



PIMA COUNTY DOMESTIC
VIOLENCE FATALITY
REVIEW TEAM

ANNUAL REPORT 2012

SUBMITTED TO:
TOM HORNE,
ARIZONA ATTORNEY GENERAL

JANUARY 31, 2013

To the Arizona Domestic Violence Community:

The Pima County Domestic Violence Fatality Review Team (“PCDVFRT”) is pleased to submit its first annual report covering two case reviews.

Our Team was established in accordance with A.R.S. §41-198 by Resolution 2010-233, adopted by the Pima County Board of Supervisors on October 5, 2010. Since the team was established, we have cultivated and maintained a membership of multidisciplinary expertise and have reviewed two fatalities. Our reviews have centered on domestic violence murder-suicides. Of the 103 Arizona Domestic Violence Related deaths in 2011, 39 were murder- suicides¹. In the first half of 2012, almost half of the 68 DV-related deaths were due to the same cause (31.)² In 2011, Arizona ranked in the top 10 nationwide for murder-suicide rate.³

The two cases reviewed by the PCDVFRT were very different factually. The first, which the PCDVFRT started reviewing in the beginning of 2011, involved a husband and wife, both employed at the same federal agency. As best as our investigation could uncover, neither had much contact, if any, with either law enforcement or domestic violence agencies leading up to their deaths. However, there were significant warning signs that foretold the lethal situation.

Conversely, the second case, which the PCDVFRT undertook in 2012, involved a perpetrator and victim who were considerably involved in the domestic violence and mental health system. Despite the perpetrator going through court-ordered domestic violence and mental health treatment, and the victim obtaining an order of protection, a tragic homicide-suicide occurred.

The PCDVFRT came together recognizing its responsibility to make changes and understanding that a critical review of these wide-ranging cases would hopefully shed light on the points where our response has been insufficient.

The PCDVFRT has gained significant knowledge over the past year regarding how to conduct a review and evaluate a case. Now, we commit to turning that knowledge into future action. By continuing our reviews and acting on what we have learned, we can honor the lives that have been lost and build communities that will support safe, loving, and respectful relationships for all.

Ellen Brown and Sgt. Jeffrey Bonds
Co-Chairmen
Pima County Domestic Violence Review Team

¹ Arizona Domestic Violence Related Deaths 2011: Arizona Coalition Against Domestic Violence; azcadv.org

² Arizona Domestic Violence Related Deaths 2012: Arizona Coalition Against Domestic Violence; azcadv.org

³ American Roulette; Murder Suicide in the United States, 4th Ed.;

MEMBERSHIP

The PCDFVFT represents a diverse group of professionals within the Domestic Violence Community.

Pima County Domestic Violence Fatality Review Team Members Name	Position	Organization
Ellen R. Brown Co-Chairman	Deputy County Attorney Supervisor, Domestic Violence Unit	Pima County Attorney's Office
Claudia Powell	Associate Social Science Researcher	University of Arizona Southwest Institute for Research on Women
Kent Burbank	Director Victim Services Division	Pima County Attorney's Office
Sgt. Todd Harkins (Case 1) Sgt. Jeff Bonds (Case 2) Co-Chairman	Domestic Violence Unit Supervisor	Pima County Sheriff's Department
Sgt. Chris Widmer (Case 1) Sgt. Michael Lapedus (Case 2)	Domestic Violence Sergeant	Tucson Police Department
Bill Castaneda	Unit Supervisor, Domestic Violence Unit	Pima County Adult Probation Department.
Alex Droban (Case 1)	Police Officer	Sahuarita Police Department
Katie Lawler	Victim Advocate	Pima County Attorney's Office
Amy Gomez	Social Service Worker	Emerge! Center Against Domestic Abuse
Anna Harper	Director of Program and Community Development	Emerge! Center Against Domestic Abuse

Pat Joy	Retired 911 Dispatch Supervisor	Retired
Michael Linehan (Case 1)	Police Officer	Sahuarita Police Department
Debra Kesterson	Police Officer	Marana Police Department
Charles May (Case 1)	Police Officer	Tohono O'Odham Police Department
Megan Carr	Police Officer	Oro Valley Police Department
John Carlson (Case 1)	Intern	Northern Arizona University
Jenny Zelt	Social Service Worker	Child Protective Services
Hon. Lisa Abrams (Case 2)	Commissioner	Pima County Superior Court
Eliazbeth Shelton (case 2)	Associate Prosecutor	Tucson City Attorney's Office

EXECUTIVE SUMMARY

The mission of the PCDFVFT team is to analyze incidents of domestic violence related fatalities in Pima County in an effort to better understand the dynamics of such deaths and develop recommendations for associated agencies to help prevent domestic violence and domestic violence related fatalities in the future.

The first case chosen for review by the PCDFVFT involved a homicide-suicide. The victim and perpetrator were married, however, estranged, and had a 12-year-old daughter who witnessed the tragic event. The couple was originally from another state and employed by the same federal agency. As far as the PCDFVFT can determine, it was not until just before the deaths that the issue of domestic violence came to light within our system. However, it does appear that there was knowledge by co-workers and family of the violence.

The second case reviewed by PCDFVFT was also a homicide-suicide. Victim and perpetrator had been dating for several months when the perpetrator assaulted the victim and her 9-year-old son when he tried to protect his mother. There seemed to be a break in the relationship. During that time, the perpetrator was involved in the criminal justice system, as well as the Veteran's mental health system. However, the victim continued some type of contact with perpetrator. It is clear the case turned into a stalking situation sometime prior to the homicide. The victim obtained an Order of Protection, which was violated on more than one occasion. Ultimately, the perpetrator broke into the victim's home and shot her as well as himself.

ANALYSIS AND CONCLUSIONS

PCDFVFT found that in both cases there were people who knew about the abuse, yet it appears little action was taken to assist the victim or to provide support. Consequently, the PCDFVFT concluded that there should be community programming to identify and respond to victims of domestic abuse

In the second case reviewed by the Team, the perpetrator had completed 26 sessions court-ordered Domestic Violence Offender Treatment on two separate occasions, yet continued to offend. It is clear that the Order of Protection obtained by the victim in the second case had no impact on the perpetrator's behavior. Interventions by the criminal justice system appear to be useless in this case.

Based on these observations, the Team determined that Domestic Violence Offender Treatment should be reviewed with an eye towards improving effectiveness. The PCDFVFT also determined that ongoing training should be implemented for law enforcement, judiciary and prosecution regarding the issuing and enforcement of Orders of Protection to improve their value in protecting the victim.

PROCESS

The team selected both cases based on recency, knowledge of potential systemic gaps and the specific agencies involved in the investigations of these cases. At the initial meeting of each case members reviewed the documentation, discussed additional information needed and assigned tasks to members. At each subsequent meeting, team members reported on information gained from assigned tasks and a timeline was developed. All information gained from tasks was uploaded to a secure website to which all team members have access. Information was obtained from the following sources:

- Law enforcement reports
- Court documentation
- Additional resources related to incidents
- Personal interviews
- Statistical data

OVERVIEW

Case 1:

Carlos⁴ and Melissa met in a different state in 1991, started dating and moved in with each other later that year. They married the next year. Carlos was working at a federal agency when they met and Melissa began working for the same agency four years after they were married. From the time Melissa began working at that agency and throughout their marriage, Carlos alleged that Melissa was having extramarital affairs.

In 1997, the couple has their first and only child - Julia. While the extent is unclear, it is probable that some form of abuse is happening from the time that Melissa begins working at the federal agency. In 2004, the couple moves to Arizona, but are living and working in different Arizona cities. In 2006, Carlos takes a job in another state, but Melissa stays in Arizona, with Julia, as they are unable to sell their house and Melissa needs to request a job transfer. Carlos' allegations of Melissa's infidelity continue.

In late November, Carlos finds out that Melissa never requested a job transfer to his State.

On December 2, 2008, Melissa files a walk-in domestic violence police report, which is the first reported incident of domestic violence. Melissa states that when she came home from shopping, Carlos "slapped her, put her in a chokehold and pointed a gun at her." Melissa grabbed the gun away from him. Again, Carlos accused her of cheating on him. Melissa requests that there is no prosecution. She says she has been told by her employer to file a

⁴ All names have been changed to protect the identity of the parties involved.

report and only wants the incident documented. Melissa says that this is not the first time he's hit her, but she's never reported it. A report is made and no further action is taken by law enforcement.

In December of 2008, Melissa mentions to her sister that, "if something happens to me [Melissa], there is paperwork in the closet."

On January 9, 2009 Carlos returns to Arizona, from the state where he lives, unexpectedly. Julia comes home and finds Carlos there. Melissa and Carlos argue over the phone and Melissa comes home two hours late. Carlos shoots and kills Melissa; then turns the gun on himself and commits suicide in front of Julia.



Red Flags

- Melissa made a report to law enforcement that contained indicators for high lethality (including the presence of a firearm) approximately one month before the she was killed.
- Melissa indicated her employer knew something about the domestic violence she was experiencing.
- Melissa had a conversation with her sister about where to find her "paperwork" if something were to happen to her [Melissa].

**Pima County Fatality Review-Case 1
Timeline**

Carlos* shoots and kills his wife, Melissa; then turns the gun on himself and commits suicide in front of their child, Julia.

Carlos returns to Arizona, from the state where he lives, unexpectedly. Julia comes home and finds Carlos there. Melissa and Carlos argue over the phone and Melissa comes home 2 hours late.

Melissa and Julia return to Arizona

Julia stays with paternal grandparents for Christmas Eve, so Melissa and Carlos could have Christmas Eve together. Melissa waits at store while Carlos drops Julia off at his parents' house.

Melissa mentions to her sister that, "if something happens to me [Melissa], there is paperwork in the closet."

Melissa and Julia visit state where Carlos is living for the Holidays.

Carlos and Melissa attend her holiday staff party together in Arizona.

Melissa files a walk-in domestic violence police report. Melissa states that she was out shopping all day and when she was bringing her bags in, Carlos "slapped her, put her in a chokehold and pointed a gun at her." Melissa grabbed the gun away from him. Carlos accused her of cheating on him. Melissa requests that there is no prosecution. She only wants the incident documented. Melissa says that this is not the first time he's hit her, but she's never reported it.

Sometime between the actual incident and 12/2/08, someone at work (Federal Agency) tells Melissa that she needs to report this incident.

First reported domestic violence incident between Carlos and Melissa

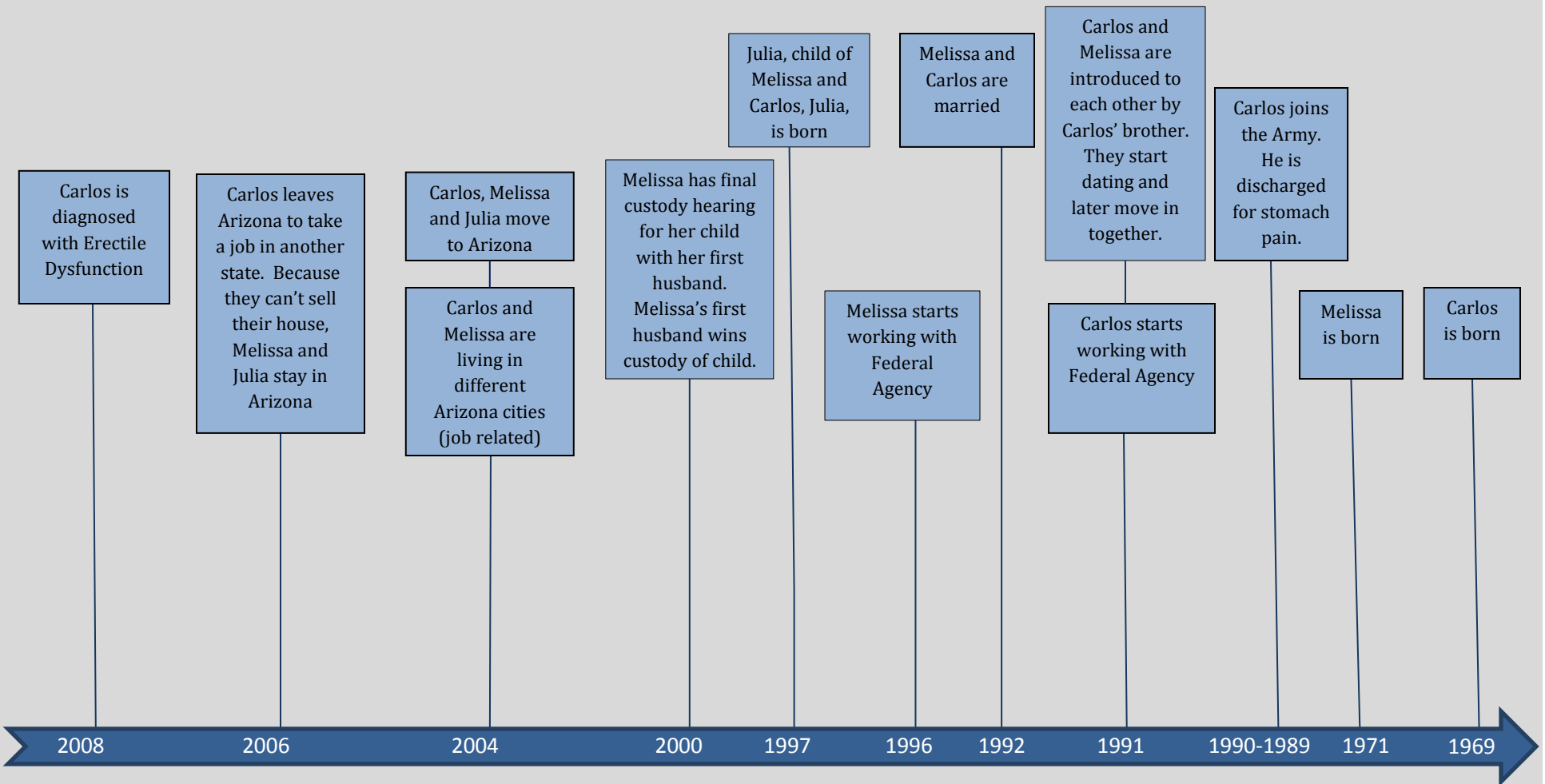
Carlos learns that Melissa never applied for a job open in the state where he is working.

January 9, 2009 Early Jan 2009 Dec. 2008/Jan. 2009 Dec. 20, 2008 Dec. 2, 2008 Nov. 29, 2008 Late 2008

*All names have been changed to protect the identity of the parties involved.

Pima County Fatality Review-Case 1

Timeline



Case 2:

Michael and Monica started dating in May, 2010. At the beginning of the relationship, Michael petitions for an order of protection against his ex-girlfriend because she is texting him repeatedly and bothering Monica. Michael moves in with Monica and her children from a previous relationship, after dating for approximately six months. Michael has two children, as well, who live with his ex-wife. [There is a history of both Domestic Violence and violating Orders of Protection between Michael and both his ex-wife and his ex-girlfriend. Michael completed the required counseling for previous incidents.]

The first documented incident of domestic violence occurs approximately six months into the relationship. Law enforcement reports indicate Michael breaks several items at Monica's house because Monica refuses to let him check her Facebook account. Michael is charged with Domestic Violence and later pled guilty to Domestic Violence Criminal Damage. Approximately six months later Monica's son reports to his school that Michael hit him in the leg. No charges are filed. The next reported incident involved Michael hitting Monica multiple times in the head. When Monica's son tries to protect his mother, Michael hits him, as well. Michael is charged with two counts of misdemeanor assault. The felony charge against Monica's son is waived down to a misdemeanor. Monica petitions for an Order of Protection (OOP) against Michael and it is issued.

During this time, Michael loses his position as a volunteer football coach at a community college.

Michael continues to stalk and harass Monica on multiple occasions. He is seen by Monica's co-workers sitting in a car in the parking lot of Monica's work during her entire shift (unsure if this is before or after the OOP). Monica's house is burglarized and only the items Michael gave her is taken. Monica reports one violation of the OOP where Michael approaches her to law enforcement.

During his final month, Michael visits the psychiatric urgent care at the VA and calls the suicide hotline at the VA. Michael also went to his ex-wife's house with a gun and reports being suicidal. On February 13, 2012, Michael goes to his ex-girlfriend's house and shoots and kills her and commits suicide.



Red Flags

- Michael had a history of several factors that are linked to increased risk.
 - Suicidal ideation and threats
 - Mental Health problems
 - Previous domestic violence, including multiple victims
 - Previous involvement in Domestic Violence programming
 - Multiple Orders of Protection violations
- Michael was stalking Monica close to the time of her murder.
- Michael had extended violent behavior in front of both his own children and Monica's children
- Michael was violent to Monica's child.
- Michael had experienced a recent job loss.
- Monica and Michael had broken up and reunited multiple times.
- Michael owned weapons.

Pima County Fatality Review-Case 2 Timeline

Michael* shoots and kills his girlfriend, Monica; then turns the gun on himself and commits suicide.

Michael goes to church where Monica is in attendance. They speak briefly outside. Monica reports this to 911 and to a Child Abuse Detective, who is involved.

Michael goes to his ex-wife's house with a gun and reports being suicidal.

Monica exchanges text messages with John, Michael's close friend in another state, about Michael's harassment. John texts Monica to not call or text Michael. Monica agrees.

Monica has dinner with her friends from the salon where she works. She discussed the situation with Michael and that he is showing up at her house. She also mentions that she has a gun.

Monica texts John, and tells him that she is afraid that Michael will "do something."

Michael visits Psychiatric Urgent Care at the VA.

Monica stays the night with her brother after being notified that her home alarm system was tripped. While, it is not obvious that items are missing, Monica later discovers that only some specific items that Michael gave to her are

Michael misses appointments at the VA.

Michael has pre-trial hearing and it is determined that he is not eligible for Veteran's Court

Michael calls suicide hotline at the VA.

Feb. 13, 2012

Feb. 12, 2012

Feb. 11-12, 2012

Feb. 11, 2012

Late Jan. 2012

Jan. 30, 2012

Mid-Jan. 2012

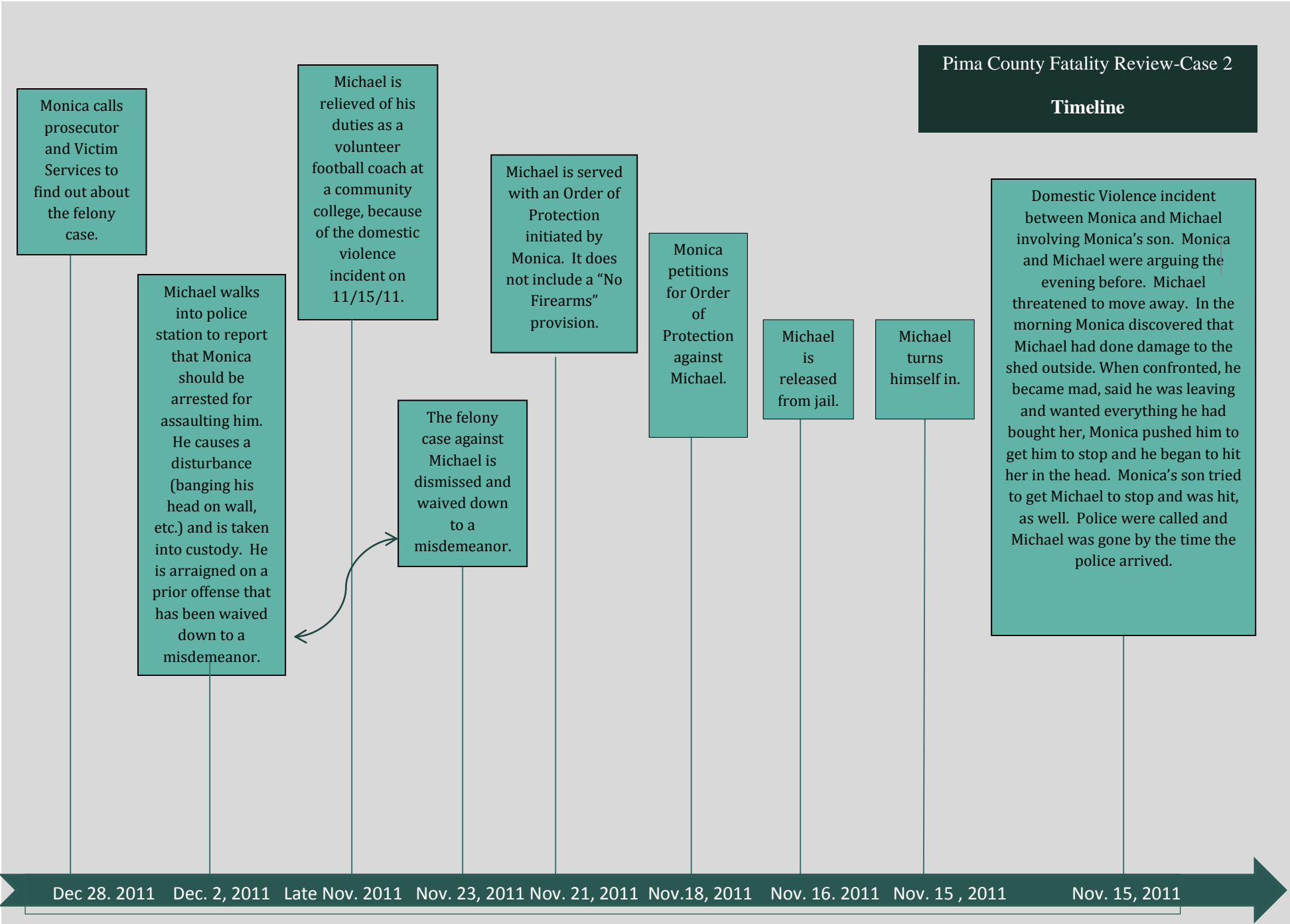
Jan. 11, 2012

Early Jan. 2012

*All names have been changed to protect the identity of the parties involved.

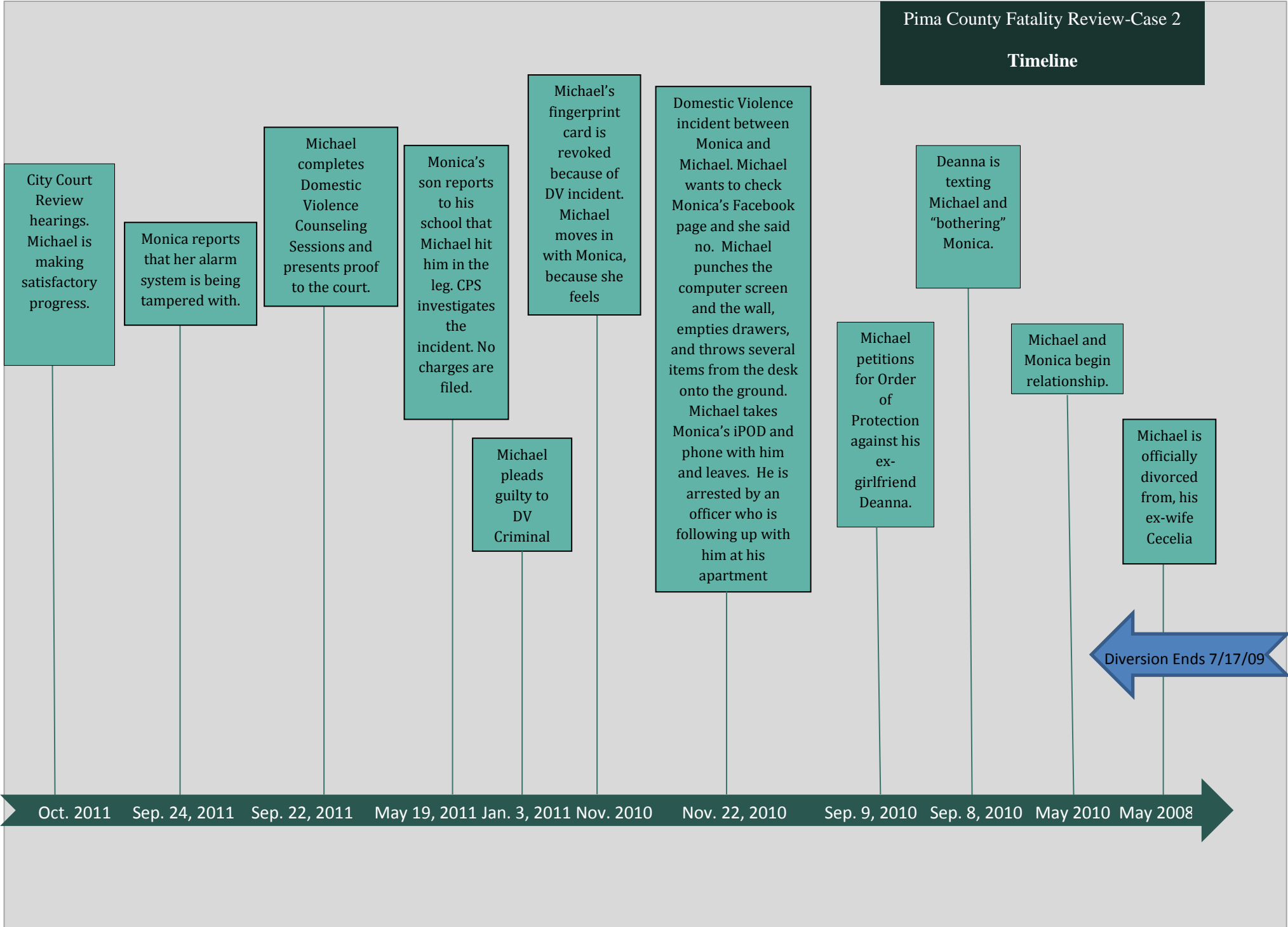
Pima County Fatality Review-Case 2

Timeline



Pima County Fatality Review-Case 2

Timeline



Pima County Fatality Review-Case 2
Timeline

Cecelia is picking up their children from Michael's house when there is an altercation. Michael tries to slam the door on Cecelia and the door strikes her in the arm.

An Order of Protection is issued between Michael and Cecelia

Michal files for divorce from Cecelia

Michael violates Criminal No Contact Order with Cecelia

Michael has an altercation with his then current girlfriend, Deanna's, ex-boyfriend in which Michael hits the ex-boyfriend over the head with a gun. No charges are filed.

Michael has an altercation with Cecelia. Michael was not living at the residence, but came over to discuss money. An argument ensued and Michael slapped Cecelia in front of their son. Michael is arrested and charged with DV Assault and Contributing to the Delinquency and Dependency of a minor

Michael and Cecelia were arguing for several days. Michael pushes Cecelia out of the front door and threw her to the ground in the front yard. Several children witnessed the event. Michael is arrested and charged with DV Assault and Contributing to the Delinquency and Dependency of a minor

Michael and Cecelia are married

Michael is on Monitored Diversion 10/26/07

8 Years

Mar. 9, 2008 Oct. 31, 2007 Oct. 17, 2007 Sep. 30, 2007 Sept. 21, 2007 Jul. 30, 2007 May 23, 2007 Apr. 30, 1999

Agency and Community Involvement

Family, Friends and Neighbors

In each of these cases there was at least one family member, co-worker or friend who knew that there was violence between the victim and the perpetrator. It is unclear if there was ever any intervention with perpetrator by family or other person who was aware that there was additional stress or violence in the relationship. In Case 1, the employer was aware that the Melissa and Carlos were living in two different states. Services might have been offered to address this additional stress on their relationship. It is also probable that the employer knew that there was violence in the relationship after the incident that was reported to law enforcement. It is not clear if there was any response (internal investigation) to this information. Additionally, Melissa's neighbor was a victim advocate who was aware of the violence in the home.

In Case 2, both Monica's co-workers and Michael's colleagues knew that there was violence in their relationship. Monica's colleagues knew that Michael was stalking her at work and several of her co-workers and family members knew some of the details of what was happening between Monica and Michael. Neither Monica's family nor her colleagues seemed to have all of the details of the abuse and stalking in this relationship. Michael's colleagues knew that he had a history of domestic violence prior to his volunteer work and spoke to him about this history. They were unaware of any incidents during his time as a volunteer until law enforcement began looking for him. After this incident, Michael was relieved of his duties as a volunteer. None of Michael's colleagues followed-up with him regarding this issue.

Monica's brother knew that there was some cause for concern because she stayed with him on occasion for safety and he provided her with a firearm. There was one other person (who was a friend or relative who lived out of state) who may have had more extensive knowledge of the situation between Michael and Monica. Monica texted this man to ask for help in dealing with Michael. This friend may have been in communication with Michael about his relationship with Monica.

Law Enforcement

In Case 1, law enforcement was only made aware of one incident. There should have been additional follow-up, including the administration of the Lethality Assessment Protocol, after this reported incident.

In Case 2, there was law enforcement involvement on many occasions. Michael had an extensive Domestic Violence history with his ex-wife, ex-girlfriend and Monica. Because of the level of the previous violent incidents, many of Michael's charges were misdemeanors, which prevented him from participating in Domestic Violence Court. Law enforcement was notified on at least two occasions that Michael was in violation of an Order of Protection.

Judicial System

There was no judicial involvement in Case 1.

Michael was involved in the judicial system on multiple occasions. Michael was mandated to attend the same 26 session Batterer Intervention Programming on two separate occasions. Because Michael had been eligible for diversion for a previous case, he should have not been eligible for diversion again. Essentially Michael completed two first offender programs.

Batterer Intervention Programming

There was no Batterer Intervention Programming in Case 1.

Michael completed the same 26 sessions of Batterer Intervention Programming twice. Michael was continuing to be abusive during the time he was participating in this program. Michael completed the program successfully both times.

Mental Health Treatment

There was no Behavioral Health involvement in Case 1.

During the month prior to committing a homicide-suicide, Michael reached out to the Veteran's Administration Mental Health Urgent Care department and then missed follow-up appointments. During the weeks prior to the incident, Michael called the VA suicide hotline at least once and went to his ex-wife's home and reported being suicidal.

Questions and Unresolved Issues

Case 1

Federal Agency Culture

Is there something about the culture of working in this particular federal agency that might limit what employees share with each other or with their superiors?

Might this culture be limiting for employees' seeking assistance?

Is it possible that because both Melissa and Carlos and Carlos' father worked for the same federal agency that Melissa was concerned that any report might get back to Carlos or his father?

Family history of law enforcement/legal involvement

Melissa's family had a history of law enforcement involvement. Is it possible that because of this history, she felt that it was better to handle family problems without involving any law enforcement?

Melissa lost custody of her oldest daughter to her ex-husband. Did this outcome have an impact on her willingness to separate from Carlos?

Perpetrators stress/self-esteem

Melissa and Carlos lived in different cities/states for a large portion of their marriage, which might have put additional stress on a relationship. There was one report that they were unable to sell their house to reunite their family. Could the poor economy have a role in the Melissa and Carlos living in separate states?

Carlos might have been trying to follow in his father's footsteps by joining the Army and then working for the federal agency. He left the military after one year then had a lower rank in the federal agency than his wife did. Was there some family disappointment in Carlos? Did Melissa's higher rank in the federal agency make Carlos feel inferior?

According to his mother, Carlos was diagnosed with Erectile Dysfunction. Did this diagnosis affect his relationship with his wife or his self-confidence within their relationship?

There is an allegation by Carlos' family that Melissa had multiple affairs. It is unclear if this is true, but clear that Carlos thought that Melissa was involved in extramarital affairs. What was the extent of the stress put on their marriage by this constant allegation?

Case 2

Family and Colleague Involvement

Monica had family members in this community, but we were unable to contact any of them to determine the extent of their knowledge of the violence. Based on Monica's brother getting her a gun and Monica staying at his house on occasion, it is probable that he knew about some of the violence or stalking. It appears that Monica told pieces of what was happening to several people, but that none of them had the entire story of what was occurring in the relationship. Michael was stalking Monica at work. Why didn't any of her co-workers report this behavior? What advice, if any, were Monica's family members and co-workers giving to her about the violence in her relationship?

Michael's family lived in another state and we were unable to contact them. It is unclear if any of his family members knew that Michael had an extensive history of Domestic Violence. Michael's ex-wife and ex-girlfriend clearly knew about his

history of relationship violence, because each of them had Orders of Protection against him at some point. We were unable to speak to either of them.

Based on a text from Michaels co-worker and texts from a friend in another state, there were clearly people who had safety concerns. Did anyone act on these concerns?

Michael went to VA Urgent Care and called the VA Suicide Hotline shortly before this incident with suicidal ideation. What treatment plan was recommended to him? Did the VA recommend that he follow up with a therapist? Was a safety plan conducted?

Key Findings

- 1) In each of these cases, there were people who knew about the abuse happening in the relationships. These people include family members, co-workers, employers, friends, and neighbors. It is unclear if any of these people took actions to assist the victim or to provide support.
- 2) In Case 2, Michael completed 26 sessions court-ordered Domestic Violence Offender Treatment (based on the traditional model of treatment) on two separate occasions. He continued to be abusive during and after treatment. In this particular case the Batterer Intervention programming did not impact his choice to be abusive or the eventual outcome.
- 3) In Case 2, Michael violated “No Contact Orders” on more than one occasion with more than one victim. His perpetual violations demonstrated a blatant disregard for the law which also indicates increased risk to his victims.. Additionally, neither the No Contact nor the Order of Protection contained a “No Firearms” provision.

Recommendations

The following recommendations were made at the conclusion of the case reviews after considerable discussion by the Pima County Fatality Review Team.

It is recommended that:

- 1) Pima County develops community capacity to identify and respond to victims of domestic abuse.
- 2) Domestic Violence Offender Treatment be supported by the Domestic Violence community to assist in improving effectiveness, fidelity to evidenced base models and shifting paradigms regarding mandated treatment.
- 3) Ongoing training is implemented regarding issuing and enforcement of orders of protection to members of the Domestic Violence community including law enforcement, prosecution and the judiciary.

Implementation

Recommendation #1-Community Awareness and Education

- Emerge! Center Against Domestic Abuse is implementing the Safety is Beautiful –Salon Professionals Against Domestic Abuse education program for Salon Professionals.
- The County Attorney’s Office will offer training to Faith Based Communities regarding Domestic Violence.
- The Pima County Sheriff’s Department will develop a Domestic Violence training program for employers and conducts multi-disciplinary training programs to employers.

Recommendation #2- Batterer Intervention Service Support

- A collaborative committee has been formed by Emerge! Center Against Domestic Abuse and Pima County Adult Probation to support treatment providers in improving treatment effectiveness.
- Emerge! Center Against Domestic Abuse will offer training to treatment providers addressing best practices in batterer offender treatment. This initial training for treatment providers will set the foundation for a paradigm shift in treatment services that includes graduated treatment and aftercare.
- Emerge! Center Against Domestic Abuse will offer a comprehensive overview of effective batterer intervention curricula to treatment providers.

Recommendation #3-Order of Protection Training

- The Pima County Domestic Violence Fatality Review Team will present the findings from this report to the Pima County Domestic Violence Task Force.
- The Pima County Domestic Violence Task Force will form a committee to explore the training possibilities for the domestic violence community regarding Orders of Protection.
- The Pima County Attorney’s Office will conduct trainings for City Court Attorneys regarding potential felony charges stemming from multiple violations of Orders of Protection. A referral system will be set up to send potential felony cases back to law enforcement for further investigation.