

“Until Death Do Us Part”

Fourth Annual Mecklenburg Domestic Violence Fatality Review Team (DVFRT) Report
(9/23/2014)

Introduction

In the summer of 2014, the Mecklenburg Domestic Violence Fatality Review Team (“DVFRT”) reviewed its four years of findings (16 cases) with a focus on the recurring and persistent themes that need attention to reduce intimate partner fatalities in the community. Since the DVFRT work began in 2010, intimate partner fatalities in Mecklenburg declined, rose, and then declined again. The DVFRT joins with law enforcement and DV advocates to share in the success for this progress and in taking responsibility for identifying the work yet to be done.

Year of Review	Intimate Partner Fatalities¹
2009	7
2010	9
2011	4
2012	7
2013	4
2014 Y-T-D	2

This report has **four themes**:

- 1). Access to/possession of firearms (by convicted felons or those prohibited from possession),
- 2). Behavioral Health issues,
- 3). Exposure of children /youth to domestic violence (DV), and
- 4). Systems Integration.

The DVFRT work complements the current priorities of the DV Community Leadership Team. In January 2014, the DV Community Leadership Team identified three priorities for 2014 – 2016: the Supervised Visitation and Safe Exchange Center, Increased Perpetrator Accountability, and Youth Focused Prevention.

Possession of Firearms

The community must improve upon enforcing existing federal and North Carolina laws related to firearm access. We must keep guns and ammunition out of the hands of the abusers² who repeatedly commit acts of intimate partner violence.

¹ North Carolina Coalition Against Domestic Violence is the source for these counts.

² In this report, the term “abuser” is used to describe individuals who have behaved abusively toward their intimate partner(s). The terms “murderer” and “killer” are used interchangeably and sparingly to emphasize the seriousness of their acts.

Year of Review	DV Cases in which firearms were used
2010 - 2011	1 of 4
2011- 2012	2 of 4
2012 -2013	4 of 4
2013 -2014	3 of 4
Average	63%

Key Findings:

- These DV–related murders include the use of firearms such as handguns, shotguns, and automatic weapons. In general, the abusers obtained and/or possessed the weapons illegally. In one case review, the abuser illegally obtained a firearm and bullets for as little as fifty dollars. In another homicide, an illegal firearm was obtained for a few hundred dollars at a neighborhood carwash.
- At the time of the offense, several murderers were on supervised probation and prohibited from possessing firearms and ammunition.
- There was knowledge of firearms in the home amongst friends and family members as it relates to these cases. In five of the seven cases where a firearm(s) was the method of killing, possession of the firearms was illegal.
- In one case, in the months prior to the killing, documentation reviewed does not indicate that the Mecklenburg County Department of Social Services/Youth and Family Services Division (hereafter “DSS/YFS”) social worker or the Probation Officer knew there was a shotgun in the home. DSS/YFS social workers are required to ask parents/caretakers about firearms in the residence and document the outcome of that discussion.

Accomplishments:

The Charlotte-Mecklenburg (CMPD), Davidson and Huntersville Police Departments use the Lethality Assessment Protocol (“LAP”)for DV intimate partner calls. This instrument’s questions ask the victim about the abuser’s access to a gun, and alerts the victim to the high danger when the abuser has access. The LAP educates the DV victims and law enforcement officers about the lethality risk associated with DV and about available community resources to reduce risk. Preliminary results showed that sixty-two percent of the lethality screens revealed a high danger situation.

This fall the Mecklenburg County Community Support Services Department/ Women’s Commission Division (hereafter “CSS/WOC”) will provide LAP refresher training for CMPD patrol officers at roll calls. In addition, Safe Alliance and CSS/WOC implemented a system for immediate intake services at CSS/WOC, when an LAP call comes into Safe Alliance.

Recommendations:

1). *Provide initial and refresher mandatory training to patrol officers regarding all legal means to search and seize firearms and ammunition in districts with high numbers of DV calls. Likewise, provide mandatory training to probation officers with specialized DV caseloads to reduce availability and accessibility to illegally possessed firearms and ammunition.*

2). *Increase strategic collaborative efforts between local law enforcement, state and federal prosecutors, and the North Carolina Department of Community Corrections (hereafter "NCDCC") to enforce existing prohibitions against possession of firearms or ammunition by convicted felons and misdemeanants. The federal sentence can be up to a mandatory minimum of fifteen years, if the defendant has two prior convictions of violent felony or drug crimes. Strategic efforts may include closer monitoring of identified repeat abusers and ensuring all parties understand what is required to facilitate prosecution.*

3). *Request that the University of North Carolina- Chapel Hill School of Government consider providing periodic training for district court judges on the importance of including factual findings of physical violence, co-habitation, threats of suicide, threatened use of dangerous weapons, and valid waiver of counsel documentation in the DV Protective Order, in order to enable federal prosecution of firearms cases.*

4). *Ensure DSS/YFS investigators ask whether there are firearms in the home and ask to see if the firearms have gun locks (required in NC when children under 18 live in the home) when assessing for safety. Documentation of the discussion and findings of any firearms must be noted in the file. The presence of any weapons must be noted in the safety assessment and safety plan, when children reside in the home.*

5). *Encourage local law enforcement agencies to review standard operating protocols for 911 dispatchers on DV calls to determine whether it is standard practice to ask whether there are children in the home; encourage inclusion of this question in the protocol. The 911 operating protocol should also require that the dispatcher inform the responding officer(s) of the presence of children in the home.*

6). *Encourage patrol officers to routinely query the Criminal Justice Law Enforcement Automated Data Services (CJLEADS) on DV calls to learn: whether the suspect has any pending DV charges, has received a conviction for a DV-related offense, has spent time in jail or prison, and any conditions related to parole, probation, and post release supervision. This information is useful to the officer in assessing whether the suspect has the right to possess a firearm and crucial for officer safety.*

Behavioral Health Issues

Although mental illness and substance abuse are not the cause of DV, these issues may increase the likelihood and lethality of domestic violence. The community must improve on connecting individuals in need with behavioral health services and monitoring receipt of services.

Year of Review	Alcohol/drugs at time of fatality
2010- 2011	4 of 4
2011- 2012	1 of 4
2012 - 2013	2 of 4
2013 - 2014	3 of 4
Average	63 %

Year of Review	Alcohol/drug abuse as on-going issue
2010 - 2011	4 of 4
2011 - 2012	3 of 4
2012 - 2013	3 of 4
2013 - 2014	4 of 4
Average	88 %

Key Findings:

- Substance abuse was present in nearly ninety percent of cases reviewed.
- The murderers in these cases abused a variety of drugs including: alcohol, marijuana, synthetic marijuana, cocaine and legally prescribed pain killers.
- The conditions of probation forbid probationers from using, possessing, and/or distributing any illegal drug or controlled substance unless it has been prescribed; however, the conditions do not forbid the use of alcohol. If a probationer reports “in an unreasonable manner” (which includes alcohol intoxication) to the probation officer, the officer may arrest the probationer and test for alcohol use.
- In two of the cases, there was documentation of mental illness and treatment.

Accomplishments:

- 1). Recognizing a gap in the DVFRT expertise, the DVFRT, added an expert in the Substance Abuse field in its 3rd year.
- 2). The CSS/WOC NOVA program started focusing on Trauma Informed Care and implemented the Adverse Childhood Experiences score Trauma indicator in the initial assessment to provide a better picture of the trauma that clients experienced.

3). CSS/WOC NOVA and Mecklenburg County Criminal Justice Services (“CJS”) recently established a referral process for obtaining mental health/ forensic evaluations for NOVA clients. NOVA has had difficulty in obtaining forensic evaluations; the referral process represents a step forward.

4). CSS/WOC NOVA developed a resource card which CMPD distributes to abusers. In the past, only victims received resource cards. The questions on the card are:

- Have you ever physically stopped your partner from leaving?
- Have you ever had sex shortly after a violent episode?
- Have you ever thrown things or hit walls during an argument with your partner?
- Do you feel like you have to put your foot down to straighten things out?
- The card reads “NOVA can help” and provides the address and phone number.

Recommendations:

1). *Consider including language in a probationary judgment designed to monitor consumption of alcohol.*

2). *Ask about involvement with the criminal justice system, including probation, at the point of assessment in behavioral health settings. If there is ongoing involvement, request the client sign a Release of Information form permitting the counselor to speak with the Probation Officer.*

3). *Continue to publicize the availability of specialized consultation at local hospitals. Hospital-based DV programs, such as the Domestic Violence Healthcare Project and Project Safe, are available for consultation with behavioral health staff and others at local hospitals.*

Childhood/Youth Exposure to DV:

Domestic Violence in a home puts children/youth at significant risk:

- Domestic Violence is the largest risk factor in infant and child deaths, according to the Mecklenburg Community Child Fatality Prevention and Protection Team.
- Children who witness Domestic Violence in their home are at greater risk of becoming perpetrators of abuse or being victimized themselves as adults.
- It is well documented that exposure to Domestic Violence is often traumatic, disrupting a child’s development and fundamental sense of security in the world. This may place the child at risk for poor school performance, disrupted peer relationships, and increased emotional disorders, leading to poor vocational, social and health outcomes as adults.

Year of Review	Children in the Home
2010 - 2011	2 of 4
2011 - 2012	2 of 4
2012 - 2013	2 of 4
2013 - 2014	3 of 4
Average:	56%

Key Findings:

- Children in the home witnessed repeated incidents of domestic violence, culminating in fatality. In one case, the mother was shot by her murderer while holding her baby in her arms. In another, six children in the home were watching a movie, when the killer shot the victim in the head. In a third, the father tossed a month-old baby to the mother and proceeded to assault and attempt to strangle her.
- Although everyone is a mandatory reporter of suspected child abuse/neglect in North Carolina (N.C.General Statutes 7B – 301), and DV in the home is considered an environment injurious to a child’s welfare, friends, family and professionals working with the families frequently failed to report their concerns to DSS/YFS.
- In many of the cases reviewed, the children exposed to DV were offered services, through the Child Development/Community Policing (CD/CP) program. They did not receive those services because their parent did not recognize the need or follow up. Likewise, DSS/YFS recommended counseling services for children exposed to DV, but the parent or guardian did not concur or follow through with obtaining services.
- There are neighborhoods in which violence, domestic and otherwise, is perceived as a “routine” means of resolving conflict. In these circumstances, where violence is “normalized,” family members may have no awareness that they are engaged in “domestic violence” or that they are posing any risks to their children.
- The term “lovers’ quarrel” used as a common descriptive phrase in law enforcement incident reports, inappropriately minimizes the seriousness of the abuse.
- In a number of cases, the intimate partners’ parents, as well as the victim and murderer themselves, had a history with DSS/YFS where DV was identified as a risk factor. These cases highlighted the need for additional staff training in DV, access to DV experts, and more explicit local protocols regarding how to provide increased safety for the family.

Accomplishments:

- 1). The County added four senior social workers with significant DV expertise (through CSS/WOC), to work closely with DSS/YFS, when there is DV or suspicion of DV. DV is a factor in 1 of 4 reports accepted by DSS/YFS Child Protective Services investigations. The additional resources enables CSS/WOC to participate in weekly Child Development/Community Policing staffings, bringing this expertise to the forefront promptly when a child is exposed to violence. These DV experts are also reducing the wait time for adult victims to receive counseling, providing quarterly DV trainings to DSS/YFS social workers, and staffing cases with the DSS/YFS social workers to increase safety for the families.
- 2). In the fall of 2014, CSS/WOC, in partnership with Safe Alliance and the North Carolina 26th Judicial District, will open a Supervised Visitation/Safe Exchange Center. The Center, is a high community priority and will increase safety for children and adult victims when there is DV in the home, the parents are separated, and the non-custodial parent has been granted visitation by the court. The Center is funded in part through a multi-year grant from the Department of Justice's Office on Violence Against Women.
- 3). The Mecklenburg Board of County Commissioners recognizes the harmful intergenerational effects of DV and has therefore included in its FY15 legislative agenda two requests:
 - a). The North Carolina General Assembly ("NCGA") enact an additional aggravating factor for felony structured sentencing as follows: "The defendant knew or reasonably should have known that the offense was being witnessed by sight or hearing, by a person under the age of 16 who was not involved in the commission of the offense." This would amend G.S. 15A 1340.16(d).
 - b). The NCGA amend "in the presence of a minor" to include in the actual physical presence of a minor or knowing that a child is present and may hear or see the offense. This would amend G.S. 14-33, which applies to misdemeanors.
- 4). DSS/YFS adopted a practice that requires immediate initiation of a case when a DV fatality occurs, day or night. This sets in motion a timely investigation of potential caretakers for the children and reduces the chances of a child being placed with a potentially inappropriate caretaker such as the parent or sibling of the individual who committed the fatality.
- 5). DSS/YFS and CSS/WOC DV experts are in the process of developing a local DV protocol, which will bring greater consistency across the county to application of State DSS policies. The protocol focuses on enhancing safety for the children and the non-abusing parent.

6). CSS/WOC received two federal grants to enhance services for children/youth who are exposed to DV. The CARE and SHARE grants from the Office on Violence Against Women funded continuation and expansion of services at CSS/WOC and at the Safe Alliance Domestic Violence Shelter for children and youth who witness DV and/or experience teen dating violence. The CARE grant provides services to children ages 2 – 5 years and their non-offending parents. The services include a combination of developmentally appropriate therapeutic interventions, parental support and education.

The SHARE grant funds expanded education and awareness in schools about healthy relationships, teen dating violence, and exposure to domestic violence. During the past year, CSS/WOC expanded upon national efforts locally. During February, Teen Dating Violence Awareness and Prevention Month, CSS/WOC encouraged County Staff to wear orange for Wear Orange4Love Day. CSS/WOC also promoted another national effort to engage youth, through social media, in the national respect announcement on Valentine's Day. During the next two years of the grant, CSS/WOC and Charlotte-Mecklenburg Schools will implement a curriculum based prevention program into a number of schools and will expand targeted prevention with lesbian, gay, bisexual, transgender, and queer youth in the community.

7). For the 2014 – 2015 school year, Charlotte-Mecklenburg Schools added school-health nurses and approximately 40 positions at the elementary school level, including counselors, psychologists and social workers. These positions will assist with the supportive service needs of students early in their lives, when they are developing the skill sets they will need to form healthy interpersonal relationships throughout life.

Recommendations:

1). Continue to educate the public about the statutory mandate for reporting to Child Protective Services when a juvenile is exposed to DV in the home, and how childhood exposure to DV significantly increases the risks of a child exhibiting abusive or victimized behaviors as an adult.

2). Encourage DSS/YFS to consult with all of the Mecklenburg law enforcement departments and Probation on their protocols, timing, forms and any training needs for reporting suspected child abuse/neglect, when there is a DV incident and children are known to live in the home. DSS/YFS works closely with CMPD on these issues, and as a result of their collaborative efforts, CMPD developed automated reporting forms which are available to DSS/YFS social workers. The CMPD Lethality Assessments are also available to DSS/YFS, to provide a more complete picture of the incident.

3). Encourage DSS/YFS to continue to partner with community DV experts to develop a local DV protocol, and to implement a robust quality assurance process to review closed and active cases.

4). *Encourage Charlotte-Mecklenburg Schools to work in collaboration with CSS/WOCDV experts and other community-based DV prevention experts to evaluate violence prevention initiatives at all grade levels and to seek resources to expand those with the greatest impact.*

5). *Encourage local law enforcement to review standard operating protocols for 911 dispatchers on DV calls to determine whether it is standard practice to ask whether there are children in the home; encourage inclusion of this question in the protocol.*

6). *Request the Mecklenburg Board of County Commissioners to add one CSS/WOC DV liaison position, bringing the total to five. This provides for one DV Liaison for each of the DSS/YFS Geo-districts in the county.*

Systems Integration

In hindsight, when reading client records, it is easy to recognize emerging patterns of abusive and aggressive behaviors and responses to those behaviors. However, when the behaviors and critical incidents are unfolding in real time, agencies that interact with the victims and abusers typically see just their own piece of the puzzle unless they make concerted efforts to seek out additional information from other sources. As a result, each agency involved with either party frequently has an incomplete picture of the lethality of the case.

Key Findings:

- North Carolina Department of Community Corrections (hereafter “NCDCC”) in Mecklenburg does not have access to KBCOPS, the computerized database used by the Charlotte-Mecklenburg Police Department. This limits NCDCC’s ability to learn of incidents when the police respond to a DV call and no arrest is initiated.
- Local law enforcement does not have routine access to military records; therefore, they are usually unaware of crimes committed and adjudicated, during an individual’s military service. This gap in information creates difficulties in determining patterns of intimate partner violence and potential lethality.
- The DVFRT’s intensive case review process continues to strengthen the working relationships among the participating agencies. There is opportunity to leverage these relationships to create additional abuser accountability.

Accomplishments:

- 1). The NCDCC restructured during the past six months; only designated probation officers now carry DV cases. This specialization should facilitate training opportunities and communication with agencies that work with the same population, such as the local batterer intervention programs.
- 2). DV training, which should be provided on a recurring basis to law enforcement and court personnel, was provided for Probation Officers who carry DV cases in late August and to judges and magistrates in mid-September.
- 3). Safe Alliance/Victim Assistance (VA) and the NCDCC developed a procedure to notify the probation officer when a protective order by the court is issued. VA e-mails a contact person at Probation (if the VA client agrees) who informs the probation officer that a protective order is in place. VA faxes Probation a copy of the order.
- 4). CSS/WOCNOVA and the NCDCC developed a client reporting process collaboratively to increase communication. CSS/WOC NOVA is a state-certified program that provides batterer education. Probation Officers receive monthly progress reports from NOVA regarding clients on supervised probation. The reports document issues of attendance, attitude, and level of participation in group; probation officers can resolve these issues as needed.
- 5). In spring 2013, DSS/YFS developed a practice to ensure social workers have complete police information before they begin to interview family members when there are allegations of abuse and/or neglect. It is required that DSS/YFS "research staff" complete their search for 911 calls for service on reports accepted by After Hours staff by the following business day and forward results to the assigned social worker. This process increases the likelihood that the social worker(s) are informed of DV-related calls.

Recommendations:

- 1). *In concert with the DV Community Leadership Team, request that CMPD, the DA, and NCDCC develop a pilot multi-disciplinary team to actively monitor selected repeat violent DV abusers to reduce repeat incidents. Similar initiatives have shown results in other North Carolina communities, including the city of High Point, where the High Point Police Department leads this initiative.*
- 2). *Encourage local law enforcement agencies, the U.S. Attorney's Office and the 26th District Attorney's Office to provide annual training to officers on the nuances of the federal law that prohibits persons convicted of a misdemeanor crime of DV from possessing any firearm or ammunition. U.S. Attorney Anne Tompkins states, "Possession of even one bullet has resulted in a federal conviction and a long prison term."*

3). *Suggest that local law enforcement (patrol officers) participate in face-to-face DV training at least every other year. Request that probation officers who carry DV cases participate in initial and annual face-to-face DV training.*

4). *Suggest that the district court judges order supervised, rather than unsupervised probation when a DV defendant is convicted and ordered to complete a batterer intervention program. This increases the likelihood that a defendant who does not comply will be held accountable for their inaction and cited back to court.*

5). *Explore expanded access to CJLEADS with the NC State Bureau of Investigation/ Division of Criminal Information. Determine whether access (and training on the system) may be provided to designated non-law enforcement agencies, including but not limited to, batterer intervention programs and victim assistance programs. The information contained in CJLEADS will help provide complete information for use in monitoring DV cases.*

6). *Explore with the NC Bureau of Investigation/Division of Criminal Information whether the probation status, parole status, and post-release supervision can be added as an automatic query in the NC DOC Offender Population Utilization System (OPUS) when DCI/NCIC is accessed to check warrants (similar to 50B, sex abuser and concealed carry permit).*

If the officer has information leading to the conclusion that the suspect is in possession of a firearm, and the SBI/DCI check reveals that he is on probation, the officer could then contact Probation to follow through with a warrantless search, if appropriate. The officer would also be able to notify Probation about an incident concerning an individual on probation, even if it did not result in an arrest.

7). *Encourage local law enforcement jurisdictions and NCDCC to develop:*

a). *an agreement whereby Probation officers who carry DV cases have access to KBCOPS and are required to check for entries regarding their probationers every two weeks (or other reasonable interval) and document the query OR*

b). *a process whereby Probation officers are notified timely of DV calls for service on probationers even when no arrest is made.*

c). *a process whereby law enforcement can easily and quickly learn whether someone is on Probation.*

8). *Request CSS/WOC NOVA and CSS/WOC Adult Victim Services collaborate to develop procedures requiring documented contact with victims of CSS/WOC NOVA participants as long as it does not jeopardize victim safety.*

9). *Synchronize law enforcement, prosecutorial and judicial record keeping to enable federal prosecution of firearms cases, when there has been a qualifying misdemeanor crime of DV. Ensure factual findings of physical violence, co-habitation, and whether there was a valid waiver of counsel are included and retained in the case file. Train district court judges to include “use of violence” language in the 50B order.*

Mecklenburg Domestic Violence Fatality Review Team Members³

Kimberly Barker, Chair
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Judge Ronald Chapman, Vice-Chair
Mecklenburg District Court Judge

Jamie Adams, Mecklenburg District Attorney's Office

Jay Ashendorf, Mecklenburg District Attorney's Office

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Melissa Summit, Survivor

³ The Mecklenburg Domestic Violence Fatality Review Team ("DVFRT") was authorized by the North Carolina General Assembly in 2009 and was reauthorized in 2013. The Mecklenburg Community Support Services Department is the lead agency for the DVFRT.

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