

# **DOMESTIC VIOLENCE DEATH REVIEW TEAM**

## **REPORT OF THE SACRAMENTO COUNTY DOMESTIC VIOLENCE DEATH REVIEW TEAM October 2011**

### **INTRODUCTION**

The Sacramento County Domestic Violence Death Review Team is a subunit of the Sacramento County Domestic Violence Coordinating Council. The Death Review Team is authorized to exist pursuant to Penal Code Section 11263.3. Formed in the spring of 1998, the team meets on a monthly basis.

This is the eleventh annual report of the Domestic Violence Death Review Team (hereafter DVDRT). The first report was released in the fall of 2000. The reports are released in October to coincide with Domestic Violence Awareness Month. The team is presently chaired by Paul Durenberger, who is the Supervisor of the District Attorney's Domestic Violence Unit.

### **PURPOSE**

The purpose of the DVDRT is to bring together a multi-disciplinary team to review domestic violence related homicide cases (including homicide/suicide cases) in Sacramento County; to develop strategies, policies and procedures 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. Domestic violence continues to be a widespread problem in our county. In the last 12 months, approximately 3,750 fresh arrests were made for domestic violence and 1,550 warrants were requested, for a total of more than 5,000 cases reported to law enforcement. The District Attorney filed and prosecuted over 2,500 cases in that same time period. Of those, 56% were fresh arrests, and 30% were warrant arrests. The principal reasons a case was handled by warrant rather than fresh arrest was that the perpetrator was not present when law enforcement arrived or to allow for completion of follow-up investigative work needed for these cases.

### **CONFIDENTIALITY**

Pursuant to Penal Code Section 11163.3, the DVDRT meetings are confidential. Every representative of a constituent agency or institution who attends DVDRT meetings signs an agreement of confidentiality.

### **MEMBERSHIP**

The DVDRT is a multi-disciplinary, broad based organization which reviews information from law enforcement, public health, social services, coroner, child welfare, public and private medical organizations, and domestic violence advocacy organizations. The current participating organizations are:

- Sacramento County District Attorney's Office
- Sacramento County Sheriff's Department
- Sacramento City Police Department
- Sacramento County Probation Department
- Elk Grove Police Department
- Law Enforcement Chaplaincy - Sacramento
- California Attorney General's Office
- Sacramento County Department of Health and Human Services

- Kaiser Permanente
- University of California, Davis Medical Center
- Sacramento County Child Protection Services
- Sutter Medical Center
- Mercy Sacramento/Catholic Healthcare West
- WEAVE, Inc. (Women Escaping a Violent Environment)

## **IMPLEMENTATION**

To fulfill its mission, the DVDRT:

- Reviews domestic violence homicides in the county to determine if any systemic improvements should be made.
- Develops and recommends strategies to reduce and prevent domestic violence related homicides and homicide/suicides.
- Develops and recommends strategies to deal with the aftermath of domestic violence and domestic violence deaths.
- Acts as a multi-agency and multi-disciplinary team with regular meetings.
- Operates with the confidentiality principles outlined in Penal Code Section 11163.3 (requiring a signed statement of confidentiality for all team participants).
- Maintains a database of all records reviewed.
- Interacts with agencies and community based organizations to help achieve its goals, using the Domestic Violence Coordinating Council as a point of contact and interaction.

## **SELECTION AND REVIEW OF CASES**

The process by which the DVDRT selects cases for review has evolved over time. Currently, any member who has knowledge of a domestic violence related death in Sacramento County (not currently being prosecuted by the District Attorney) may ask for the case to be reviewed. Most cases are referred by law enforcement or the District Attorney. The District Attorney reviews court records, arrest records, and local newspapers to find and record domestic violence related homicides that occur in the county. The DVDRT chair selects which of the referred cases will be reviewed.

When a case is selected, the District Attorney's Office provides identifying information prior to the meeting to the other members of the team regarding the victim, the perpetrator, and any children involved. Each committee member is responsible for reviewing the records of their agency to identify relevant information regarding the case and/or parties involved. At the time of review, the District Attorney or law enforcement agency describes details of the homicide, and each member agency provides any additional information they may have.

In some cases, the DVDRT may extend an invitation to the prosecutor, law enforcement detective, or victim advocate assigned to the case. When necessary a member of the group may be assigned to contact members of the victim's or perpetrator's family to develop a better understanding of the underlying relationship. In some instances, family members have been asked to attend DVDRT meetings to give direct input to the team.

Due to the limitations of the selection process, the time constraint placed on the team to ascertain records, and the inability of the DVDRT to gather information from every possible source, the database of cases reviewed cannot be considered exhaustive, or statistically representative. Nonetheless, the data collected can reveal significant concerns or insufficiencies which are evaluated by various experts, representatives of local agencies in the community, and members of the team who then make recommendations.

## CASES REVIEWED

In 2010, the team reviewed eight distinctly different homicides. Each case required a lengthy analysis by the team to evaluate all of the issues. The murder/suicide cases where no criminal prosecution was possible, required even more effort to gather essential family history information. This is because police agencies are generally not inclined to devote efforts to investigate background factors on a case where prosecution is not possible.

## CASE SUMMARIES

The review of our eight cases this year reaffirms our conclusions from years past that domestic violence affects all age ranges, races, religions, and economic levels of our society. The main truism that can be gleaned from these cases is that a domestic violence homicide victim or perpetrator can be either male or female, and an abuser can be from any part of society.

Below is a breakdown of some of the key factors seen repeatedly in domestic violence homicides.

	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6	Case 7	Case 8
Victim (V) Age	45	43	32	26	32	26	29	24
Perp (P) Age	51	50	21	26	27	28	37	22
Kids Together?	No	No	No	1	No	No	No	No
Children - V	2	1	No	No more	No	No	GF-V: 1 New BF-V: 4	Foster Child
Children - P	3	6	No	No more	1	No	3	No
Kids Witness Violence?	No	No	No	No	No	No	No	No
Relation- ship Status	Cohab BF-GF	Cohab BF-GF	Recent dating relationship	H&W	BF-GF	Estranged BF-GF	Estranged BF-GF	BF-GF
Weapon Used	Knife	Gun	Knife	Gun	Gun	Gun	Gun	Knife
Type of Execution	Stabbing	Strangle /heart attack/drug OD	Stabbed/ cut	Shot at close range	Shot in chest	Shot	Double murder of ex GF and new BF	Stabbed 1 time in chest
Prior DV History	Yes: P also prior child abuse	Yes	None known	Unknown	Yes: V	Yes	Yes	Yes: V on P
Prior Suicidal Ideation	Yes: P	Yes	Unknown	No	Unknown	Unknown	Unknown	No
Education - V	H.S.	Unknown	Unknown	H.S.	H.S. + Cosme- tology school	H.S. + AA Degree	H.S. + Cosme- tology school	H.S.
Education - P	H.S. dropout	H.S. dropout	Drop out	Still in school	H.S. drop out	H.S. + 1 yr college	Elementary school dropout	H.S.

Mental Health Diagnosis	Prior depression in P	Prior depression/ suicidal ideation in P	P: Some brain damage	None	None	P: Bipolar taking antidepressants at time of 187	Unknown	Unknown
Employment - V	Unknown	Un-employed	Home-maker	Student	Billing clerk for medical unit	Telecommunications/ office worker	Hair salon	Unknown
Employment- P	Bakery sanitation crew	SSI benefits	SSI	Auto shop	Un-employed	Construction	Painter	SSI
Facts	Stabbed to death outside home	Strangle during drug binge argument/ heart attack/OD/ C.O.D.	Stabbed/ cut in apt and car stolen	Shot at close range in house	Shot in chest	Shot in parking lot of V's work	Shot outside work	Stabbed in chest during heated argument after V tried to take P's car
Drugs/ Alcohol	P: Daily alcohol abuse	Both: Cocaine/ Heroin/ Alcohol	Both: MJ/ Meth/ Alcohol	Both: Alcohol	Unknown	P: 18 beers/day	P: Long drug history- admits meth use	Both: Alcohol
Race	Both: Black	Both: Black	Both: White	Both: Black	Both: Black	Both: Hispanic	All: Hispanic	Both: Black

### Age Range:

The victims ranged in age from 24 to 45. The perpetrators ranged in age from 22 to 51.

### Education Levels:

Education levels of victims ranged from a high school graduate to current trade school student to a college degree. Perpetrator education ranged from elementary school dropout to high school graduate.

### Employment:

The employment of the victims included bookkeeper, nurse, and a homemaker with children. The incomes of the victims and perpetrators ranged from middle to low income.

### Murder Suicide and Murder Witnessed by Family:

None of the eight cases was a murder-suicide. In two of the cases, the victim was killed in public as she was leaving her place of employment.

### Premeditation and Deliberation:

In two of the eight homicides, there was evidence of calculated pre-planning by the perpetrator. In one case, the perpetrator murdered our victim then went to another county and was arrested for threatening his estranged family with the same gun he used in the killing of our victim.

### **Prior Domestic Abuse:**

There was evidence of prior abuse, both physical and verbal, in all of the murders where we were able to get detailed histories of their relationships. However, the evidence did not show a progression of escalating violence preceding the murders.

### **Alcohol/ Drugs/Prescription Medications:**

Alcohol and/or illegal drug use was a contributing factor in two of the eight murder cases. In one case, based on witness statements, there was evidence the perpetrator was intoxicated at the time of the commission of the murder.

In one of the eight cases, the perpetrator was prescribed prescription drugs for depression and related issues prior to the murder. A history of depression was noted in all cases where full mental histories were documented. This follows last year's findings wherein the DVDRT also found multiple cases of murder when the perpetrators had recent prescription changes. The team concluded that with the increase in depression medication being prescribed in recent years, and fewer contacts with family physicians who know the accurate history of their patients, this could represent a dangerous trend.

### **Additional Struggles Faced by Victims of Abuse that do not Speak English as a First Language:**

This year, two of our cases brought home the additional struggles that victims and law enforcement face when they do not speak English as a first language. In one case, the victim had suffered prior abuse at the hands of the perpetrator and she experienced difficulty communicating to the 911 operator. The translation done by the AT&T interpretation line was not completely accurate. In addition, the victim communicated the name of the perpetrator to law enforcement in the prior abuse case, but this name was only one of a number of variations used by the perpetrator. The confusion in the perpetrator's name caused law enforcement to fail to request a warrant in the prior abuse case. The prior abuse case was outstanding when the murder occurred. A review of this case demonstrated that a simple investigative step to identify the perpetrator at the scene, by patrol officers and by the detective who did follow-up investigations, could have solved this issue and perhaps allowed the perpetrator to be arrested prior to the homicide.

### **Prior Awareness of Abuse by Others:**

In most cases, the victim had either told someone about prior abuse or family members knew about prior abuse and/or fear of future abuse. In some of the cases, the victim thought they could control the situation. This incorrect judgment on the part of the victim (i.e. the victim of abuse believing he/she would have time to make a determination about the danger, and take appropriate steps before the violence turned lethal), turned out to be a deadly error. In one case, the victim had sought assistance through the courts, but the restraining order proved useless against a determined killer.

In most of the cases reviewed, the friends or family members who knew or were concerned for the victim's situation, failed to realize there was a possibility the violence could end in murder. Friends or family talked repeatedly about signs of abuse they had witnessed. This insight into the potential lethality of domestic violence was also lacking in many of the victims who were certain they could control their environment and escape serious injury, or dismissed threats by the perpetrator.

## **FINDINGS**

Training on the investigatory steps to correctly identify the perpetrators of abuse needs to be implemented for both patrol and detectives handling domestic violence investigations. While our review of the case this year documented failures in identification for those who do not speak English as a first language, the problem also occurs for English speaking victims. There is a lot of pressure put on victims by family, economic reasons, guilt, and in some cases

religious values to protect their spouse or partner. Victims often recant or refuse to testify when facing prosecution of the abuser, and this can lead to identification issues. If an identification is not made by officers using a photo at the original crime scene when the victim is still experiencing fear, or in the original detective follow-up, then successful prosecution can be compromised.

This is the third year the team has attempted to document recent changes for the perpetrators in prescription medication for depression. This year's results were hampered by incomplete medical records.

The age range, employment status, education level, and race varied markedly. These findings repeatedly demonstrate intimate partner homicides cut through every level of the socioeconomic community of Sacramento County. This reality is commonly dismissed or ignored when people speak of domestic violence.

Without a commitment to ongoing education, treatment and resources specific to domestic violence dynamics for victims, abusers, their families, and friends, as well as the community as a whole, we will not be able to significantly reduce the number of intimate partner deaths in Sacramento County.

### **DVCC SUBCOMMITTEES: ONGOING ACTIVITIES**

The Domestic Violence Coordinating Council has four standing committees: the DVDRT; the Health Care Domestic Violence Network; the Law Enforcement Committee; and the community committee which is named the Domestic Violence Prevention Collaboration (DVPC). Each subcommittee is comprised of agency and/or community representatives with expertise in these distinct areas. The committees work independently, and are multi-disciplinary in nature. Their responsibilities and duties are determined by the DVCC Executive Committee.

This year, the Executive Committee will recognize Dr. Glenna Trochet for her many years of service to the county and support for the DVCC. We invite the Board to attend our annual meeting on October 19<sup>th</sup> at the District Attorney's Office where we will present her with a special recognition award.

The DVPC continued its work on the impact of domestic violence on children – the innocent secondary victims. The collaboration worked diligently on a protocol for law enforcement agencies to increase their understanding of the effects on child victims who experience or witness domestic violence, and its impact on their psychological and cognitive development. These criteria were incorporated into a training provided by the District Attorney's Office. The goal is to eventually establish a standard law enforcement protocol and uniform response to domestic violence cases in Sacramento County.

The DVPC also worked to facilitate the installation of panic alarms for domestic violence victims, and presented organizational profiles at their monthly meetings to educate the different nonprofit, county, and state agencies about the services each organization provides. In October, the DVPC will hold its annual award ceremony. The ceremony was established to recognize law enforcement's dedication to domestic violence victims in our community, and serves as a wonderful opportunity to recognize those individuals who go above and beyond their duty. It's also a wonderful time to acknowledge collaboration among law enforcement, social service agencies, and community groups who work together to help stop the cycle of violence. The DVPC is also looking into the benefits and limitations of U-Visa applications (special visas for victims cooperating in the prosecution of domestic violence and other certain crimes), training the various agencies on the requirements, and potential roadblocks that this type of visa application process entails.

The Health Care Committee has continued their work in the field of domestic violence lethality indicators. Their goal is to develop a system to determine if perpetrators who are taking batterer's treatment are likely to commit a lethal act of domestic violence in the future. The committee has also been documenting the needs of women in local shelters so that a coordinated and effective health response can be developed for domestic violence shelters in the area.

The Law Enforcement Committee discussions have been limited due to the reduction in staff at all of the local law enforcement agencies. Efforts have been made by the District Attorney to provide comprehensive domestic violence investigation and report writing training for all patrol and detective law enforcement personnel.

## **RECOMMENDATIONS**

The DVDRT is recommending mandatory training for all county law enforcement agencies on domestic violence investigations, including proper identification of perpetrators by both patrol and detectives. The District Attorney has developed training that is now offered free of charge to all law enforcement agencies in the county on domestic violence investigations and report writing. The training has been accepted by the Sacramento County Sheriff's Department, the Sacramento Police Department, the Elk Grove Police Department, the Citrus Heights Police Department, and the Folsom Police Department. We would like the Board to encourage other law enforcement agencies in the county to make time for their staff to be trained in the program.

The DVDRT also recommends that the training, which includes tactics and methods of investigations where children are present, be adopted as protocols or written procedures by county law enforcement agencies. We ask the Board to use their influence to encourage local law enforcement agencies to include these in their protocols as required by law.

During this difficult economic time, we ask the Board to recognize the cost benefit of prevention in domestic violence cases, and to keep the reduction through prevention of domestic violence a priority in this community.

## **CONCLUSION**

With the economic downturn and budget cuts, the need for different agencies to work together to solve the problems in our community has never been so great. The DVCC has tried to lead by example this past year by expanding its membership through the inclusion of the DVPC as our community group, and extending an invitation to the Sacramento Superior Court to be an active member in our organization. The DVDRT also sees the need to respond to the mental health crisis facing our county. The team wants to make the Board aware of its willingness to work together with the Board on this issue.