

**EAST VALLEY POLICE
CHIEFS ASSOCIATION
Domestic Violence
Fatality Review**



**2011 Annual Report
to the
Arizona Attorney General**

Submitted January 31, 2012



EAST VALLEY
POLICE CHIEFS
ASSOCIATION

Chief Jerald Monahan – Chairperson

Chief Alan Rodbell – Vice Chairperson

Chief Tim Dorn – Secretary/Treasurer

January 29, 2012

To the Arizona Domestic Violence Community:

As the Chair of the East Valley Police Chiefs Association (EVPCA), it is my pleasure to present this annual report to the Attorney General on the work and activities of the East Valley Domestic Violence Fatality Review Team. This is our second year reviewing domestic violence related death cases, making recommendations for system change/improvement, and working towards the implementation of those changes. Our goal continues to be to improve systems to prevent these deaths from occurring. As we realize this goal, those trapped in abusive and dangerous relationships will be able to make informed decisions about their safety and future.

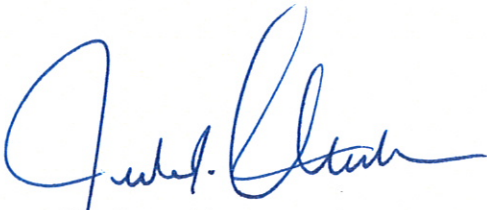
Our association recognizes that domestic violence is among the most common calls for service in law enforcement, and that when these incidents turn lethal, the entire community is at risk. Reviewing domestic violence homicides and related deaths continues to be a crime prevention strategy of the East Valley Police Chiefs Association.

Chief Jerald L. Monahan
EVPCA Chairperson
Apache Junction Police Department

A message from the East Valley Domestic Violence Fatality Review Team Co-Chairs:

As Co-Chairs of the East Valley Domestic Violence Fatality Review Team (EVDVFRT), we are pleased to share our annual report with you. Our team was created in 2010, following approvals by the member agencies governing bodies. The City Councils of Chandler, Tempe, Mesa, Gilbert, Scottsdale and Apache Junction all authorized participation through an Intergovernmental Agreement (IGA).

This report describes the case review conducted in 2011, a murder/suicide case from Scottsdale. As with the case review in 2010, this murder/suicide involved multiple system contacts from several states over a period of several years. The recommendations for change that came out of this review are those that, if implemented, could make a positive change in how domestic violence issues are addressed. This will make life safer for those victimized by domestic abusers. It is our hope that the work of the EVDVFRT in 2011 will not only assist in making progress addressing domestic violence in the East Valley, but across the state of Arizona as well.



Chief Jerald L. Monahan
Co-Chair
Apache Junction Police Department



Chief Alan Rodbell
Co-Chair
Scottsdale Police Department



Membership

The team members to the EVDVFRT were appointed by the East Valley Police Chiefs Association following a presentation by the Co-Chairs. Team members are appointed for a three-year term and sign a confidentiality agreement at each meeting. The process for replacing members, as may be needed from time to time, is outlined in the By-Laws under Article IV (See Appendage 1).

The Co-Chairs would like to acknowledge the dedication and commitment shown to this effort by the team members, who not only represented themselves as professional and caring individuals, but also represented their agencies in a very positive manner. The energy and enthusiasm each team member brought to the meetings contributed greatly to the overall success of the team in concluding its first year of service and its first case review.

East Valley Domestic Violence Fatality Review Team Membership

Chief Alan Rodbell (2011 Co Chair)	Scottsdale Police Department
Chief Jerald L. Monahan (2011 Co Chair)	Apache Junction Police Department
Barbara Duft (Secretary)	Apache Junction Police Department
Chief Sherry Kiyler	Chandler Police Department
Commander Richard Wilson	ASU Police Department
Lieutenant David LeVoy	Chandler Police Department
Lieutenant Bruce Ciolli	Scottsdale Police Department
Lieutenant Mike Angstead	Gilbert Police Department
Lieutenant Michael Collins	Tempe Police Department
Sergeant Sy Ray	Gilbert Police Department
Sergeant Dave Meyer	Gilbert Police Department
Sergeant Brian Potter	Chandler Police Department
Sergeant Dan Rincon	Scottsdale Police Department
Detective Carmen Johnson	Mesa Police Department
Dr. Kathy Coffman	St. Joseph's Hospital
John Belatti	City of Chandler Prosecutor's Office
Katie Cain	Chandler Police Department V/Services
Jami M. Cornish	Community Legal Services
Kim Dexter	Cardon Children's Medical Center
Susan Eissinger	Chandler Unified School District
Jon Eliason	Maricopa County Attorney's Office
Craig Gilbert	Chandler Unified School District
Sarah Greenway	Child Protective Services
Cindy Heard	formerly with AzCVS
Linda King	Fix the Hurt
Dana Martinez	Autumn House
Stephanie Mayer	AzCADV

Keith Perkins
Robin Pfohl
Dino Recla
Andrea Sierra
Kristi Ward
Tracey Wilkinson
Stephanie Willison
Elizabeth Zach

Never Again Foundation
Adams Counseling
Mesa Public Schools
Mesa Police Department
Maricopa County Adult Probation
Scottsdale Police Department
Maricopa County Attorney's Office
Adult Protective Services

Executive Summary

The mission of the East Valley Police Chiefs Association (EVPCA) is to enhance cooperation among law enforcement, criminal justice agencies and related partners primarily in the East Valley. Entities in both Maricopa County and Pinal County make up Association members. These entities come together in agreement to share information; assist and cooperate in investigations; and to build partnerships that will promote efficiency and effectiveness in the prevention of crime. EVPCA member agencies include: Apache Junction, Arizona State University, Chandler, Gila River, Gilbert, Maricopa, Mesa, Paradise Valley, Phoenix, Salt River, Scottsdale, and Tempe.

2011 saw the work of domestic violence fatality review continue in the East Valley with the review of a Scottsdale domestic murder/suicide case. The team was encouraged by the outcome of the 2010 Chandler case review and reviewed the Scottsdale case with a high level of energy and expectation. Good participation from team members helped insure that the review progressed over the course of the year and legitimate, manageable recommendations were a result and outcome. Those recommendations continue to be moved forward towards implementation by various team members and interested individuals and organizations.

This past year also saw the addition of near fatal domestic violence related incidents to ARS § 41-198. This will allow domestic violence fatality review teams to also review cases that did not end in a death. Reviewing these additional cases may add important information to change systems and assist those trapped in abusive, violent relationships. According to research conducted by the Arizona Coalition Against Domestic Violence in 2011 East Valley cities participating in the Intergovernmental Agreement had 9 deaths related to, traceable to, or caused by domestic violence, as of November 14th, 2011.

The collective goal of the team continues to be to take steps to prevent these deaths in the future by implementation of the recommendations for system change that come from the comprehensive review of these cases. For each recommendation made, the team considered whether or not implementation of the recommendation was possible or overly burdensome.

The 2011 case review was provided by the Scottsdale Police Department (SPD) and involved a homicide/suicide domestic relations case. An adult male abuser and an adult female victim both died in this case. Detectives from the Violent Crimes Unit of the SPD opened the review with an overview of the case and then subsequently attended each of the follow up meetings providing additional information and insight. The Detectives also assisted with making contact with additional parties that the team wished to receive information from.

The Case Review concluded with three key findings that resulted in the creation of meaningful and feasible recommendations.

Case Selection

Chief Rodbell and Chief Monahan were selected as Co-Chairs for 2011, with the Scottsdale Police Department providing the case for review. The review began in April 2011 and concluded in August 2011.

There have been several domestic violence related death cases that have occurred in the jurisdictions of the East Valley cities on the team. To assist the team in selecting a case, Chief Rodbell offered two separate domestic violence related death cases. Scottsdale Police Commander Bruce Ciolli also played an integral role in reviewing the most appropriate cases. Detectives presented the two cases and, after a very close vote from the team, a case was selected.

The selected case involved the murder of an adult female victim. The suspect was her adult boyfriend, who committed suicide and attempted to make the scene appear as a double suicide. The case also involved prior history, including a Florida Department of Corrections term, sex offender registration, counseling for the victim, family involvement and multiple domestic violence related reports in Arizona and California.

This case also involved the mental health community, a popular internet dating website, and a review of the order of protection process in Scottsdale City Court. This case lent itself to a comprehensive review and involved multiple system contacts.

Review Process

The team began the case review on April 20, 2011, at the SPD McKellips District Community Room. Detectives from the Scottsdale Police Department, Violent Crimes Unit presented the investigation of the murder/suicide and provided information of prior domestic violence reports, sentencing information, court orders and other significant events that led to the murder/suicide.

The meetings, which were held in April, May, June, July, and August, focused on various aspects and activities in connection with this case. The detectives were present for each meeting and were able to provide clarification for team members, conduct research, and report back with additional information. The detectives were able to secure and present reports from Florida Department of Corrections and West Palm Beach Florida Police Department as well as discuss a related report from Santa Barbara County Sheriff's Office. The team was able to hear an actual recording of the victim obtaining an Order of Protection from the Scottsdale City Court. The recording was very beneficial to the team as opposed to reading a written court order.

Documents that existed in the case files, along with information from friends and colleagues of the victim, provided information about the repeated attempts to try to get the victim to end the estranged relationship. The team also reviewed numerous calls for service and domestic violence reports from Scottsdale and California jurisdictions, which were the subject of much discussion.

The team sought involvement from family members of the victim and the suspect. The suspect's family members provided no information. The victim's family members provided a very detailed and informative written letter but chose not to present in front of the team. The letter included information of the victim's activities, both prior to her relationship with the suspect, and up until a few weeks before the incident.

The team received a presentation from the victim's friend and co-worker. Commander Ciolli met with her and provided her with questions from the team before the meeting. A representative from the Scottsdale Police Crisis Intervention Services was present to assist with any crisis needs. The friend was able to provide in-depth information into the relationship between the victim and the suspect, and answered all of the team's questions. She later stated that she felt a sense of closure by having participated in the review and was glad she did.

The team also sought information from a counselor the victim had been seeing prior to the incident. The counselor initially agreed to participate and provide records, however, the counselor eventually decided not to participate due to a fear of discipline from the Arizona Board of Behavioral Health Examiners.

Key Findings

One unexpected outcome of this case review came from a Scottsdale Detective who told the review team that his participation in this review process has changed the way he will investigate domestic violence cases in the future. This detective and his partner were present for each review meeting and offered tremendous support, additional research, and investigation during the course of the review.

The following are the three findings and recommendations identified by the East Valley Domestic Violence Fatality Review Team.

- There is no requirement or consistent procedure for timely notification to a plaintiff when an Order of Protection is served on the defendant. Agencies/individuals to address this include the State Bar of Arizona, The Arizona Supreme Court Committee that studies the Impact of DV and the Courts (CIDVC), and EVDVFRT members.
- The adult female victim had received professional counseling directly connected to her relationship with her murderer. The team was denied access to this information by the counselor over fear of being disciplined by the Arizona Board of Behavioral Health Examiners for breach of confidentiality. This information could have added much value to the review with the team being able to understand the state of mind of the victim.
- Tracking of a registered sex offender from another state while in Arizona was not an easy task. The ability of a registered sex offender to move and relocate, or to list their status as transient needs to be examined. The ability of the Motor Vehicle Department to obtain annual license renewals with current addresses and pictures should be included in the examination of the current Arizona law related to sex offender notification and tracking.

Key Recommendations

The following recommendations were made at the conclusion of the case review after considerable discussion by the East Valley Domestic Violence Fatality Review Team.

- Reference the timely notification of order of protection service, in addition to individual team members in their professional role addressing this area of identified need, the State Bar of Arizona's Criminal Prosecution Practice and Procedure Committee may be in a position to propose a rule change by petitioning the Arizona Supreme Court Committee that studies the Impact of DV and the Courts (CIDVC).
- Reference mental health providers fearing discipline for participating in domestic violence fatality reviews, team members will pursue an audience with the licensing board for mental health providers to seek a position paper that their members are protected by A.R.S. § 41-198. Team members are also interested in obtaining an opinion from the Arizona Attorney General about these protections in the statute for mental health professionals who participate in domestic violence fatality reviews.

- Reference the deficiencies in the current sex offender notification law, the EVDVFRT may establish a committee to examine this area and make specific recommendations for changes in the statute, and after identifying those changes, seek a sponsor in the Arizona legislature to propose the changes.

Bylaws and Rules of Procedure for the East Valley Domestic Violence Fatality Review Team

Article I – ORDINANCE AUTHORITY

The East Valley Domestic Violence Fatality Review Team (EVDVFRT) is created/appointed by the authority of the participating agencies in accordance with A.R.S. §41-198 and as subsequently amended.

Article II- MISSION

The mission of this Team is to analyze the circumstances of past fatalities in an effort to better understand the dynamics of such deaths and make recommendations for prevention and system improvements. The purpose of this project is to actively improve all systems that serve persons involved in domestic abuse or intimate partner violence and to prevent violence and fatalities in the future.

Article III – POWERS AND DUTIES OF THE EAST VALLEY DOMESTIC VIOLENCE FATALITY REVIEW TEAM

- A. Advisory Body: The EVDVFRT is an advisory body to the Arizona Attorney General's Office. The EVDVFRT will serve as a resource to Membership, Law Enforcement Agencies, Local Municipalities, County and State on issues related to domestic violence. Its powers are advisory only unless additional powers and authority is provided by ordinance or state or federal law or regulation.
- B. Powers and Duties: The powers and duties of the EVDVFRT shall be:
 - 1. Examine incidents of domestic violence related fatalities to better understand the dynamics involved.
 - 2. Report to the Office of the Arizona Attorney General and the East Valley Police Chief's Association (EVPCA) its findings and recommendations as to how incidents of domestic violence related fatalities may be prevented and how related systems can be improved. The report shall not contain any identifiable information pertaining to

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individuals in specific incidents of domestic violence related fatalities.

3. Determine the number and type of incidents it wished to review.

Article IV – MEMBERSHIP AND OFFICERS

- A. Membership: Membership may include, but not be limited to, examples listed in A.R.S. §41-198. Those representatives shall be appointed by the EVPCA upon recommendation of the respective agency head. Candidates for team membership will be presented by the Co-Chairs of the Team at the next meeting of the EVPCA, based on demonstrated expertise in the field of domestic violence.
- B. Appointment: The EVPCA shall appoint members for a three-year term. Team members and the represented agencies will sign a confidentiality agreement.
- C. Term: Team members shall serve terms of three years and may be reappointed to successive terms. In the event a member becomes incapacitated or resigns or is unable to perform the duties of the office or is otherwise removed, EVPCA will attempt to fill the vacant position.
- D. Removal of Members: A Team Member may be removed by the EVPCA for nonattendance at three consecutive meetings, conviction of a crime involved moral turpitude, repeated disruptive behavior resulting after a warning, or when based on the recommendation of the Co-Chairs, removal is in the best interest of the Team.
- E. Officers:
 1. Co-Chairs – The Co-Chairs shall be appointed by the EVPCA. The Co-Chairs will serve for a term of one year. The Co-Chairs may be reappointed to serve successive terms as deemed appropriate. In the event a Co-Chair resigns, becomes incapacitated or unable to perform the duties of the office or is otherwise removed, the respective appointed authority will select a replacement.

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2. Duties of the Co-Chairs - The Co-Chairs, or their designees, shall be responsible for:
 - a. Selecting appropriate cases for review
 - b. Establishing a regular meeting schedule
 - c. Presiding over Team meetings, including all points of order
 - d. Appointing committees, ad-hoc committees, sub committees and their respective chairs
 - e. Preparing agenda items for future meetings prior to Team meetings, and in consultation with other Team members
 - f. Considering other such matters and concerns of the Team as set forth in these bylaws
3. Secretary – The Secretary shall be appointed by the Co-Chairs and shall serve a term of one year. The Secretary will set and distribute meeting agendas, send announcements of all regular or special meetings. This position will assist with research and compile case reviews and provide forms for each meeting, and maintain all statistics, documentation to be file in accordance with Arizona Statutes. The sole written report file shall be maintained by the Secretary.
4. Legal Representation – The Co-Chairs shall make available, as necessary, legal representation to the Team.
5. Committees – The Team may establish such committees, ad-hoc committees, and subcommittees as the Team deems necessary and appropriate for carrying out Team business. The Co-Chairs shall appoint the chair person of the committee, ad-hoc committee, and subcommittee. Such committees report to the Team in an advisory capacity and such committee shall exist only so long as necessary to fill the purposes for which they were created. Members of committees, ad-hoc committees, and subcommittees are not required to be EVDVFRT Members. The Co-Chairs may remove a committee member at any

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time with or without cause. Removal of a committee member who is also a Team member does not remove that individual from the Team; it merely relieves the individual from his/her duties on that committee.

The specific Committee Chair will be appointed by the Team Co-Chairs and will retain that position only as long as necessary to fulfill the purposes for which that committee was created. The Committee Chair must be a Team member.

Article V – MEETINGS

- A. Schedule – When there exists business to be conducted and a quorum can be obtained, the Team may meet monthly and at such other times when called by the Co-Chairs after consultation with Team members.
- B. Quorum – A quorum of the Team shall consist of a majority of its appointed members. Any action voted on by a majority vote of the quorum present shall be considered an action of the Team. In the event a quorum is not present for a meeting, the Team is prohibited from discussing any items from the agenda and the meetings shall be rescheduled. In the event a quorum is present at the beginning of a meeting and is not maintained throughout the meeting, no votes requiring action may be taken after the loss of a quorum.
- C. Open Meetings – The Team and its committees, ad-hoc committees, and subcommittees shall hold all meetings and conduct all business in accordance with Arizona Open Meeting Laws A.R. S. 38-431 et seq and shall be open to the public. DVFRT meetings are closed to the public and are not subject to Title 38, Chapter 3, Article 3.1, if the Team is reviewing a domestic violence fatality case.
- D. Procedure Not Contained in Bylaws – All meetings of the Team shall be, to the extent not in conflict with these bylaws, conducted according to the latest edition of Robert's Rules of Order, with the exception that the Co-Chairs of the DVFRT, the committee, ad-hoc committee and subcommittee shall be permitted to vote on any motion.
- E. Proxy Voting - Proxy voting shall not be permitted

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- F. Agenda Items – Any member of the Team may propose items for the agenda. The Co-Chairs shall approve the agenda for each Team meeting.
- G. All verbal and written information and documentation not related to the reviews shall be held in complete confidence and will be the property of EVPCA until such time documents are disposed of.

Article VI – MISCELLANEOUS:

- A. Conflict of Interest – Any member of the Team who has a substantial interest as defined in A.R.S. §38-502 in the outcome of any matter brought before the Team shall make known that interest and the minutes brought before the Team shall reflect that the member made such fact known. The member shall refrain from voting or in any way participating in that matter.
- B. Amending Bylaws – These bylaws may be amended upon recommendation of a team member and presented to the EVPCA at their next meeting. A copy of the proposed amendment will be sent with the notice. A change in the bylaws shall require a concurring vote of three-fifths of the membership present.
- C. Guests – With prior approval of Co-Chairs and upon signing the agreement of confidentiality, guests will be permitted to attend meetings.