



STATE OF KANSAS

GOVERNOR KATHLEEN SEBELIUS
DOMESTIC VIOLENCE FATALITY
REVIEW BOARD
2007 REPORT

Published January 2008

Governor's Domestic Violence Fatality Review Board

January 30, 2008

Dear Governor Sebelius:

I am pleased to submit the 2007 report of the work of the Domestic Violence Fatality Review Board, which you established on October 11, 2004.

A recent study conducted by the Docking Institute of Public Affairs at Fort Hays State University concluded that an estimated 106,419 women 18 and older were victims of domestic violence in Kansas within the past year.

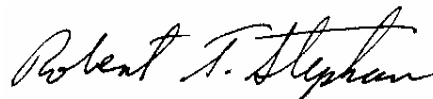
The members of the Fatality Review Board recognize the need to not only assist victims of domestic violence but to seek preventative measures to deter this tragic crime. I am pleased to advise you that each member is dedicated to the task of an intense review of domestic violence fatalities in order to learn not only the root cause of the violence but how the crime might be prevented.

I want to commend and name each member of the members of the board and your dedicated staff for a job well done. Staff are Juliene Maska, JaLynn Copp, Erica Haas and Tiffany Fisher. Members of the board are Judge Harold Flaigle, Dave Warry, Steven Halley, Janice Norlin, Carol Rood, Sandra Barnett, Matthew Ade, Susan Moran, Sergeant Troy Hensley, Carly E. Farrell and Darrell A. Hamlin, PhD.

We will continue to do all that we can to carry out your mandate to "recommend improvements to prevent future fatalities, and determining if adequate resources and training are in place for those who respond to domestic violence crimes."

Your involvement and concern is appreciated.

Sincerely,



Robert T. Stephan

RTS:mjs

TABLE OF CONTENTS

Letter to the Governor from Chair of the Fatality Review Board	i
Introduction	1
A Case Study	1
Case Reviews	5
Case Data Summary	7
2007 Recommendations	9
Appendices	12
Appendix A—Governor's Domestic Violence Fatality Review Board Members	
Appendix B—Past Recommendations	
Appendix C—Executive Order 04-11 Established the Fatality Review Board	
Appendix D—Governor's Domestic Violence Fatality Review Board Columns	

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**STATE OF KANSAS
GOVERNOR'S DOMESTIC VIOLENCE FATALITY REVIEW BOARD
2007 REPORT**

This is the third report of the Governor's Domestic Violence Fatality Review Board (FRB) since its creation by Governor's Executive Order 04-11. Since its inception, the FRB has examined 15 adult homicide cases resulting from domestic violence. In 2007, the FRB conducted six reviews of domestic violence-related homicides that occurred in Kansas in 2004. This report highlights one of the cases from 2004 and outlines the FRB's recommendations and its progress on past recommendations.

The Governor's Executive Order 04-11 establishing the FRB requires it to review all adult domestic violence-related fatalities in Kansas, describe trends and patterns regarding the facts and circumstances of the fatalities, recommend improvements to prevent future fatalities and determine if adequate resources and trainings are in place for those who respond to domestic violence victims. The FRB only reviews closed cases of homicide/suicide and any other deaths related to domestic violence. This ensures all appeals have expired and the FRB will not affect any ongoing investigation of active cases. In reviewing domestic violence cases, the FRB's protocol states that it will review all deaths of domestic violence involving spouse and partner homicides in Kansas.

A Case Study:

The FRB conducted an in-depth review of the following case which helps illustrate the horrific nature of domestic violence.

In the summer of 2004, Ted killed his girlfriend, Lisa. Lisa was in the process of ending her relationship with Ted when he killed her. After killing Lisa, Ted immediately drove to Linda, his ex-wife, house where he tried to make good on his threat of many years.

Linda and Ted were married when they were in their 20's. According to Linda, the first 10 years of their marriage were good, but he was often verbally abusive. She and Ted had two children and she said he was a good dad. He was active in 4-H. The last 15 years and particularly the last five years of their marriage were filled with violence, deceit, destruction of property, paranoia and threats to Linda and their children. She said there were no patterns to his behavior and that it became increasingly erratic.

Ted began to physically abuse Linda and the children approximately 10 years into their marriage. Linda does not know how many times he strangled her, but he did

hold a gun to her head three to four times. He strangled her at one point that he thought he killed her. She passed out and then came to with a huge breath of air. She got up and ran to the car and drove to her son's house. Her son had her go to the sheriff's office.

Ted also had been violent towards their son in the past using a two-by-four when he did not do something right while helping his dad bale hay. As they were growing up, the children began to recognize the look in their father's eyes (big and wild-eyed) and knew they needed to get out of the house. They would run to Linda and say they needed to leave.

Ted had numerous affairs and at one time, he brought a girlfriend home to live with them. He sexually assaulted Linda on numerous occasions. He continually told Linda he would slit her throat from ear to ear after he first killed the children in front of her.

When Ted was 26 years old, he was admitted to a state hospital because he had been very confrontational and attacked several people. He was ordered to have a mental evaluation and at that time was diagnosed with paranoid schizophrenia.

Eventually it was Ted's treatment of animals and altercations with the neighbors that got him into trouble with the law. He had an altercation with a neighbor when his cattle were not contained. Ted went after the neighbor with a pitch fork when the neighbor confronted him. Ultimately, Ted was unable to have cattle in two counties where they farmed. Linda was so embarrassed and upset that she would refuse to go to Ted's court hearings with him which made him more furious.

***It is vital for victims in
planning for safety that law
enforcement provide
information about resources.***

During the last five years of marriage, Linda was coping with her ailing mother and would frequently get called to take her to the hospital. On one such occasion, Ted accused her of having an affair and held a gun to her head.

After 30 years of marriage, Linda filed for divorce in 1991. The restraining order in the divorce did not stop Ted from breaking into Linda's house. He broke into her home several times and destroyed things that Linda cherished.

One day while Linda worked at a hair salon, Ted threatened to kill her. He barged into the salon while she was with a client and said he cut the phone wires and threatened her with a knife. He said he had a gun in his vehicle and that he put a

bomb under the hood of her car. Law enforcement was called to the salon and Ted was arrested. Linda told the officers she wanted to see him handcuffed and hauled away. Once handcuffed and in the back of the officer's patrol vehicle, Ted apologized to Linda. Law enforcement took Linda and her children to a domestic violence program for shelter. With Ted in jail, she and the children returned to their home.

During the divorce, Ted would play "chicken" with their teenage daughter when she was driving home from work. Eventually her coworkers realized she was terrified to drive home. Therefore, two coworkers would accompany her – one driving in front and the other driving behind her to make sure she made it home safely.

During the divorce proceedings, Ted continually abused the court system with frivolous motions. He wanted Linda's wedding rings, which he did not obtain, as the judge determined they were a gift to her and not a family heirloom.

Eventually, Ted hired two men to kill Linda, her children and her friend, Nick. The men went to Linda's house. They were drunk and told Linda that Ted hired them to kill her. Charges were filed and Ted was sentenced to seven years in prison for solicitation to commit murder.

Ted was paroled from prison in October 2003 and released from parole in May 2004. Linda was not notified when Ted was released from prison or discharged from parole supervision. She learned he was out of prison when she was pumping gas one day and she saw him watching her.

In July 2004, Lisa, Ted's girlfriend, tried ending her relationship with Ted. She stole several thousands of dollars from him and moved in with her mother and brother. One day in the summer of 2004, around 6:30 a.m., Ted killed Lisa in front of her mother and brother. He then drove to Linda and Nick's (Linda's husband) house. Around 7:30 a.m., Linda and Nick heard something on the deck and then heard Ted bust through the front door. They usually kept the gun in the kitchen but recently had hardwood floors installed so they moved the gun into their bedroom. Ted came down the hall toward their bedroom and Nick hit him on the head with the gun. Ted kept going and slashed at Nick with a knife as

***KDOC should work closely
with victims and family
members of inmates where
domestic violence is a concern,
assess for dangerousness,
provide notification to victims
upon release of an inmate
from a correctional facility as
well as release from parole
supervision and to help victims
plan for safety.***

he went by. Ted grabbed Linda and slit her throat from ear to ear. Nick waited until he could shoot Ted without hitting Linda. After Ted was shot, he came back up and tried to slash Linda one last time. Linda began to lose her sight and hearing due to losing so much blood. She thought she was going to die before the paramedics arrived. She lost three-fourths of her blood.

Ted's family visited Linda after Ted was killed telling her they were sorry for all she had been through.

Linda said she and Nick would have liked to have been notified when Ted was going to be released from prison so they could have been better prepared. When he was out of prison, she said she constantly scanned her environment for Ted. She said law enforcement knew about her situation with Ted and they would try to watch for him as well.

During their marriage, Linda said Ted was verbally abusive and brainwashed her to the point where she had no self-esteem or self-confidence. She said in her mind it was easier to stay with him than to try to leave. She also did not believe anyone was available to help her. She did try to leave a few times, but she would always go back.

The following warning signs were evident in Ted and Linda's relationship:

- ☞ Verbal, physical and sexual abuse
- ☞ Violent behavior and physical altercations with others
- ☞ Strangulation attempts
- ☞ Holding gun to wife's head
- ☞ Numerous threats to kill the children in front of her and to slit her throat
- ☞ Numerous affairs
- ☞ Accusing Linda of having an affair
- ☞ Playing chicken with his daughter in the car
- ☞ Violating the restraining order during the divorce
- ☞ Abusing the court system with frivolous motions
- ☞ Conspiracy to commit murder
- ☞ Use of weapons in prior abusive incidents
- ☞ Threats with a weapon
- ☞ Serious injury in prior abusive incidents
- ☞ Threats of suicide
- ☞ Forced sex with female partner
- ☞ Obsessive/extreme jealousy/extreme dominance
- ☞ Diagnosed with paranoid schizophrenia

Many people knew of the violence between Ted and Linda – the court system, law enforcement, neighbors, their children, their daughter's employer and co-workers. This case highlights the need to inform those working in the criminal justice system and members of the general public on how to respond to domestic violence victims while holding offenders accountable for their actions.

CASE REVIEWS

As of October 2007, the FRB has reviewed 15 adult domestic violence-related fatalities that occurred in 2003 and 2004. The Kansas Bureau of Investigation reported that in 2003, 12 homicides occurred in Kansas that involved adult intimate partners. In 2004, 20 murders were between intimate partners.

The FRB reviewed six homicides in 2007 that occurred in 2004.

Jay

47 years

Sedgwick County

On April 4, 2004, Jay was shot by his wife Carla, 49, at their home. The night before the shooting, law enforcement received a 911 hang up call from Carla and Jay's home. When law enforcement responded, Carla was in the front yard upset and uncooperative. She told police Jay was having an affair. There was no probable cause, therefore law enforcement did not make any arrests and left the scene.

Carla had a history of violent behavior and had threatened suicide on several occasions. She and Jay seemed to be having some financial difficulties. Carla had gone through three jobs recently and they were about to lose their home through foreclosure.

Carla and Jay had several weapons in their home. Jay was an avid hunter and bought Carla a 20-gauge shot gun after they got married.

Carla was convicted of second degree murder and sentenced to 120 months in prison. She currently is incarcerated with the Kansas Department of Corrections at the Topeka Correctional Facility.

Lisa

35 years

Coffey County

On July 24, 2004, Lisa was killed by her ex-boyfriend Ted, 64. Ted slit Lisa's throat at her mother's house in front of her mother and brother. Lisa was in the process of ending her relationship with Ted. He then drove to his ex-wife's house and tried to kill her. He slit her throat from ear-to-ear. Her husband then killed Ted. Ted's ex-wife did survive the attack.

Melissa

31 years

Shawnee County

On September 15, 2004, Melissa was killed by her ex-husband Justin, 29, at her home. Melissa and Justin had joint custody of their daughter and Melissa's friends and family believed she was trying to get full custody of her. Justin told several people he would kill Melissa if she ever tried to take their daughter from him. He said he would take their daughter to a safe place in Minnesota or Oregon and he would move to Mexico or kill himself.

When Melissa did not arrive at her boyfriend's house or answer her phone on September 16, he went to her house and found her dead and her daughter missing. An Amber Alert was issued. That evening, a truck driver spotted a vehicle matching the description of the stolen vehicle. Law enforcement pulled Justin over. After Justin stopped, their daughter ran from the vehicle to law enforcement. When law enforcement reached the vehicle, Justin was found dead.

Donna

69 years

Sherman County

On December 5, 2004, Donna was shot and killed by her husband Richard, 75, at their home. Richard then turned the gun on himself and committed suicide. Because this was a murder-suicide there were few reports to review. Richard and Donna had been married for 50 years and had two sons, one grandson and one great-grandson.

Richard had suffered from diabetes and recently had surgery. Otherwise, the couple seemed to be healthy.

Jane

51 years

Sedgwick County

On March 22, 2004, Jane was shot by her husband Marvin, 46, at their home. When officers arrived at their home, they found Marvin upset, rolling around on the sidewalk and Jane was lying on her back in the driveway with a large puncture wound to the front of her neck and was not breathing.

Marvin told officers he and his wife had been arguing that evening and that Jane told him she wanted a divorce. During the argument, Marvin retrieved a shotgun from the bedroom closet and brought it back to the living room.

Initially, Marvin said he and Jane had gotten into an argument and he left the house to cool off. About 15 minutes later he came home and found his wife slumped over the couch, dead. He later admitted he wiped the gun down, drug Jane's body from the living room through the kitchen, laundry room, garage and down the driveway to the bed of his truck to take her to the hospital.

Marvin pled guilty to second degree murder and was sentenced to 15-and-a-half years in prison. He currently is incarcerated with the Kansas Department of Corrections at El Dorado Correctional Facility.

Sherrvonda

On July 5, 2004, Sherrvonda was shot by her boyfriend/common law spouse Joe, 37, at their home. Sherrvonda and Joe were having a party at their house.

34 years

Sedgwick County

Witnesses told police Joe had been drinking all day and was highly intoxicated. He apparently began arguing with Sherrvonda's son. Sherrvonda told Joe to stop yelling so he started yelling at her. He went to the bedroom and came back with a handgun. Witnesses said Joe was trying to shoot Sherrvonda's son and she intervened on her son's behalf so Joe shot her. After Joe shot Sherrvonda he shot himself.

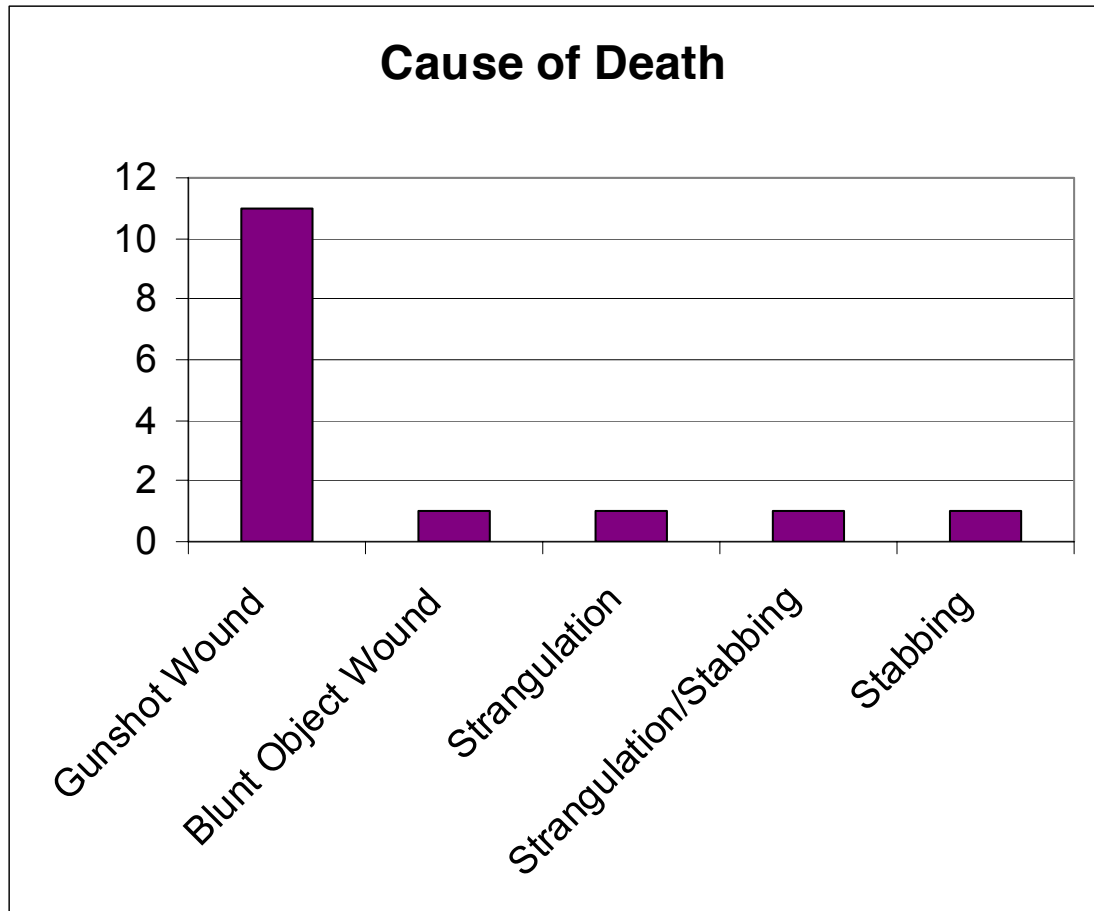
CASE DATA SUMMARY

The information that follows is the data based on the 15 cases reviewed since the FRB's inception. The average age of victims was 49 years old and the average age of the perpetrators was 48. The youngest victim was 26 and the eldest was 85. The youngest perpetrator was 27 and the eldest was 78.

In 60 percent of the cases, the victim was in the process of leaving the perpetrator.

Of the domestic violence-related fatalities, 40 percent of the victims had children with the perpetrator and 27 percent had children with a former partner.

Firearms were used in 74 percent of the reviewed homicides. (Table 1) In all but one of the cases reviewed, the homicide occurred at the victim's residence (94 percent).



Eight out of the 15 cases were murder suicide. In one case, the perpetrator attempted suicide after killing his ex-wife. In one of the murder-suicide cases, the perpetrator killed his ex-wife and kidnapped their daughter. An Amber Alert was issued when officials learned the daughter was missing. Law enforcement located the girl and her father in another state 11 hours after his ex-wife was found dead. After the daughter was found safe, the perpetrator was found dead in his vehicle.

In another case, the perpetrator killed his ex-girlfriend then drove to his ex-wife's house and tried to kill her. The perpetrator broke into his ex-wife's house and slit her throat. His ex-wife's current husband then shot and killed the perpetrator.

In the six cases where the perpetrator did not commit suicide and was not killed, charges were filed in 100 percent of the cases.

- ∞ All perpetrators were convicted and sentenced to prison.
- ∞ One perpetrator was convicted of voluntary manslaughter and sentenced to 431 months in prison.
- ∞ Four perpetrators were convicted of second degree murder. Their sentences ranged from 120 months to 227 months in prison.
- ∞ One perpetrator was convicted of first degree murder and was sentenced to life in prison with no chance for parole for 25 years.

2007 RECOMMENDATIONS

The FRB reviewed the study on domestic violence prepared by the Docking Institute of Public Affairs at Fort Hays State University. The study assessed multiple aspects of domestic violence and services for victims. The report is based on a random telephone survey and a survey of victims seeking help from Kansas domestic violence programs. Several policy considerations were suggested in the report and some of them are supported by the FRB in the 2007 recommendations.

- **Continue to increase awareness and promote successes of domestic violence services. Every effort must be made to increase the public's knowledge about domestic violence. The Docking Report noted that in the random phone survey of 2,567, women, that there was not enough information and awareness provided about domestic violence. It is suggested that a best practice guide for the media be developed. The public learns about domestic violence through the media and the manner in which domestic violence tragedies are told. The media can be a source to help inform the public by developing stories and information that does not promote the myths and stereotypes of the crime domestic violence.**
- **The FRB recommends legislation that would create a domestic violence tag for all crimes. This proposal includes a new definition for domestic violence. The proposal does not preclude a judge from ordering any other evaluations the judge deems necessary in addition to the assessment tool. The new proposal would repeal the domestic battery statute.**
- **Increase dissemination of information/brochures to victims of domestic violence when law enforcement officers respond to these crimes.**

- **The Kansas Department of Corrections should screen inmates for domestic violence at the RDU (Reception and Diagnostic Unit) and upon release from a correctional facility. Planning for safety with victims and family members should be provided prior to the release of an inmate identified with a history of domestic violence. Adequate resources should be available and expanded to assist with this process.**

- **The majority of domestic violence homicides result in the use of a firearm and the state should do everything possible to keep guns out of the hands of abusive and violent batterers. Perpetrators of domestic violence should be given notice of the federal firearms prohibition at the time of conviction or at the issuance of a protection from abuse or stalking order.**

- **Perpetrators of domestic violence who seek mental health services should be served with the utmost consideration for the safety of the victim; screen the perpetrator for level of dangerousness; and make appropriate referrals.**

PROGRESS ON PAST RECOMMENDATIONS

The FRB focused its efforts this year on implementing the following three past recommendations:

☞ *Increase public awareness initiatives:*

The FRB continues to seek private support for its public awareness plan. DeSieghardt Strategic Communications, LLC developed the campaign, “Do Something. Today.” The goal of the campaign is to bring the reality of domestic violence out of the shadows, “...by clearly pointing out that physical, verbal and emotional abuse *may* be evident, but may also be beneath a seemingly placid surface.” It’s up to all of us to take appropriate action when domestic violence is discovered. The message we must adopt is that domestic violence is not acceptable, **Not here. Not now. Not ever.**

☞ *Train all professionals involved with domestic violence cases.*

The Governor’s Office in conjunction with the Kansas Attorney General,

Kansas Coalition Against Sexual and Domestic Violence, Kansas Law Enforcement Training Center, Kansas County & District Attorneys Association, Kansas Office of Judicial Administration and Kansas Department of Corrections received a federal grant from the U.S. Department of Justice, Office on Violence Against Women for the Grants to Encourage Arrest Policies & Enforcement of Protection Orders Program. Development of comprehensive training curriculums and materials has been developed and training to all professions involved in the criminal justice system will start in 2008.

∞ *Adopt and require standards for working with batterers.*

The FRB formed a subcommittee to review and update the *Essential Elements and Standards of Batterer Intervention Programs in Kansas* developed by the Kansas Coalition Against Sexual and Domestic Violence. The FRB adopted and approved the standards. The Kansas Attorney General's Office will develop the oversight and certification process for those who provide services to batterers in Kansas on behalf of the FRB.

APPENDIX

Appendix A—Governor's Domestic Violence Fatality Review Board Members

Appendix B—Past Recommendations

Appendix C—Executive Order 04-11 Established the Fatality Review Board

Appendix D—Governor's Domestic Violence Fatality Review Board Columns

APPENDIX A

Appendix A—Governor's Domestic Violence Fatality Review Board Members

**Governor's Domestic Violence Fatality Review Board Members
During 2007**

Robert T. Stephan, Chair
Former Attorney General
Johnson County

Paul Morrison
Attorney General
Shawnee County

Judge Harold Flaigle
18th Judicial District
Sedgwick County

Dave Warry, Assistant Director
Kansas Law Enforcement Training Center
Reno County

Steven Halley, LSCSW
Clinical Director
Halley Counseling Services, P.A.
Crawford County

Sandra Barnett, Executive Director
Kansas Coalition Against Sexual &
Domestic Violence
Shawnee County

Brandelyn Nichols
Unified Government of Wyandotte County
Legal Department Wyandotte County

Janice Norlin
Attorney
Saline County

Matthew Ade
Kansas Department of Corrections' Victim
Services
Saline County

Carol Rood
Court Services Officer
Sedgwick County

Susan Moran
Executive Director
SOS, Inc.
Lyon County

Sergeant Troy Hensley
Law Enforcement Officer
Riley County Police Department
Riley County

Shala Mills
Professor, Fort Hays State University
Ellis County

APPENDIX B

Appendix B—Past Recommendations

The FRB reviewed and discussed 15 domestic violence related-fatalities that occurred in Kansas in 2003 and 2004. Because the number of cases reviewed by the FRB is small, specific findings have not occurred. However, some general themes that the FRB believes are important to address are the following:

- ∞ Increase public awareness initiatives.
- ∞ Develop a systematic manner to track and report criminal data on the relationship of the victim and offender from time of incident to disposition of the criminal case – not just if a domestic violence battery.
- ∞ Train all professionals involved with domestic violence cases – advocates, law enforcement, judges, probation and parole officers, community corrections officers, prosecutors, as well as non-criminal justice professionals such as healthcare providers, educators and school personnel and social workers, etc.
- ∞ Encourage safety and accountability assessments in local communities.
- ∞ Develop an assessment tool to ascertain the level of protection needed for victims seeking protection from abuse and protection from stalking orders.
- ∞ Ensure that third time convicted offenders of domestic violence battery spend time in state correctional facility.
- ∞ Courts should give strong consideration to domestic violence incidents when considering custody issues.
- ∞ All child protective services should assess for domestic violence and should be non-punitive towards the non-abusing parent.
- ∞ Adopt and require standards for working with batterers.
- ∞ Ensure that adequate funds are available for community based domestic violence programs regarding capacity building.
- ∞ Improve the death investigation system in Kansas.
- ∞ Develop screening tools to be used by health care professionals.
- ∞ Establish screening and assessment tools to be used by mental health and substance abuse providers.
- ∞ Training and screening tools should be developed for those working with the elderly population.
- ∞ Create culturally sensitive training and resources.

APPENDIX C

Appendix C—Executive Order 04-11 Established the Fatality Review Board



Kathleen Sebelius, Governor

www.governor.ks.gov

EXECUTIVE ORDER 04-11

WHEREAS, Kansans are being affected by crimes related to domestic violence; and

WHEREAS, as Governor, I have a deep commitment to improving services to victims/survivors of domestic violence; and

WHEREAS, domestic violence devastates its victims and threatens the health and safety of families; and

WHEREAS, domestic violence imposes staggering costs on society associated with legal and medical expenses, law enforcement, social services, the courts and lost productivity in the workplace; and

WHEREAS, people die each year in Kansas as a result of domestic violence that may be preventable;

NOW THEREFORE, pursuant to the authority vested in me as the Governor of the State of Kansas, I hereby create the Governor's Domestic Violence Fatality Review Board ("Board") with the following purposes and charges:

1. The Board will be made up of fourteen representatives who have a working knowledge of domestic violence appointed by the Governor. The Governor shall designate one of the members as Chairperson. The Committee shall meet on call of the Chairperson.
2. The Board will develop a protocol for its use. The protocol may include written guidelines for coroners to use in identifying any domestic violence related fatalities, procedures to be used by the Board in investigating domestic violence related fatalities, methods to ensure coordination and cooperation among all agencies involved in domestic violence related fatalities and procedures for facilitating prosecution of perpetrators when it appears the cause of death was related to domestic violence. The protocol shall be adopted by the Board by rules and regulations.
3. The Board will review all adult fatalities related to domestic violence and work in conjunction with the Child Death Review Board regarding children killed in these fatalities.
4. The Board will describe trends and patterns of domestic violence related fatalities regarding the facts and circumstances of these fatalities and to perform other research as necessary toward the prevention of domestic violence.
5. The Board will develop a process for change in policies, procedures and protocols necessary to accomplish improvement in the prevention of domestic violence and which hold the perpetrator accountable and provide for victim safety.
6. The Board will determine if adequate resources and training are in place for those who respond to crimes of domestic violence.
7. The Board will collect, review and analyze information including death certificates and death data, investigative reports, law enforcement, medical and counseling records, victim service records, employment records, or other information concerning domestic violence fatalities, and any other information deemed by the Board as necessary and appropriate concerning the causes and manner of domestic violence fatalities.

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8. The Board will determine whether domestic violence related fatalities might have been prevented with improved policies or procedures of the health care system, social services system, law enforcement, the courts or any other public or private entity.
9. The Board is authorized to call upon a department, office, division, or agency of this State to supply it with data and access records it deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Board and to furnish it with such information and assistance as necessary. No domestic violence related fatality may be reviewed if there is an on-going investigation or prosecution.
10. Information acquired by, and records of, the Board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except in an aggregated form for research purposes by the Board and its members. Meetings of the Board will be open to the public except when the Board is discussing confidential information or records. Then a formal motion shall be made, seconded and carried, so the Board may recess, but not adjourn, an open meeting for a closed or executive meeting. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the Board. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.
11. The Board may form additional advisory groups to assist them with their review and recommendations. Members may include, state agency representatives, local government agencies and other entities that will be of benefit to the work of the Board.
12. The Board shall report to the Governor, no later than one year from the date of this Executive Order, on the Board's progress and findings and to make any recommendations regarding the Board's operation, including whether legislative authority would enhance the operation of the Board.
13. Members of the Board may receive subsistence allowances, mileage and expenses as provided by K.S.A. 75-3223 and amendments thereto for attending meetings or subcommittee meetings of the board to be paid from the administrative expense budget of the Governor's Federal and Other Grants Program contingent upon receipt of adequate funds.
14. The Governor's Federal and Other Grants Program shall provide the staffing for the Board.

This document shall be filed with the Secretary of State as Executive Order No. 04-11 and shall become effective immediately.

APPENDIX D

Appendix D—Governor’s Domestic Violence Fatality Review Board Columns



Kathleen Sebelius, Governor

www.governor.ks.gov

For Immediate Release
January 2007

Nicole Corcoran, Press Secretary
785.368.8500

Governor’s Domestic Violence Fatality Review Board Column: 2006 Report

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius’ Domestic Violence Fatality Review Board:

The Governor’s Domestic Violence Fatality Review Board (FRB) has recently released its second report. It is dedicated to the women, their children, friends and family members who have lost their lives to domestic violence and to the battered women who struggle to stay alive every day.

This is the second full year of work by the FRB. The FRB was established by Governor Kathleen Sebelius on October 11, 2004. Governor Sebelius mandated that the FRB review all adult domestic violence-related fatalities in Kansas, describing trends and patterns regarding the facts and circumstances of these fatalities, recommending improvements to prevent future fatalities and determining if adequate resources and training are in place for those who respond to domestic violence victims. It should be noted that the FRB does not review the circumstances surrounding a fatality until the case has been closed and all legal proceedings have been ended.

In 2006, the FRB received information on seven homicide cases that occurred in 2004 and a review was conducted on three of those cases and continues to gather additional information on the other three. One of the cases was not reviewed because of an ongoing appeal. Sadly, according to the Kansas Bureau of Investigation’s 2004 Domestic Violence and Rape Statistics in Kansas, as reported by law enforcement agencies, 25 domestic violence-related homicides occurred in Kansas in 2004 compared to 15 homicides in 2003.

The report provides an overview of the progress made on the 2005 recommendations and cites the following recommendations in its second report:

1. Develop screening tools for domestic violence for health care professionals.
2. Establish screening and assessment tools to be used by mental health and substance abuse providers.
3. Training and screening tools should be developed for those working with the elderly population.
4. Create culturally sensitive training and resources.

You can view the full 2006 report Governor Sebelius’ website which can be found at <http://www.governor.ks.gov/grants/gdvfrb.htm>



Kathleen Sebelius, Governor

www.governor.ks.gov

For Immediate Release
March 2007

Nicole Corcoran, Press Secretary
785.368.8500

Governor's Domestic Violence Fatality Review Board Column:
Murder and Attempted Murder Report

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

In October 2006 the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) published a report titled, "Beyond Statistics: Murdered Women in Kansas." The report referred to murders and attempted murders found in media reports that occurred between August 2004 and August 2006.

Almost without exception those that commit violence against women repeat their crime over and over again. Women have been the target of violence since time began and it is difficult for me to see why society continues to tolerate cowards who exert physical and emotional power over those least able to defend themselves. The only explanation I can think of is that there is a lack of public awareness as to the horror experienced by women who are the victims of sexual and domestic violence.

The KCSDV report cites 40 cases of murder and attempted murder, and although I only cite two of them, all concerned citizens should review the entire report on the Kansas Coalition Against Sexual and Domestic Violence website, www.kcsdv.org.

Allen County, 4.26.06
Briawna, 19

"Briawna was found dead by firefighters on a burning mattress in her smoke-filled apartment. Her boyfriend is in jail on charges that include first degree murder, rape and arson. Her friend who was at the apartment during the attack was forced into a closet but later escaped and contacted the police. The murder happened the day after Briawna's boyfriend brought their son back to her after leaving the state, two weeks after he was supposed to have returned him. The night of her death, Briawna had her son sleep at her mother's house because she worried her boyfriend would come and take her son away again. Briawna was planning to enter college in the fall."

Johnson County, 3.19.06
Harchand, 69

"Harchand was strangled to death by her husband in their home. The district attorney said that the killing appeared to be a domestic violence murder and confirmed that police had been to the home in the past. A judge ordered more testing of the husband's mental competency at Larned State Hospital after results from a local agency proved inconclusive. The results of the hospital's evaluation were unknown at press time."

As many as 31 percent of American women report being physically or sexually abused by a husband or boyfriend at some point in their lives. The primary focus of KCSDV and its member programs is to provide safety and support to the victims of these crimes. A network of programs that reach throughout the state unite to work to end sexual and domestic violence whenever it occurs.



Kathleen Sebelius, Governor

www.governor.ks.gov

For Immediate Release
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Nicole Corcoran, Press Secretary
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**Governor's Domestic Violence Fatality Review Board Column:
The Scars of Domestic Violence**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

All too often our society tends to believe that when an incident of domestic violence has ended that those involved can go forward with no lasting problems. Nothing could be further from the truth. Domestic violence transgresses the most important entity in a person's life – the family. A victim may laugh on the outside but the pain lasts a lifetime.

Lifetime anguish and pain was brought home once again in an article I read about the actress Suzanne Somers.

Ms. Somers grew up in San Bruno, California. Her father was a violent drunkard. When she was 16, she was involved in an altercation with her father and thought she had killed him.

She was going on her first date to the junior prom and her mother had made her a dress. One night her father came into her room and started berating her verbally. Among other things, he said, "You think you are going to the prom and all the boys are to going to think you are pretty." With that he grabbed the dress and ripped it in half. Her mother charged in and he punched her so hard that she fell. Ms. Somers grabbed a tennis racquet and with all her strength brought it down on his head. Blood spewed out like a geyser and he fell to the ground. He didn't die but he did receive a bad cut and a concussion. Her life with her father was a living nightmare.

Ms. Somers will never forget the violence, nor does she want to. She says, "I'm a woman with problems. I've had problems since the day I was born."

More children and women than we will ever know, who have endured the horror of domestic violence, carry scars throughout their life on this earth.

If you are a victim of domestic violence or know someone who is, you can call 1-888-END ABUSE (1-888-363-2287) to find resources to assist.



Kathleen Sebelius, Governor

www.governor.ks.gov

For Immediate Release
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**Governor's Domestic Violence Fatality Review Board Column:
Words do Create Hatred and Violence**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

Everyone is probably familiar with the Don Imus' statement regarding members of the women's Rutgers basketball team. Rap songs may not get as much public attention, but, more often than not, their lyrics demean and degrade women.

Before I go any further let it be clear that I detest such language and am critical of those who use it. It is my earnest desire that every well meaning American will say it is time to turn the corner and to show respect for women. Domestic violence exists both emotionally and physically and it needs to stop.

Imus' comments created a firestorm and showed what free speech is all about – money. I would be willing to bet that if Sprint Nextel, Staples, General Motors and Proctor & Gamble had not pulled their advertising he would still be on the air.

To reduce women to second class citizens results in disrespect for them and ultimately in increased violence. True, words do not kill, but repeated often enough they desensitize a citizenry and make the objects of divisive statements fair game.

The despicable statements in hip-hop lyrics make millions for rappers and the corporations that sponsor them.

The hue and cry that allowing rappers to desecrate women is all about free speech would be enough to make you laugh if it were not so tragic. There is a great deal of discussion right now about the misogynistic and denigrating lyrics of rappers, but these rap lyrics will continue as long as advertisers and corporations make a profit. The sad part of it all is that the public pays money to hear one person diminish another. Look at Howard Stern and his abuse of women and yet he makes many millions of dollars. Not exactly a positive commentary on a so-called civilized society.

Just to show how the present attention and concern is going no where, you only have to look at a recent meeting called by hip-hop mogul Russell Simmons' Hip Hop Summit Action Network. The meeting was held at the New York home of Lyor Cohen, chairman and chief executive of U.S. music at Warner Music Group. The organizers billed the gathering as a forum "to discuss issues challenging the industry in the wake of controversy surrounding hip-hop and the First Amendment."

Public statements after the meeting indicated lots of excuses but no resolution that would lessen the violence and sex advocated by rappers. No specific initiatives were agreed upon and no future meetings scheduled. It's just business as usual.

Among other things, spokesmen at the meeting stated that "poets" always come under fire for their unsanitized descriptions of the world - - that these rappers speak from their heart - - and of course concern for first amendment rights.

Frankly, it is my opinion that the right being protected is the right to make a fortune by disgracing women of all races, creeds and color.

The big question is how we can stop this invitation to carnage. The answer is simple - women, men and responsible secular and religious organizations should organize and boycott those whose actions increase the likelihood of violence. Only when the money dries up will they stop considering women second class citizens and deserving of abuse.

If you are a victim of domestic violence or know someone who is, you can call 1-888-END ABUSE (1-888-363-2287) to find resources to assist.



Kathleen Sebelius, Governor

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For Immediate Release
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**Governor's Domestic Violence Fatality Review Board Column:
Pregnant women suffer abuse too**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

Informing a husband that he is going to be father normally elicits smiles and joy. In our society the news that there will be an addition to the family is supposed to bring a couple closer together and be a cause for celebration. The creation of life should be a joyous occasion, but in all too many instances it signals violence against the pregnant woman.

I am sure everyone is familiar with the murder of Laci Peterson and the death of the child she was carrying. This terrible crime destroyed the belief that it was inconceivable that a man could kill his wife and the child he conceived. Since the jury verdict finding Scott Peterson guilty of first-degree murder for killing his wife and second-degree murder for killing the fetus she carried, the ugly truth that such incidents are not rare has awakened the public to a terrible truth. And just last month, a Canton, Ohio police officer was arrested for killing his pregnant girlfriend and their nearly full-term fetus.

About 25 to 40 percent of all women who are battered, are battered during their pregnancy. The Journal of American Medical Association has published a new study showing pregnant or those who were recently pregnant women are more likely to be the victims of homicide than to die from any other cause. The study explored the cause of death of 247 Maryland women between 1993 and 1998 who died while pregnant or within a year of having been pregnant. Of the 247 women examined, 50 were victims of homicide (20.2 percent).

The 2007 Kansas Legislative Session met the tragic issue of the death of a fetus resulting from a homicide committed against the mother. The Legislature passed and the Governor signed a law known as "Alexa's Law."

"Alexa's Law" was named for the fetus of a 14-year old Wichita girl who was murdered in 2005. Under the new law, which went into effect July 1, when a pregnant woman is attacked, prosecutors would be able to charge the assailant with a crime against the woman and a separate crime against the baby she is carrying.

The law was inspired by the case of Chelsea Ann Brooks, a 14-year old killed less than three weeks before she was to give birth. Her body was found in a shallow grave in Butler County. The father of her baby, a 20-year-old, is charged with capital murder for her death. He is accused of paying \$500 to have Chelsea killed because her family wanted to pursue statutory rape charges against him. Three suspects were accused of involvement in her death. One of the men involved, a 17-year-old, has pleaded guilty to capital murder during his arraignment in adult criminal court. The other two adults await trial.

Kansas is now one of 35 states with a law making it a crime to kill or harm a fetus during the course of harming or killing a pregnant woman. "Alexa's Law" allows prosecutors to charge someone with capital, first-degree and second-degree murder; vehicular homicide; voluntary and involuntary manslaughter; battery and aggravated battery; and manslaughter while driving under the influence of drugs or alcohol for harming or killing a fetus. Previously, state law made injuring a pregnant woman a felony, but didn't treat the fetus as a victim.

If you are a victim of domestic violence or know someone who is, you can call 1-888-END ABUSE (1-888-363-2287) to find resources for help.



Kathleen Sebelius, Governor

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For Immediate Release
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Nicole Corcoran, Press Secretary
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**Governor's Domestic Violence Fatality Review Board Column:
*Insensitivity***

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

Earlier this year I addressed a breakfast club about the work of the Governor's Domestic Violence Fatality Review Board.

During my remarks I discussed the passage of Scruffy's law by the Kansas legislature. This law increased the penalty for any person who tortured or killed an animal. The crime was raised from a misdemeanor to a felony and provided for jail time and counseling. I told the members that similar laws need to be passed to provide appropriate penalties to batterers when women are tortured or beaten.

A man in the audience raised his hand and made a statement that almost knocked me off my feet. He asked if I ever considered the fact that a dog could not defend itself but a woman could. For that reason the law for an animal must be different than that for a woman.

The sad thing in that statement is that many people probably agree with what he said. The cruel nature of domestic violence is very seldom brought to the attention of the public.

How many times have you heard, "She should just leave him or she doesn't have to live with him." All too many men and women echo that thought. They do not realize that women who have been battered are fearful that if they try to leave they might be killed. Many have young children and they depend on the batterer for the support of those children. Many feel embarrassed and want to hide the crime from their family and friends. The batterer will often say he is sorry and that it won't happen again and the victim believes it.

There is no magic cure for domestic violence. One thing is certain; it is a crime of cruelty inflicted on those who cannot defend themselves. The battle to protect women from violence is a difficult one, but we should never give up.

If you are a victim of domestic violence or know someone who is, you can call 1-888-END ABUSE (1-888-363-2287) to find resources for help.



Kathleen Sebelius, Governor

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For Immediate Release
October 2007

Nicole Corcoran, Press Secretary
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**Governor's Domestic Violence Fatality Review Board Column:
Recognizing Domestic Violence Awareness Month**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

This month, I invite you to join me in recognizing Domestic Violence Awareness. Many communities throughout the state are hosting events mourning those who have died because of domestic violence, celebrating those who have survived and commending those who work in providing services to victims of domestic violence.

Fort Hays State University's Docking Institute of Public Affairs recently conducted a study examining many aspects of domestic violence including the availability of domestic violence services for victims in Kansas. The study found the most frequently mentioned recommendation for improving domestic violence services in Kansas is increasing awareness and promoting domestic violence services.

To help improve awareness of domestic violence and services available to victims, the Governor's Domestic Violence Fatality Review Board (FRB) received grant funding from the Kansas Health Foundation to create a public awareness campaign. DeSieghardt Strategic Communications, LLC developed the campaign, "Do Something. Today."

The goal of the campaign is to bring the reality of domestic violence out of the shadows, "...by clearly pointing out that physical, verbal and emotional abuse *may* be evident, but may also be beneath a seemingly placid surface." It's up to all of us to take appropriate action when domestic violence is discovered.

The strategy has three main ideas:

1. There is more to domestic violence than you think.
2. You can play a meaningful part in changing this situation, whether or not you know anyone currently being abused.
3. Forward motion is better than inertia.

Please reach out to the domestic violence program in your community and develop a dialogue on how to implement changes to this horrible crime. Our goal is to make Kansas as safe as possible for all citizens. The message we must adopt is that domestic violence is not acceptable, **Not here. Not now. Not ever.**

If you are a victim of domestic violence or know someone who is, you can call 1-888-END ABUSE (1-888-363-2287) to find resources for help.



Kathleen Sebelius, Governor

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For Immediate Release
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Nicole Corcoran, Press Secretary
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**Governor's Domestic Violence Fatality Review Board Column:
*Domestic Violence and Teenagers***

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

A recent article in The Wichita Eagle addressed the issue of teen dating violence.

"Unhealthy relationships are common among teens. National studies have found that one in four middle school students and one in three high school or college students have experienced abuse in romantic relationships. Experts call it "dating violence" and say it can take the form of physical or verbal abuse, controlling behavior or threats."

"Often, young people don't acknowledge or don't recognize the warning signs of unhealthy relationships," says Mercedes Perales, a clinical associate professor and director of the child and adolescent psychiatry program at the University of Kansas School of Medicine. A girl might show up in her office with cuts, bruises, maybe a black eye. But tell her she's in an abusive relationship, Perales says, and she'll respond, "What are you talking about?"

A group called Choose Respect has been formed in Wichita to address dating violence in schools and promote what is healthy.

The Bureau of Justice Statistics found in a 2002 survey of 500 young women, ages 15 to 24, that 60 percent were currently involved in an ongoing abusive relationship.

The California Women's Law Center issued a report in 1995 showing that 30 percent of all murdered teenage girls are killed by a current or former boyfriend.

Violence becomes a natural way of life for adolescents who continually engage in violent behavior or who are a witness to violent behavior in the home.

Corryne Deliberto, domestic policy advisor at the relief organization World Vision in Washington, DC, found that there was a link between teen violence and domestic violence. A lot of young people are involved in difficult family situations, often involving domestic violence which tends to give rise to a culture of violence.

Individuals can change and that is why the Choose Respect organization can assist in reversing the trend toward violence in an individuals. Though schools already have a full plate of more than academic studies on their agenda, an emphasis on preventing bullying and other violent behavior could change the course of conduct of an otherwise violent teenager.

A study at the University of Warwick in London explored the understanding and attitudes of 1,300 children age eight to 16. More than 75 percent of 11 to 12-year-old boys thought that women get hit if they make men angry and more boys than girls believed that some women deserve to be hit.

The studies make it clear that intervention into violent behavior needs to begin at a very early age. It will be a difficult task but well worth the effort to change violent behavior among our children.

If you are a victim of domestic violence or know someone who is, you can call 1-888-END ABUSE (1-888-363-2287) to find resources for help.



Kathleen Sebelius, Governor

www.governor.ks.gov

For Immediate Release
December 27, 2007

Nicole Corcoran, Press Secretary
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**Governor's Domestic Violence Fatality Review Board Column:
"Memories"**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

It is difficult to know how to express what I want to say in this article. Memories store up happenings from a person's life experiences. In a sense memories guide us for better or for worse. No one would expect life to be perfect and so memories will be comprised of both good and bad life experiences. Hopefully, those experiences will weigh more heavily on the positive side but for me there are times of the year when memories of family negatives seem to come to the fore more than others. At times domestic violence takes center stage and overpowers my desire to set it aside.

Since being appointed Chair of the Domestic Violence Fatality Review Board by Governor Sebelius, I have relived violence that was once submerged in my psyche but is now as real as if it was happening today.

Without a doubt, I have been blessed by good fortune and the positive memories exceed the number of negatives. In many instances – what if – comes into the equation.

Each year with the approach of Christmas I have positive memories and appreciation for the magnificent love my Mother showed me, my brother and sister. But there is always a shadow that is part of the experience.

In my first fatality review board article I described the domestic violence hell that was visited upon my saintly Mother. That horrible experience has followed me all my life and seems to especially well up in my consciousness during the Christmas season. It is not isolated to that time but the battle to understand and be rid of guilt is especially acute during this time.

You might ask – guilt? – Why guilt? It was my father who inflicted physical and mental abuse on my Mother and on me. At times it is difficult for me to hold back tears when I think of her suffering. I ask myself why I didn't do more to help her and stand up to my dad. I have never been able to answer that question. I don't know if I was afraid or accepted violence as a way of life. I just pray that God and my Mother understand.