

# **DOMESTIC VIOLENCE DEATH REVIEW TEAM**

## **REPORT OF THE SACRAMENTO COUNTY DOMESTIC VIOLENCE DEATH REVIEW TEAM October 2013**

### **INTRODUCTION**

The Sacramento County Domestic Violence Death Review Team (DVDRT) is a subunit of the Sacramento County Domestic Violence Coordinating Council (DVCC). The DVDRT is authorized to exist pursuant to Penal Code Section 11163.3. Formed in the spring of 1998, the team meets on a monthly basis.

This is the DVDRT's 14<sup>th</sup> annual report. The first report was released in the fall of 2000. The reports are released in October, to coincide with Domestic Violence Awareness Month. The team is presently chaired by Paul Durenberger, supervisor of the District Attorney's Domestic Violence Unit.

### **PURPOSE**

The purpose of the DVDRT is to bring together a multi-disciplinary team to review domestic violence related homicide cases (including homicide/suicide cases) in Sacramento County; to develop strategies, policies and procedures to improve the system's response to domestic violence; and to reduce and prevent future incidents of domestic violence related homicides, homicide/suicides and injuries. Domestic violence continues to be a widespread problem in our county. In the last 12 months, approximately 3,600 fresh arrests were made for domestic violence and 2,200 warrants were requested, for a total of close to 6,000 cases reported to law enforcement. The District Attorney filed and prosecuted over 2,500 cases in that same time period. Of those, 76% were fresh arrests and 24% were warrant arrests. The principle reason a case was handled by warrant rather than fresh arrest was that the perpetrator fled the crime scene before law enforcement arrived, preventing immediate arrest. This often requires law enforcement to conduct follow-up investigations.

### **CONFIDENTIALITY**

Pursuant to Penal Code Section 11163.3, the meetings of the DVDRT are confidential. Every representative of a constituent agency or institution who attends DVDRT meetings signs an agreement of confidentiality.

### **MEMBERSHIP**

The DVDRT is a multi-disciplinary, broad based organization which reviews information from law enforcement, public health, social services, coroner, child welfare, public and private

medical organizations and domestic violence advocacy organizations. The current participating organizations are:

- Sacramento County District Attorney's Office
- Sacramento County Sheriff's Department
- Sacramento City Police Department
- Sacramento County Probation Department
- Elk Grove Police Department
- Law Enforcement Chaplaincy- Sacramento
- California Attorney General's Office
- Sacramento County Department of Health and Human Services
- Kaiser Permanente
- University of California, Davis Medical Center
- Sacramento County Child Protection Services
- Sutter Medical Center
- Dignity Health
- WEAVE, Inc. (Women Escaping a Violent Environment)
- My Sister's House

## **IMPLEMENTATION**

To fulfill its mission, the DVDRT:

- Reviews domestic violence homicides in the county to determine if any systemic improvements should be made.
- Develops and recommends strategies to reduce and prevent domestic violence related homicides and homicide/suicides.
- Develops and recommends strategies to deal with the aftermath of domestic violence and domestic violence deaths.
- Acts as a multi-agency and multi-disciplinary team with regular meetings.
- Operates with the confidentiality principles outlined in Penal Code Section 11163.3 (requiring a signed statement of confidentiality for all team participants).
- Maintains a database of all records reviewed.
- Interacts with agencies and community based organizations to help achieve its goals, using the Domestic Violence Coordinating Counsel as a point of contact and interaction.

## **SELECTION AND REVIEW OF CASES**

The process by which the DVDRT selects cases for review has evolved over time. Currently, any member who has knowledge of a domestic violence related death in Sacramento County (that is not currently being prosecuted by the District Attorney) may ask for the case to be reviewed. Most cases are referred by either law enforcement or the District Attorney. The DVDRT chair selects which of the referred cases will be reviewed.

Once a case is selected, the District Attorney's Office provides identifying information to the other members of the team regarding the victim, the perpetrator, and any children involved prior to the meeting. Each committee member is responsible for reviewing the records of their agency to identify relevant information regarding the case and/or parties involved. At the time of review, the District Attorney or law enforcement agency describes details of the homicide and each member agency provides any additional information they may have about the case.

In some cases, the DVDRT may extend an invitation to the prosecutor, law enforcement detective or victim advocate assigned to the case. When necessary, a member of the group may be assigned to contact members of the victim's or perpetrator's family to develop a better understanding of the underlying relationship. In some instances, family members have been asked to attend DVDRT meetings to give direct input to the team.

With the limitations of the selection process, the time constraint placed on the team to ascertain records and the inability of the DVDRT to gather information from every possible source, the database of cases reviewed cannot be considered exhaustive or statistically representative. Nonetheless, the data collected can reveal significant concerns or insufficiencies which are evaluated by various experts, representatives from local agencies and members of the team, who then make recommendations.

## **CASES REVIEWED**

In 2012-2013, the team reviewed 10 distinctly different homicides. Each case required complex scrutiny by the team to evaluate all of the issues. The murder/suicide cases, where no criminal prosecution was possible, required even more effort to gather essential family history information since police agencies are generally not inclined to conduct an investigation into the background factors of a case when prosecution is not possible. One of the cases was deemed to be a self-defense case that the District Attorney's Office did not prosecute.

## **CASE SUMMARIES**

The review of our 10 cases this year reaffirms our conclusions from years past. Domestic violence cuts across all age ranges, races, religions and economic levels of our society. The main truism that can be gleaned from these cases is that a domestic violence homicide victim or perpetrator can be either male or female, and an abuser can be from any part of society.

Below is a breakdown of some of the key factors seen repeatedly in domestic violence homicides:

V = Victim  
P = Perpetrator  
D = Defendant  
BF = Boyfriend  
GF = Girlfriend  
Unk - Unknown

<b>Case</b>	<b># 1</b>	<b>#2</b>	<b>#3</b>	<b>#4</b>	<b>#5</b>	<b>#6</b>	<b>#7</b>	<b>#8</b>	<b>#9</b>	<b>#10</b>
Age of Victim	55	35	40	53	21	58	21	32, 2, 2, 3	31	2
Age of Perp	60	52	35	55	19	37	24	33	28	51
Kids Together?	No	No	No	No	No	No	No	4	No	V was child of P
Children - V	3	No	No	2	No	No	No	5- 4 with P	2	Unk
Children - Perp	1	1	1	No	3	2	Unk	Unk	No	1: V he killed
Kids Witness Violence?	Yes	No	No	No	No	No	No	Yes	Yes	Yes
Relationship Status	Former Cohab BF-GF	Estranged BF-GF	Estranged Husband & friend of Wife	BF-GF	V dating P's Mom	BF-GF	BF-GF	Husband & Wife & Family	BF-GF	Father-Daughter
Weapon Used	Knife	Gun	Knife	Gun	Gun	Hammer	Strangled & Blunt Force to head	Gun	Gun	Gun
Facts	Beaten w/ hammer and cuts to throat and back with knife and hammer claw	Shot in the eye	P stabbed V in self-defense when he attacked P in estranged wife's house which he	Murder /Suicide: Shotgun to head both V and P	Shot in chest while P chasing V	D hit V in skull w/ hammer and put sock in mouth, bag over head	Murder/ Suicide: D strangled V, then repeatedly hit her in head. Law enforcement finds	Murder/ Suicide: Accused of molest by step-daughter, D shoots wife and all children in	Murder/ Suicide: V had been arguing with BF	Murder/ Suicide: P upset at service of notice of custody order violation, kills

			entered uninvited				D days later, he stabs self with knife in stomach	head - one child survives		daughter and self
Prior DV History	Yes	Yes Both	Yes	Unk	Yes	Yes	Yes	Yes	Unk	Verbal abuse
Prior Suicidal Ideation	Unk	Yes	Unk	Yes, P	NO	Yes, P	Yes	Unk	Yes	Yes
Education - V	High School Grad	Unk	Attending College	High School Grad	High School Dropout	College Grad	High School Grad	Unk	High School Grad	V's mother JD Degree
Education - P	High School Grad	Unk	High School Grad	High School Grad	High School Dropout	High School Grad	High School Grad	High School Grad	Unk	College Degree
Mental Health Diagnosis	None	None	P: Depression	Unk	Unk	Unk	P: Mental issue unspecified	None	None	Unk
Employed? V	Unk	SSI	Un-employed	Unk	Un-employed	Real Estate Agent	Bank Teller	Unk	House Cleaning	V's mother Attorney
Employed? P	Transient	Un-employed	Unk	Unk	Un-employed	Carpenter	AWOL from Army	Unk	Cook	Computer IT
Drugs/ Alcohol	P: MJ daily/ Alcohol abuse	P: Alcohol	V: MJ but no signs on day of crime	P: High on Meth	P: Crack Cocaine/MJ /Alcohol V: Same	P: High on Meth at time of crime	Alcohol/ Meth and Ecstasy both V and D	Unk	P: MJ and Cocaine	None
Race	V: White P: African American	V: White P: American Indian	P: Nigerian National V: African American	Both White	Both African American.	P: Pacific Islander V: White	V: Hispanic P: African American	All Hmong	Both Hispanic	P: Middle Eastern

**Age Range:**

The victims ranged in age from 2 to 58. The perpetrators ranged in age from 19 to 60.

**Education Levels:**

Education levels of victims ranged from high school dropout to college grad. In one case with a child victim who died, her mother who survives had a professional post graduate degree. Education levels for perpetrators ranged from high school dropout to high school graduates to a college graduate.

**Employment:**

The employment of the victims included a real estate agent and a bank teller. One of the victim's mother is an attorney. The incomes of the victims and perpetrators ranged from middle income to low income.

Employment for perpetrators ranged from unemployed gang member to an IT computer programmer.

**Murder-Suicide and Murder Witnessed by Family:**

Five of the 10 cases were murder-suicides. In one of the murder-suicides, the whole family, including two-year-old twins, were shot and killed while a three-year-old child was shot but survived. The victim was killed in the presence of children.

**Premeditation and Deliberation:**

In seven of the 10 homicides, there was evidence of calculated pre-planning by the perpetrator.

**Prior Domestic Abuse:**

There was evidence of prior abuse, both physical and verbal, in all of the murders where we were able to get detailed histories of their relationships. However, the evidence did not show a progression of escalating violence preceding the murders. In one case, the perpetrator was attacked by an estranged spouse of his new girlfriend. The victim in that case had a history of domestic abuse. This case was determined to be self-defense.

In one case, the perpetrator had been convicted of a previous murder and sent to prison for life, then was paroled after being found not to be a danger to the community.

**Alcohol/Drugs or Prescription Medications:**

Alcohol and/or illegal drug use was a contributing factor in all of the cases where we were able to determine their drug and alcohol habits, except for the self-defense case. In three cases, the perpetrator was high on methamphetamine at the time of the crime.

Due to the number of murder-suicides, we were not able to get accurate information on personal use of prescription medications for those cases.

### **Prior Awareness of Abuse by Others:**

In most cases, the victim had either told someone about prior abuse or family members knew about prior abuse and/or fear of future abuse. In some of the cases, the victim thought they could control the situation. This incorrect judgment on the part of the victim (i.e. the victim of abuse believing he/she would have time to make a determination about the danger, and take appropriate steps before the violence turned lethal), turned out to be a deadly error.

In most of the cases reviewed, the friends or family members who knew or were concerned for the victim's situation failed to realize there was a possibility the violence could end in murder. Repeatedly, friends or family talked about signs of abuse they had witnessed, and in the next breath, expressed shock about the homicide. This insight into the potential lethality of domestic violence was also lacking in many of the victims, who were certain they could control their environment and escape serious injury, as they had in the past.

### **FINDINGS:**

In one case, the mother of the victim who was missing requested that law enforcement take a missing person's report. The law enforcement agency refused to send a patrol car to take the report, which violates California Penal Code Section 14205. In addition, the victim's mother did not recognize the lethality factors that were present in the history with the perpetrator, and therefore did not communicate those factors to law enforcement. Those lethality factors, combined with other facts known to the mother about the perpetrator may have been sufficient to justify an Amber Alert.

In addition, law enforcement officers who take reports may not be trained to know or ask questions about lethality factors. The best practice would be to have a county advocate on call that law enforcement can contact and have the victim interviewed by the advocate to make sure all lethality factors are known, understood and documented. This advocate could be part of the District Attorney's proposed Family Justice Center.

At one point in this process, an officer who was trying to interpret ambiguous court documents could not tell what was required. This is a continual problem that the DA's Office hears from officers. It was confirmed by the law enforcement agency representative on the team.

At least five of the cases we reviewed occurred at a time when there were either issues of separation or custody. Most issues of separation or custody end up in family court. While abuse of a spouse is often a cause of separation, the court often fails to inquire into the lethality factors and history of abuse and do not see these as a sign of danger for the children. This contributed to a deadly result in one case we reviewed this year.

The age range, employment status, education level and race varied markedly. These findings repeatedly demonstrate intimate partner homicides cut through every level of the socioeconomic

community of Sacramento County. This reality is commonly dismissed or ignored when people speak of domestic violence.

Without a commitment to ongoing education, treatment and resources specific to the dynamics of domestic violence and its victims, abusers, families and friends, as well as the community as a whole, we will not be able to significantly reduce the number of intimate partner deaths in Sacramento County.

## **DVCC SUBCOMMITTEES: ONGOING ACTIVITIES**

The DVCC has four standing committees. Three are currently active. They include: the DVDRT, the Community Subcommittee (DVPC), the Law Enforcement Subcommittee, and the Health Care Domestic Violence Network (HDVN). Each subcommittee is comprised of agency and/or community representatives with expertise in these distinct areas. The committees work independently and are multi-disciplinary in nature. Their responsibilities and duties are determined by the DVCC Executive Committee.

**The Community Subcommittee** known as the DVPC (Domestic Violence Prevention Collaboration) has been very active in the past year. The DVPC has an annual awards ceremony where community members who have dedicated themselves to the cause of domestic violence are honored. They have contributed to the work on the Family Justice Center project and on updating a domestic violence resource directory to make sure all information is current.

The DVPC is also holding an all-day seminar for law enforcement and health care providers on October 23<sup>rd</sup> to train them on how domestic violence affects children in the home and how to document children's reactions to violence.

Since Jan Scully announced a commitment to create a Family Justice Center for domestic violence victims and families the DVPC has been involved. Subcommittees are meeting at regular intervals and DVPC members are a part of these groups which are putting together a schematic plan to help the center run smoothly once it is open. The group also has monthly educational presentations where members of the group educate each other on what types of help they provide for victims. This educational process allows the advocates who deal with victims to better access and direct victims to agencies that have the means to help them with their needs.

**The Law Enforcement Subcommittee** has met a number of times during the year to discuss issues they currently face. Efforts have been made by the District Attorney to provide training for all patrol and detective law enforcement personnel new to domestic violence. The training has been revised and offered to every law enforcement agency in the county, at their request. Law enforcement agencies regularly attend the other subcommittee meetings.

**Our Health Care Subcommittee** stopped having regular meetings. A combination of lack of meeting attendance, economic problems and a lack of defined goals and objectives hampered goal accomplishments. The committee still has a small amount of money at their disposal and is still considering how to best use this small fund to better the lives of domestic violence victims in the community.

## **RECOMMENDATIONS**

The DVDRT recommends that the Board request the Sheriff and all law enforcement agencies in the county report to them on how they are ensuring their compliance with Penal Code Section 14205, which requires law enforcement to take a report for a missing person and to prioritize these calls above property crimes.

The best practice would be to have a county advocate on call and that law enforcement should contact the advocate to interview the victim to make sure all lethality factors are known, understood and documented. This advocate could be part of the District Attorney's proposed Family Justice Center.

The Family Court has been in discussions with the DVPC and the District Attorney regarding changes at the Sacramento Family Court to make the long lines and difficult paperwork less of an ordeal for victims seeking restraining orders.

We are recommending that this dialogue continue and that the subject of orders be included in that dialogue. We will also request that the county participate by providing some equipment to have offsite options for restraining order hearings. This will include a camera and video equipment. The cost should be minimal. The procedure would create a safer situation for the victim and the court.

The committee, which is part of the DVCC, is excited about the potential a Family Justice Center could bring to Sacramento County. The Family Justice Center has the potential to fundamentally change the way we do business in Sacramento. Law enforcement, the District Attorney and the advocate groups we have in Sacramento could collaborate in a way that is efficient and easy for victims. If we do it the right way, it will benefit victims and enhance our advocate groups. The biggest potential is a reduction in domestic violence homicides, which has been documented in San Diego and other Family Justice Centers. The cost of a domestic violence homicide to the county can be over a million dollars. The cost to family and friends and children is irreparable.

## **CONCLUSION**

Due to continued budget cuts, the need for different agencies to work together to solve the problems in our community has never been so great. The DVCC is continuing to be active in working with law enforcement and community groups in meetings and planning groups to create an effective Family Justice Center in Sacramento. The Family Justice Center is an opportunity to advance the collaboration we have worked on in Sacramento. We hope you continue to support us during the next year as we explore this exciting opportunity.