

**SANTA CLARA COUNTY DOMESTIC
VIOLENCE COUNCIL**

**DEATH REVIEW COMMITTEE
FINAL REPORT**

JANUARY 1 – DECEMBER 31, 2003

SPEAK UP - SAVE LIVES

**DOMESTIC VIOLENCE DEATH REVIEW COMMITTEE ROSTER
SANTA CLARA COUNTY, CALIFORNIA
January 1, 2003-December 31, 2003**

**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. Joseph O'Hara
Coroner's Office**

**Lt. Peter Decena
San Jose Police Dept.- FVC**

**Amos Grogan
Pretrial Services**

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

**Caroline Jimenez
District Attorney's Office**

**Lt. Dave Sepulveda
Department of Corrections**

**Barbara Krzyczkowska MFT
Community Psychotherapy Institute**

**Cynthia Spencer, Esq.
Family Law Attorney**

**John Campos
Los Gatos Police Dept.**

**Debra Luhring
Juvenile Probation Dept.**

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

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

**Enrique Alvarez
Dept. of Social Services**

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

**Celia Crom
Coroner's Office**

**Shawne Smith
Next Door Solutions to DV**

**Janeen Carlo
Family Court Services**

**Frank Delfugo MFT
Turning Point Counseling**

**Tracy Bowers MSW
Ujirani Family Resource Center**

**Edna Thomas
Adult Probation**

**Margaret Petros
Victim Witness**

**Sgt. David L. Gordon
Sheriff's office-Homicide**

**Charu Aggarwal
Asian Americans for Community Involv.**

**Jamie Buckmaster
Prog. Manager-APS**

**Sgt. Mike Barbieri
Los Gatos Police Dept.**

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

Eve Castellanos
City of San Jose

Det. Eric Fujii
Sunnyvale Dept. of Public Safety

Jillian Laxton
Support Network for Battered Women

FINAL REPORT

JANUARY 1, 2003 – DECEMBER 31, 2003

DEATH REVIEW COMMITTEE

By: Rolanda Pierre Dixon Esq.-Chair

The Santa Clara County Domestic Violence Death Review Committee, hereinafter referred to as the DVDRC, was created in October of 1994. The Department of Justice asked the Santa Clara County Domestic Council to create such a committee. They wanted the committee to examine all domestic violence related deaths to see what occurred prior to the death and determine if changes in the system could lead to the elimination of future deaths. The Department of Justice also hoped that the committee would be able to present all information received to the Domestic Violence Council, who would in turn advocate for appropriate system-wide change.

In creating the DVDRC, we attempted to bring to the table a cross section of all organizations that dealt with domestic violence victims, perpetrators and their children. Representatives from the District Attorney's office, law enforcement, coroner's office, pre-trial services, adult probation, juvenile probation, battered women's advocacy agencies, therapists, counselors, Adult Protective Services, Social Services, CPS, Victim Witness and the family law bench were all invited and agreed to participate.

We were very lucky in this county to get such system-wide buy-in by all the relevant organizations. We were also comfortable working together because of the county's domestic violence council. We trusted one another not to use the committee to "finger point" but to look for systems changes, which would hopefully save lives.

Every member of the DVDRC signed 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 involved statistics and fact patterns. The names of particular victims and perpetrators are not revealed.

The DVDRC also decided what cases would be reviewed. The committee's definition of "domestic violence related death" is 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 led to the death. We look at homicides, homicide/suicides, suicides, blue suicides* and fatal accident cases. If other family and or community members are also killed by the perpetrator those cases are also reviewed.

***Blue suicides are those situations where a depressed individual threatens to kill police 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 domestic violence death review teams in all California counties. It also deemed all information shared in death review committee meetings as confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations of a domestic violence death review team may be disclosed at the discretion of a majority of the members of the team.

The Santa Clara County Domestic Violence Review Committee produces a final report at the end of each calendar year. This year's report will cover twenty-one (**21**) identified domestic violence related deaths from 2003. The Santa Clara County District Attorney's Office filed criminal complaints on **38** homicide cases last year. The DVDRC identified **16** domestic violence related homicides, nearly ½ of all homicides were therefore domestic violence related.

The Santa Clara County District Attorney's office issued 3646 criminal domestic violence complaints in 2003 (3113 misdemeanors and 543 felonies). Our civil courts issued over 2700 temporary restraining orders and our domestic violence criminal courts issued stay away orders on every criminal case. All of our police agencies (including those on local college campuses) adhere to a law enforcement protocol, which recognizes domestic violence as a crime and has a shall arrest policy. Women's shelters, domestic violence organizations, batterer treatment groups and other professionals deal with domestic violence on a daily basis in this county. They explain the law, get victims/perpetrators and their children needed assistance, offer counseling and move these families from violence to non-violence.

It is our belief that Santa Clara County's policies and procedures around domestic violence help decrease the number of domestic violence deaths. Although there were 21 such deaths in 2003 we did not lose one single person in the five thousand three hundred and ninety three cases (issued and non-issued) that were referred to the District Attorney's office for prosecution. Victims, children, families, neighbors and or co-workers who contact law enforcement in this community help save the lives of victims of domestic violence.

It is also important to note that we lost five children this year in domestic violence related cases. The committee continues to stress to the public that when deadly domestic violence erupts, no one is safe, not even the most vulnerable ones in our homes, our children. Perpetrators who murder their children are acting out the most dangerous form of power and control. They absolutely believe they have the right to control those around them and when it looks like that control is slipping, they believe they have the right to take the life of their spouse and children.

It is therefore very important that those individuals who come in contact with these potential victims and their families to pay close attention and not to hesitate to ask the right questions. When anyone suspects that domestic violence maybe or is being perpetrated against a victim, they must act. Calling 911 could save their life. When anyone loses their life to violence it has devastating impact on those individuals who

knew that person. When entire families are killed, the entire community suffers. When school age children die, every child who sat in the classroom with that child is negatively effected. We increase our vigilance in order to protect the lives of those children (and adults) in our community.

“Speak up – Save lives” – was the message chosen by last years’ DVDRC. It has been decided by the committee to retain that message for this year. It is still so very important and it succinctly states what we must all do. Ms. Kelly Wright a member of the Santa Clara County Domestic Violence Unit put it so eloquently, “Speak up and Save Lives” as a message asks us to be brave and take a chance in getting involved in helping a fellow human being”. We could not have said it any clearer.

Speak up –Save lives

The reviewed cases breakdown as follows:

I. TYPES OF DEATH

1. 21 deaths from 2003 (5 homicides, 16 homicide/suicides)

II. POLICE AGENCIES INVOLVED

1. 8 deaths from Santa Clara Police Department (2 homicide/suicides)
2. 5 deaths from San Jose Police Department (1 homicide, 2 homicides/suicides)
3. 4 deaths from Milpitas Police Department (1 homicide/suicide, 2 homicides)
4. 3 deaths from the Sheriff's Office (1 homicide/suicide, 1 homicide)
5. 1 death from Palo Alto Police Department (1 homicide)

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

1. Ages
For all victims/perpetrators- 3yrs to 86 years of age

A. Homicide adult female average age was 28 (86 yr old Victim-not counted in the average)
B. Homicide adult male age was 44 (one case)

C. Suicide adult male average age 37

D. Suicide adult female age 46 (one case)

E. Homicide average age of children 8 (3,9,10-twin boys,12)

F. Elder victim age 86

2. Race/Ethnicity

- Hispanic:** 7 (4 homicide/suicides,1 homicide)
- Asian:** 6 (2 homicide/suicides, 2 homicides)
- White:** 3 (2 homicide/suicide, 1 homicide)
- African American:** 1 (1 homicide)
- Mixed Race:** 4 (2 homicides (all victims were children- 1 Asian/white, 3 African American/White)

3. **Sex**

Male: 6 (6 homicide/suicides)
Female: 9 (6 homicide/suicides, 3 homicides)
Children: 5 (2 homicide/suicides-3 boys and 2 girls)

4. **Substance Abuse**

2 (1 homicide/suicide-alcohol, 1 homicide-cocaine)

5. **Children Present**

13 (2 homicide/suicides (5 children killed), 3 homicides (8 children survived-5 were the siblings of homicide victim in the home at the time of the homicide))

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

5 (2 homicide/suicides)

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

6 (1 homicide/suicide, 4 homicides)

8. **Perpetrators Sex**

1 female (1 homicide/suicide)
10 male (5 homicide/suicides, 5 homicides)

9. **Manner of Death**

15 guns (5 homicide/suicide, 2 homicides)
3 drowning (1 homicide/suicide, 1 homicide)
2 strangulation (1 homicide/suicide, 1 homicide)
1 knife (1 homicide)

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

17 (5 homicide/suicides, 3 homicide)

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

0

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

0

13. **Location of Deaths**

19 at home (6 homicide/suicides, 5 homicides)
2 in public (2 homicide/suicides)

14. **Same Sex Couples**

0

15. **Occupations of those who died**

Engineers
Hospital worker
Student
Housewives
Document control analyst
Consultant
Waitress

16. **Occupations of those who committed homicide**

Engineer
Equipment maintenance manager
Construction worker
Student
Document Control Analyst
Truck driver
(3 perpetrators recently unemployed, 1 retired)

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

11 marital relationships (5 homicide/suicides, 3 homicides)
3 cohabitants (1 homicide/suicide)
2 separated (1 homicide/suicide)
1 former dating (1 homicide)

18. **Length of relationship**

4 months to 50 (plus) years

1- 4 months (1 homicide)
2- 2 years (2 homicides)
2 –3 years (1 homicide/suicide, 1 homicide)
1 – 4 years (1 homicide/suicide)
1 - 8 years (1 homicide/suicide)

1 – 9 years (1 homicide/suicide)
1 – 11 years (1 homicide/suicide)
1 – 16 yrs (1 homicide/suicide)
1 - 50 years plus (1 homicide)

19. **Educational level of perpetrators**

4 – College (adults)
3 – High School (adults)

20. **Educational level of victims**

6 – College (adults)
4 – High School (adults)
1 – Middle School (child)
3 – Elementary School (children)
1 - Pre-school (child)

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

2 - (2 homicides – one perp 2 years older, one is 8 years older)

23. **Immigrants (less than 10 years in the United States)***

9 (3 homicide/suicides, 3 homicides)

*The DVDRRC defines Immigrant as a person who has been in the United States for 10 years or less-it does not look at legal status.

IV. CASE SUMMARIES

CASE 149,150: Homicide/Suicide-The victim and perpetrator met in the foreign country of their birth. Both were college educated. They come to the United States and several years later the husband decides to get a divorce. The perpetrator does not want the divorce; she thinks he is planning to go and marry another woman. The victim does move out and files divorce papers. The property is split 50/50 and they do not have any children. The perpetrator tries to get the victim to return to the residence several times but he won't come. She finally convinced him to come by sending an e-mail and setting up a date. He comes to the residence to pick up property, while his back is turned she shoots and kills him and then herself. He is 44 and she is 46 years old.

CASE 151,152: Homicide/Suicide-The victim and perpetrator met on their way over from a foreign country. The perpetrator is married but did not come with his wife and children. The victim was recently divorced and came to America in order to better support her children whom she left in the care of a relative. Once in the United States she begins living with the perpetrator. He is jealous of her, so much so he won't even let her get on the phone in the home without his standing right there. He also shows up at her work and expressed jealousy over lunch dates she had with co-workers. He also did not want her to send for her children. Eventually, she tells him she plans to return to the foreign country and raise her children. The perpetrator shoots and kills her, then shoots himself. He is in a coma for two days and then dies. She is 35 and he is 31 years old.

CASE 153: Homicide-The victim and perpetrator met and began dating as teens. He was a year older than she was. They argue and fought a lot of the time, based on the perpetrator's jealousy. After almost three years she breaks up with him and she and her family move to another part of the county. The perpetrator finds out where they are living, he pushes his way in and shoots and kills the victims. Her siblings (minors) are present and see everything. The perpetrator then tries to shoot himself and fails to kill himself. He then tries to stab himself, he survives. She is 21 years old.

CASE 154,155,156: Homicide/Homicide/Suicide-The spouse and perpetrator meet and marry in a different county. They move to this county and begin raising their family of two. The spouse is concerned that the perpetrator needs to find full-time employment, she is also feeling that the marriage is over. The perpetrator kills both children and then kills himself. The children are 3 and 9 years old, he is 37.

CASE 157: Homicide-The perpetrator arranges to marry the victim. She comes over from a foreign country and moves in with him. Within a few short months, things are not going well. He kills her. She is 30 years old.

CASE 158: Homicide-The victim and perpetrator meet and begin dating, she is a teenager and he is 8 years older. They move in together and have one child. The perpetrator goes into jealous rages and even caused the victim to fear for her safety. The police are never called. She eventually separates from the perpetrator but lets him

convince her to return. She returns and less than two weeks later he stabs and kills her. The young child is present in the room but was unharmed. She is 21 years old.

CASE 159,160: Homicide/Suicide-The victim and perpetrator are married by arrangement in a foreign country. She comes to this country and begins working. They seem to be doing well, however, it quickly becomes clear that the perpetrator has a serious drinking problem and he is very anti-social. The victim decides after eight years to divorce. She moves out and then sends a letter to her grandfather in the foreign country asking for a divorce. She lays out all the reasons. Her grandfather finally agrees and after a year of separation, she files for divorce. She returns to their shared residence to access their property, the perpetrator pulls a gun on her (he just purchased 12 days before) and shoots her, she runs but he follows her into the street and kills her. He returns to the house and kills himself. She is 36 years old and he is 39.

CASE 161: Homicide-The victim and perpetrator have been married for over 50 years. Neighbors state that the perpetrator had been showing signs of dementia. He kills the victim. She is 86 years old.

CASE 162,163: Homicide/Suicide-The victim and perpetrator met about eleven years ago. They are married and seem happy. They have a lot of financial problems and the victim had been recently laid off. They are both shot and killed in the residence. She is 49 years old and he is 44 years old.

CASE 164, 165,166,167,168:Homicide/Homicide/Homicide/Homicide/Suicide-The victim and perpetrator have been married about 8 years. He recently lost his job. She is also a part-time stepparent to his three children from his first marriage. She tells him that the marriage is over, he shoots her, all three children and then shoots himself. She is 39 years old and he is 37 years old. The children are 10-year-old twins and 12.

CASE 169: Homicide-The victim and perpetrator met and married about three years ago. He is laid off and begins having serious problems. They separate. He wants her to return, they eventually reunite. He is jealous; he shoots and kills her. She is 32 years old.

V. TASKS ACCOMPLISHED

The Santa Clara County Death Review Committee is a standing committee of the Santa Clara County Domestic Violence Council. The committee has been in existence since 1994, this makes it one of the oldest domestic violence death review committees in the nation. We have been asked on numerous occasions to present at various conferences and workshops all over the country. We have a standing agenda item which request reports from those team members who have presented in the preceding month. We have also been called upon to assist other death review teams, in and outside of California. Team members also wrote numerous articles and were quoted extensively by the media, in and outside of the state.

Committee members also made themselves available this year for a large number of presentations in the county on the issue of death review. These presentations were made to professional and lay groups. The committee is committed to informing the general public about domestic violence and its' deadly consequences.

The committee 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, The Executive Committee of the Council and the Battered Immigrant Women's subcommittee.

In 2003 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), this is the second year in a row we have been able to say this. We also did not lose one single person who had a restraining order or a reported or on-going criminal case with law enforcement. We are convinced that law enforcement is doing a great job in terms of its response to domestic violence situations and that prosecution of these cases saves lives.

We will continue to track and study domestic violence related death cases and we are convinced that this work saves members of our community from early and tragic death.

VI. CONCLUSION

In concluding this year's report it is again glaringly obvious that family members, co-workers and neighbors are well aware of serious problems in these relationships before the death occurs and yet do not call law enforcement or others for intervention. It is the hope of this committee that everyone begins to take notice of what is going on in these relationships. That the community begin to educate itself on domestic violence in all its forms and begin to understand that it can turn deadly. Concerned community members must also know where and what they can do to assist victims. It is hoped that this report will lay the groundwork for the beginning of that knowledge (see pages 14,15 and 16).

Domestic violence homicides are about one persons desire to have absolute power and control over their significant other. When they begin to feel that power eroding, they will do whatever they have to in order to regain it, including killing the very person/persons they seek to control. Children, other family members, neighbors, co-workers and innocent bystanders can all be put at risk if they are around when the violence erupts. We must continue to work to educate the public on these issues and help people to understand that reporting domestic violence is helping not hurting.

Our Asian and Hispanic communities were the hardest hit this year in terms of deadly domestic violence. Together they represented over ½ (12 of our 21) of all the domestic violence related deaths. We will continue to work in both these communities over the coming year to try to impact these numbers and assist these individuals. It is a task we are all willing to undertake and we will work hand in hand with committee leaders to see that the work continues.

This year we also lost five (5) children to domestic violence homicide. The loss of even one life is tragic, but to lose a child! A child, who's only wrongdoing was in being born to or raised by a parent who felt they had the absolute right to take their child's life. These are not deaths by diseases we can't control. These are deaths, which are 100 percent preventable, if we are informed and can intervene in time.

We will also continue our commitment on eradicating the proliferation of guns in our homes. Again this year (as every reported year) the majority of the domestic violence related deaths are due to guns (15 out of 21). We now have laws on the books, which allow law enforcement to confiscate these weapons in domestic violence incidents and if the victim gets a restraining order the perpetrator cannot possess a firearm. We will continue to do this work.

The Domestic Violence Death Review Committee hopes that the release of this report will help people begin to recognize domestic violence and intervene before death is the result.

“Speak up-Save lives”.

Respectfully Submitted: The Domestic Violence Death Review Committee 2003

VII. 2003 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. They did not think to ask the appropriate follow up questions that would have revealed the victim's fear of the perpetrator. They must ask victims why they are fearful, if there are deadly weapons in the home. And they must seek to safely intervene (assist the victim in calling a woman's shelter for information, call law enforcement, get victim's to have law enforcement secure firearms).**
- 2. Perpetrators of deadly domestic violence have several characteristics, which were evident in many of the 21 deaths we reviewed. They are:**
 - A. Prior threats of homicide/suicide-11 cases**
 - B. Victim talked about divorce or separation and the perpetrator cannot handle it – 19 cases**
 - C. He or she is unraveled in front of everyone's eyes i.e. sleeplessness, loss or imminent loss of job, no friendships, possessing and recently purchasing guns, talking about dying, depression (sadness), extremely upset about life, excessive drug or alcohol use, prior sexual assault, prior false imprisonment –20 cases**
 - D. They hit or threatened to hit the victim at least once and in most cases more than once before the death occurred, or used violence with a previous partner-14 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) – 15 cases**
 - F. Extreme jealousy/possessiveness-17 cases**
 - G. They met and began dating as teens – 2 cases**
- 3. Handguns were still the number 1 chosen manner of death in the cases reviewed (15 out of 21). Those individuals possessing guns and using or threatening violence are a clear danger to themselves and everyone around them.**
- 4. Deaths occurred in nearly every jurisdiction in this county and have involved every racial and socio-economic group. In fact those individuals from the middle/upper middle and higher economic strata made up the majority of the deaths (16 out of 21). We must be cognizant of the fact that domestic violence is not a poor person's problem, it is everyone's problem. New immigrants (those here less than ten years) were also hit hard (9 out of 21). Domestic violence death also does not care how old you are, so our elders are also at risk.**
- 5. Children are the most vulnerable in our society. If they express real fear of a parent, we must act. When children appear vulnerable and in danger of abuse or neglect all mandated reporters must report to the Child Abuse Hotline at DFCS.**

VIII. RECOMMENDATIONS

We the members of the Santa Clara County Domestic Violence Death Review Committee hereby recommend to the Domestic Violence Council and the community at large the following,that

1. The Domestic Violence Council encourages the community at large to stand up and report domestic violence when it is observed.
2. The Domestic Violence Council continues its efforts to educate the public on domestic violence issues, including the release of this report to the public.
3. The Domestic Violence Council increases its efforts to educate our ethnic minorities and immigrant communities on domestic violence.
4. The Domestic Violence Council continue to ensure that all domestic violence-related educational information teach that domestic violence occurs in the elder, immigrant, gay, lesbian, bi-sexual and transgender communities.
5. The Domestic Violence Council continues to encourage local school districts to develop a curriculum that addresses the issues of domestic violence, dating violence and stalking.
6. The Domestic Violence Council continues to encourage victims of domestic violence to get restraining orders.
7. The Domestic Violence Council continues to promote the education of all workplaces on domestic violence, so those potential victims can be protected.
8. The Domestic Violence Council promotes legislation, which requires all mental health professionals to have domestic violence education.
9. The Domestic Violence Council promotes the addition of services for male victims of domestic violence.
10. The Domestic Violence Council continues to encourage the utilization of available monies for mental health services for children exposed to domestic violence.
11. The Domestic Violence Council continues to encourage parents to get parenting classes, which discuss the impact of domestic violence on children.
12. The Domestic Violence Council continues 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 up to 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.

SPEAK UP – SAVE LIVES

IX. CRISIS HOTLINES

EMERGENCY POLICE RESPONSE – 911

Asian Women’s Home	(408) 975-2739
Support Network for Battered Women	(650) 940-7850
 Spanish	1-800-572-2782
 TDD	(650)490-7857
Next Door Solutions to Domestic Violence	(408) 279-2962
Community Solutions (South County)	(408) 683-4118
YWCA Rape Crisis Center	(408) 287-3000
South County Rape Crisis Center	(408) 779-2115
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 hotlines)	(408) 279-8228
National Domestic Violence Hotline	1-800-799-7233 (SAFE)