

# 2012 REPORT OF THE NORTH DAKOTA DOMESTIC VIOLENCE FATALITY REVIEW COMMISSION

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DECEMBER 31, 2012

*Domestic violence deaths include “those involving a spouse, former spouse, parent, child, persons related by blood or marriage, persons in a present or former dating relationship, persons who are presently residing together or have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, other persons on premises when a domestic incident occurs, and romantic triangle situations.”*

**Between 1992 and 2011, 53% of homicide deaths involved domestic violence.**

*(2011 Homicide Report, Office of Attorney General)*

## DOMESTIC VIOLENCE STATISTICS

The ND Council on Abused Women’s Services ([www.ndcaws.org](http://www.ndcaws.org)) reports that in 2011:

- **4,808 new victims** of domestic violence received services from crisis intervention centers in North Dakota.
- **94%** of the victims were women. At least **75%** of victims were physically abused.
- Alcohol use by abuser only was indicated in **34%** of the new cases. Alcohol use by both victim and offender was indicated in 10% of the cases.
- The abuser had a history of abusive behavior with other adults, including prior partners, in at least **47%** of the cases.
- Weapons were used in at least **11%** of the cases identified.

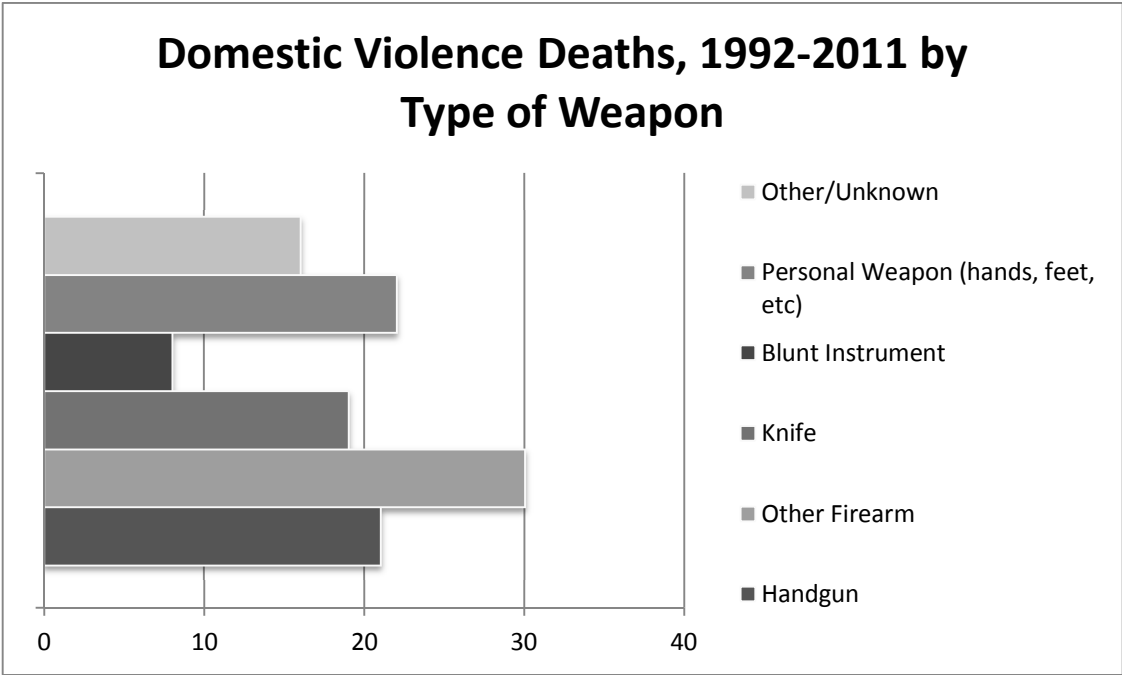
## DOMESTIC VIOLENCE FATALITIES

- **55%** of female deaths in domestic violence incidents involved firearms, while 26% of female deaths in non-domestic violence incidents involved firearms.
- **77%** of female homicide victims were killed in domestic violence incidents, compared to 37% of males.

## WEAPONS

Persons killed in domestic violence incidents were more likely to be killed with a firearm than those killed in non-domestic incidents.

Between 1992 and 2011, abusers used firearms to murder **51** victims of domestic violence.



**DOMESTIC VIOLENCE DEATHS BY TYPE OF WEAPON AND GENDER OF VICTIM  
1992-2011**

HANDGUN	<div style="display: flex; justify-content: space-between;"> <span>■</span> <span>□</span> </div>
OTHER FIREARM	<div style="display: flex; justify-content: space-between;"> <span>■</span> <span>□</span> </div>
KNIFE	<div style="display: flex; justify-content: space-between;"> <span>■</span> <span>□</span> </div>
BLUNT INSTRUMENT	<div style="display: flex; justify-content: space-between;"> <span>■</span> <span>□</span> </div>
PERSONAL WEAPON	<div style="display: flex; justify-content: space-between;"> <span>■</span> <span>□</span> </div>
OTHER/UNKNOWN	<div style="display: flex; justify-content: space-between;"> <span>■</span> <span>□</span> </div>

■-Female □-Male

**HISTORY**

The **Domestic Violence Fatality Review (DVFR)** Commission was created by the 62<sup>nd</sup> Legislative Assembly and established within the Office of Attorney General. N.D.C.C. § 14-07.1-20.

The Commission is charged with reviewing domestic violence deaths that have occurred in the state, recommending policies and protocols to prevent the incidence of domestic violence and resulting fatalities, and providing consultation and coordination for agencies involved in the prevention and investigation of domestic violence.

The domestic violence fatality review commission must report its findings and recommendations to the attorney general before December 31<sup>st</sup> of each year. The

commission may not use the information, records, or data collected as part of the case review for any other purpose. Except for the public report issued by the attorney general's office, records collected by the commission are exempt from disclosure.

## COMMISSION MEMBERS

The commission members are appointed by the Attorney General, in consultation with the North Dakota Council on Abused Women's Services. The Commission is comprised of representatives of law enforcement agencies, county and city attorneys, public defenders, the medical examiner, the Department of Corrections and Rehabilitations, the Department of Health, the Social Service agencies, Crime Victims Compensation, the Crime Laboratory, First Nation's Women's Alliance, Emergency Room medical personnel, and faith-based organizations.

## COMMISSION ACTIVITIES

The Commission's first meeting was in November 2011. The commission received a presentation from **Neil Websdale** and **Matt Dale**, consultants with the National Domestic Violence Fatality Review Initiative (<http://www.ndvfri.org/>).

Following the presentation and discussion, the commission members drafted procedural guidelines and arranged for the consultants to return and lead the committee in a mock case review.

In August, 2012, with assistance from consultant Matt Dale, the commission participated in a mock case review.

Following the mock case review, the commission designated Jon Byers (Assistant Attorney General) and Janelle Moos (Council on Abused Women's Services) as co-chairs, selected three possible cases to review, and determined the schedule for meetings. From the three domestic violence fatality cases proposed by the commission, Byers and Moos selected a murder-suicide case for the commission's review.

During the next two months, the Office of Attorney General obtained information and records relating to both the victim and the offender, including employment and family history, medical records, criminal history records, interviews with surviving family members, crime scene and autopsy reports, and other pertinent information.

Using the compiled records, data and information, the commission established a "timeline" of the relationship between the victim and offender, to help identify anything that, in hindsight, appeared to the commission to be a warning sign of, or trigger for, the events leading up to the fatal domestic violence incident. The murder/suicide was committed with a shotgun.

Upon case review, the commission determined that there was a history of domestic violence throughout the relationship, that the offender had a history of violence toward a previous domestic partner, and that alcohol use was a contributing factor in the previous domestic violence incidents and in the events on the night of the fatality.

## FINDINGS

As the commission has conducted only one case review, it is premature to make any recommendations. However, the commission identified several issues that, in the opinion of the members, may have affected the outcome that night and may warrant further consideration:

- **MINIMUM TIME PERIOD BEFORE DISMISSAL OF TEMPORARY PROTECTIVE ORDER.** Less than one year prior to the fatal incident, the offender had been arrested and charged with assaulting the victim (who required medical treatment for her injuries). A temporary protective order was issued, but was dismissed, at the victim's request, just two days later, before the defendant had made any appearance on the related assault charge.
- **CONSEQUENCE FOR FAILURE TO COMPLETE ORDERED ALCOHOL EVALUATION.** With regard to the prior domestic violence conviction, the offender was ordered to complete both an alcohol evaluation and anger management class. There was no follow up or consequence for defendant's failure to complete the required evaluation.
- **SURRENDER OF WEAPONS.** The court failed to check the box prohibiting the offender from owning or possessing a weapon while on unsupervised probation for the previous domestic violence assault conviction and therefore the offender was not required to surrender his firearms. The fatal domestic violence incident occurred while offender was still on probation. The offender used one of his own firearms.

Whether these issues are indicative of a larger problem or are merely anomalies specific to this particular case may become clear as the commission continues its work.

## **NEXT STEPS**

The commission has selected its next domestic violence fatality for case review and will meet again in May 2013, after the conclusion of the legislative session.