

Santa Clara County
Domestic Violence Council
Death Review Committee

FINAL REPORT

JANUARY 1 – DECEMBER 31, 2002

SPEAK UP – SAVE LIVES

**DOMESTIC VIOLENCE DEATH REVIEW COMMITTEE ROSTER
SANTA CLARA COUNTY, CALIFORNIA
January 1, 2002- December 31, 2002**

**ROLANDA PIERRE-DIXON ESQ., CHAIR
DISTRICT ATTORNEY'S OFFICE**

**Wiggys Sivertsen
San Jose State Univ-Counseling Serv**

**Lt. Glenn McCourtie
San Jose Police Dept.-Homicide**

**Dr. Gregory A. Schmunk
Coroner's Office**

**Rick Bata MFT
Bata/Starr Counseling**

**Terry Bowman Esq.
District Attorney's Office**

**Det. Leila Sutherland
Sheriff's Office-DV**

**Sgt. Dave Gordon
Sheriff's Office**

**Lt. Dave Sepulveda
Department of Correction**

**Amos Grogan
Pretrial Services**

**Sgt. Jim Stephens
Sheriff's Office-DV**

**Caroline Jimenez
District Attorney's Office**

**Ariel Hand, R.N.
Valley Medical Center**

**Barbara Krzyczkowska MFT
CommunityPsychotherapy Institute**

**Lt. Richard Bloom
Sunnyvale Dept. of Public Safety**

**Greg Ezgar
Los Gatos Police Dept.**

**Det. Joel Witmer
Sunnyvale Dept. of Pubic Safety**

**Moon-Hi Ree MSW
Asian Pacific Family Resource Center**

**Cynthia Spencer Esq.
Family Law Attorney**

**Celeste Hammond
Department of Social Services**

**Debra Luhring
Juvenile Probation Dept.**

**Celia Crom
Coroner's Office**

**Lt. Peter Decena
SJ Police Dept.-Family Violence**

**Pam Butler
Social Services Agency**

**Det. Lori Kratzer
Palo Alto Police Dept.**

**Christine Gabriel Kanelos
Support Network for Battered Women**

**Det. Joe S. Mamone
Los Altos Police Dept.**

Edna Thomas
Probation Dept. –DV

Jamie Buckmaster
Adult Protective Services

Michael Liao
Asian Americans for Community Involvement

Margaret Petros
Victim Witness

FINAL REPORT

JANUARY 1, 2002- DECEMBER 31, 2002

DEATH REVIEW COMMITTEE

By: Rolanda Pierre Dixon Esq.- Chair

The Santa Clara County Death Review Committee was created in October of 1994. The Department of Justice asked the Santa Clara County Domestic Violence Council to create such a committee. They wanted the committee to examine domestic violence deaths and use the knowledge obtained to recommend system-wide changes. It was hoped that the recommended changes would decrease the number of domestic violence related deaths in this community.

The first problem encountered by the Domestic Violence Death Review Committee centered on confidentiality. How could several different groups and agencies both public and private come together and share pertinent information on identified decedents in domestic violence related deaths? There were extended discussions by the committee and eventually a solution was reached. We were then able to move forward. The solution was grounded in our trust and respect for each other based on our prior experience working together on other projects of the Domestic Violence Council. We were able to come together with the understanding that our main charge was to make system-wide changes that would save lives and not to place blame on any particular agency.

All Death Review Committee members were also asked to sign a confidentiality agreement. This agreement requires that all information discussed in committee meetings remain confidential. The signed agreement is kept on file by the committee chair. The only agreed upon public disclosure of cases involve statistics and fact patterns and not the names of particular victims and or perpetrators.

The committee's next decision centered on how to decide which cases would be reviewed. Since Santa Clara County has a population of over one million people we could not possibly review every single death in the county, attempting to determine which of those were domestic violence related. We had to come up with a definition of "domestic violence related death", it is now defined as follows, it is a death where the perpetrator and victim were romantically linked, either at the time of death or prior to the death, and the conduct of either party lead to the death. We look at homicides, homicide/suicides, suicides, blue suicides* and fatal accident cases. If other family (including children) and or community members are also killed by the domestic violence perpetrator those cases are also reviewed.

***Blue suicides are those situations where a depressed individual threatens to kill officers and or others and comes toward the police with a deadly weapon-intending that they respond by shooting him/her.**

In 1996 the California legislature passed Penal Code Section 11163.3(et. seq.) which allowed for the formation of death review teams in all California counties. It also deemed all information shared in death review meetings as confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations of a domestic violence review team upon the completion of a review may be disclosed at the discretion of a majority of the members of the domestic violence review team.

The Santa Clara County Domestic Violence Review Committee (hereinafter referred to as the DVDRC) produces a final report at the end of each calendar year. This year's report will cover **18** identified domestic violence related deaths from the year **2002**. The Santa Clara county District Attorney's office filed criminal complaints on 35 homicide cases last year. The DVDRC identified **13** domestic violence related homicides, over 1/3 of all homicides were therefore domestic violence related.

The Santa Clara County District Attorney's office also issued 3519 criminal domestic violence complaints in 2002 (2975 misdemeanors and 544 felonies). Our civil courts issued over 2700 temporary restraining orders and our domestic violence criminal courts issued stay away orders on nearly every criminal case. All of our police agencies (including those on college campuses) adhere to a law enforcement protocol, which recognizes domestic violence as a crime and insists upon arrest of the perpetrator when probable cause exists. Women shelters, domestic violence organizations, batterer treatment groups and other professionals deal with domestic violence victims, perpetrators and their children on a daily basis in this county. They explain the law, get them needed assistance, offer counseling and move these families from violence to non-violence.

It is our belief Santa Clara County's policies and procedures around domestic violence help decrease the number of domestic violence homicides. Although there were eighteen domestic violence related deaths in 2002 there were only eight deadly incidents as opposed to thirteen deadly incidents (resulting in seventeen deaths) last year.

Victims who reach out can and do get assistance from law enforcement, the courts, domestic violence agencies and others before the violence turn deadly.

It is also important to note that we loss six children this year in domestic violence related cases. The committee wants to stress that when deadly domestic violence begins everyone around that family is in mortal danger. This kind of violence is about power and control, one family member feeling they have the absolute right to control the very lives of the people they claim to love. It is therefore incumbent on anyone and everyone who knows about the abuse in a family to speak out about it. Do not be afraid to call 911 or let a victim know that there are organizations and people in the county ready to help him or her. When a deadly domestic violence incident takes place everyone around that family is impacted whether they wanted to be involved or not.

Some of the children who loss their lives in this community last year were of school age. Their classmates, neighbors, surviving relatives and parents of children they knew all suffered (and continue to suffer) greatly when these deaths occurred. Therefore we as a community must speak out before the ultimate disaster occurs-death or one or all the parties.

In the end we will all be affected.

Speak out – save lives.

The reviewed cases breakdown as follows:

I. TYPES OF DEATH

1. 18 deaths from 2002 (3 homicides, 4 homicide/suicides, 1 suicide)

II. POLICE AGENCIES INVOLVED

1. 12 deaths from San Jose Police Department (2 homicides, 3 homicide/suicides)
2. 4 deaths from Santa Clara Police Department (1 homicide/suicide)
3. 1 death from the Sheriff's office (1 suicide)
4. 1 death from Morgan Hill Police Department (1 homicide)

III. AGE/RACE/SEX/SUBSTANCE ABUSE/CHILDREN PRESENT

1. Ages

For all victims/perpetrators from 1 to 60 years old.

A. Homicide adult average age was 39

1. Females average age was 32
2. Males average age was 48

B. Suicide adult average age was 50

1. Female age 42
2. Males average age 50

C. Homicide average age of children 5 (1,4,4,5,8,12)

2. Race/Ethnicity

Asian: 9 (7homicides, 2 suicides)

Hispanic: 6 (5 homicides, 1 suicide)

White: 3 (1 homicide, 2 suicides)

African American: 0

3. **Sex**

Male: 7 (2 homicides, 1 homicide/suicide combination, 4 suicides)

Female: 5 (2 homicides, 3 homicide/suicide combinations)

Children: 6 (3 homicide/suicide combinations- 3 boys and 3 girls)

4. **Substance Abuse**

Male: 1 (methamphetamine -homicide/suicide combination)

Female: 1 (methamphetamine-homicide/suicide combination)

5. **Children Present:**

9 (3 homicides, 3 homicide/suicides)

6. **Number of children-homicide victims**

6 (3 homicide/suicides)

7. **Number of children left w/o one or both parents**

3 (1 suicide, 2 homicides)

8. **Perpetrators Sex**

6 male (3 homicide/suicides, 2 homicides and 1 suicide =13 deaths)

2 female (1 homicide/suicide, 1 homicide =5 deaths)

9. **Manner of Death**

17 guns (4 homicide/suicides, 2 homicides and 1 suicide)

1 knife (1 homicide)

10. **Separated/Divorced or pending either at time of death**

8 (1 homicide/suicide, 3 homicides, 1 suicide)

11. **Prior domestic violence contacts (police reports)**

2 (1 homicide, 1 suicide)

12. **Restraining orders/Do not annoy, harass or strike orders**

2 (1 homicide-protected person died, 1 suicide-restrained person died)

13. **Location of deaths**

17 at home (3 homicides, 4 homicide/suicides)
1 public place (1 suicide)

14. **Same sex couples**

2 (1 homicide/suicide, 1 homicide)

15. **Occupations of those who died**

Housewife
Clerk
Janitor
Preschool teacher
Student
Engineer

16. **Occupations of those who killed**

Housewife
Janitor
Driver
Clerk
Engineer
Unemployed

17. **Type of relationship at time of death**

3 marital relationships (1 homicide, 2 homicide/suicides)
3 separated (1 suicide, 2 homicides, 1 homicide/suicide)
1 cohabitants (1 homicide/suicide)
1 former dating (1 homicide)

18. **Length of relationship**

8 to 33 years*

2 - 8 years	(2 homicide/suicides)
1 -14 years	(1 homicide/suicide)
1 -19 years	(1 homicide)
1 -22 years	(1 suicide)
1 -25 years	(1 homicide)
1 -33 years	(1 homicide/suicide)

*1 death (homicide) victim and perpetrator did not have a relationship, victim was a bystander.

19. **Educational level of perpetrators (including suicides)**

5 – High School
3 – College

20. **Educational level victims**

1 – toddler
3 – preschool
2- Elementary School
2- High School
2- College

21. **Age differential-between victim and perp in relationship cases**

1 month to 22 years

2 - 1 year	(1 homicide – perp. older, 1 homicide/suicide-perp older)
1 - 4 years	(1 homicide/suicide- perpetrator older)
1 - 5 years	(1 homicide/suicide- perpetrator older)
1 - 8 years	(1 homicide/suicide- perpetrator older)
1 - 10 years	(1 homicide- perpetrator younger)
1 - 22 years	(1 suicide- perpetrator older)

22. **Met and began dating as teens**

3 - (2 homicides (both perps one yr older), 1 homicide/suicide perp 8 yrs older)

IV. CASE SUMMARIES

CASE 131: Homicide - Perpetrator and victim met in their teens. They marry. He is considered by her friends and family to be very controlling and abusive. She even left him on one occasion but returned. She threatens to leave again; she is shot and killed. Their child is present.

CASE 132: Suicide – Perpetrator and victim meet when he is in his 40's and she is in her 20's, he is 17 years older than her. They eventually marry and have a son. As the years go by the perpetrator becomes more and more abusive and withdrawn. They eventually separate. He still has visitation with the son. He becomes abusive and the victim gets an emergency restraining order. The perpetrator takes off, she informs the police that he is dangerous and has a gun. They find him; he shoots himself when he realizes the police are outside.

CASE 133,134,135 and 136: Homicide/Suicide – The perpetrator and victim meet, the perpetrator is 4 years older. They decide to marry and move to this country. They have two children. The victim decides to leave the relationship and they separate. They attempt marriage counseling and the perpetrator seeks the assistance of therapists. The victim decides that the marriage is over, once the perpetrator becomes aware of this, she shoots and kills both children (5 and 12 years old) and when he comes over, shoots and kills him and then herself.

CASE 137: Homicide – The perpetrator and victim meet and marry, she is in her 20's and he is in his 30's. They are married a number of years when the victim decides to separate. The perpetrator is very abusive and threatens the victim on numerous occasions. The victim gets a restraining order. The perpetrator comes to the house and shoots and kills the victim.

CASE 138 AND 139: Homicide/Suicide – The perpetrator and victim meet and begin a long-term relationship. The perpetrator was one month older. The perpetrator and victim are very close and even work together. The perpetrator is perceived to be controlling of the victim by family members. Family members are also unaware that the perpetrator and victim are a couple, they believe them to be long term roommates. The perpetrator becomes ill. He is very afraid that he will become debilitated. The perpetrator shoots the victim and then himself.

CASE 140,141,142 AND 143: Homicide/Suicide – The perpetrator and victim meet when she is a teenager, he is eight years older. They begin to date and eventually marry. The perpetrator is perceived to be very controlling of the victim. They have two children. The perpetrator begins to believe the victim is being unfaithful (untrue). The perpetrator shoots and kills her, both of their children (1 year and 5 months old and 4 years old) and then himself.

CASE 144: Homicide – The perpetrator and intended victim meet and begin dating when they are teenagers. The intended victim breaks up with the perpetrator because he is too controlling and abusive. The intended victim begins dating someone else. The perpetrator enters her home, tries to kill her by stabbing her. The intended victim's new love interest intervenes and is stabbed and killed by the perpetrator.

CASE 145,146,147 AND 148: Homicide/Suicide – The perpetrator and victim meet and marry, they are in their 30's. They have 2 children. According to the outside world the marriage looks fine. However, the perpetrator has made statements that things were not going well and he was fearful of losing his job. He shoots and kills the victim while she is sleeping, shoots and kills both children (4 years old and 8 years old) and then kills himself.

V. TASKS ACCOMPLISHED

The Santa Clara County Death Review Team is a standing committee of the Santa Clara County Domestic Violence Council. The team has been in existence since 1994, this makes it one of the oldest domestic violence death review teams in the nation. Members of the committee have been asked to present on the topic of death review in many different venues. This past year members presented for the California District Attorney's Association, National Training Center on Domestic and Sexual Violence, The Statewide Conference of Victim Advocates, The Attorney General's office, The National Domestic violence Fatality Review Initiative and The National Child Death Review conference. We have also put on several other local presentations for ethnic minority and community groups on the findings of the committee.

Committee members made themselves available this year for a large number of presentations, interviews and articles. Committee members also worked closely with the Santa Clara County Domestic Violence Council, the San Jose City Family/Domestic Violence Advisory Board, the Court Systems Committee, Police Victim Relations Committee, Victim's Voice Committee, and Executive Committee of the DV Council.

Our committee has continued to be concerned about the use of firearms in domestic violence related deaths. This year, seventeen of the eighteen deaths involved firearms. We worked very closely this year with law enforcement in helping to develop protocols for obtaining firearms in domestic violence cases. The protocol is complete and all law enforcement agencies have signed on to the protocol. As noted last year all domestic violence cases involving the use or threatened use of a firearm are referred to the District Attorney's Office domestic violence unit.

Although there was one more domestic violence related death this year than in 2001, we had fewer deadly incidents, eight as opposed to thirteen. We also saw a decrease in the number of suicides, one as compared to four last year and no senior citizens (65 older) were killed this year (three last year).

In 2002 there weren't any "blue suicides"(those situations where a depressed perpetrator in a domestic violence incident threatens to kill officers and or others and comes toward the police with a deadly weapon-intending that they respond by shooting him/her), there had been "blue suicides" in each of the previous four years. As stated previously there were 3519 cases of domestic violence this year, which resulted in criminal charges being placed by the District Attorney's office.

VI. CONCLUSION

It is very clear to the Domestic Violence Death Review Committee that members of victim and perpetrator families and their neighbors are aware of serious problems in these relationships prior to the deaths. It is the mission of the Committee this year, bolstered by the information contained in this report, to encourage communities to intervene in domestic violence incidents before someone loses their life.

Domestic violence is nearly always about one person's desire to have absolute power and control over another individual. When the controlled person seeks to regain power over their own life, the perpetrator feels they have the right to take that person's life. When deadly domestic violence begins, children, other family members and even bystanders are at risk.

Domestic violence can and is perpetrated by men and women from every race, sexual orientation and socio-economic group. The death statistics bear this out. This year we had female perpetrators. Women are capable of deadly domestic violence and we must be aware of that fact, so it can be addressed. We must work to make men feel comfortable reporting domestic violence.

Deaths also occurred in our same sex community and again education on domestic violence must be carried out in our elder, gay, lesbian, bi-sexual and transgender communities. Understanding the problem and getting the information to the community is a job the committee has vowed to undertake in 2003.

Our Asian community represented 50% (9 out of 18) of all the domestic violence related deaths last year. This number tells us that we must continue to work within the Asian and immigrant communities informing everyone that domestic violence is a crime and there is help available for victims and their families.

This year in Santa Clara County **six** children were shot to death in three different incidents by one of their own parents. These babies, from one year to 12 years of age, will never have a chance to grow up, experience life, continue their education, contribute to their community, develop relationships or have children of their own. Their lives were snuffed out because one parent felt they had a right to decide whether they would live or die. We must speak out about domestic violence, loud and clear. Domestic violence is deadly, even to the most vulnerable persons in our homes, our children.

The proliferation of guns in our homes is also a very serious problem. As noted previously in this report seventeen of eighteen domestic violence related deaths were as a result of handguns. Law enforcement has the power to confiscate these weapons in a domestic violence incident; it is therefore incumbent on victims to let law enforcement know when there are guns in the home. If a neighbor makes the 911 call, he or she should also let law enforcement know if there are guns in the home. They can be taken and perhaps a life or lives will be saved.

Those individuals that are close to and live near troubled families can see “red-flags” (see **page 16**). They must be willing to talk to the victim in a safe environment and get him or her to seek the help which is available in our community (see **page 19**). If a neighbor hears or sees a violent episode they should make a call to law enforcement. The majority of victims who get police intervention live. This report clearly shows that to be true.

Everyone in our community has an obligation to make sure that its’ residents are safe. Education about domestic violence, its’ potential lethality and how one can assist victims once they are aware of a problem must be made readily available. The Domestic Violence Death Review Committee hopes that the public release of this report will help people begin to recognize domestic violence and intervene appropriately.

“Speak up and save lives”.

Respectfully Submitted

The Death Review Committee- 2002
Santa Clara County Domestic Violence Council

VII. 2002 SIGNIFICANT FINDINGS (RED FLAGS)

- 1. Everyone close to the victim and perpetrator knew that something was very wrong in the relationship but did not intervene. Oftentimes neighbors were also aware but did not intervene.**
- 2. Perpetrators of deadly domestic violence have several characteristics, which were evident in many of the 18 cases we reviewed. They are:**
 - A. Threats of homicide/suicide – 16 cases**
 - B. Victim is talking about divorce or separation and the perpetrator cannot handle it –12 cases**
 - C. He or she is unraveling in front of everyone’s eyes i.e. sleeplessness, loss or imminent loss of job, possessing and recently purchasing guns, talking about dying, depression, extremely upset about life, excessive drug or alcohol use, prior sexual assault, prior false imprisonment – 16 cases**
 - D. They hit or threatened the victim at least once and in most cases more than once before the death occurred, or used violence with a previous partner – 12 cases**
 - E. The perpetrator engaged in controlling behavior (following the victim, checking his/her whereabouts constantly, monitoring their phone calls, limiting their friendships, handling all the money, making all the family decisions)-18**
 - F. Extreme jealousy/possessiveness-14**
 - G. Substantial mental health issues (sought treatment) – 5**
 - H. They met and began dating as teens – 3 cases**
- 3. Handguns were still the #1 chosen manner of death in the cases reviewed (17 of 18). Those individuals possessing guns and using or threatening violence are a clear danger to themselves and others around them.**
- 4. Deaths occurred in nearly every jurisdiction in this county and have involved every racial and socio-economic group. We must also be cognizant of the fact that domestic violence also occurs in our elder, gay, lesbian,bi-sexual and transgender communities.**

Family members and those close to victims are also at risk when violence turns deadly, six children and one bystander lost their lives during 2002.

VIII. RECOMMENDATIONS

We the members of the Santa Clara County Domestic Violence Death Review Committee recommend to the Domestic Violence Council as follows:

- 1. The Domestic Violence Council continue its efforts to educate the public on domestic violence issues, including the release of this report to the public.**
- 2. The Domestic Violence Council increase its efforts in educating our ethnic minority communities on domestic violence, especially our Asian community.**
- 3. The Domestic Violence Council continue to ensure that all domestic violence related educational information take into account that domestic violence occurs in the elder, immigrant, gay, lesbian, bi-sexual and transgender communities.**
- 4 The Domestic Violence Council encourage local school districts to develop a curriculum, which addresses the issues of domestic violence and dating violence.**
- 4. The Domestic Violence Council continue to promote the idea that victims of domestic violence should get restraining orders.**
- 5. The Domestic Violence Council continue to promote the education of all workplaces on domestic violence, so those potential victims can be protected.**
- 6. The Domestic Violence Council examine and report on the availability of mental health care for all families.**
- 7. The Domestic Violence Council promote legislation, which requires all mental health professionals to have domestic violence education.**
- 8. The Domestic Violence Council promote the formation of a committee, which will develop a hotline or other emergency service for men who are contemplating an act of domestic violence or need help in their interpersonal relationships.**
- 9. The Domestic Violence Council promote the addition of services for male victims of domestic violence.**
- 10. The Domestic Violence Council continue to encourage the media to report on the availability of assistance so that victims, family members and others can have the information they need to get help.**
- 11. The Domestic Violence Council continue to encourage the utilization of available monies for mental health services for children exposed to domestic violence**
- 12. The Domestic Violence Council continue to encourage parents to get parenting classes, which discuss the impact of domestic violence on children.**

13. The Domestic Violence Council continue to inform the public that the police at a domestic violence incident (Penal Code Section 12028.5) can remove all guns and keep them for no less than 48 hours and no longer than 5 days if charges are not filed. If charges are filed and the perpetrator is convicted he/she cannot possess a firearm for up to 10 years (Penal Code Section 12021). Also if the victim obtains a restraining order (whether or not the perpetrator is filed on or convicted), the restrained person cannot possess a firearm.
14. The Domestic Violence Council encourage our community at large to stand up and report domestic violence when it is observed-

SPEAK UP-SAVE LIVES.

IX. CRISIS HOTLINES

EMERGENCY POLICE RESPONSE ---911

Asian Women's Home	(408) 975-2739
Support Network for Battered Women	(650) 940-7855
Spanish	1-800-572-2782
TDD	(650) 940-7855
Next Door Solutions to Domestic Violence	(408) 279-2962
Community Solutions (South County)	(408) 683-4118
Women Inc. –Lesbian/Bisexual	(415) 402-7200
YWCA Rape Crisis Center	(408) 287-3000
South County Rape Crisis	(408) 779-2115
MidPeninsula YWCA Rape Crisis	(650) 493-7273
Adult Protective Services	1-800-414-2002
Family Court	(408) 534-5600
Suicide Crisis Service	(408) 279-3312
Victim Witness Assistance	(408) 295-2656
CONTACT (Hotline for all other hotlines)	(408) 279-8228
National Domestic Violence Hotline	1-800-799-SAFE