.](#))

Membership

The Committee has a very broad-based membership, reflective of the many organizations and agencies that work with domestic violence victims, offenders and

children. A review of the membership list, included at the beginning of this report, reflects representation from the following: District and Family Courts, local and state law enforcement, victim services (through the Attorney General's Office and Coalition Against Domestic and Sexual Violence), education, health care (medical and mental health), batterers intervention, Division for Children, Youth and Families (DCYF), Elderly and Adult Services, clergy, Employee Assistance Program and others. Attorneys are also represented, including state and federal prosecutors, Public Defenders, and private practitioners. New Hampshire is one of very few jurisdictions in the country that welcomes the defense bar to this discussion. It has been the Committee's belief and experience that domestic violence issues need broad-based perspective, and the goal of homicide prevention is *everyone's* concern.

The Committee, which proposed the original membership of the Fatality Review Committee, was also careful to identify individuals within each profession listed above who were personally willing to serve, and who were committed to the goals of the Committee. The Committee wanted to ensure that individual members would make the time commitment required to provide consistency and continuity to the review process. Much of the first meeting was devoted to each member discussing why he or she had agreed to serve and what each thought he or she could contribute to the process, individually as well as institutionally. Although there have been some replacement of Committee members due to job changes, the Committee has remained remarkably constant in its membership since its inception.

Confidentiality Agreement

Because certain information that is shared at committee meetings is confidential, all members have been asked to sign a Confidentiality Agreement. ([Appendix B](#)) This ensures that all information shared during the review process will remain confidential and will not be disseminated outside of the Committee. In addition to individual confidentiality agreements, an Interagency Agreement has been signed by the heads of the New Hampshire Department of Justice, the New Hampshire Department of Health and Human Services, and the New Hampshire Department of Safety. ([Appendix C](#))

Structure

The full Committee meets bi-monthly, on average, to review one or more homicides. In alternating months, the Executive Committee meets to select cases for review, refine recommendations developed by the full Committee, and attend to other administrative matters. The Executive Committee consists of representatives from the courts, law enforcement, victim services, batterer's intervention, the State's Chief Medical Examiner and a Criminal Justice Program Specialist.

Review Process

The Committee has determined that only closed cases, or murder/suicides, will be reviewed. This ensures that all appeals have expired and thus not affect the ongoing investigation of an active case.

Each case review begins with a report by the Chief Medical Examiner and the law enforcement agency, which responded to the scene. These reports provide great detail about the homicide as well as the history of the victim and defendant, and where applicable or relevant, the children. Information is also received from the prosecutor and victim advocate involved with the case. Committee members then report on information from their agencies or organizations. For example, court representatives would report on the existence of any civil protection orders, bail conditions, domestic violence convictions, and other civil and criminal case histories of the parties and their children. The medical representatives would report on any known contact seeking health care for injuries sustained as a result of a domestic violence assault. Following the presentation by all Committee members, the group collectively formulates recommendations for preventing future homicides. Ideas may be related to the particular case, or may germinate from cross-disciplinary discussion and give rise to ideas, which will proactively help prevent domestic violence homicide and other assaults.

V. HOMICIDE STATISTICS DATA CHART

From 1990 through 2008, a total of 370 homicides* occurred in New Hampshire; 48% involved domestic violence. In those 18 years, the number of homicides has ranged from a high of 35 (1991) to a low of 13 (2002). The percentage of homicides involving domestic violence has ranged from a low of 21% in 1997 to a high of 74% in 2004.

New Hampshire Homicide Statistics 1990 – 2008 (18 Years)

Year	Total Homicides	Total Domestic Violence	Partner Homicides	Family Members	DV Related Homicides	Total % Domestic Violence
1990	16	8	5	3	0	50%
1991	35	16	9	5	2	46%
1992	20	11	7	1	3	55%
1993	24	8	7	1	0	33%
1994	18	8	4	2	2	44%
1995	18	10	5	4	1	56%
1996	24	14	6	5	3	58%
1997	24	5	4	0	1	21%
1998	15	8	6	0	2	53%
1999	20	12	6	5	1	60%
2000	15	11	4	7	0	73%
2001	20	7	3	4	0	35%
2002	13	6	3	1	2	46%
2003	18	9	3	4	2	50%
2004	19	14	6	7	1	74%
2005	21	8	4	3	1	38%
2006	17	7	5	1	1	41%
2007	15	7	5	2	0	47%
2008	18	7	3	2	2	39%
Totals	370	176	95	57	24	48%

Partners – Homicide where the perpetrator and victim ARE intimate partners (e.g., husband kills wife).

Family Members – Homicide where the perpetrator and victim ARE NOT intimate partners but ARE family members (e.g., parent kills child).

Domestic Violence Related – Homicide where the perpetrator and victim ARE NOT intimate partners and ARE NOT family members but it is related to domestic violence (e.g., estranged husband kills wife's current intimate partner, or neighbor dies trying to save child from parental abuse).

**This number does not include officer related homicides.*

VI. DOMESTIC VIOLENCE HOMICIDES FROM 2006 THROUGH 2008

Independent of cases reviewed by the Committee for the seventh Annual Report, the following is a summary of the domestic violence homicides that occurred in calendar years 2006 through 2008.

2006 DOMESTIC VIOLENCE HOMICIDES

As the related chart depicts, in **2006** there were 7 domestic violence homicides, out of a total of 17 homicides. Of the 7 domestic violence homicides, 5 were partner homicides, 1 involved family members, and 1 was domestic violence related. The 7 domestic violence homicides comprise 41% of the total homicides. As compared to the prior calendar year (2005), the total number of homicides decreased by 4 (from 21 to 17), and the percentage of domestic violence homicides increased from 38% to 41%.

Age of Victim and Perpetrator

Of the seven domestic violence homicides, the victims ranged in age from 22 months to 36. The average age of the five victims was 30. The perpetrators ranged in age from 24 to 63. The average age of the perpetrators was 37.

Gender of Victim and Perpetrator

Of the 7 domestic violence homicides, 5 victims were female and 2 were male. 3 perpetrators were female and 4 were male.

County of Death

Of the 7 domestic violence homicides 3 occurred in Belknap County, 2 occurred in Rockingham County and 1 occurred in each of Hillsborough and Strafford Counties.

Cause of Death

Of the 7 domestic violence homicides, 3 involved firearms, 2 involved blunt impact, 1 involved stabbing and 1 cause of death is unknown.

Partner Homicides

Of the 5 partner homicides, 4 victims were female and 1 was male and 2 perpetrators were female and 3 were male. 4 were in current relationships and living with the partners who killed them. No protective orders were in effect for any of the victims. 3 of the homicides involved firearms, 1 involved blunt trauma and 1 cause of death was unknown. 3 of the homicides occurred in Belknap County, 1 in each of Rockingham and Strafford Counties.

2007 DOMESTIC VIOLENCE HOMICIDES

As the related chart depicts, in **2007** there were 7 domestic violence homicides, out of a total of 15 homicides. Of the 7 domestic violence homicides, 5 were partner homicides and 2 involved family members. The 7 domestic violence homicides comprised 47% of the total homicides. As compared to the prior calendar year (2006), the total number of homicides decreased by 2 (from 17 to 15), and the percentage of domestic violence homicides increased from 41% to 47%.

Age of Victim and Perpetrator

Of the 7 domestic violence homicides the victims ranged in age from 8 months to 64. The average age of the victims was 42. The perpetrators ranged in age from 21 to 64. The average age of the perpetrators was 42

Gender of Victim and Perpetrator

Of the 7 domestic violence victims, 5 were female and 2 were male. All 7 perpetrators were male.

County of Death

Of the 7 domestic violence homicides 4 occurred in Hillsborough County, 2 occurred in Merrimack County, and 1 occurred in Strafford County.

Cause of Death

Of the 7 domestic violence homicides, 3 involved firearms, 2 involved blunt impact and 2 involved stabbing.

Partner Homicides

Of the 5 partner homicides, all 5 victims were female and all 5 perpetrators were male. All 5 were in current relationships and were living with the partners who killed them. No protective orders were in effect for any of the victims. 3 of the homicides involved firearms, 1 involved blunt trauma and 1 involved stabbing. 3 homicides occurred in Hillsborough County and 2 in Merrimack County.

2008 DOMESTIC VIOLENCE HOMICIDES

As the related chart depicts, in **2008** there were 7 domestic violence homicides, out of a total of 18 homicides. Of the 7 domestic violence homicides, 3 were partner homicides, 2 involved family members and 2 were domestic violence related. 1 homicide involved more than 1 perpetrator. The 7 domestic violence homicides comprised 39% of the total homicides. As compared to the prior calendar year (2007), the total number of homicides increased by 3 (from 15 to 18), and the percentage of domestic violence homicides decreased from 47% to 39%.

Age of Victim and Perpetrator

Of the 7 domestic violence homicides the victims ranged in age from 18 to 68. The average age of the victims was 39. The perpetrators ranged in age from 20 to 60. The average age of the perpetrators was 38.

Gender of Victim and Perpetrator

Of the 7 domestic violence victims, 2 were female and 5 were male. 7 perpetrators were male (1 homicide had 2 perpetrators) and 1 was female.

County of Death

Of the 7 domestic violence homicides, 3 occurred in Hillsborough County, 2 occurred in Belknap County, and 1 each occurred in Strafford and Rockingham Counties.

Cause of Death

Of the 7 domestic violence homicides, 2 involved firearms, 2 involved blunt impact and 3 involved stabbing.

Partner Homicides

Of the 3 partner homicides, 2 victims were female and 1 was male. 2 of the perpetrators were male and 1 was female. All 3 were in current relationships and living with the partners who killed them. No protective orders were in effect for any of the victims. 1 of the homicides involved firearms and 2 involved stabbing. 2 homicides occurred in Hillsborough and 1 each in Strafford and Belknap County.

SUMMARY OF DOMESTIC VIOLENCE HOMICIDES FROM 2006 THROUGH 2008

During **2006, 2007 and 2008** there were 21 domestic violence homicides, out of a total of 50 homicides. Of the 21 domestic violence homicides, 13 were partner homicides, 5 involved family members and 3 were domestic violence related. Domestic violence homicides comprised 42% of the total homicides.

Age of Victim and Perpetrator

Of the 21 domestic violence homicides the victims ranged in age from 8 months to 68. The average age of the victims was 39. The perpetrators ranged in age from 20 to 64. The average age of the perpetrators was 41.

Gender of Victim and Perpetrator

Of the 21 domestic violence victims, 12 or 57% were female and 9 or 43% were male. Of the 22 perpetrators 18 or 81% were male and 4 or 18% were female.

County of Death

Of the 21 domestic violence homicides 8 or 38% occurred in Hillsborough County, 5 occurred in Belknap County, and 3 each in Merrimack and Strafford Counties and 2 in Rockingham.

Cause of Death

Of the 21 domestic violence homicides, 8 involved firearms, 6 involved stabbing, 6 involved blunt impact and 1 cause of death was unknown.

Partner Homicides

Of the 13 partner homicides, 11 of the victims were female and 2 were male and 10 perpetrators were male and 3 were female. All but one, were in current relationships and living with the partners who killed them. No protective orders were in effect for any of the victims. 7 of the homicides involved firearms, 3 involved stabbing, 2 involved blunt trauma and 1 cause of death is unknown. 5 of the homicides occurred in Hillsborough County, 3 in Belknap County 2 in each of Strafford and Merrimack Counties and 1 in Rockingham.

VII. RECOMMENDATIONS AND RESPONSES FROM FATALITY REVIEWS CONDUCTED FROM 2005 THROUGH 2008

Since the last Domestic Violence Fatality Review Report, the Committee has developed a *Recommendation Development Worksheet Form* ([Appendix E](#)) that is used to record recommendations that are developed as a result of the domestic violence fatality case reviews conducted by the Committee. Once a recommendation is made it is sorted into the following categories:

- Public Relations
- Training
- Screening
- Policy

Each recommendation is then assigned to the appropriate Committee member, who is responsible for taking the recommendation back to the agency that is capable of responding to and/or implementing that recommendation.

PUBLIC RELATIONS RECOMMENDATIONS AND RESPONSES: **2005 – 2008**

- (1) The New Hampshire Elder Abuse Advisory Council should expand its mission to include incapacitated adults and persons with disabilities. A Public Awareness Campaign should be instituted to inform New Hampshire's citizens about identifying signs of abuse, neglect and exploitation and the mandatory reporting law regarding suspected abuse or neglect of disabled or incapacitated persons.

Comment: The Elder Abuse Advisory Council's mission is to provide information, education and training to the public and the many professionals who interface with elders. The Council currently does not address disabled and incapacitated individuals. The Committee feels that all professionals who work with victims of domestic violence should be informed about how to recognize abuse of incapacitated adults and persons with disabilities and to provide appropriate responses consistent with their ethical and professional duties, including making mandatory reports where warranted.

RESPONSE: The Elder Abuse Advisory Council has discussed this recommendation and there has not been consensus on expanding the scope of the Council's mission at this time. It is however, part of the focus of the Bureau of Elderly and Adult Services.

- (2) An Elder Abuse Awareness Campaign should be instituted to inform New Hampshire's citizens about identifying signs of abuse, neglect and exploitation and the mandatory reporting law regarding suspected abuse or neglect of the elderly.

RESPONSE: The Elder Abuse Advisory Council (EAAC) developed an Awareness Campaign for the general public to relate awareness of the state's mandatory reporting

law regarding suspected abuse or neglect of elder and incapacitated adults. Posters and brochures were developed and distributed statewide.

The EAAC recently developed a second series of materials focused on educating the general public on what constitutes elder abuse, neglect and exploitation, including financial exploitation and the signs and symptoms to be aware of. The Council worked with WMUR television to develop an Elder Abuse PSA on elder abuse awareness, which was widely broadcasted around the state.

In addition to creating public awareness, the Law Enforcement Partnership, Protection and Safety Subcommittee (LEPPS) of the EAAC developed materials for law enforcement, including posters, brochures and a Law Enforcement Resource Guide to Elder and Adult Services, regarding the mandatory reporting law and the law enforcement response to elder abuse and exploitation. A letter from the Commissioner of the Department of Health and Human Services was sent to all law enforcement agencies to introduce them to the Law Enforcement Resource Guide and over 4,600 were distributed to full and part-time police officers around the state.

The LEPPS Subcommittee developed a PowerPoint law enforcement training program on Elder Abuse, which has been provided to a variety of audiences including:

- *The Police Academy for Full-Time Recruits*
- *The Part-Time Police Academy*
- *Police Departments*
- *Medical Examiners and Assistant Medical Examiners*
- *Firefighters*
- *Nursing Homes*
- *Hospital Personnel*
- *Adult Protective Social Workers*
- *First Responders*
- *Social Service and Home Health Care Agencies*
- *Governor's Commission on Domestic and Sexual Violence Conferences*

This training is ongoing and materials are available through BEAS.

- (3) The Bureau of Elderly and Adult Services (BEAS) should submit articles/series of articles to the Police Standards and Training Council's Law Enforcement publication "*Articulable Suspicion*" and other professional publications, on the services provided by the BEAS and the mandatory reporting law regarding suspected abuse/neglect of the elderly and incapacitated adults.

RESPONSE: *The Law Enforcement Partnership, Protection and Safety Subcommittee (LEPPS) of the Elder Abuse Advisory Council wrote an article highlighting elder abuse, which was submitted to Police Standards and Training*

Council, which was published in a 2006 edition of “Articulable Suspicion” and distributed to law enforcement statewide.

Additional articles related to elder abuse were also published in the “New Hampshire Trooper Magazine” and “Night Stick”, the New Hampshire Board of Nursing Newsletter and the New Hampshire Disabilities Rights Center’s “Rap Sheet.”

- (4) The Bureau of Elderly and Adult Services (BEAS) should submit articles/series of articles in the *New Hampshire Bar News* on the Bureau and the mandatory reporting law regarding suspected abuse/neglect of the elderly and incapacitated adults.

RESPONSE: *Although the Bureau has not yet had the opportunity to submit articles to the Bar News to date, the effort will be ongoing. Consultation with the BEAS Attorney resulted in expanding the original recommendation to contain other related activities.*

A panel including representatives from the Hillsborough County Sheriff’s Department, BEAS Adult Protective Services, New Hampshire ServiceLink, and the Elder Abuse and Financial Exploitation Unit, were invited to attend the Bar Association’s Elder Law and Estate Planning Probate Section’s quarterly Meeting in February of 2007 to discuss Elder Abuse and Financial Exploitation.

In November of 2008, BEAS Administrators and the BEAS Attorney presented a training on adult and elder abuse to the Probate Court Judges and their Registers. The mandatory reporting section of the Adult Protection Law was emphasized.

- (5) Information on the Bureau of Elderly and Adult Services and the mandatory reporting law should be included in the handout materials at the Annual Governor’s Commission on Domestic and Sexual Violence and Stalking Conference. Information could be included either in the conference registration brochure or in the portfolios that attendees receive at the conference.

RESPONSE: *BEAS information was included in the handout materials at the 2006, 2007 and 2008 conferences. Materials were also displayed on a resource table at the conference.*

- (6) The Governor’s Commission on Domestic and Sexual Violence should develop a domestic and sexual violence bystander intervention outreach and education campaign for the general public.

RESPONSE: *The Public Education Committee of the Governor’s Commission on Domestic and Sexual Violence, in collaboration with the University of New Hampshire, is currently in the process of adapting the University’s successful Domestic and Sexual Violence Bystander Intervention Curriculum and Awareness Campaign into a public awareness bystander intervention campaign for the general public.*

- (7) New Hampshire Crisis Centers should conduct specific outreach to lesbian, gay, bisexual, transgender and queer communities regarding their services.

RESPONSE: *The New Hampshire Coalition on Domestic and Sexual Violence (NHCADSV) is revising its website to include specific outreach to this population. They are also planning to develop a outreach brochure specific to this population.*

TRAINING RECOMMENDATIONS AND RESPONSES: 2005 - 2008

- (1) Training should be conducted for judges, law enforcement and prosecutors on the federal firearms laws and the importance of screening for firearms and ammunition when there is probable cause to believe the defendant is a drug user.

Comment: Federal law strictly prohibits a number of categories of people from possessing firearms or ammunition. Included among these prohibited persons are felons, drug users or addicts, fugitives, people under indictment awaiting trial, aliens, persons adjudicated as mentally defective or who have been committed. Perhaps the most important categories of prohibited persons for state court judges to be aware of and educated about are persons subject to a domestic restraining order and persons with a prior misdemeanor conviction for domestic violence. The orders and misdemeanor convictions that qualify for the firearms prohibition are legally and factually technical. Training on federal firearms law is vital for all state court judges and other professionals, so that firearms are not mistakenly returned to these prohibited persons.

RESPONSE: *A workshop was presented on this issue at the 2008 Annual Governor's Commission Conference. Additional training on this topic needs to be done.*

- (2) Encourage multidisciplinary cross discipline training on the issues.

RESPONSE: *On going. All of the trainings offered by the Governor's Commission and Attorney General's Office are multidisciplinary in nature. Similar training is also provided at the Police Standards and Training Council Academy.*

- (3) Judges and Marital Masters should receive training on recognizing instances of neglect or abuse of incapacitated and disabled adults, and understanding their obligation to make appropriate reports if warranted.

RESPONSE: *Because of cuts to the state budget the judicial branch is unable to provide in-person training in this fiscal cycle. Webinar-based sessions are being planned as alternative training events.*

- (4) The District Court and Family Division Education Committees should work jointly on the preparation of training for Judges, Marital Masters and court staff on the differences

between domestic violence and stalking petitions, including the difference in enforcement and reporting. This training should be offered routinely (at least once each year) and should be required for all new employees and judges.

Comment: The Administrative Council and Supreme Court recently established individual educational committees by level of court and generically for staff at the Administrative Office of the Courts. This topic is ideal for the District Court and Family Division to address together in the coming months, especially as the Family Division rolls out. It will help District Courts better understand when a stalking petition is not appropriate and when referral should be made to the Family Division for a domestic violence petition. Ongoing training in this area will be important, as District Court staff will no longer be processing domestic violence cases, as those will be transferred to the family division.

RESPONSE: *Eight regional trainings were provided in the spring of 2008 on this issue for judges, marital masters and court staff.*

- (5) The Governor's Commission on Domestic and Sexual Violence should include a workshop at the annual Statewide Conference on Domestic and Sexual Violence and Stalking on the mandatory reporting law regarding suspected abuse and/or neglect of the elderly and incapacitated adults. The Commission should extend an invitation to the conference to Visiting Nurses Associations and other related professionals who may not have been specifically targeted in previous years

RESPONSE: *An elder abuse workshop track was offered at both the 2007 and 2008 annual conferences. In addition, the Commission sponsored a daylong training in May of 2007 for first responders, including law enforcement, emergency medical personnel and BEAS protection workers on reporting and responding to the abuse of the elderly and incapacitated adults. The Commission has also begun offering nursing CMEs to encourage more medical providers to attend the conferences. The Conference Committee has added Visiting Nurse Associations and other related professionals to the conference invitee list.*

- (6) The Governor's Commission on Domestic and Sexual Violence should revise and expand the mental health protocol to emphasize the role of BEAS and the mandatory reporting law. After the revision, statewide trainings should be conducted on the protocol.

Comment: An effective way to encourage mental health professionals to attend the training is to offer continuing education credits in ethics. There is a logical nexus between this field and the ethical implications for mental health providers.

RESPONSE: *The New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV) has hired a Trauma Specialist, under a federal grant, who will be responsible for revising the Mental Health Protocol and for providing training for mental health providers statewide on the Protocol.*

- (7) The Governor's Commission on Domestic and Sexual Violence should conduct statewide training for community mental health centers and private mental health providers on the screening, risk assessment, safety planning, management, referrals, intervention and services for victims of domestic violence. They should provide services appropriate to their respective needs. County by county training at local Community Mental Health Centers should be provided on screening, assessment, referrals, intervention and safety planning.

RESPONSE: The NHCADSV has received a federal grant to expand services to victims with mental health and substance abuse issues, which includes training to Community Mental Health Centers and private clinicians on trauma informed services. A Trauma Specialist has been hired to oversee that project.

- (8) The New Hampshire Police Standards and Training Council should provide training to all new law enforcement officers regarding evidence-based prosecution, and, to the extent possible, encourage police departments to conduct additional/ongoing training and to revisit their protocols regarding the implementation of evidence-based prosecution.

RESPONSE: Although there is no evidence-based prosecution class specifically offered at the police academy or for in-service training, evidence-based prosecution is referenced in both the recruit academy and in-service training curriculums. It should also be noted that the "Law Enforcement Model Protocol for Police Response to Domestic Violence Cases," distributed by the Office of the Attorney General, articulates a firm position regarding pro-arrest issues on domestic violence cases. The protocol states under the Arrest Decision chapter: "In all cases of domestic abuse in which arrest is not mandated by statute, officers nevertheless SHOULD ARREST, with or without a warrant, if probable cause exists to support an arrest. If an officer decides not to arrest in a domestic abuse incident, where such an arrest is lawful, the officer must include in the report of the incident a detailed explanation of the reasons an arrest was not made". Each police department in this State as well as each police academy recruit is issued a copy of the protocol.

- (9) The New Hampshire Police Standards and Training Council should conduct training for law enforcement regarding their role as secondary (back-up) recipients to the Bureau of Elderly and Adult Services for any reports of suspected neglect or abuse of an incapacitated adult.

Comment: It is the responsibility of the law enforcement agency to investigate the case if they receive a report and the BEAS office is closed.

RESPONSE: The role of law enforcement as back-up recipients to BEAS for any reports of abuse or neglect is part of the curriculum of the Police Standards and Training Recruit Academy.

- (10) The Governor's Commission should revise protocols and develop training for professionals regarding special populations including same sex, immigrant, the elderly and persons with substance abuse and mental health issue.

RESPONSE: *The Governor's Commission Annual Conferences includes a track of workshops on substance abuse, mental health and trauma. Protocol revisions have included and will continue to include, specific sections on working with special populations.*

- (11) Crisis centers should begin to establish linkages with homeless shelters to provide information about their services and resources.

Comment: Many victims of domestic violence seek assistance from homeless shelters after being displaced from their homes. Establishing linkages between these services may prove to be of great assistance to victims of domestic violence.

RESPONSE: *Crisis centers currently have linkages with homeless shelters and will continue those efforts. Additionally, statewide domestic violence training for homeless outreach workers has been provided by New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV) staff.*

- (12) Reinforce to law enforcement the importance of documenting when there are children present at a domestic violence scene and whether or not they were contacted

RESPONSE: *This is included in both the Attorney General's Law Enforcement Domestic Violence Protocol and in the curriculum at the Police Standards and Training Recruit Academy.*

- (13) Encourage law enforcement to do 'case review' for all domestic violence calls - to research what history the couple has had with other police department and to include this information as part of the case file, so that if future incident occur they have that background information.

RESPONSE: *This is ongoing.*

SCREENING RECOMMENDATIONS AND RESPONSES: 2005 – 2008

- (1) Women seeking mental health services should be screened for substance abuse, trauma and domestic violence, and be offered confidential referral information on domestic violence and substance abuse prevention programming.

RESPONSE: *Screening for trauma and domestic violence will be added as requirements for community mental health centers in administrative rule He-M 408,*

on track to be adopted by July 1, 2009. Screening for substance abuse is already required by He-M 408.06(b).

- (2) Substance abuse facilities and treatment providers should screen for domestic violence, trauma, mental health issues and weapon use (especially when illicit drug use is suspected) and use integrated approaches to address these issues (i.e. provide gender specific and trauma informed services.) They should also work in conjunction with domestic violence services to integrate safety planning as part of treatment planning, case management and discharge planning.

Comment: Failure to do so tends to lead to relapse and other poor outcomes for abused women.

RESPONSE: *This is ongoing.*

- (3) Crisis centers should screen victims for alcohol and drug involvement and offer confidential intervention and referral options as well as universal prevention education for women and families

RESPONSE: *This is ongoing. The NHCADSV federal grant previously described above will improve services to victims with substance abuse issues. However, undertaking a comprehensive program to screen all victims and provide universal prevention education would require additional resources beyond what crisis centers currently have.*

POLICY RECOMMENDATIONS AND RESPONSES: 2005 - 2008

- (1) The State of New Hampshire needs to develop a mechanism to certify and monitor Batterer's Intervention Standards.

RESPONSE: *The Governor's Commission Batters Accountability Committee is conducting a comprehensive survey of all the New Hampshire providers to determine (1) the extent to which providers are complying with the elements of the 2002 Governor's Commission Standards of Practice for Batterer Intervention Programs; (2) the technical assistance needs of those providers in helping them comply with the Standards; (3) training needs; and (4) areas in New Hampshire that do not have any or have inadequate coverage by providers. A status report will be distributed to the Governor's Commission and to conference attendees at the May 2009 Statewide conference.*

- (2) District courts should consider the feasibility of scheduling earlier arraignment dates and trial dates for domestic violence criminal offenses.

Comment: Public safety and offender accountability can be enhanced if there is prompt official response to these offenses.

RESPONSE: *Current court resources are a huge challenge for this recommendation. It cannot be implemented at this time.*

- (3) In domestic violence related criminal cases, prosecutors should not negotiate a plea without recommending batterers intervention as part of the sentence. If batterer intervention is not requested, they should be prepared to explain why not.

Comment: Anger management should not be ordered as a substitute for a batterer intervention program

Comment: If domestic violence is the underlying criminal offense, appropriate interventions should be ordered. The court should not order alcohol or substance abuse interventions as a substitute for batterer intervention if it is the former that is necessary. It may be appropriate, however, to order both a batterer intervention program and a substance abuse treatment program if they are co-occurring issues.

RESPONSE: *It is difficult to require the courts to order batterer intervention as part of the sentence until the recommendation to have batterer intervention program certification and monitoring is implemented.*

- (4) Court continuances should be strongly discouraged in domestic violence cases. If granted, the court should require that the party requesting the continuance obtain a new date agreeable to all other parties and coordinate the rescheduling with the clerk's office, all within 10 days of the court granting a motion to continue. Once such a motion is granted, no further continuances should be granted except for extraordinary good cause (such as serious illness).

Comment: Continuances, which have historically been liberally granted, should be discouraged. Public safety and offender accountability are compromised when multiple continuances are granted.

RESPONSE: *Effective January 1, 2008: RSA 173-B:3, VII statute was amended to allow the 30-day time limit to be extended for 10 days upon motion, "for good cause shown". Recusals, Acts of God or closing of the court that interfere with scheduling shall not be cause for dismissal*

- (5) The District Court should consider instituting compliance review hearings in criminal domestic violence cases when batterer intervention programs have been ordered.

Comment: Compliance hearings have been shown to increase offender compliance with entrance into and completion of batterer intervention programs. Although the research is

limited, studies have demonstrated that oversight with participation in such programs reduces recidivism and severity of violence.

RESPONSE: Court resources are not available at this time to implement this recommendation.

- (6) The Administrative Judge of the District Court should be requested to issue an Administrative Order or other appropriate memorandum to all clerks, requiring the use of both the short form and long form bail orders by bail commissioners. The order/memo will also include a reminder that this will be addressed each fall at the annual bail commissioner trainings conducted by clerks in each of their respective courts.

RESPONSE: There is a new Criminal Bail Protective Order (Appendix F) for more information), which is described in Chapter 12 of the new Court Protocol. Trainings on the new Orders have included sessions for Clerks and Judges, three sessions at Police Standards and Training Council, a session for Superior Court Judges and personnel and a workshop at the Annual Governor's Commission Conference.

- (7) The District Court should develop a criminal court order form to be given to defendants at the time of conviction (or acquittal). The form should include the firearms language referenced above.

Comment: Currently in District Court, upon a conviction, the Court records the sentence on the back of the Criminal Complaint Form. A copy is then sent to the Department of Safety. The Defendant is never given a copy and thus has no written documentation of the terms of his or her sentence. Thus, it is not surprising that a Defendant might not remember specific language included in the terms of the sentence. Developing such a form would provide such written confirmation, ensuring that the Defendant has adequate knowledge of the binding legal requirements of his or her sentence.

RESPONSE: This recommendation was implemented in February 2008 as part of Violence Against Women Act Judicial notification requirement - form 2422.

- (8) The District Court Administrative Justice shall issue a memorandum to all district court judges, clerks and staff that the domestic violence protocols should routinely be followed in all civil stalking cases. Judges and staff should be reminded of the special emphasis for referring petitioners to the local crisis centers when presenting stalking petitions

Comment: Court staff routinely refer petitioners in civil protection order cases to the local crisis centers. It is important that petitioners in stalking cases also have access to these resources.

RESPONSE: This was implemented in a Court memo, which is now included in the Appendix A of the Court Protocol.

- (9) The Department of Corrections should work with the Interstate Compact to tighten the sanctions for violent offenders transferred under the Interstate Compact Agreement when violations are reported

Comment: The Committee recognizes the difficulty of implementing this recommendation. Nonetheless, the Committee believes this is an important issue to raise and encourages the Department to give it serious consideration.

RESPONSE: *This recommendation is currently unable to be implemented.*

- (10) When DCYF Central Intake is informed of a domestic violence fatality, and children are in the household, DCYF should initiate an assessment. If the current caretakers, parents or guardians wish to access voluntary services on behalf of the children, they may contact DCYF Central Intake.

RESPONSE: *This is current DCYF policy.*

- (11) The Impaired Driver Intervention Program curriculum, which all people convicted of DUI must complete in order to get their licenses returned, should be expanded to include a section on domestic violence and trauma.

RESPONSE: *This recommendation is unable to be implemented at this time.*

- (12) The Governor's Commission should advocate for more resources across the board for provision of services in domestic violence cases.

RESPONSE: *This is ongoing.*

VIII. CONCLUSION

The New Hampshire Domestic Violence Fatality Review Committee may not be the solution to preventing domestic violence but it is one very important resource. The work of the Committee over the past ten years represents one more significant effort to bring multiple community organizations together to prevent unnecessary fatalities and to promote safety for all New Hampshire citizens. The Committee stands for the proposition that domestic violence is a community problem, which requires multi-disciplinary community intervention.

The Committee continues to be gratified by the reception to the recommendations contained in the reports. Many organizations and individuals have taken great strides to improve our collective, systemic response to domestic violence. The Committee hopes that the recommendations contained in this report will likewise have a positive impact on the safety and well-being of all our citizens.

APPENDIX A EXECUTIVE ORDER

APPENDIX A

*State of New Hampshire
By Her Excellency
Jeanne Shaheen, Governor*

A Proclamation

EXECUTIVE ORDER 99-5

An order establishing a New Hampshire Domestic Violence Fatality Review Committee under the Governor's Commission on Domestic and Sexual Violence

WHEREAS, as Governor I have a deep commitment to improving services to victims of domestic violence; and

WHEREAS, the Commission on Domestic and Sexual Violence has recommended that efforts be made to address the issue of domestic violence-related fatalities; and

WHEREAS, the formation of a standing team composed of representatives of state agencies and relevant professional fields of practice will establish a useful repository of knowledge regarding domestic violence-related deaths; and

WHEREAS, in order to ensure that New Hampshire can provide a continuing response to domestic violence fatalities, the Fatality Review Committee must receive access to all existing records on each domestic violence-related fatality. The records may include social service reports, court documents, police records, medical examiner and autopsy reports, mental health records, domestic violence shelter and intervention resources, hospital and medical-related data, and any other information that may have a bearing on the victim, family and perpetrator; and

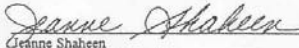
WHEREAS, the comprehensive review of such domestic violence-related fatalities by a New Hampshire Domestic Violence Fatality Review Committee will result in recommendations for intervention and prevention strategies with a goal of improving victim safety; and

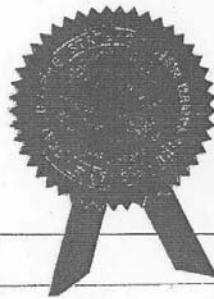
WHEREAS, the New Hampshire Domestic Violence Fatality Review Committee will enhance our effort to provide comprehensive services for victims of domestic violence throughout the State of New Hampshire;

NOW, THEREFORE, I, Jeanne Shaheen, Governor of the State of New Hampshire by virtue of the authority vested in me pursuant to Part II, Article 41 of the New Hampshire Constitution, do hereby establish a multi-disciplinary Domestic Violence Fatality Review Committee. The objectives of this committee shall be:

1. To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
2. To identify high risk factors, current practices, gaps in systemic responses, and barriers to safety in domestic violence situations.
3. To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
5. To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
6. To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.

Given under my hand and seal at the Executive Chambers in Concord, this sixteenth day of July in the year of our Lord, one thousand nine hundred and ninety-nine.


Jeanne Shaheen
Governor of New Hampshire



**APPENDIX B
CONFIDENTIALITY AGREEMENT**

**NEW HAMPSHIRE GOVERNOR'S COMMISSION ON
DOMESTIC AND SEXUAL VIOLENCE**

DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

The purpose of the New Hampshire Domestic Violence Fatality Review Committee is to conduct a full examination of domestic violence fatalities. To ensure a coordinated response that fully addresses all systemic concerns surrounding domestic violence fatalities, the New Hampshire Domestic Violence Fatality Review Committee must have access to all existing records on each case. This includes, but is not limited to, social service reports, court documents, police records, medical examiner and autopsy records, mental health records, domestic violence shelter and intervention resources, hospital and medical related data, and any other information that may have a bearing on the involved victim, family and perpetrator.

With this purpose in mind, I, the undersigned, as a representative of _____ agree that all information secured in this review will remain confidential and will not be used for reasons other than those, which were intended by the creation of this Committee. No material will be taken from the meeting with case identifying information.

Print Name _____

Authorized Signature _____

Witness _____

Date _____

APPENDIX C INTERAGENCY AGREEMENT

ATTORNEY GENERAL DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

INTERAGENCY AGREEMENT

NEW HAMPSHIRE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

This cooperative agreement is made between the New Hampshire Department of Justice, the New Hampshire Department of Health and Human Services and the New Hampshire Department of Safety.

WHEREAS, the parties hereto are vested with the authority to promote and protect the public health and to provide services which improve the well-being of children and families; and

WHEREAS, under RSA 125:9 II, the Department of Health and Human Services – Division for Public Health has the statutory authority to: "Make investigations and inquiries concerning the causes of epidemics and other diseases; the source of morbidity and mortality; and the effects of localities, employment, conditions, circumstances, and the environment on the public health;" and

WHEREAS, under RSA 169-C, the Department of Health and Human Services- Division for Children, Youth and Families has the responsibility to protect the well-being of children and their families; and

WHEREAS, the objectives of the New Hampshire Domestic Violence Fatality Review Committee are agreed to be:

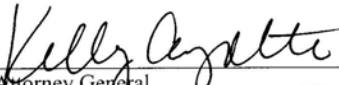
- 1) To describe trends and patterns of domestic violence-related fatalities in New Hampshire.
- 2) To identify the high risk factors, current practices, gaps in systemic responses, and barriers to safety in domestic violence situations.
- 3) To educate the public, policy makers and funders about fatalities due to domestic violence and about strategies for intervention.
- 4) To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
- 5) To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.

- 6) To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.

WHEREAS, all parties agree that the membership of the New Hampshire Child Domestic Violence Fatality Review Committee needs to be comprehensive and to include at a minimum, representation from the following disciplines: law enforcement, judiciary, medical, mental health, public health, child protection services, education, with specific membership from designated agencies to include, but not to be limited to: the Office of the Chief Medical Examiner, the New Hampshire Department of Justice, the New Hampshire Department of Safety and the New Hampshire Department of Health and Human Services; and

WHEREAS, the parties agree that meetings of the New Hampshire Domestic Violence Fatality Review Committee will be held no fewer than six (6) times per year to conduct reviews of fatalities:

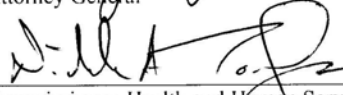
NOW, THEREFORE, it is hereby agreed that the following agencies will cooperate with the New Hampshire Domestic Violence Fatality Review Committee under the official auspices of the New Hampshire Governor's Commission on Domestic & Sexual Violence, subject to the renewal of this Interagency Agreement. All members of the New Hampshire Domestic Violence Fatality Review Committee will sign a confidentiality statement that prohibits any unauthorized dissemination of information beyond the purpose of the review process. The New Hampshire Domestic Violence Fatality Review Committee shall not create new files with specific case-identifying information. Non-identified, aggregate data will be collected by the Committee. Case identification will only be utilized in the review process in order to enlist interagency cooperation. No material may be used for reasons other than that for which it was intended. It is further understood that there may be individual cases reviewed by the Committee which will require that a particular agency be asked to take the lead in addressing a systemic or quality of care issue based on that agency's clear connection with the issue at hand.



Attorney General

4/20/09

Date



Commissioner, Health and Human Services

4/15/09

Date



Commissioner, Department of Safety

4/10/09

Date

APPENDIX D COMMITTEE PROTOCOL

NEW HAMPSHIRE GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

1. The Fatality Review Team will operate under the auspices of the Governor's Commission on Domestic and Sexual Violence.
2. The Committee will review all deaths of domestic violence victims in New Hampshire from 1990 forward.
3. Domestic violence victims will be identified as guided by the relationship criteria specified under New Hampshire RSA 173-B.
4. Comprehensive, multi-disciplinary review of any specific cases can be initiated by any member of the New Hampshire Fatality Review Team or any individual or agency request presented to a member of the team.
5. An executive committee of the Fatality Review Team shall screen cases to be submitted for full case review. This committee shall coordinate invitations to participate in the review, and shall request that all relevant case materials be accumulated by the committee or other designated members of the Fatality Review Team for distribution.
6. The Fatality Review Team will convene as needed, with the expectation that it shall meet bi-monthly.
7. Each team member shall serve a minimum two year term. The member shall select an alternate member from their discipline and will ensure that the member or the alternate will be present at every meeting of the Fatality Review Team.
8. All team members, including alternates, shall be required to sign a Confidentiality Agreement. Furthermore, Confidentiality Agreements will be required of any individual(s) participating in any domestic violence fatality review.

9. The team will provide periodic reports of its findings and recommendations to the Governor and other relevant agencies and individuals.
10. The following agencies and offices shall be represented on the Fatality Review Team: corrections; law enforcement; judiciary; clergy; mental health (administration and practitioner); medical examiner; ER services; education; prosecution; victim services; drug/alcohol; EAP; DCYF; DOVE; and others as needed.

APPENDIX E
RECOMMENDATION DEVELOPMENT WORKSHEET
NEW HAMPSHIRE DOMESTIC VIOLENCE FATALITY REVIEW
COMMITTEE

RECOMMENDATION (S) AND IMPLEMENTATION PLAN

	Recommendation: (<i>Outcome, goal or purpose of recommendation</i>)	Steps to implement recommendation:	Person(s) responsible for implementing recommendation steps:	Timeline:	Additional Follow- Up:	Current Status:
1)						
2)						
3)						
4)						

APPENDIX F

LAW ENFORCEMENT MEMORANDUM

To: All Law Enforcement Agencies

From: Kelly A. Ayotte, Attorney General

Re: New Bail Forms for Use in Domestic Violence and Stalking Cases

Date: January 31, 2008

As of February 1, 2008, district court judges and bail commissioners will have the option of using a new bail form called “Criminal Order of Protection Including Orders and Conditions of Bail,” a copy of which is attached. It is an amended version of the bail form that is currently in use. In addition to the standard bail conditions, the new form contains conditions similar to those available under a domestic violence protective order, such as restricting personal contact, possession of firearms and weapons, and use of drugs and alcohol.

The amended form has been adopted to enhance the protection available to victims of domestic violence. Unlike the current bail form, the new form meets the criteria necessary for entry into NCIC, thus ensuring that the bail conditions can be enforced across state lines. The first page of the order is formatted in accordance with a national model, so that it will be recognized and enforceable across the country. In addition, provided the order is issued by a judge, the order will show up as part of a Brady gun check if the person against whom the order is issued attempts to buy a gun.

Law enforcement officers should request that the new bail form be used in any case involving domestic violence or stalking, where the victim is the spouse or former spouse of the defendant, cohabitates with or formerly cohabitated with the defendant, or is the parent of the defendant’s child. Officers should be prepared to provide the judge or bail commissioner with information demonstrating that such a relationship between the victim and the defendant exists.

Whenever the new bail form is used, the law enforcement officer should file a copy of the bail order along with the criminal complaint in the district court. This will ensure that the court can match the order to the appropriate criminal complaints.

Because these orders are issued as bail orders, they should not be considered as a substitute for a domestic violence protective order issued under RSA 173-B. For instance, the new orders do not contain conditions for child support, visitation, or possession of the family home. Domestic violence victims may also chose to request a civil protective order under 173-B in addition to the protections afforded under the bail order.

In addition, the bail orders must be enforced as bail orders, not domestic violence protective orders. If a person violates a condition of the bail order, officers should seek modification or revocation of the bail order.

Any questions pertaining to the use of these new forms should be directed to Associate Attorney General Ann Rice at 271-3671.