

PIMA COUNTY DOMESTIC VIOLENCE FATALITY REVIEW TEAM



Annual Report 2013

SUBMITTED TO:
TOM HORNE,
ARIZONA ATTORNEY GENERAL

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To the Arizona Domestic Violence Community:

As the Pima County Domestic Violence Fatality Review Team (“PCDVFRT”) moves into its second year, we recognize the continued need for different agencies to work together to address the issues of domestic violence in our community.

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 tried to cultivate and maintain a membership of multidisciplinary expertise. However, this year the Team has faced challenges due to key position changes within agencies, especially in the law enforcement area. Two members left towards the end of the review, due to staff changes.

The PCDVFRT reviewed one homicide in 2013, involving a perpetrator who had significant criminal justice contacts, although most not domestic violence related. The perpetrator accelerated quickly through the criminal system on his DV charges, missing probation and going straight to the Department of Corrections. Despite her abuse, our victim maintained a leadership position in the community-- holding an office in her temple and a job as an educator. This case led to many questions regarding why the victim associated with this perpetrator . Some, still unanswered.

The PCDVFRT continues to recognize its responsibility to make changes and understand that a critical review of domestic violence homicide cases will reveal the areas where our response is insufficient. We are also committed to follow up and attempt to implement agency changes where there is a perceived deficiency. With this in mind, we look forward to our next year’s review. The Team has decided to look for a case where the perpetrator can provide information. We hope our transitory member issues are resolved so that we may move forward and work together to improve the system’s response to domestic violence; and to reduce and prevent future incidents of domestic violence related homicides, homicide/suicides, and injuries.

As always, we honor the lives that have been lost to domestic violence and strive to build communities that will support safe, loving, and respectful relationships for all.

Ellen Brown , Pima County Attorney’s Office
Sgt. Jeff Bonds, Pima County Sheriff’s Department
Pima County Domestic Violence Review Team

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
Sgt. Jeff Bonds Co-Chairman	Former Domestic Violence Unit Sergeant	Pima County Sheriff's Department
Sgt. Michael Lapedus	Former Domestic Violence Unit Sergeant	Tucson Police Department
Bill Castaneda	Supervisor, Domestic Violence Unit	Pima County Adult Probation 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
Debra Kesterson	Detective	Marana Police Department
Megan Carr	Police Officer	Oro Valley Police Department
Jenny Zelt	Social Service Worker	Child Protective Services
Hon. Lisa Abrams	Commissioner	Pima County Superior Court

Eliazbeth Shelton	Associate Prosecutor	Tucson City Attorney's Office
Patricia Harrison-Monroe	Chief of Behavioral Health Services	University of Arizona Medical Center
Laura Neeley	Therapist	New Beginnings

EXECUTIVE SUMMARY

The mission of the PCDVFRT 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 case chosen for review by the PCDVFRT involved a homicide by a perpetrator who was recently released from the Department of Corrections (“DOC”). He had been serving time for domestic violence offenses against the victim. The perpetrator and victim had been together for many years prior to perpetrator’s incarceration and the perpetrator had been contacting the victim while he was in prison. During that time, the victim had started dating another individual. (- another person with a domestic violence history-) During their relationship, the perpetrator had made threats to kill both the victim and her daughter. Many incidents of violence by the perpetrator were never reported to law enforcement. On the date of the homicide, the perpetrator showed up at the victim’s house and found the new boyfriend at her home. The victim called the police. When they responded, she had police serve an Order of Protection (“OOP”) on the perpetrator. Officers also transported the perpetrator back to his residence 4 - 5 miles away. The perpetrator called a cab and returned to the victim’s house within 45 minutes. He broke into victim’s home and fatally stabbed her in front of the new boyfriend.

ANALYSIS AND CONCLUSIONS

PCDVFRT found that this victim had the educational and financial capacity to leave her perpetrator, yet it appears she chose to stay with him. That choice may have even caused a separation with her family. Despite having close spiritual and family support (at least initially) this victim continued to stay in an abusive relationship – even when the abuser started threatening her daughter. Consequently, the PCDVFRT concluded that there should be community programming to identify and respond to victims across the socio-economic spectrum.

The Team also noted that the perpetrator in this case may have maintained his power and control while incarcerated at Department of Corrections through written and telephonic communication with the victim. Although the victim started dating another individual, and obtained an Order of Protection against the perpetrator, she agreed to see him after he was released from DOC. Perhaps intervention by the criminal justice system not allowing contact would have helped sever the perpetrator’s control. Additionally, upon release from DOC, there was little supervision of the perpetrator and no Batter Intervention Treatment. If prosecution had included a “probation tail” requiring a term of probation after incarceration, there would be greater victim safety.

Based on these observations, the Team determined that Domestic Violence Education should be reviewed with an eye towards improving effectiveness across the socio-economic spectrum. The PCDVFRT also determined that the Department of Corrections should consider policies prohibiting inmate contact with DV victims. Finally, prosecution should consider including a probation tail on department of corrections pleas to help ensure victim safety.

PROCESS

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

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

OVERVIEW

Frank and Linda met in 1999 in Pima County. Frank moved into Linda's home soon after they met, with Linda and her minor daughter. While we don't have a lot of information about their early relationship, we know that Frank worked for himself as a general contractor and Linda worked at a school and served in a leadership role in her religious community. It is presumed that no one in her religious community was aware of any relationship violence between Frank and Linda.

Frank was arrested and convicted of several different domestic violence charges between 1999 and 2009 (see timeline,) though most of the domestic violence charges were between 2007 and 2009. Frank was charged and sentenced appropriately and according to the law for each of these charges. In March 2009 Frank was sentenced to 1 ½ years in prison for Aggravated Domestic Violence.

While Frank was in prison, he continued to write letters to Linda incessantly. Many of the letters were persuading Linda to continue in a relationship with him, though some were threatening, also. It is likely that Linda wrote to Frank, as well. Frank also called and left threatening voicemails from prison.

During the time Frank was in prison Linda began dating Carl, who later moved in with her. When Linda learned Frank was being released from prison, she obtained an Order of Protection.

Frank was released from prison in July 2010 and moved into a halfway house. Linda visited him at his aunt's house on occasion. On September 3, 2010, Frank came to Linda's house and went into the backyard. Carl (who lived there) saw him there and confronted him. Linda was not at home. Frank left the yard. The police picked Frank up down the street and took him to Linda's house because Frank gave that address as his home address. When the police arrived with Frank at Linda's home, Linda produced the Order of Protection for Frank to be served. The police served the OOP and took Frank back to the halfway house where he was staying.

Later that evening, Frank called a taxicab and returned to Linda's home. Frank broke into the home and stabbed Linda after a scuffle with Carl. Linda died a few days later at the hospital.



Red Flags

- Frank made unconditional threats to kill and stab Linda and to burn down her house.
- Frank threatened to kill Linda's daughter.
- Frank had substance abuse and diagnosed mental health problems.
- Frank continued to send letters to Linda from prison.
- Linda writes to Frank in prison and visits him on occasion.
- Frank appears to have never received any batterer's treatment.
- Linda did not have the support of her family.
- Linda and her daughter kept abuse secret.
- Linda does not seem to have received any specific counseling or support.

Pima County Fatality Review-
Timeline

Frank breaks into Linda's home and stabs her to death in front of her current partner, Carl.

45 minutes later Frank calls a cab to take him back to Linda's house.

Frank continues to call Linda and send her an incessant amount of letters. Linda is likely writing to and calling Frank, as well.

Frank is confronted by Carl in Linda's backyard. Linda is not home. A neighbor calls police because Frank is lying in the street. Police serve OOP on Frank and take him home.

Linda maintains contact with Frank after DOC release through visits at his aunt's house.

Frank is released from prison.

Linda obtains an Order of Protection after learning that Frank will soon be released from prison.

Linda begins dating Carl and he eventually moves into Linda's house.

Sept. 3, 2010

Aug 2010-July 2010

July 7, 2010

Feb 24, 2010

July 2010- Jan 2009

Dec. 2009

**Pima County Fatality Review-
Timeline**

Frank is self-employed in construction and is convicted of several crimes over the years. Frank is sent back to prison for domestic violence against Linda on 3/17/09.

Aggravated Domestic Violence	01/9/09	1.5 years in Prison
Aggravated Domestic Violence	02/22/08	0.75 years in Prison
Criminal Trespassing	02/22/08	Dismissed
Criminal Damage, Domestic Violence	01/16/08	18 Months Probation, 17 days Jail
Disorderly Conduct, Domestic Violence	12/25/07	18 Months Probation, 17 days Jail
Threats and Intimidation	10/01/07	18 Months Probation, 17 days Jail
Driving While Under the Influence of Alcohol	11/06/00	12 Months Probation, 10 days Jail
Threats and Intimidation	08/23/00	Dismissed
False Report to Law Enforcement	11/20/99	Fined

Frank has criminal history from Kings, NY including Robbery, Burglary, Drug Possession and Assault.

Frank was raised by his abusive and negligent mother. Frank spent some of his childhood raised by a caring relative.

Frank and Linda meet.

Frank moves to Pima County from another state.

Frank and Linda are living together in Linda's house. Linda's minor daughter is also living there. Linda is working as a teacher at a school is an active leader in her religious community.



Agency and Community Involvement

Family, Friends and Neighbors

Because Linda had chosen to be with Frank, her family had little interaction with her and her daughter. Though, it appears that Linda's family was aware of negativity in the relationship, it is unclear if they knew about the abuse. Linda's daughter mentioned the abuse to one of her friends' mother, but there was no follow-up from that interaction. One of Linda's co-workers suspected domestic abuse when Linda became inconsistent at work and had some unexplained injuries, but never addressed the suspicion with Linda

Though Linda was heavily involved in her religious community, it appears as though no one knew of the abuse. It also appears that Linda never sought or received domestic violence services.

Law Enforcement

There was law enforcement involvement on many occasions. Frank had a Domestic Violence history with Linda. Because of the quick repetition of domestic violence convictions, Frank-escalated to felony-level offenses rapidly- and subsequently prison. On the date of the homicide, law enforcement, not only served the Order of Protection for the victim, they transported the perpetrator away from the area.--- taking an extra step to ensure victim's safety.

Judicial System

Frank was involved in the judicial system on multiple occasions, both in Arizona and other jurisdictions. Frank served prison time for violent and drug offenses out of state. In Arizona, as noted above, he progressed very quickly through the justice system. Although he was placed on probation for 18 months for domestic violence offenses, he re-offended and was convicted of Aggravated Domestic Violence almost immediately and was sentenced to DOC. Consequently, Frank was never mandated to attend Batterer Intervention Programming. Again, very soon after he was released from DOC he re-offended and was sent back to DOC. After the second time he was released, Frank fatally stabbed Linda. It is believed that Linda was the victim of all his domestic violence offenses.

Batterer Intervention Programming

There was no Batterer Intervention Programming.

Mental Health Treatment

The perpetrator had anger issues, bipolar disorder and suicidal tendencies. He attempted suicide on at least one occasion. He passed away from medical complications in DOC, so DVFRT was not able to interview him regarding his Mental Health treatment.

Questions and Unresolved Issues

Linda

Did the Linda's self-esteem contribute to the choices she made regarding partners?

Was the relationship between Linda and her family consistently strained because of her choice of partners?

Seeking Services

Was Linda reluctant to obtain services because of her status in the community?

Was Linda made aware of available services during her interaction with the criminal justice system?

Key Findings

- 1) Linda was an educated, middle-class women who was economically self-sufficient. She held a leadership role in her religious community and had many acquaintances. It is unclear if domestic violence services were offered to her and if so, if current services feel truly "accessible" to middle or upper class victims.
- 2) Frank wrote Linda letters and called her the entire time he was in prison. These contacts were clearly used to both control and intimidate Linda. Because of Department of Corrections limitations in monitoring inmates' outside communication, Linda was not protected from Frank' threats and manipulation even while he was incarcerated.
- 3) Frank was arrested and sentenced appropriately and according to the law; however, because of his path through the criminal justice system, he was never mandated to attend Batterer Intervention services.

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 education for abuse victims across the socio-economic spectrum
- 2) Ongoing training is implemented regarding prosecution and sentencing of domestic violence cases which would incorporate a term of probation following incarceration at Department of Corrections.
- 3) Department of Corrections develops a system of prohibiting inmates from contacting Domestic Violence victims.

Implementation

Recommendation #1-Community Awareness and Education

- Emerge! Center Against Domestic Abuse is implementing a Domestic Abuse education program through Tucson Medical Center that reaches a wider socio-economic spectrum.
- 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- Prosecution Training

- Pima County Attorney's Office will encourage all prosecutors in the Domestic Violence Unit to incorporate a term of probation following DOC incarceration to ensure defendants receive batterer intervention services, as well as supervision following incarceration.

Recommendation #3-Department of Corrections Monitoring

- The Pima County Domestic Violence Fatality Review Team will present the findings from this report to the Department of Corrections and request a review of policies prohibiting contact with domestic violence victims.