

Virginia Department of Health: Office of the Chief Medical Examiner

# Virginia Domestic Violence Fatality Review Newsletter

## VAFRIS

In February, members of four southwest Virginia Domestic Violence Fatality Review Teams (DVFRTs) received training on how to use the new Virginia Domestic Violence Fatality Review Information System (VAFRIS). The training included an orientation and live demonstration of the database, and will be repeated with teams from other parts of the state at the end of April. Two teams have begun entering cases. Six are considering ways to use the system in the near future.

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RESPONDENT	
John Doe	DOB: 06/02/1967
	Sex: Male
	Height: 6'2"
	Weight: 185
	Eyes: Brown
	Hair: Brown
Scars / Marks / Tattoos: Dragon tat on L. Shoulder	
SAMPLE ONLY	
Protection Order	
<small>This card certifies that the person named on the back of this card has a Protection Order on file with the State of Idaho against the individual listed above. Violation of the Protection Order is a misdemeanor under I.C. §39-6312. Pursuant to Title 18-USC §2265 (a), Protection Orders issued by outside jurisdictions shall be provided full faith and credit.</small>	

## More States Adopt "Hope Cards"

In February, Ohio became the most recent state to issue wallet-size "Hope Cards" summarizing a permanent protective order. The laminated cards, which can be carried by a victim at all times, contain information from the protection order, including the name and identifying characteristics of the person ordered to stay away, names of protected people, and dates of issuance and expiration. The card, which resembles a credit card or driver's license, is more durable and convenient to carry than the 8 1/2-by-11-inch, five-page court order itself. The cards assist law enforcement in quickly and easily verifying a protective order, improving victim safety and the enforcement of orders across jurisdictions. Indiana, Montana, and Idaho have adopted similar programs. Montana was the first to issue them in 2010 under recommendation by the state Domestic Violence Fatality Review Team.

## 2014 General Assembly: Legislative Update

### Passed: Awaiting Governor's Approval

HB 335: Where a protective order grants possession or use of a motor vehicle owned jointly by the parties to the petitioner, a court may direct a respondent to maintain insurance, registration, and taxes.

SB 561: Prisoners who were the subject of a protective order at the time of committing a felony against the petitioner are ineligible for conditional release due to age.

HB 567: A person is guilty of sexual battery punishable as a Class 1 misdemeanor if they sexually abuse more than one victim or one victim more than once in 2 years.

HB 708: Adds unlawful wounding and strangulation to the list of offenses that enhance the penalty for assault and battery of a family or household member from a Class 1 misdemeanor to a Class 6 felony if a person has been previously convicted of two such offenses within a 20-year period.

HB 972: Allows a protective order to grant possession of family pets to the petitioner.

HB 1233: Makes victims of stalking eligible for the Address Confidentiality Program.

### Defeated

HB 48/SB 510: Adds a state prohibition for possessing, transporting, or carrying a firearm or any other weapon for a period for five years for any person who is convicted of stalking, sexual battery, or assault and battery of a family member.

HB 171: Allows a victim of kidnapping, criminal sexual assault, or family offenses to testify via two-way closed-circuit television if the court finds that the victim will suffer severe emotional trauma in open court.

HB 1226: Clarifies that conduct that can constitute stalking can include use of technology such as electronic transmissions and text messages.

### Continued to 2015

HB 1/SB 4: Streamlines the administration of state and federal funds through creation of a comprehensive Sexual and Domestic Violence Fund for both intervention and prevention services at the Criminal Injuries Compensation Fund.

### New Resources

The Center for Survivor Agency and Justice published "[Criminal Records & Employment Rights: A Tool for Advocates Working with Domestic Violence Survivors](#)." This tool is designed to help advocates: 1) better understand the employment rights of survivors who have criminal records; and 2) offer tips and resources to survivors as they prepare for the job application and interview process, attend job interviews, and respond to a decision by a prospective employer.

The Centers for Disease Control and Prevention (CDC) issued a new 8-page information sheet on the [Intersection of Intimate Partner Violence and HIV in Women](#). The document provides an overview of current knowledge and research on HIV and intimate partner violence, and the CDC's current projects and initiatives to address the two issues.

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Congratulations, **Linda Bryant**, Co-Chair of the Norfolk Family Violence Fatality Review Team, on her appointment by Attorney General Herring to serve as Deputy Attorney General for Public Safety & Enforcement.

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## New International Gender-Based Violence Initiative

The [Gender-Based Violence Emergency Response and Protection Initiative](#) is a new project that the U.S. Department of State, Avon Foundation for Women, and Vital Voices

Global Partnership are launching to address the immediate security needs of survivors of severe gender-based violence, as well as individuals under credible threat of imminent attack due to

their gender or gender identity. The initiative includes provision of short-term emergency grants to cover medical and psychosocial care, emergency shelter, legal assistance, and other costs.

## New in Research

### IPV and Pregnancy Termination

A [meta-analysis](#) by researchers at Kings College, London, found intimate partner violence (IPV) rates among women undergoing termination of pregnancy ranged from 2.5-30% in the past year, and 14-40% over their lifetime. They also found that IPV may be associated with single and repeat abortions.

### IPV and Risk of HIV

Researchers in Rochester, NY [released their finding](#) that 12% of HIV/AIDS infections among women were to women experiencing current intimate partner violence (IPV). They report "Our findings suggest that women involved in violent relationships fear that their partner might respond with violence if asked to use a condom, which in turn, leads to less condom use for these women."

### Risk of Homicide or Suicide Linked to Firearm Access

The *Annals of Internal Medicine* published a [meta-analysis](#) correlating access to firearms with death by suicide or homicide. Access to firearms was associated with

greater risk of completing suicide and being victim of homicide (3.24 and 2.00 increased odds, respectively).

### Alcohol, Not Marijuana, Linked to DV

A study by researchers at the [University of Tennessee](#) found that men under the influence of alcohol are more likely to physically, sexually, or mentally abuse their partners than men high on marijuana. Women were also more likely to be physically and mentally aggressive while drinking. But unlike men, women were also more likely to be psychologically aggressive while high on marijuana.

### Twenty Youth Hospitalized by Gun Injuries Every Day

A [study published in Pediatrics](#) found that almost one child or teen an hour is hospitalized by a firearm injury. Six percent of the 7,391 injuries they reviewed ended in death.

### Reproductive Coercion Linked to IPV

The *American Journal of ObGyn* published a study finding at least 9% of adult females in the U.S. have experienced reproductive coercion. Among those women, 32% experienced intimate part-

ner violence (IPV) in the same relationship. IPV was also reported by nearly half of women who experienced birth control sabotage, and more than one third who experienced pregnancy coercion.

### IPV and Depression in Young Adults

[Researchers at Bowling Green State University](#) found that adolescents and young adults who perpetrate or fall victim to intimate partner violence (IPV) are more likely to experience an increase in symptoms of depression. This was true for young men as well as women, documenting that young men are not immune to negative psychological outcomes associated with IPV victimization or perpetration.

### IPV and Associations Among Men Who Have Sex With Men

A meta-analysis published in *PLoS Med* journal found that among men who have sex with men (MSM), exposure to intimate partner violence (IPV) as a victim was associated with increased risk of substance abuse, HIV, depression, and unprotected anal sex. MSM who were perpetrators were at an increased risk of substance abuse.

## Recent National and International Reports

*The Lancet* Journal published a review of studies published 1998-2011 examining rates of Non-partner sexual violence against women worldwide. In summary:

- Globally, 7.2 percent of women aged 15 and older had experienced sexual violence by somebody other than a partner.
- The highest rate of non-partner sexual violence was in sub-Saharan Africa (21 percent), followed by southern sub-Saharan Africa (17.4 percent), Australia and New Zealand (16.4 percent) and Andean Latin America (16 percent).
- The rate was 13 percent in the United States and Canada, 11.5 percent in Western Europe and 8 percent in Eastern Europe.
- The lowest rates were seen in India, Bangladesh and Turkey, where they ranged from 3 percent to 4.5 percent.

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The National Coalition of Anti-Violence Programs released their report, "IPV in LGBTQ and HIV-Affected Communities in the

U.S. in 2012," highlighting the issue of intimate partner homicide (IPV) homicide: "Despite reflecting a 31.83% drop in reports of LGBTQ IPV, NCAVP's 2012 report documents twenty-one homicides— a 10.5% increase from 2011's nineteen homicides, and the highest number of LGBTQ IPV homicides ever recorded. These homicides represent a three year pattern of increase and are more than three times 2010's six LGBTQ IPV homicides. The increase in reported IPV homicides illustrates the severe and deadly impact of IPV in LGBTQ communities."

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The National Network to End Domestic Violence made available, "Domestic Violence Counts: Census 2013 Report," which provides a 24-hour survey of domestic violence programs in the U.S. and territories. Highlights include:

- 36,348 domestic violence victims (19,431 children and 16,917 adults) found refuge in

emergency shelters or transitional housing provided by local domestic violence programs.

- 30,233 adults and children received non-residential assistance and services, including counseling, legal advocacy, and children's support groups.
- Local and state hotlines answered 20,267 calls and the National Domestic Violence Hotline answered 550 calls, averaging more than 14 hotline calls every minute.
- 23,389 individuals in communities across the United States attended 1,413 training sessions provided by local domestic violence programs.
- There were 9,641 unmet requests for services, of which 60% (5,778) were for housing.

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The White House Council on Women and Girls and the Office of the Vice President published, "Rape and Sexual Assault: A Renewed Call to Action," which gives an overview of most current statistics and the Office's steps to combat sexual violence.

### Upcoming Events

#### May

National Women's Health Week  
May 11-17

Webinar: Representing Clients Experiencing Trauma in Civil P.O. Cases  
May 12

Maryland Statewide DV Conference: From Victim to Survivor  
May 13, Annapolis, MD

Coalition to End Sexual Exploitation 2014 Summit  
May 16-17, Alexandria, VA

Webinar: Public Sector Partnerships: The role of local government in sexual and domestic violence prevention initiatives  
May 21

NOW Mid-Atlantic Regional Conference  
May 31, Washington, DC

#### June

Lesbian, Gay, Bisexual, and Transgender Pride Month

Webinar: A High Wire Act: Advocating for Victims While Avoiding Unlawful Practice of Law  
June 11

World Elder Abuse Awareness Day  
June 15

Investigation and Prosecution of Child Fatalities and Physical Abuse  
June 23-27, Baltimore, MD

Reduce the Risk: Identify, Investigate, Prosecute Strangulation Conference  
June 12-13, Lynchburg, VA

#### July

Webinar: The Critical Starting Point: Best Practices in 911  
July 9

LGBTQ 201 - Taking It to the Next Level Continuing Advocacy Training  
July 16, Roanoke, VA

3-day Advocacy Core Training with the National Domestic Violence Hotline  
July 21-23, Richmond, VA

## Fairfax County Issues Annual Report on DV

The Fairfax County Domestic Violence Prevention, Policy, & Coordinating Council made available in December their 2013 Annual Report to the Board of Supervisors. From the report, "Every month in Fairfax County, domestic violence hotlines receive almost 260 calls, victims request 65 family abuse protective orders, 14 families escape to an emergency domestic violence shelter, and over 160 domestic violence arrests are made."

Sandy Bromley, chair of the Fairfax County Domestic Violence Fatality Review Team added, "The Council is comprised of senior level Fairfax County officials and community and nonprofit leadership. The Council works in collaboration with the county's Domestic Violence Fatality Review Team (DVFRT) in developing strategies to implement the policy and practice recommendations from the DVFRT."

## Supreme Court Rules on DV and Firearms

[From: Office on Violence Against Women, "[Supreme Court Decision Limits Batterers' Access to Guns](#)," *OVW Blog* (April 11)]

On March 26, the Supreme Court unanimously ruled in *United States v. Castleman* that federal law makes it a crime for people convicted of misdemeanor domestic violence offenses, however minor, to possess guns.

In 1996, Congress enacted 18 U.S.C. §922(g)(9), sometimes called the Lautenberg Amendment, which bars any person convicted of a "misdemeanor crime of domestic violence" from possessing a gun. In passing this law, Congress closed a dangerous loophole in federal gun control laws: those convicted of felonies faced gun ownership prohibitions, but this did not cover most domestic abusers because most domestic violence convictions were for misdemeanor assault and battery. However, federal authorities have faced challenges enforcing this law because federal circuit courts were split on how severe the force used in a domestic violence offense needed to be to

qualify as a "misdemeanor crime of domestic violence" under the federal statute.

In *Castleman*, the Supreme Court resolved this question by issuing a broad interpretation of the term "misdemeanor crime of domestic violence," holding that convictions involving only "bodily injury" or "offensive touching" could qualify under the statute. Writing for the majority, Justice Sotomayor recognized that "[d]omestic violence" is not merely a type of "violence"; it is a term of art encompassing acts that one might not characterize as "violent" in a nondomestic context." The Court further stated that, while a squeeze of the arm that causes a bruise may not be described as "violence" in every context, "an act of this nature is easy to describe as 'domestic violence,' when the accumulation of such acts over time can subject one intimate partner to the other's control." With this decision, the Supreme Court confirms what we know all too well – that guns should not be in the hands of perpetrators of domestic violence.

For more information on Virginia DVFR:

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*In 1999, the Virginia General Assembly enacted legislation authorizing family and intimate partner fatality review. The [Code of Virginia §32.1-283.3](#) provides for the establishment of local and regional DVFRs. It provides important statutory confidentiality protection, and directs the Office of the Chief Medical Examiner to provide technical assistance and training.*

## Is Mandatory Arrest Bad for Victims' Long-Term Health?

[From: Belinda Luscombe, "[When Not to Arrest an Abuser in a Domestic Violence Case](#)", *TIME Magazine* (March 5)]

A follow-up of a study done 23 years ago found that domestic violence victims whose partners were arrested on misdemeanor charges (when no injuries resulted) were more likely to have died than those whose partners were merely warned by police. These were not the people who died because of an attack, but rather those who died years later of health-related reasons, including heart disease, cancer or other internal disorders. Somehow, the study suggests, the emotional toll of having a partner arrested impacted their health in the years afterwards.

For African-Americans, who were the majority of victims in the original study, the figures were particularly stark. Black women whose partners were arrested on domestic violence charges were nearly twice as likely to have died of ill-health by 2013 than women whose husbands/partners were accused of domestic violence but were not arrested. (In white victims, the difference was only 9%). The authors believe mechanisms similar to those in Post Traumatic Stress Disorder (PTSD) might explain the dynamic. "The racial difference suggests that the best explanation must be bio-social," says Sherman. "There must be something about witnessing a partner's arrest that triggers a physiological response leading to higher rates of death from heart disease and

other internal maladies, but far more so for victims who are African-American than for whites."

The findings have been criticized by Domestic Victims' advocates, who say it is not appropriate to apply old data to current response strategies. But Milwaukee police chief Edward Flynn thinks it might be time to try a new approach, only in the case of misdemeanors, noting that awareness of the gravity of domestic violence is now much greater. "We have to ask: Is the criminal justice system the best place to deal with domestic violence misdemeanors?" he says. "It might be time for a thoughtful dispassionate reassessment of these procedures."