Policies and Procedures

Approved 12/16/09, revised 9/16/10, revised 12/16/10, revised 01/19/2012

Mission Statement

The New Mexico Intimate Partner Violence Death Review Team (IPVDRT) is authorized by NMSA 1978 §31-22-4.1 (IPVDRT enabling legislation) in order to:

1. Review the facts and circumstances of domestic violence related homicides and sexual assault related homicides in New Mexico,
2. Identify the causes of the fatalities and their relationship to government and nongovernment service delivery systems, and

Goals and Objectives

The team is tasked with the following objectives under the IPVDRT enabling legislation:

1. Review trends and patterns of domestic violence related homicides and sexual assault related homicides in New Mexico;
2. Evaluate the responses of government and nongovernment service delivery systems and offer recommendations for improvement of the responses;
3. Identify and characterize high-risk groups for the purpose of recommending developments in public policy;
4. Collect statistical data in a consistent and uniform manner on the occurrence of domestic violence related homicides and sexual assault related homicides; and
5. Improve collaboration between tribal, state and local agencies and organizations to develop initiatives to prevent domestic violence.

IPVDRT members created additional goals and objectives for the Team to achieve:

1. Bearing witness to victims’ stories and honoring their lives.
2. Identifying best practices for systems improvement and policy recommendations.
4. Providing community outreach and public education regarding our findings and recommendations.
5. Increasing the knowledge base of Team members.
6. Facilitating communication among Team members and their respective agencies.

**Philosophy**

The IPVDRT recognizes that offenders of domestic violence and sexual assault are ultimately responsible for the death of their victims. Therefore, when identifying gaps in service delivery or responses to victims, the IPVDRT chooses not to place blame on any professional agency or individual but rather learn from our findings in order to better understand the dynamics of domestic and sexual violence and how to prevent future associated deaths.

**Team Membership & Member Responsibilities**

The IPVDRT has two types of membership: *appointed members* and *invited members*. Each type of membership has responsibilities as a team member and must comply with all confidentiality and other legal and ethical requirements of the team.

**Appointed members**

Pursuant to the IPVDRT enabling legislation, appointed members are appointed by the Director of the New Mexico Crime Victims Reparation Commission to represent their profession and/or agency on the IPVDRT. Appointed members must comply with the confidentiality provisions of the IPVDRT enabling legislation as well as sign and comply with the IPVDRT Confidentiality Agreement.

Appointed members have full voting rights and therefore, should attend each meeting of the IPVDRT or send a representative proxy from their profession to attend on their behalf. Appointed members shall consider the recommendations and opinions of the entire team (both invited and appointed members) when submitting their vote on an issue.

Appointed members may resign a position in writing to the Team’s Coordinator.

When an appointee is no longer affiliated with the agency from which they were appointed, the appointed position on the Team is considered vacated. Members who wish to continue as a voting member of the Team may make a request to the Team’s Coordinator who will forward the request for a change of appointment to the Director of the New Mexico Crime Victims Reparation Commission for consideration.

For any vacancy, the Team’s Coordinator will notify the New Mexico Crime Victims Reparation Commission of the vacancy and request a new appointee.

The appointed members of the team shall vote annually to elect a Vice-Chair of the IPVDRT. The Vice-Chair will serve for one year, followed by a one-year term as Chair.
Both the Chair and Vice-Chair must be appointed members of the team and are responsible for following certain duties as described in the Meeting Structure section of these policies and procedures. *(revised 9/16/10)*

The statute specifies that the appointed Team membership consist of representatives from the following categories:

- Medical personnel with expertise in domestic violence,
- Criminologists,
- Representatives from the New Mexico District Attorney’s Association,
- Representatives from the Attorney General’s Office,
- Victim Service Providers,
- Civil Legal Service Providers,
- Representatives from the Public Defender Department,
- Members of the judiciary,
- Law enforcement personnel,
- Representatives from the Department of Health, the Aging and Long-Term Services Department, and the Children Youth and Families Department, who deal with domestic violence victims’ issues,
- Representatives from tribal organizations who deal with domestic violence, and
- Any other members the Director of the Commission deems appropriate.

A current list of appointed members can be obtained from the Team’s Coordinator and will be included in the annual report each year.

**Invited Members**

Multi-disciplinary professionals from across the state may be invited to attend IPVDRT meetings. After approved by the Chair, these invited members can participate in confidential case reviews and discussions as long as they comply with the confidentiality provisions in the IPVDRT enabling legislation, sign and comply with the IPVDRT Confidentiality Agreement and comply with team policies and procedures. The Chair makes the final decisions regarding who can participate in confidential case reviews. All invited members must speak with the IPVDRT coordinator prior to attending their first meeting in order to learn about team process and confidentiality provisions.

**Member Responsibilities**

To achieve the IPVDRT’s goals and assist with the case review process, both appointed and invited members of the IPVDRT will:

1. Provide confidential case information from their agency’s records (as their legal and ethical obligations permit);
2. Participate in the case review discussion and analysis in a fair, thoughtful and meaningful way;
3. Serve as a liaison to their professional counterparts, bringing back recommendations and lessons learned at team meetings to their professional community;
4. Provide definitions and explanations of their profession’s terminology and practices;
5. Interpret the procedures and policies of their agency and/or profession; and
6. Explain the legal or ethical responsibilities or limitations of their profession as they relate to the team’s process.

Meeting Structure

Unless otherwise specified, the IPVDRT will meet on the third Thursday of the month from 10am to 12pm unless the team or its coordinator deems it necessary to increase or decrease the number or length of meetings based on the number of cases to be reviewed.

In addition, the IPVDRT will convene at least one organizational meeting annually in order to conduct regular team business and to review findings and recommendations from case reviews and discuss contributions to the team’s Annual Report (see Findings & Recommendations). The team can vote to hold this organizational meeting on a different date or before, during, or after one of the IPVDRT regular meetings. [Note: Effective November 19, 2009, the team will hold its organizational meeting annually during its regular December IPVDRT meeting.]

For each of the meetings where quorum is established, the IPVDRT must comply with the New Mexico Open Meetings Act (NMSA 1978, §10-15-1 through 10-15-4). Compliance with this act includes: (1) proper notice of all meetings, (2) membership voting rights and quorum requirements, (3) appropriate meeting process, and (4) the drafting, voting and publishing of meeting minutes.

(1) Notice and Agenda:

The time and location of the meetings are determined by the team members at their annual organizational meeting. Also at that meeting, appointed team members vote on the team’s Compliance with Open Meetings Act resolution that decides the team’s meeting notice requirements and compliance with other sections of the Open Meetings Act. The IPVDRT coordinator is then responsible for complying with that resolution and its mandated deadlines throughout the year.

The IPVDRT coordinator, with the Chair and Vice-Chair’s input, prepares an agenda for each meeting. The agenda is published in accordance with the team’s Compliance with Open Meetings Act resolution.
The agenda must contain a list of specified items of business to be discussed or transacted at the meeting. At the team meetings, members may discuss, but cannot take action on, matters that are not listed as specific items of business on the agenda. Action on items outside the published agenda must be taken at a subsequent meeting.

(2) Quorum and membership voting rights
At the start of every IPVDRT meeting, team members must determine if there is a quorum present. Quorum for the IPVDRT is met when there are appointed members present from at least seven (7) of the twelve (12) categories of appointed members (see Membership & Member Responsibilities). Appointed members may send representational proxies to the meetings to act in their capacity. These proxies must be from the same professional category as the appointed member. At least two hours prior to the meeting, the appointed member must inform the IPVDRT coordinator or the Chair of the team in writing (email is acceptable) if they are sending a proxy to that meeting and who the proxy will be. Only appointed members of the team have voting rights, however, appointed members shall consider the recommendations and opinions of the invited members of the team when submitting their votes. A motion passes when the majority of the present appointed members vote to approve the motion.

(3) Meeting Process

All IPVDRT meetings are open to the public unless otherwise exempted.

a. The Chair (or Vice-Chair in the Chair’s absence) convenes each meeting and determines which appointed members are present at the meeting and which are absent.

b. The Chair leads the team in introductions and encourages team members to share updates from their respective agencies.

c. The Chair then calls for any Committee reports, which are to be reported by that Committee’s Chair (or appointee). Any Committee report that contains confidential case information must wait to be reported during the team’s closed session.

d. If there is no other public team business to discuss, the Chair closes the meeting in order to conduct confidential case reviews:
To do so, the Chair shall make a formal motion calling for a vote on a closed session. This motion shall include, with reasonable specificity:
- the authority for the closure: NMSA 1978 §10-15-1(H) and the confidentiality provisions of the IPVDRT enabling legislation, and
- the subjects to be discussed during the closed sessions.

The motion shall be approved by a majority vote of the quorum. The vote shall be taken while in an open meeting and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure may be discussed in the closed session.

If the closed meeting is called for when the IPVDRT is not in an open meeting, the IPVDRT coordinator must provide notice of that closed meeting and, with reasonable specificity, the subject to be discussed at the meeting to the members of the team and to the general public.

Following completion of any closed session, the minutes of the open meeting that was closed (or the minutes of the next open meeting if the closed meeting was separately scheduled) shall state that the matters discussed in the closed meeting were limited only to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the team as a part of the meeting minutes.

e. When case reviews are complete, the Chair re-opens the meeting. The Chair must make a statement declaring that matters discussed in the closed meeting were limited only to those specified in the motion for closure and that no formal action was taken during the closed session. If formal action was recommended during the closed session, team members can now revisit that action and act accordingly. The Chair is responsible for closing the meeting.

(4) Minutes

The IPVDRT coordinator shall keep written minutes of all team meetings. The minutes shall include date, time and place of the meeting, the names of appointed members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection.
Draft minutes shall be prepared by the IPVDRT coordinator within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next meeting where quorum is established. Minutes shall not become official until approved by the team.

**Case Review Process**

**Types of Cases**

The IPVDRT only reviews closed cases and does not attempt to re-open the investigations of those cases. Closed cases are those where the offender is dead or has been convicted of the death and most or all criminal appeals have expired. When a reasonable amount of time has passed since the death, the team also reviews those cases which are classified as unsolved by law enforcement or where the offender was never criminally charged for the death.

The team reviews cases involving a death associated with domestic violence or sexual assault. The deaths can be classified by the Office of the Medical Investigator (OMI) as homicide, suicide, accidental or undetermined manner of death.

The majority of the cases the team reviews fit into the following categories:

- Homicide committed by intimate or dating partners
- Homicide with a sexual assault component
- Suicide by a victim of prior domestic violence
- Suicide by an offender of domestic violence (even if the victim survives) when the suicide is related to domestic or sexual violence
- Homicide of the offender if related to domestic violence (officer-involved shootings or bystander interventions)
- Accidental death from asphyxiation, toxicity, or overdose where there is a history of domestic or sexual violence
- Homicide of any child, family member or bystander killed during a domestic violence incident

**Review Process**

1. Case Identification: The IPVDRT coordinator identifies cases for review using several methods: researching death records at OMI, reviewing media reports regarding domestic and sexual violence, requesting information from local domestic violence and sexual assault agencies on homicides in their communities, and receiving case suggestions from team members or other professionals. The coordinator attempts to gather information on all domestic and sexual violence deaths that occur in the state, recognizing, however, that many deaths are not reported in conjunction to domestic or sexual violence and therefore, may be difficult to identify as such through public records.
2. Case Investigation and Compilation: The IPVDRT coordinator determines which agencies or systems the victim or offender had contact with prior to or following the death and contacts each of those agencies to obtain all pertinent reports and case information from them. The IPVDRT coordinator also researches all available media reports or other relevant information sources (i.e. websites) regarding the death or prior incidents with the victim or the offender. The IPVDRT coordinator compiles this information and enters it into the team’s Confidential Case Review Form as completely as possible. The following are the types of information collected by the IPVDRT coordinator for use in case investigation and compilation:

- Law enforcement reports, including crime scene investigations and detective’s investigative reports
- Media reports
- Details of any prior protective orders (temporary and permanent)
- Civil court data regarding divorce, termination of parental rights, child custody, or child visitation
- Criminal histories of the offender and the victim
- CYFD protective services data (regarding alleged child abuse or neglect involving either the victim or the offender) and juvenile justice data (prior delinquency history of the offender or the victim)
- Adult protective services summary data and prior abuse history
- Summaries of psychological evaluations or reports appearing in public record documents, such as police files
- OMI autopsy report
- Workplace information (stalking/harassment, alerts among co-workers)
- Medical reports and hospital emergency room information
- Shelter or program services information from domestic violence or sexual assault advocates (if appropriate and legally permissible)
- School reports regarding children reporting abuse in the home
- Statements from neighbors, friends or witnesses (often found in police files as transcribed material or in court documents or trial transcripts)
- Pre-sentence investigation report (probation)
- Parole information (including victim notification)
- Information regarding weapons confiscation, purchase, and background checks
- Drug and alcohol treatment information

3. Case Presentation: During closed sessions of the IPVDRT meetings, the coordinator distributes the Confidential Case Review Form and other relevant documents (i.e. news articles, court docket entries) to the team. Team members review the information given to them and ask questions to clarify issues or obtain additional information about the case. The IPVDRT coordinator invites representatives from those agencies or systems that had contact with the
offender or victim prior to or following the death to the meetings in order to provide the team with additional information not available in the written records.

4. Case Review: After reading and discussing the facts of the death, IPVDRT members will begin a thorough review of the death and factors associated with the death. In particular, team members look for:
   - Risk factors for the victim or the offender prior to the death
   - System failures associated with the death
   - Recommendations for policy or systems improvement

5. Case Findings and Recommendations: Each team member is responsible for participating in the case review discussions and for writing down findings and recommendations. The team relied on the professional expertise of each of its members and therefore, it’s important for team members to analyze each case according to their profession and contribute ideas and suggestions for inclusion in the team's recommendations.

Following each team meeting, the IPVDRT coordinator will assure that all case related materials that were distributed are left in the room to be shredded or returned to the provider of those materials. After each review, the IPVDRT coordinator summarizes the findings and recommendations identified in the review and maintains case statistics for aggregate reporting, such as age, race, and gender of victims and offenders and the relationship between victim and offender.

Confidentiality

IPVDRT members acknowledge that confidentiality is essential to the review process. Confidentiality is approached on two levels: team confidentiality and member confidentiality. Team confidentiality includes all activities that occur during a team meeting. Written information will be disseminated, reviewed, collected at the end of the meeting and then shredded. Member confidentiality dictates that individual members must keep confidential any information that is revealed about specific cases. Other than as permitted by law, or required by a court order, team members should not share or speak about case information with anyone else, including others in their agency. Information should not leave the meeting room and each member is expected to sign and adhere to the IPVDRT Confidentiality Agreement.

Confidentiality provisions in the IPVDRT enabling legislation:

The following items are confidential:
1. all records, reports or other information obtained or created by the domestic violence homicide review team for the purpose of reviewing domestic violence related homicides or sexual assault related homicides pursuant to this section; and
2. all communications made by domestic violence homicide review team members or other persons during a review conducted by the team of a domestic violence related homicide or a sexual assault related homicide.

The following persons shall honor the confidentiality requirements of this section and shall not make disclosure of any matter related to the team’s review of a domestic violence related homicide or a sexual assault related homicide, except pursuant to appropriate court orders:

1. domestic violence homicide review team members;

2. persons who provide records, reports or other information to the team for the purpose of reviewing domestic violence related homicides and sexual assault related homicides; and

3. persons who participate in a review conducted by the team.

Nothing in this section shall prevent the discovery or admissibility of any evidence that is otherwise discoverable or admissible merely because the evidence was presented during the review of a domestic violence related homicide or a sexual assault related homicide pursuant to this section.

Domestic violence homicide review team members shall not be subject to civil liability for any act related to the review of a domestic violence related homicide or a sexual assault related homicide; provided that the members act in good faith, without malice and in compliance with other state or federal law.

An organization, institution, agency or person who provides testimony, records, reports or other information to the domestic violence homicide review team for the purpose of reviewing domestic violence related homicides or sexual assault related homicides shall not be subject to civil liability for providing the testimony, records, reports or other information to the team; provided that the organization, institution, agency or person acts in good faith, without malice and in compliance with other state or federal law.

Committees

The IPVDRT employs working committees to assist with carrying out the team’s goals and objectives, including following up on recommendations made during case reviews.

Committee membership is voluntary and can be made up of both appointed and invited members of the team. A majority of the Team members shall vote annually on a Chair for the committee. This Chair is responsible for planning and conducting committee meetings, taking notes of committee recommendations and presenting those recommendations to the team at regular IPVDRT meetings.
IPVDRT committees are working groups for the whole team and as such, shall not make any formal decisions or recommendations without reporting back to the team and obtaining a majority vote approval of the quorum of the team. Committee initiated research activities involving human subjects must receive preapproval from the Team and the Human Research Review Committee at University of New Mexico.

There are two categories of team committees: permanent and ad hoc. Permanent committees are those determined necessary by the team in order to meet certain goals and objectives.

As of November 1, 2009, the following are the IPVDRT’s permanent committees:

1. **Native American**:

   The Native American committee collaborates with tribes and tribal organizations from across the state in reviewing intimate partner violence deaths that occur on tribal lands or that involve a Native American victim or offender.

   The IPVDRT recognizes and honors the sovereignty of Native American tribes. Therefore, when reviewing cases of intimate partner deaths that occur on tribal lands, the Team will work to ensure that there is at least one tribal representative at the review and will not review the case if the tribe objects to the review or any part of its process.

   The Native American committee also assists the Team by providing specialized assistance, education and insight to the Team when reviewing cases that involve either a Native American victim or offender.
2. **Friends & Family:**
   The Friends & Family committee was developed in response to the team’s desire to acquire additional information for case reviews. The team determined that information gathered from people who knew the victim or the offender would be helpful to have a more complete understanding of the cases.
   The Friends & Family committee is tasked with developing a protocol for contacting people who knew the victim or the offender (informants), including surviving family members, friends, co-workers or others who may have helpful information for the team. Once the protocol is finalized and approved by both the team and the Human Research Review Committee at University of New Mexico, the Friends & Family committee is responsible for contacting and interviewing the informants (following the guidance of the protocol), gathering any additional information and presenting that information to the team when those cases are reviewed.

3. **Marginalized Populations:**
   The IPVDRRT recognizes that there are several populations who are underserved or marginalized in our society. Therefore, the Marginalized Populations committee researches how these populations are affected by intimate partner violence (particularly through our case reviews) and creates strategies and recommendations to specifically address those populations and their unique needs. As of July 1, 2010, the Marginalized Populations group is addressing elder abuse and missing/trafficked/prostituted women.

4. **Teen Dating Violence:**
   After reviewing several deaths involving teen victims of dating violence and stalking, the IPVDRRT voted to create a separate committee to review cases that involve youth between the ages of 10 and 19. The Teen Dating Violence committee is comprised of members from youth-serving governmental and community agencies (state, local and tribal), teen suicide and pregnancy prevention agencies, CYFD, school representatives, law enforcement representatives (school resources officers) juvenile justice professionals, and substance abuse professionals. The committee will review each case with the goal of making tailored recommendations to the Team regarding the policy and systems changes necessary for reducing youth injury and death associated with dating violence.
   The Teen Dating Violence committee also assists the Team by providing specialized assistance, education and insight to the Team when reviewing cases that involve youth ages 10 to 19.
Ad hoc committees arise when the team discovers new findings or recommendations that require additional research or other further work in order to resolve an issue or move forward a new idea.

Findings & Recommendations

The IPVDRT coordinator will compile the findings and recommendations of the team after every team meeting. At the end of the calendar year, at the team’s annual organizational meeting, the team will convene to discuss all of the findings and recommendations from the prior year and develop a list of the more relevant and important recommendations to include in the team’s Annual Report.

Pursuant to the team’s enabling legislation, the Annual Report is submitted to the Legislature, the Governor, and various other state and nonprofit agencies at least 30 days prior to the first day of the Legislative session (typically mid-January). The report is also disseminated to the media as a means of education and outreach to the general public.

Periodically, the team may wish to publish a more thorough publication on the findings and recommendations of the team, like the team’s Getting Away with Murder publications. The IPVDRT coordinator will collect and maintain the data, findings and recommendations for inclusion in these publications and, with the assistance of team members, will write and publish these findings on a regular basis.

Additionally, the Annual Reports and the team’s publications will be posted on the IPVDRT website. The coordinator will maintain the website regularly to ensure that the team’s recent findings and recommendations are easily accessible to the public.
Evaluation

The IPVDRT and the Team’s Coordinator will evaluate the activities for each review year. The evaluation will contain two components: an outcomes evaluation and a process evaluation.

1. Outcomes Evaluation

The Team, in collaboration with the IPVDRT Coordinator will perform an annual assessment of progress around the State on Team recommendations from prior years. Updates on recommendations will be included in the Annual Report.

2. Process Evaluation

The IPVDRT Coordinator will prepare a report that examines the review process, including the case data collection strategy, case review procedures, and adherence to the Team’s mission, goals, and objectives. The report will be presented to the Team for discussion at the January meeting.