

**Montgomery County
Domestic Violence Death Review Committee**

**First Year Report
Data Summary and Recommendations**

presented to:

**Criminal Justice Council
Domestic Violence Subcommittee**

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**Montgomery County
Domestic Violence Death Review Committee**

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Summary of Data

Cases Reviewed

10 homicides were reviewed; the fatalities occurred between 1995 and 1998.

4 cases involved male homicide perpetrators
2 of the above were homicide/suicide

6 cases involved female homicide perpetrator

Relationship (all heterosexual):

4/10 were no longer in the relationship

2 spouse

3 live-in intimate partner

1 dating, not living together

1 ex-spouse

3 ex-intimate live-in partner

Demographics:

Average age of perpetrator: 40

Average age of victim: 36

7 cases - white homicide perpetrator and victim

3 cases - African-American homicide perpetrator and victim

Domestic Violence History: In 2 cases with female homicide perpetrator, there was no evidence of domestic violence *as known* to the committee. The remaining 8 cases involved previous domestic violence; 7/8 involved previous domestic violence charges and convictions.

Gender differences:

Male homicide perpetrators:

- 4/4 had three or more domestic violence charges
- 3/4 had domestic violence convictions
- 3/4 had numerous domestic violence charges dismissed due to no complaining witness
- 1/4 were under the influence of drugs/alcohol at time of homicide
- 1/4 used firearm; 1/4 strangulation; 2/4 stabbing

Male homicide victims:

- 4/6 had violent criminal history
- 3/6 had previous domestic violence charges
- 2 of the above 3 had charges dropped due to no complaining witness; the other, charges were pending at time of death
- 3/6 had history of other violent crime, such as rape, kidnaping, and armed robbery
- 5/6 were under the influence of drugs/alcohol at time of homicide

Female homicide perpetrators:

- 1/6 had previous felonious assault charge dismissed (cross complaint with decedent, against whom charges were also dismissed)
- 3/6 were under the influence of drugs/alcohol at time of homicide
- 4/6 used firearm; 1 stabbing; 1 automobile

Female homicide victims

- 1/4 had previous domestic violence conviction
- 1/4 were under the influence of drugs/alcohol at time of homicide

Police Runs to either victim or perpetrator's residence:

None or Unknown: 4

3 had between 1 and 10 runs

3 had more than 11

Children:

5/10 had children living in the home

4 of those 5 cases, children were in home at time of incident

1/5 witnessed and was injured

2/5 did not witness

2/5 unknown if witnessed (in one case, children were within feet of incident)

Other witnesses:

3/10 involved witnesses, other than children

Court Orders:

1 female victim had TPO in effect at time of fatality

1 female victim was attempting to acquire TRO (unconfirmed)

1 female perpetrator had TPO and CPO in effect at time of fatality

Montgomery County Domestic Violence Death Review Committee

Recommendations

Four systems are the focus of the recommendations: criminal justice, domestic relations court, health care, and victim services.

I. Criminal Justice System

All (4/4) of the male perpetrators and 4 of 6 male victims had repeated contact with the criminal justice system, all of which resulted in few convictions, sentences of incarceration, orders to batterer intervention, and protection orders.

- A. Access to information: A cross-jurisdictional database is necessary for effective bond setting and adjudication of domestic violence offenders.
- B. Prosecution without the complaining witness: 4 of 4 male perpetrators and 2 of 6 male victims in the cases examined had numerous domestic violence charges dismissed due to lack of participation of the complaining witness. As stated in the Montgomery County Domestic Violence Protocol, “criminal charges can and should be filed, and convictions obtained, in domestic violence cases irrespective of the cooperation of the victim, where there is sufficient independent corroborative evidence of the elements of the crime and the identity of the perpetrator.” In order to achieve this, police agencies must emphasize thorough evidence collection at the scene as well as follow-up investigations. And, prosecutors and judges must encourage evidence-based prosecution independent of victim testimony.
- C. Enforcement of protection orders: Criminal and civil protection orders must be enforced by all police agencies and violations must be prosecuted aggressively. Violations of protection orders represent high risk situations and should be enforced regardless of circumstances. 2 female victims and 1 female perpetrator had protection orders in place at the time of the homicide.
- D. Felony Enhancements: All reasonable and practical efforts must be made to prosecute enhancable offenses as felonies. A policy should be developed and added to the Protocol to establish guidelines for enhancement decisions.
- E. Consideration of lethality factors in determining bond and sentencing
- F. Higher bond and jail time for offenders with reference to lethality factors

Courts should make all efforts to assess a defendant's potential lethality in setting bond and determining sentencing. As outlined in the Montgomery County Domestic Violence Protocol, lethality indicators include:

- History of domestic violence or other violent offenses
- Threats to kill
- Threats to commit suicide
- Escalation of violence
- Violation of court orders
- Non-compliance with batterer intervention program or a batterer intervention program has assessed the offender as inappropriate for intervention.
- The offender, or third party agent of the offender, has stalked the victim
- Use or presence of weapons
- The victim suffered serious bodily injury, or the offender exhibited genuine threat of causing serious bodily injury to the victim or minor child
- The offender engaged in, or exhibited a genuine threat of, forcible sexual activity
- The victim is attempting to leave the relationship
- Evidence that offender has chronic or acute substance abuse problem should be considered as a lethality factor in combination with any of the above.

*A victim's reluctance to participate in prosecution is **not** an indicator of reduced lethality. In fact, it can be an indicator of the offender's high level of dangerousness.*

If a pre-sentence investigation reveals one or more of the above lethality factors, a judge should consider a term of incarceration. Probation should be revoked based on non-compliance with probation or if a batterer intervention program has assessed the offender as inappropriate for treatment.

- G. Sentences should include batterer intervention: As per the Montgomery County Domestic Violence Protocol, in cases where one or more lethality factors exist, participation in a batterer intervention program should be for a period not less than 6 months, and should include comprehensive case management between all systems involved, including batterer intervention, victim services, drug alcohol services, probation, etc.. (Of the cases examined, 3 participated in some kind of intervention program: 1 offender participated in a one-day intervention program, 1 completed a program, and 1 completed a program but the court was alerted that he was at high risk of re-offending.)

- H. Education for criminal justice personnel: Ongoing education on domestic violence is strongly encouraged for judges, prosecutors, probation officers and police agencies.

II. Domestic Relations Court

- A. Civil Protection Orders: Increase and improve the opportunity for victims to obtain civil protection orders and have access to counsel. Victims should be informed regarding expiration/limits of criminal protection order and advised of options for civil relief.

III. Health Care System

- A. Screening of patient: Potential victims should be screened at all entry points into the health care system. Hospitals should ensure this takes place through adherence to hospital protocols, periodic re-evaluation/revision of protocols, and ongoing training of staff.

IV. Victim Services

- A. Outreach: Only 2 of the 10 cases involved victim service agencies. 2 of 4 victims received outreach from victim services; 1 refused ongoing service. None of the female homicide perpetrators or male homicide victims had any contact with victim service agencies. Resources should be procured to provide outreach in all criminal courts, including to victims who do not follow through on filing charges.
- B. Education: More efforts are needed to educate the community, i.e. potential victims, regarding the option of civil protection orders