

# YUMA COUNTY DOMESTIC VIOLENCE

## REVIEW TEAM



## **2012 REPORT**

Submitted To: Tom Horne, Arizona Attorney General

January 30, 2013

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## **Statement to the Arizona Domestic Violence Community**

January 30, 2013

To the Arizona Domestic Violence Community:

The Yuma County Domestic Violence Review Team hereby presents its annual report. This is the third report since the formation of the Team by the Yuma County Board of Supervisors in October 2009 under the authority in A.R.S. § 41-198. Membership appointment is shared between the Yuma County Attorney and the Yuma County Sheriff. The Team reviewed three cases in 2012 involving fatalities attributable to domestic violence. The Team also lost two representatives due to professional moves: one from the Arizona Coalition Against Domestic Violence and the other was our victim representative. The Team felt a loss without these two viewpoints and is committed to replacing these member positions to aid its analysis of domestic violence fatalities and near fatalities in our community, and to identify areas for improved response and intervention with the goal of preventing such tragedies.

Capt. Eben Bratcher, Yuma County Sheriff's Office, Co-chair

Theresa Fox, Yuma County Deputy Attorney, Co-chair

## **Membership**

Amberly's Place: Tori Bourguignon

Catholic Community Services: Dr. Elizabeth Ott

Community Legal Services: Nina Edidin

Yuma County Adult Probation: Martin Loaiza, Angenette Viall

Yuma County Medical Examiner's Office: Robert Vigil, Kristina Hayes

Yuma County Public Health District: Ryan Butcher

Yuma Police Department: Jonathan Contrabasso

Yuma County Sheriff's Office: Eben Bratcher, Jason Amon

Yuma County Attorney's Office: Theresa Fox

## **Executive Summary**

The mission of the Yuma County DVRT is to analyze near fatalities and past fatalities in an effort to better understand the dynamics of the circumstances that can lead to such deaths and make recommendations for system improvements. The purpose of each review is not to lay blame, but to actively improve all systems that serve persons involved with domestic abuse.

The DVRT was established by the Yuma County Board of Supervisors on October 19, 2009. The members were appointed jointly by the County Attorney and County Sheriff on or about December 24, 2009. Initial membership appointment was based on statutory recommendation.<sup>1</sup> The initial appointments included representatives from Amberly's Place, the Arizona Coalition Against Domestic Violence, the Yuma City Municipal Court, Yuma County Medical Examiner's Office, Yuma County Public Health District, Yuma Police Department, Yuma County Sheriff's Office, Yuma County Attorney's Office, and a victim representative. In 2011, Catholic Community Services, Community Legal Services and Yuma County Adult Probation were added to the DVRT. Meetings were held every other month at the Yuma County Sheriff's Office.

2012 also saw Amberly's Place serve approximately 1250 primary and secondary victims of domestic violence in Yuma County.

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<sup>1</sup> A.R.S. §41-198(G)

## Process

In its case selection, the DVRT utilized its membership's familiarity with cases involving domestic violence. The cases chosen had no known domestic violence history until an investigation was made at death or near death. Many team members were aware of cases that had little to no history of domestic violence prior to death. In its review, the Team focused on events that could have alerted intervention.

The DVRT reviewed two murder/suicide cases in 2012. One victim was killed at the home she shared with her law enforcement boyfriend and the other case involved victims who were systematically sought out by the shooter in what appeared to be retribution for taking his ex-wife's side in their divorce.

Each review was facilitated by the co-chair, Captain Bratcher. An introduction of the case was made by the lead law enforcement officer—either from the Yuma Police Department or the Yuma County Sheriff's Office. Case materials would be presented from law enforcement, including an oral report from the lead detective, and an autopsy report from the Medical Examiner's Office. The Team would also hear and ask questions from different agency members involved in the case. Each review culminated in approximately 3-4 hours.

## Overview of the Cases

The first case review involved several murders before a 73 year old male gunman ended his own life. The gunman, who was the petitioner in the divorce from his ex-wife in 2007, went on a multi-jurisdictional killing spree in 2011, shooting five victims. All were connected to his divorce - ex-wife, ex-wife's attorney, and ex-wife's friends who assisted or likely took the ex-wife's side during and after the divorce. The shootings were systematically planned as the gunman knew the working times and habits of all his victims prior to his rampage. Five people died, including the gunman, and one was seriously wounded. Approximately one year prior to the divorce being final, there were allegations of physical abuse from both parties. An Order of Protection was issued against the gunman and the Sheriff's Office was the first agency involvement when it was called by both parties. This tragedy saw remarkable and immediate collaboration among law enforcement from several jurisdictions in efforts to apprehend the gunman.

The second case involved a murder/suicide of a 34 year old woman by her 36 year old live-in boyfriend. Investigation of the murder revealed that the woman appeared to be getting ready to leave her boyfriend as her car was packed with her own and her child's necessities. There is no record that the victim ever sought help for abuse. However, the victim took out a Temporary Restraining Order (TRO) that was quashed two months prior to the homicide.

After the completion of each case, the DVRT identified events where interventions could have been implemented that might have prevented the fatalities and the practicality of implementing such recommendations.

## Key Findings

- Stress of law enforcement jobs may contribute to domestic violence fatalities. Home may be the only “safe place” where an officer feels he/she can vent without jeopardizing his or her employment and the victim may be more willing to accept domestic violence as part of that employment. Additionally, the fatality by abusers may increase due to the accessibility of guns in the home.
- Because having a gun is required for most law enforcement positions, victims in such cases may be more reluctant to jeopardize their partner’s employment since a TRO requires surrendering guns.
- The physical demands of law enforcement may encourage steroid use which appears to escalate the irritability/irrationality of a user who is already prone to being an abuser or already weak in processing the stress of his or her job.
- Once a divorce is finalized, spouses may still harbor fatal resentment toward their ex-partner and their partner’s perceived allies even though years have passed since the final decree.



## Recommendations

### A. Educational Video Required Prior to Filing a Motion to Quash a TRO.

The DVRT identified that when a victim moves the court to quash a TRO, especially if it is a second or subsequent TRO, that before such a request is granted, the victim be required to watch an educational video regarding the signs of domestic abuse and how to access assistance in the Yuma community. Many victims are coerced into dropping the TRO for fear of their partner losing his or her job- usually the only source of household income. Education that provides information that they are not alone in their concern or situation and alternatives to quashing the TRO is a relatively inexpensive tool that could help reduce the incidences of domestic violence.

### B. Law Enforcement Employee Mandatory Evaluations.

Law enforcement officers who have been accused of domestic violence should have mandatory psychological evaluation and training from their employer. Such accusations should not jeopardize an alleged abuser's job or be viewed as a weakness in character but instead be a safe harbor for an employee to evaluate his or her handling of the job stress.

### C. Mandatory Evaluation for Divorces that Involve Domestic Violence.

If an ex-spouse does not appear to be moving on with his or her life, there needs to be a mechanism to determine whether she or he is

harboring potentially fatal feelings toward the ex-spouse. For example, as part of granting a divorce, both parties would have to meet after six or ten months with a court-approved counselor who could determine whether either party requires additional counseling due to the divorce. The costs of this could be secured by each party having to pay the fee of that visit prior to the dissolution of the marriage.

D. A Victim Should Receive Information From Law Enforcement if Domestic Abuse is Suspected.

If an officer suspects domestic violence, and an advocate is not available, the officer should have an informational pamphlet about domestic violence to give to the alleged victim.

Also, increasing community awareness about domestic violence could take place through billboards, public service announcements, trainings and seminars to the public. Professions that come into contact with possible victims could also require continuing education regarding domestic violence.

## **Implementation**

Whether a video or other type of information dissemination is feasible prior to a motion to quash would need to be discussed with the presiding judge in Yuma County. This is the same for any type of counseling that would follow divorces where domestic violence is alleged.

There would need to be buy-in from law enforcement agencies and their unions, if applicable, for psychological evaluations if a domestic violence allegation is received. AZ POST seminars and trainings could encourage agencies to evaluate their policies as related to assisting their employees with issues that may lead to domestic violence.

If an advocate is not available to come to the scene, pamphlets or hand-outs with domestic violence information can be compiled with local agencies for law enforcement to give out on calls where they suspect or confirm domestic violence.