NJ Domestic Violence Fatality - Near Fatality Review Board
2019 Annual Report

Risk factors of intimate partner homicide

Introduction

Identifying the risk factors of domestic violence fatalities is crucial to preventing future violence. Across the country, 1 in 3 female murder victims and 1 in 20 male murder victims are killed by intimate partners defined as both current and former spouses as well as dating partners[1]. By understanding risk factors such as non-fatal strangulation, for example, where a victim is 10 times more likely to be killed by her partner once she has been the victim of her partner's attempt to strangle her, we are better able to identify at-risk individuals, provide opportunities to intervene, and offer victims safety planning[2].

Researchers continue to assess and measure the risk associated with domestic violence fatalities among women despite the difficulties determining the specific risk factors that trigger a violent episode given our limited knowledge and low levels of reporting. Although applying assessment tools may not predict when the episode will occur, it can educate, as well as, help the victim safety plan. Specific high-risk factors have been identified to assist in the prevention of future domestic violence fatalities, and the Board hopes this report will provide a better understanding of risks. It should be noted, the Board previously made recommendations to establish trainings, data collection and evidence-based assessments to better understand high risk factors.

Risk Assessment Tools

In 2017, New Jersey experienced significant criminal justice reform and moved away from a monetary bail system to a non-monetary, risk-based system. This new system utilizes a risk assessment tool, the Public Safety Assessment (PSA), and a Decision-Making Framework (DMF) – intended to identify high-risk offenders for pre-trial detention and to ultimately protect victims, families, and communities from potentially violent individuals. With intimate partner violence being 15% of all violent crime, it is important to determine and consider the risk factors to promote safety and well-being for all. The PSA measures how much risk the individual poses if they are not to be detained, while the DMF manages risk by providing other information to judges such as court history, juvenile record, history of violence, and probation indicators. These tools help to predict if an individual is likely to return to court, commit a new crime, or commit a new violent crime if not detained. This process varies from county to county and is tracked by New Jersey's Administrative Office of the Courts.

In addition to the PSA and DMF, there are other domestic violence-specific assessment tools that are used to assess risk for domestic violence incidents. These include the Danger Assessment and Ontario Domestic Assault Risk Assessment (ODARA) adopted by New Jersey's Office of the Attorney General and law enforcement. The Danger Assessment, developed by Jacquelyn

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[1] National Coalition Against Domestic Violence (2016). Domestic violence and firearms. Retrieved from http://ncadv.org/files/Gun%20Fact%20Sheet.pdf

[2] National Domestic Violence Hotline (2016). The dangers of strangulation. Retrieved from https://www.thehotline.org/2016/03/15/the-dangers-of-strangulation/

Campbell (1986), determines the level of danger and likelihood that a victim has of being killed by their abusive partner. This tool assesses the severity and frequency of abuse to help raise a victim's consciousness and reduce denial about the abuse[3]. The ODARA tool, developed by the Ontario Provincial Police and the Ontario Ministry of Health, identifies the risk of future assaults against intimate partners and recidivism of domestic violence offenses. This tool is to be used in any setting that responds to domestic violence victims and/or offenders.[4]

The Case Selection Process

The Board identifies cases for review through its partnerships with the New Jersey State Police (NJSP) and the New Jersey Violent Death Reporting System (NJVDRS). The NJSP reports on domestic violence homicides and homicide-suicides in its annual Uniform Crime Report (UCR).

The Board's Steering Committee reviews data provided by the NJSP and the NJVDRS and other sources to determine the cases to be selected for in-depth review. The Board uses case investigation data to formulate recommendations to the state agencies based on the cases examined.

Analysis of Selected Cases

For the Board's 2019 reviews, cases were selected from the 2016, 2017 and 2018 NJSP's UCR data[5]. For the three years, there were 135 cases of domestic violence homicides, of which 80 were intimate partner. Of these, most (80%) were women victims, including four same sex relationships. The UCR identified 50% of IPV victims as White, 48.75% as Black, and 1.25% as Asian. With regard to the cause of death, firearms accounted for the highest percentages of fatalities (40%), followed by knives & cutting instruments (28.8%), blunt objects which includes hammers and clubs (17.5%), personal weapons, which includes hands, arms, fists, feet, teeth, etc., (6.25%), strangulation (5%) and in a few cases (5%), the cause was not reported in the UCR. In a third of the cases (n=26), the perpetrator committed suicide after killing the victim. This information is presented on the following link: https://infograph.venngage.com/ps/7buDQ4QBpuo/njdvfnfrb-2016-18-stats

Of the 80 IPV fatalities nine cases were analyzed in 2019. Unlike previous years in which the Board used a predetermined theme for case selection, the 2019 cases were selected based on whether there was sufficient data available for review. For the nine cases, all of the victims were women, ranging in age from 27 to 52 years. The victims included four African American women, two White women, two Hispanic women, and one woman of Middle Eastern descent. Four of the nine cases were murder-suicides.

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[3] Dr. Jacquelyn Campbell Danger Assessment: Campbell, J.C. (2007). Assessing dangerousness: Violence by batterers and child abusers. New York: Springer

[4] Ontario Domestic Assault Risk Assessment: Hilton, N. Z., Harris, G. T., & Rice, M. E. (2010). Risk Assessment for domestically violent men: Tools for criminal justice, offender intervention, and victim services. Washington, DC: American Psychological Association

[5] New Jersey State Police Unified Crimes Report 2016-18

After the Board's analysis of the nine cases, the Steering Committee decided to look at following well known risk factors: 1) if the victim had left the perpetrator, was planning to leave or was in the process of leaving; 2) perpetrator's history of domestic violence; 3) perpetrator's criminal history; and, 4) past or present restraining orders against the perpetrator. It is well known that the first factor, when a victim leaves, is considered the most dangerous time for a victim, typically, a woman, because the man fears losing his power and control over her. These four factors were selected because they are most likely to be available in the data for review. Other factors, such as if the perpetrator owns a gun, has threatened to kill the victim, and/or uses illegal drugs, among others, are less likely to be consistently and reliably available in the review data.

Members of the Steering Committee re-reviewed the nine cases and found 8 of 9 (89%) of the fatalities occurred when the victim either planned on leaving or left the relationship which continues to be a high risk factor as recognized by NJ Supreme Court, *State v. Reyes[6]*, 172 N.J. 154 (2002): "'Domestic violence victims who leave their abusers are justified in their continued fear because of the many cases of victims who are assaulted or killed by former partners.' *Hoffman*, supra, 149 N.J. at 585. Often victims are at greatest risk when they leave their abuser because the violence may escalate as the abuser attempts to prevent the victim's escape. Joan Zorza, "Protecting the Children in Custody Disputes When One Parent Abuses the Other," Clearinghouse Review, Vol. 29, No. 12 (April 1996). Many victims of domestic violence are afraid to leave their partners because of the response that their leaving might provoke in the abuser. *State v. Kelly*, 97 N.J. 178, 195 (1984)."

Domestic violence histories were found in 7 of 9 (78%) of the cases based on prior police reports and during homicide investigation interviews with family and/or friends. As is known, offenders are often violent throughout their relationships with victims and fatalities are not isolated or impulsive incidents there were however patterns of coercion and control through stalking and harassment. We also found 4 of 9 (44%) of the offenders had criminal histories, which was found to be a significant risk factor for re-abuse by a National Institute of Justice (NIJ) report[7]. Lastly, a restraining order was filed in 4 of 9 (44%) of the cases while two others declined. In one case the victim felt the offender would not become violent while the other was fearful of the consequences of filing a restraining order. The other three cases had no documentation regarding restraining orders.

Analysis of risk factors for victims of domestic violence is complicated. In reviewing these 9 cases, all 4 factors were found to be present in 4 cases. However, in at least one case, only one factor was present. The board also found 7 out of 9 (78%) of the offenders had a diagnosed mental health issue that may have contributed to the reoccurring violence and deaths of their partners. Other risk factors that were not included here, such as unemployment or gun ownership, because the available data was incomplete on these factors likely show that an accumulation of known risk factors increases the risk of harm to the victim. It is important for victims, and for those seeking to help victims, to understand the risks and one way to do this is with risk assessment tools.
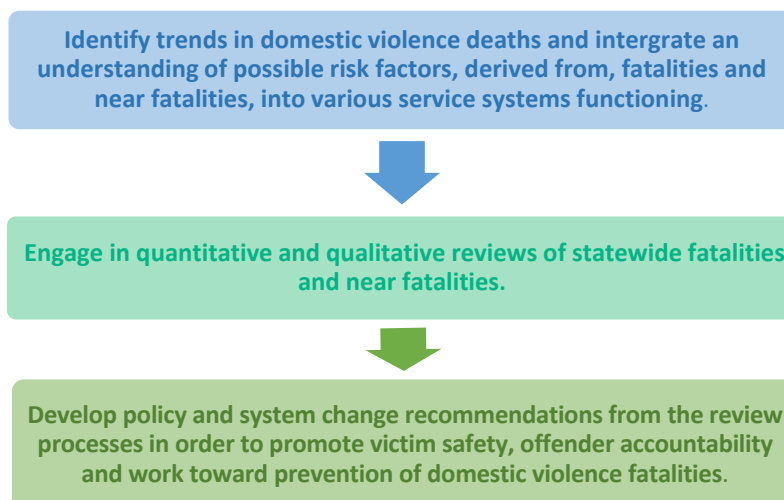
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[6] Supreme Court decision *State v. Reyes*, 172 N.J. 154 (2002)

[7] National Institute of Justice- Practical Implications of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. www.ojp.usdoj.gov/nij

As New Jersey stakeholders make updates and enhancements to get a better understanding of domestic violence as a systems issues, a decision by the Board was approved in 2019 to adopt a new process. This new process will allow for a better understanding of the victims from the perspective of those who were closest to them to better understand what they were going through. The Board will continue to complete monthly reviews however, one or two of the annually reviewed cases will also include confidential and voluntary interviews with family, as well as, friends and in case of near fatalities, the victim of domestic violence. This new process is a modified version of other states' approaches including New York, Montana, and Georgia with respect to conducting their Board review processes. By including the interviews into the process, the Board foresees obtaining more information to expand our perspective to address unanswered questions and gaps where systems' intervention could have prevented DV related tragedy.
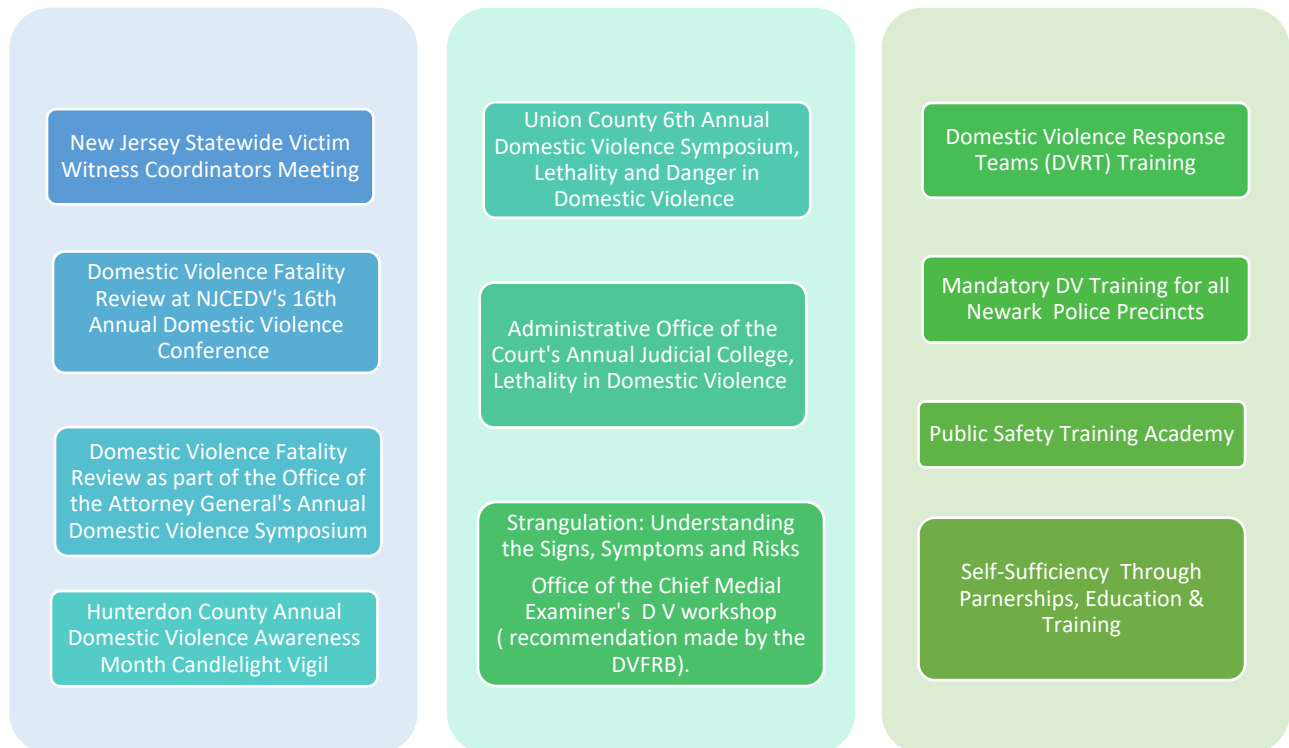
Work of The Board Review

The Board meets ten times a year. The Program Coordinator of the Board collects data on domestic violence fatalities that consists of law enforcement and prosecutor reports, medical examiner / autopsy reports, witness statements, and when available criminal histories and restraining orders. Typically, one case is reviewed per meeting. Prior to the meeting, Board members review the case material, usually consisting of hundreds of pages, in order to prepare for discussion of the case. Members bring to the table their professional knowledge about the many aspects of domestic violence. Through discussion, a better understanding of the case emerges, enabling recommendations to be made that are designed to increase victim safety and prevent future intimate partner violence.

> **Identify trends in domestic violence deaths and intergrate an understanding of possible risk factors, derived from, fatalities and near fatalities, into various service systems functioning**.

> **Engage in quantitative and qualitative reviews of statewide fatalities and near fatalities.**

> **Develop policy and system change recommendations from the review processes in order to promote victim safety, offender accountability and work toward prevention of domestic violence fatalities**.

Many of our board members in 2019 also participated in workshops, forums and conferences throughout New Jersey at the municipal, county and state levels highlighting the mission and purpose of the Board. The audiences included New Jersey Superior Court judges, prosecutors, law enforcement, victim advocates, and medical and mental health professionals (listed below). New Jersey was also one of 20 teams invited by Dr. Neil Websdale, Founder and Director of the National Domestic Violence Review Initiative (NDVRI) to a Clearinghouse for Domestic Violence Fatality Review (NCDVFR) to attend a national summit to build common core data gathering tools and reporting protocols and to build interconnectivity among teams doing similar work. In late 2018, a brochure that describes the work of the Board was created and distributed at the above engagements. It is also made available through the Division on Women and the NJDVFNFRB webpages. *www.nj.gov/dcf/providers/boards/dvfnfrb*

NJDVFNFRB 2019 Presentation List

New Jersey Statewide Victim Witness Coordinators Meeting

Domestic Violence Fatality Review at NJCEDV's 16th Annual Domestic Violence Conference

Domestic Violence Fatality Review as part of the Office of the Attorney General's Annual Domestic Violence Symposium

Hunterdon County Annual Domestic Violence Awareness Month Candlelight Vigil

Union County 6th Annual Domestic Violence Symposium, Lethality and Danger in Domestic Violence

Administrative Office of the Court's Annual Judicial College, Lethality in Domestic Violence

Strangulation: Understanding the Signs, Symptoms and Risks

Office of the Chief Medial Examiner's D V workshop (recommendation made by the DVFRB).

Domestic Violence Response Teams (DVRT) Training

Mandatory DV Training for all Newark Police Precincts

Public Safety Training Academy

Self-Sufficiency Through Parnerships, Education & Training

Conclusion

As New Jersey makes strides in their risk analyses to protect, understand and better serve victims of domestic violence while holding offenders accountable, it may be too soon to determine the overall effectiveness. Not only will these assessment tools provide a more informative process, we need continued collaboration of stakeholders to be enhanced allowing the courts, law enforcement and victim advocates to have the most accurate information when deciding how to intervene with offenders and safety plan for victims.

Recommendations

1. The Board recommends that the Administrative Office of the Courts and the Office of the Attorney General evaluate the implementation of the Public Safety Assessment (PSA) and the Ontario Domestic Abuse Risk Assessment (ODARA) to determine their effectiveness in identifying high risk domestic violence offenders.

2. The Board recommends that the Attorney General create a directive where the Child Advocacy Center in each county become involved when a domestic violence incident resulting in a homicide/suicide necessitating the interview of a child. The center should provide a trained interviewer for the child(ren)/ youth to perform a forensic diagnostic assessment of the child's well-being to better understand what they witnessed and whether services are needed.

3. The Board recommends that the Administrative Office of the Courts develop a mandatory educational workshop for domestic violence offenders after they have appeared in court for a Final Restraining Order. The court should provide a workshop of best practices, content and delivery. The delivery of the program can be determined by the county (e.g.- video, in-person). The program needs to provide the offender a better understanding of what is expected of them when the Final Restraining Order has been entered and what services are available within their county.

4. The Board recommends that the Administrative Office of the Courts add specific criteria to the Public Safety Assessment (PSA) regarding the presence of a firearm during a domestic violence incident. The presence of a firearm should be considered a risk factor in the PSA scoring to better assist prosecutors and judges in their determination of releasing or detaining the offender.

5. The Board recommends that the New Jersey legislature review and revise legislative statutes to include the possession of a firearm as an "act of violence" for pretrial risk assessment purposes, when a domestic violence incident occurs.

6. The Board recommends that the Department of Labor develop strategies on educating local businesses on bystander intervention and providing domestic violence training and information to all employees including management.

7. The Board recommends that the Department of Community Affairs- Division of Public Housing and Community Resources and Division of Codes and Standards design, distribute and publicly display a series of posters to raise community awareness of local and statewide domestic violence services and resources in ways they can assist someone within their community.

8. The Board recommends that the New Jersey Coalition to End Domestic Violence work with private and public places of employment to increase training and education on the workplace responses to domestic violence for all employees at all levels, to establish policies and procedures for working with employees impacted by domestic violence, and to increase access to the services for employees.

9. The Board recommends that the Attorney General make available resources such as in-service training curricula, NJ LEARN web training modules, and/or fact sheets that can be utilized by law enforcement agencies as part of their annual Domestic Violence training, explaining the elements, penalties, and distinctions between Stalking under *NJSA* 2C:12-10, Cyber Stalking under *NJSA* 2C:33-4.1, Criminal Coercion under *NJSA* 2C:13-5, and Harassment under *NJSA* 2C:33-4, to ensure that the most appropriate charge(s) are filed in each case to protect victims of domestic violence from unwanted contact by their abuser or person acting on behalf of their abuser.

10. The Board recommends that the Attorney General make available resources such as in-service training curricula, NJ LEARN web training modules, and/or fact sheets that can be used by law enforcement agencies as part of their annual Domestic Violence training, explaining how electronic devices are utilized in domestic violence cases, and the seizure, preservation and extraction of data from such devices in domestic violence investigations. The training should include obtaining and expediting search warrants for investigative purposes to track electronic devices; laptops, tablets, cellphones and any other multimedia devices that provide social media postings and exchanges.

11. The Board recommends that the Attorney General recommend each County Prosecutor's Office to designate an assistant prosecutor or detective already working within the Cyber Crimes and or Domestic Violence Units with expertise in information technology, social media, and cyberstalking, to provide assistance in domestic violence cases.

12. The Board recommends that the NJ Coalition to End Domestic Violence partner with local cultural and faith-based organizations to increase their community's awareness of and access to domestic violence services. Efforts should also include development of specific messaging to reach individuals whose relationships may counter their community's cultural and/or religious norms.

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