



**STATE OF
KANSAS**

GOVERNOR KATHLEEN SEBELIUS
DOMESTIC VIOLENCE FATALITY
REVIEW BOARD
2006 REPORT

Published January 2007

Dedication

The Governor's Domestic Violence Fatality Review Board reviewed domestic violence-related fatalities from 2004. This report is dedicated to these women, their children, friends and family members who have lost their lives to domestic violence and to the battered women who struggle to stay alive every day.

GOVERNOR'S DOMESTIC VIOLENCE FATALITY REVIEW BOARD

January 12, 2007

Honorable Kathleen Sebelius
Governor, State of Kansas
Capitol Building
300 SW 10th, Room 212S
Topeka, Kansas 66612-1590

Dear Governor Sebelius:

I am pleased to submit the 2006 Report of the Domestic Violence Fatality Review Board.

Domestic violence is a severe problem in Kansas and throughout the nation. It is a crime that all too often escapes public notice and understanding. Some studies show that fewer than one in 20 cases of domestic violence are being reported. It is a silent violent crime that is hidden from authorities.

Your establishment of the Domestic Violence Fatality Review Board (FRB) has helped to focus attention on the horror of domestic violence. Please be assured that the FRB thoroughly examines all domestic violence homicides in Kansas as it strives to seek preventative measures to deter future domestic violence-related fatalities.

The members of the FRB have given a great deal of time and effort to our sad task of reviewing domestic violence fatalities in order to find ways to prevent this terrible crime. I want to publicly thank the FRB members for their dedication to this noble effort. They are, Judge Harold Flaigle, Dave Warry, Steven Halley, Brandelyn Nichols, Janice Norlin, Carol Rood, Andria Cooper, Dr. Mary Dudley, Sandra Barnett, Sara Welch, Matthew Ade, Susan Moran and Sergeant Troy Hensley. The efforts of your staff, Juliene Maska, Tiffany Fisher, JaLynn Copp and Erica Haas, have been invaluable in guiding and assisting us as we carry out our responsibilities.

I can assure you that we will continue to carry out your mandate to "recommend improvements to prevent future fatalities and determining if adequate resources and training are in place for those who respond to domestic violence crimes."

Sincerely,



Robert T. Stephan, Chair
Domestic Violence Fatality Review Board

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**STATE OF KANSAS
GOVERNOR'S DOMESTIC VIOLENCE FATALITY REVIEW BOARD
2006 REPORT**

HISTORY AND BACKGROUND

The Governor's Executive Order 04-11 established the 14-member Fatality Review Board (FRB) on October 11, 2004. The FRB is charged with reviewing all adult domestic violence-related fatalities in Kansas, describing trends and patterns regarding the facts and circumstances of these fatalities, recommending improvements to prevent future fatalities and determining if adequate resources and trainings are in place for those who respond to domestic violence victims.

The FRB only reviews closed cases of homicide/suicide and any other deaths related to domestic violence. This ensures all appeals have expired and the FRB will not affect the ongoing investigation of an active case. In addition, the review and discussions of individual cases are conducted in a confidential manner in executive session.

GOALS OF THE BOARD

The FRB examines domestic violence homicides with two principal goals:

1. To continue informing the public about the insidious nature of domestic violence and motivating the public to find solutions to end domestic violence; and
2. To identify systemic changes within all the organizations and agencies that work with domestic violence victims, offenders and families to learn new ways of reducing the number of fatalities by better identification of risk factors and improvement in the coordination of services that our State provides.

OBJECTIVES

1. To describe trends and patterns of domestic violence-related fatalities in Kansas.
2. To identify high risk factors, current practices, gaps in systemic responses and barriers to safety in domestic violence situations.
3. To educate members of the health care system, social services, law enforcement, judicial system (judges, court services officers, probation officers, prosecutors, lawyers, etc.), policy makers and any public or private entity about fatalities due to domestic violence and about strategies for intervention.

4. To recommend policies, practices and services that will encourage collaboration and reduce fatalities due to domestic violence.
5. To improve the sources of domestic violence data collection by developing systems to share information between agencies and offices that work with domestic violence victims.
6. To more effectively facilitate the prevention of domestic violence fatalities through multi-disciplinary collaboration.
7. To organize a public awareness campaign.

PROGRESS ON 2005 RECOMMENDATIONS

During this past year, the FRB focused its efforts on implementing the recommendations from the 2005 report. The recommendations and efforts follow.

☞ ***Increase public awareness initiatives:***

A \$25,000 Recognition Grant from the Kansas Health Foundation was received to develop a domestic violence public awareness plan. Ken Desieghardt with Desieghardt Strategic Communications, LLC. and a subcommittee of the FRB developed a plan and it was approved by the FRB in May 2006. The next step is to secure funding to implement the plan and this is a primary focus of the FRB in 2007. In addition, FRB Chair Robert Stephan, continues to write monthly columns on the issue of domestic violence. The columns are issued by the Governor's Office to media statewide and are posted on the Governor's website.

☞ ***Develop a systematic manner to track and report criminal data on the relationship of the victim and offender from time of incident to disposition of the criminal case – not just if a domestic violence battery.***

The Kansas Bureau of Investigation (KBI) is responsible for the tracking of criminal data in Kansas. The KBI needs to update its incident based reporting system in order to track all crimes in this manner. The FRB will continue to monitor the outcome of this work.

☞ ***Train all professionals involved with domestic violence cases – advocates, law enforcement, judges, probation and parole officers, community corrections officers, prosecutors, as well as non-criminal justice professionals such as healthcare providers, educators and school personnel and social workers, etc.***

The Governor's Office in conjunction with the Kansas Coalition Against Sexual and Domestic Violence, Kansas Law Enforcement Training Center, Kansas County & District Attorneys Association, Kansas Office of Judicial

Administration and Kansas Department of Corrections received a federal grant from the U.S. Department of Justice, Office on Violence Against Women for the Grants to Encourage Arrest Policies & Enforcement of Protection Orders Program. The funding will help provide a comprehensive training continuum regarding domestic violence for professionals working in the criminal justice system. This training will saturate the State of Kansas with a continuum of training for all professions of the criminal justice system from the time of a 911 call reporting the incident, through the investigation, arrest, prosecution, probation, or parole and release of an offender, including emphasis on Protection From Abuse (PFA) and Protection From Stalking (PFS) orders.

- ☞ ***Encourage safety and accountability assessments in local communities. Develop an assessment tool to ascertain the level of protection needed for victims seeking protection from abuse and protection from stalking orders.***

The Kansas Coalition Against Sexual and Domestic Violence (KCSADV) has taken the lead on these two recommendations. Currently, KCSADV is working on two federal grant projects to implement additional safety and accountability assessments and develop an assessment tool for protection orders. The result of these two projects will be reported in the next report of the FRB.

- ☞ ***Ensure that third time convicted offenders of domestic violence battery spend time in state correctional facility.***

The Governor signed into law House Bill 2576 which requires a person convicted of a third or subsequent domestic violence battery to enter into and complete a treatment program for domestic violence. Failure to do so would result in serving not less than 180 days nor more than one year in prison.

- ☞ ***All child protective services should assess for domestic violence and should be non-punitive towards the non-abusing parent.***

Chair Robert Stephan met with the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) to discuss this issue and the sharing of information that may be helpful in the review of cases. Currently, SRS works with the Kansas Coalition Against Sexual & Domestic Violence on two projects. The OARS (Orientation, Assessment, Referral, Safety) program is a collaborative project with SRS and KCSADV. A domestic violence advocate is housed with SRS and assists recipients of cash assistance who are identified and screened as having domestic violence issues. The other project is called Safe at Home and it addresses the maltreatment of children and identifying domestic violence in families. KCSADV also has a staff person working with SRS in the development of a curriculum and training of all child protective service workers.

☞ *Adopt and require standards for working with batterers.*

FRB members are updating the Essential Elements Standards of Batterer Intervention Program developed by the Kansas Coalition Against Sexual and Domestic Violence. A working group is reviewing the standards and will make its recommendations to the FRB. This working group will identify and recommend the best approach to take to adopt and implement these standards in January 2007.

☞ *Ensure that adequate funds are available for community based domestic violence programs regarding capacity building.*

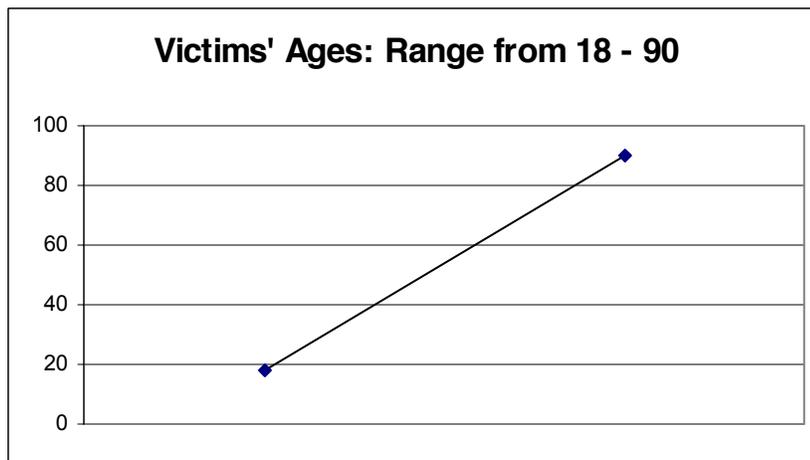
The FRB continues to support the Governor in her efforts to ensure that funding is made available to domestic violence programs.

☞ *Improve the death investigation system in Kansas.*

The Kansas Medical Society adopted a resolution regarding death investigation protocols. The FRB will need to track the development of this protocol and how it will impact domestic violence homicide investigations.

STATISTICAL INFORMATION

According to the 2005, Kansas Domestic Violence and Rape Report, which is compiled by the Kansas Bureau of Investigation (KBI) and based on reports by law enforcement, 142 adult domestic violence-related fatalities occurred in Kansas from 1999 to 2005. Since 1992, Kansas law enforcement agencies have been required to submit a standard offense report to the KBI on domestic violence incidents regardless of whether an arrest was or was not made. The intent of the law is to collect information and respond to domestic violence among adult intimate partners and adult family members. The 142 fatalities include deaths of spouses, former spouses, persons in intimate relationships whether on-going or in the past and persons 18 years of age or older who are blood- or step-related to one another. Of the 142 fatalities, 96 were females and 46 were males. Victims ranged in age from 18 to 90 years of age.



CASE REVIEWS

In 2006, the Governor's Domestic Violence Fatality Review Board reviewed domestic-violence related fatalities that occurred in 2004. According to the KBI's 2004 Domestic Violence and Rape Report, 25 domestic violence-related homicides occurred in Kansas in 2004 as reported by law enforcement agencies. Of the 25 cases, the FRB received information on seven cases. Of these cases, one case was not reviewed because it was under appeal, FRB members are continuing to gather additional information on three cases and three cases were reviewed. Appendix A contains a summary of the three domestic violence-related cases the FRB reviewed.

Mary

46 years of age

Douglas County

On July 28, 2004, Mary was strangled by her husband, Marty, 45. Marty initially told law enforcement he woke up about 6 a.m. on July 28, 2004, and found his wife in bed in a different room, not breathing. Marty was later arrested after a coroner conducted an autopsy and ruled the death a homicide.

Mary and Marty were married for 25 years and had two children—a daughter, 14, and son, 12. The children testified hearing their mother scream the night she was killed as if she could not breathe.

Mary and Marty were involved in their church and the children went to a private Christian school. Mary worked at the KU library and provided the main source of income for the family. She also handled Marty's part time work for Prepaid Legal Services and did all the accounting and maintenance of business records for Marty's carpentry business. Co-workers and close friends said Mary worried about finances a lot.

Mary is survived by her two children. Marty was convicted of first degree murder and sentenced to life in prison with no chance of parole for 25 years. He currently is incarcerated with the Kansas Department of Corrections in Lansing Correctional Facility.

Darrel

46 years of age

Scott County

On July 8, 2004, Darrel was shot and killed by his wife, Keitha, 47. After shooting Darrel, Keitha then shot and killed herself. Darrel and Keitha had been married for almost 26 years. They separated in January 2003. In early 2004, Darrel filed for divorce. They had three children who were 23, 20 and 17.

At the time, Darrel was going through bankruptcy and Keitha was requesting \$3.5 million as part of the divorce. The day before Darrel was killed, he and Keitha had a meeting with his bankruptcy attorneys.

Donna
72 years of age
Sedgwick County

On December 6, 2004, Donna was strangled and stabbed four times with an ice pick by her husband, Lawrence, 78. After killing Donna, Lawrence set the house on fire. The house burned internally and put itself out. Lawrence died of carbon dioxide poisoning. Donna and Lawrence had been married for 56 years. They had three children, a son and daughter in their 50's and a daughter in her 30's.

Their children said Lawrence was controlling and mentally and physically abused Donna. He tried to strangle her a couple of times, but police were never called to their home. For the last two to three years of Donna's life, she suffered from cancer. This caused more stress in their relationship when she could no longer take care of Lawrence and he had to care for her.

Family members feared something would happen between Donna and Lawrence shortly before their deaths and they removed guns and unnecessary medications from their home. Donna's sister also took Donna to visit some assisted living facilities in the area. Donna found one she and Lawrence were going to move into, however, their deaths preceded their move.

RECOMMENDATIONS FOR 2006:

☞ ***Develop screening for health care professionals:***

Health care providers have contact with victims and perpetrators of domestic violence during routine health exams. And in extreme cases of abuse, the victim is seen in the emergency room. The majority of these contacts may appear to be unrelated to domestic violence, however, domestic violence may be an underlying cause for the medical contact. Therefore, routine screenings for domestic violence by health care providers should be institutionalized by medical offices and hospital systems. Health care providers, including home health care providers, should be trained to screen for domestic violence, appropriately intervene and provide referrals to community organizations knowledgeable about domestic violence.

☞ ***Establish screening by mental health and substance abuse providers:***

Training on domestic violence should be required for professionals providing mental health and substance abuse treatment. In addition, mental health and substance abuse providers should utilize a standardize assessment tool to screen for victimization as well as for batterers.

☞ ***Recognize elder abuse issues:***

Too often the screening of the elderly does not take into consideration domestic violence. In almost 90 percent of the elder abuse and neglect incidents with a known perpetrator, the perpetrator is a family member and two-thirds of the perpetrators are adult children or spouses. In homicides involving older couples, men killing their female intimate partner often is the result. Because elder abuse almost always occurs within the home, it is without a doubt under reported. It remains the dark secret within the family. It is estimated that only one of 14 domestic elder abuse incidents come to the attention of authorities.

Therefore, training and screening tools should be developed for those working with the elderly population; nursing homes, assisted living facilities, area agencies on aging, adult protective services, home health care providers, etc. Providers should assess for domestic violence to provide intervention and increase domestic violence victims' safety.

☞ ***Create culturally sensitive training:***

Various cultural and language barriers can make it difficult for victims and their families to access services to help protect themselves and save their lives. Understanding and respecting how these barriers impact family and relationship dynamics is essential to effectively assist all domestic violence victims and their families. Therefore, training curricula, educational materials, written resources, etc. developed should be sensitive to cultural and linguistically diverse ethnic groups.

FATALITY REVIEW BOARD MEMBERS

Robert T. Stephan, Chair
Former Attorney General
Johnson County

Judge Harold Flaigle
18th Judicial District
Sedgwick County

Dave Warry, Assistant Director
Kansas Law Enforcement Training Center
Reno County

Dr. Mary Dudley
District Coroner-Medical Examiner
Sedgwick County

Steven Halley, LSCSW
Clinical Director
Halley Counseling Services, P.A.
Crawford County

Janice Norlin
Attorney
Saline County

Sara Welch
Attorney
Johnson County

Matthew Ade
Parole Officer
Saline County

Carol Rood
Court Services Officer
Sedgwick County

Susan Moran, Executive Director
SOS, Inc.
Lyon County

Andria Cooper
Assistant Professor
Fort Hays State University
Ellis County

Sergeant Troy Hensley
Law Enforcement Officer
Riley County Police Department
Riley County

Sandra Barnett, Executive Director
Kansas Coalition Against Sexual
& Domestic Violence
Shawnee County

Brandelyn Nichols, Prosecutor
Unified Government of Wyandotte
County Legal Department
Wyandotte County

CONCLUSION

The FRB's recommendations are based on the domestic-violence related fatalities reviewed in the last two years. Although there are limited resources available, it is vital that these recommendations be implemented. Kansas women, men and children are dying and many more are injured and emotionally scarred from the domestic violence in their lives. We can improve domestic violence prevention efforts with a coordinated community response. This response includes safety and support for domestic violence victims and holding perpetrators of domestic violence accountable for their conduct. Early identification, appropriate intervention and preventative education can make the difference. By working together and implementing the recommendations outlined in this report, we can work towards saving lives.

ACKNOWLEDGEMENTS

This report is the product of the combined expertise of the Kansas Governor's Domestic Violence Fatality Review Board. FRB members brought their interest, years of experience, expertise, case information and commitment to board meetings. Additionally, this report would not be possible without the cooperation of local law enforcement.

For the families and friends of the victims, the FRB respectfully acknowledges your loss and in submitting this report it is their hope to increase the awareness of domestic violence victims and continue to be committed to eradicating this social problem.

APPENDIX

Appendix A—Summary of Domestic Violence-Related Homicides that Occurred in 2004

Appendix B—Executive Order 04-11 Established the Fatality Review Board

Appendix C—Governor's Domestic Violence Fatality Review Board Columns

APPENDIX A

Summary of Domestic Violence-Related Homicides that Occurred in 2004

Appendix A—Summary of Domestic Violence-Related Homicides that Occurred in 2004

**Kansas Governor’s Domestic Violence Fatality Review Team
2004 Domestic Violence Homicide Fact Sheet**

Kansas Governor’s Domestic Violence Fatality Review Team reviewed three cases from calendar year 2004 involving five domestic violence-related deaths.

Of those cases reviewed:

4 deaths were homicide/suicides

Manner of Death

1 was strangulation

1 was asphyxiation and stabbing

1 was carbon dioxide poisoning

2 were gunshot wounds

Relationship of the Descendant to the Perpetrator

3 cases the descent and perpetrator were spouses

Race of the Victims

3 were Caucasian

Offenders’ Sentences

In one case, charges were filed against the offender and the offender was convicted of first degree murder and sentenced to life in prison.

Average Age of Victims—55

Average Age of Offenders—57

Youngest Victim—46 years of age

Eldest Victim—72 years of age

APPENDIX B

Executive Order 04-11 Established the Fatality Review Board

Appendix B—Executive Order 04-11 Established the Fatality Review Board



KATHLEEN SEBELIUS, GOVERNOR

EXECUTIVE ORDER 04-11

WHEREAS, Kansans are being affected by crimes related to domestic violence; and

WHEREAS, as Governor, I have a deep commitment to improving services to victims/survivors of domestic violence; and

WHEREAS, domestic violence devastates its victims and threatens the health and safety of families; and

WHEREAS, domestic violence imposes staggering costs on society associated with legal and medical expenses, law enforcement, social services, the courts and lost productivity in the workplace; and

WHEREAS, people die each year in Kansas as a result of domestic violence that may be preventable;

NOW THEREFORE, pursuant to the authority vested in me as the Governor of the State of Kansas, I hereby create the Governor's Domestic Violence Fatality Review Board ("Board") with the following purposes and charges:

1. The Board will be made up of fourteen representatives who have a working knowledge of domestic violence appointed by the Governor. The Governor shall designate one of the members as Chairperson. The Committee shall meet on call of the Chairperson.
2. The Board will develop a protocol for its use. The protocol may include written guidelines for coroners to use in identifying any domestic violence related fatalities, procedures to be used by the Board in investigating domestic violence related fatalities, methods to ensure coordination and cooperation among all agencies involved in domestic violence related fatalities and procedures for facilitating prosecution of perpetrators when it appears the cause of death was related to domestic violence. The protocol shall be adopted by the Board by rules and regulations.
3. The Board will review all adult fatalities related to domestic violence and work in conjunction with the Child Death Review Board regarding children killed in these fatalities.
4. The Board will describe trends and patterns of domestic violence related fatalities regarding the facts and circumstances of these fatalities and to perform other research as necessary toward the prevention of domestic violence.
5. The Board will develop a process for change in policies, procedures and protocols necessary to accomplish improvement in the prevention of domestic violence and which hold the perpetrator accountable and provide for victim safety.
6. The Board will determine if adequate resources and training are in place for those who respond to crimes of domestic violence.
7. The Board will collect, review and analyze information including death certificates and death data, investigative reports, law enforcement, medical and counseling records, victim service records, employment records, or other information concerning domestic violence fatalities, and any other information deemed by the Board as necessary and appropriate concerning the causes and manner of domestic violence fatalities.

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8. The Board will determine whether domestic violence related fatalities might have been prevented with improved policies or procedures of the health care system, social services system, law enforcement, the courts or any other public or private entity.
9. The Board is authorized to call upon a department, office, division, or agency of this State to supply it with data and access records it deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Board and to furnish it with such information and assistance as necessary. No domestic violence related fatality may be reviewed if there is an on-going investigation or prosecution.
10. Information acquired by, and records of, the Board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except in an aggregated form for research purposes by the Board and its members. Meetings of the Board will be open to the public except when the Board is discussing confidential information or records. Then a formal motion shall be made, seconded and carried, so the Board may recess, but not adjourn, an open meeting for a closed or executive meeting. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the Board. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.
11. The Board may form additional advisory groups to assist them with their review and recommendations. Members may include, state agency representatives, local government agencies and other entities that will be of benefit to the work of the Board.
12. The Board shall report to the Governor, no later than one year from the date of this Executive Order, on the Board's progress and findings and to make any recommendations regarding the Board's operation, including whether legislative authority would enhance the operation of the Board.
13. Members of the Board may receive subsistence allowances, mileage and expenses as provided by K.S.A. 75-3223 and amendments thereto for attending meetings or subcommittee meetings of the board to be paid from the administrative expense budget of the Governor's Federal and Other Grants Program contingent upon receipt of adequate funds.
14. The Governor's Federal and Other Grants Program shall provide the staffing for the Board.

This document shall be filed with the Secretary of State as Executive Order No. 04-11 and shall become effective immediately.

APPENDIX C

Governor's Domestic Violence Fatality Review Board Columns

Appendix C—Governor's Domestic Violence Fatality Review Board Columns



KATHLEEN SEBELIUS, GOVERNOR

February 2, 2006

Governor's Domestic Violence Fatality Review Board Column: *The Crisis Center, Inc.*

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

Late last year, I had the privilege of addressing the Crisis Center's Annual Meeting in Manhattan, Kansas. The Crisis Center, Inc. provides services for sexual and domestic violence victims in Clay, Geary, Marshall, Pottawatomie and Riley Counties and Fort Riley.

The Crisis Center was created in 1979 and offers: a 24-hour Hotline (1-800-727-2785), crisis intervention, emergency transportation, safe shelter, food, children's services, counseling, assistance with protection orders and many other services. Volunteers are the life blood of the Center's work. Dedicated and concerned citizens provide thousands of hours of service each year to assist victims of domestic violence and sexual assault.

During calendar year 2005, the Crisis Center provided face-to-face services to an average of 150 victims per month, answered more than 1,900 crisis calls and provided 4,868 nights of safe shelter.

I extend my sincere appreciation to Judy Davis, Executive Director of the Crisis Center and its staff and volunteers. The service they extend to victims in five counties helps tremendously.

During the course of my remarks I noted that I recently attended a national meeting of fatality review boards. As part of the program the organizers hosted skits on various subjects. One of the skits was meant to show the right way and the wrong way for a victim to talk to the police. A woman who was the battered person was standing and explaining what had happened. The problem with the portrayal was that it also did not show the response of a woman who could not stand – who was beaten so badly that she was a mass of blood and bruises administered by a cowardly bully who enjoyed beating up someone who had little ability to fight back. By the time a prosecutor and judicial authorities see the victim there are few visible signs of the terror she endured.

It has been obvious to me for many years that the public does not realize or understand the horror that accompanies a beating. Perhaps that is one of the problems with the words domestic violence. Domestic is defined as having to do with the home or housekeeping; of the home or family (domestic jobs) – enjoying and attentive to the home and family life. Beating someone within an inch of their life is the opposite of domestic and somehow the public needs to be aware of the human tragedy that is called domestic violence.

Change does not take place unless citizens demand that the law and the administration of that law meet victims' needs. As chair of the Governor's Domestic Violence Fatality Review Board, I hope to find funds set up a public awareness campaign. With the support of our citizens, we will have an opportunity to show the political community that people do care about the carnage that is called domestic violence.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

March 6, 2006

Governor's Domestic Violence Fatality Review Board Column: Elder Abuse: The Horrible Secret

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

People perceive domestic violence as something that happens to young women. It is difficult to picture women, some in their 60's, 70's and 80's, being subject to physical and emotional domestic abuse. I refer to women because the United States Justice Department has stated that 85 percent of the victims of intimate-partner violence are women.

The January 3, 2006 AARP magazine has an excellent article entitled "And Then He Hit Me" describing the real picture of elder victims of domestic violence. The AARP article points out that in studies in the late 1990's, between four percent and six percent of older North Americans reported they were in a relationship they considered physically abusive. If the surveys are correct and the percentages remain constant with overall population growth, that would mean three to five million Americans more than 50 years of age (out of 85 million) currently are in abusive relationships.

Our oldest elders (80 years and more) are abused and neglected at two to three times their proportion of the elderly population. In almost 90 percent of the elder abuse and neglect incidents with a known perpetrator, the perpetrator is a family member and two-thirds of the perpetrators are adult children or spouses.

Because elder abuse almost always occurs within the home, it is without a doubt under reported. It remains the dark secret within the family. It is estimated that only one of 14 domestic elder abuse incidents come to the attention of authorities.

Adult children are the most frequent abusers of the elderly. According to a 1996 study (the most recent study of which I have knowledge) 14.6 percent of the victims were subjected to physical abuse; 12.3 percent were subjected to financial/material exploitation; 55 percent were the victims of neglect; 7.7 percent were subjected to emotional abuse; 0.3 percent were victims of sexual abuse; and approximately 10 percent of reported domestic abuse cases do not fit into any of these categories.

The National Center on Elder Abuse found that the median age of elder abuse victims was 77.9 years old. The study further found 66.4 percent of domestic elder abuse victims were Caucasian, 18.7 percent were African American and 10 percent were Hispanic.

Without a doubt the true extent of elder abuse and positive intervention will remain elusive for many years to come. The secret nature of the crime should not dissuade regulatory agencies and law enforcement officials from seeking an answer.

If you are a victim of domestic violence, please call 1-888-END ABUSE (1-888-363-2287) to find resources to assist you.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

April 18, 2006

Governor's Domestic Violence Fatality Review Board Column:SAFEHOME

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

I recently had the opportunity to visit the SAFEHOME facility in Johnson County. It did not take long to see why SAFEHOME has such an outstanding reputation as a safe haven for victims of domestic violence. Executive Director, Sharon Katz, and her outstanding and caring staff provide hope for battered women and children who come to the shelter.

The exciting news of the day was the statement by Ms. Katz that a 71 room hotel was being renovated to provide a new location for SAFEHOME. A capital campaign to raise \$5.5 million dollars is under way. Pledges for approximately 65 percent of the goal have been obtained.

SAFEHOME offers victims of domestic violence a 10-week-shelter program with a safe home environment. In addition, SAFEHOME provides a 24-hour-crisis hotline: **(913-262-2868)**, counseling, advocacy at first court appearances and other hearings, help finding suitable housing, job search assistance, childcare and school assistance.

From 2004 to 2005 SAFEHOME served the needs of 239 women and 162 children. This included 9,502 bed-nights with an average length of stay of nearly 24 days. SAFEHOME responded to 2,255 crisis calls and provided assistance to 4,972 victims. In addition to the hours invested in the program by the staff, volunteers contributed 22,857 hours. SAFEHOME's vision is to eliminate domestic violence and sexual assault. The mission of SAFEHOME is to break the cycle of sexual and domestic violence and abuse.

The entire community embraced by SAFEHOME is fortunate to have such a caring and meaningful organization carrying out the goal of providing victims with a safe haven and invaluable services to alleviate suffering.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

May 31, 2006

**Governor's Domestic Violence Fatality Review Board Column:
Battered Women's Syndrome
(A Foot in the Door)**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

The United States Supreme Court recently heard a case that deals with a peripheral issue in regard to battered women's syndrome.

The case involved the purchase of seven guns at two Dallas, Texas gun shows by Keshia Ashford Dixon. She falsely stated that she was not facing criminal charges and gave an incorrect address. She said that she purchased the guns because she was afraid her boy- friend, a felon, would kill her and her two daughters if she did not. She claimed she was a victim of battered women's syndrome. The judge would not allow jurors to consider expert testimony on the effects of domestic violence. She was convicted of lying to buy a firearm and receiving guns and was sent to prison.

The Supreme Court will concentrate on two main issues. It does not appear that the court will deal directly with the issue of battered women's syndrome. The issue they will consider is whether a defendant must prove she or he was under duress, or whether it is the responsibility of the prosecution to prove beyond a reasonable doubt that a defendant was not under duress.

It is unfortunate that the Supreme Court will not address the question of whether expert testimony should be allowed in cases involving women who experienced battered women's syndrome but, at least, there is a foot in the door.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

June 30, 2006

**Governor's Domestic Violence Fatality Review Board Column:
No one should be beaten**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

I want to start this commentary with a statement about human beings and animals. I do not believe that any human being should be beaten or tortured by another person. Nor do I believe that animals should be beaten or tortured.

During the 2006 legislative session I watched the discussion about a felony animal cruelty law. Editorials in many newspapers called for a tough animal cruelty law. The howl and cry for change was almost deafening. One editorial opined that to protect helpless pets from abusers Kansas needed to strengthen its animal cruelty law. The editorial stated that, "Anything less than a strong law making animal abuse a felony will not do."

The writer correctly pointed out that maltreatment of animals was a misdemeanor and the punishment is no more than a year in jail and a \$2500 fine. He pointed out that Kansas needs a felony animal cruelty law, punishable by a heavy fine and solid jail time and the perpetrators must undergo counseling.

The legislature heard the cry and justifiably passed a felony animal cruelty law.

It is now time for legislators and editorial writers to raise the same cry for a change in the law that adequately punishes those who beat or torture women.

Right now, a first offense of domestic violence against a woman is punishable with 48 hours to six months in jail and a fine of no less than \$200 and no more than \$500. That is appalling.

When a perpetrator beats or tortures a woman, Kansas should have a strong felony human cruelty law. I can only hope that in the future at the very least, the same protection will be given to women that is now given to animals.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

August 16, 2006

Governor's Domestic Violence Fatality Review Board Column: Domestic Violence and the Sixth Amendment

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

The most common complaint I hear from judges, prosecutors and law enforcement officers is that women who claim to have been battered do not appear to assist in the prosecution of their abuser. Estimates are that 80 to 90 percent of the time women recant or refuse to cooperate with the prosecution. The justice system needs to be knowledgeable as to the reasons this occurs.

Battered women refuse to appear because they fear for their safety and that of their children, the risk of losing their children, loss of financial support or employment, and re-victimization and trauma through the judicial process.

The United States Supreme Court recently issued an opinion in two cases dealing with the Confrontation Clause of the Sixth Amendment which provides: "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him."

The two cases involved a domestic battery complaint and the failure of the complainant to appear at trial. The decisions provide a window of opportunity to protect women in the judicial process but the fine lines make careful inspection of the circumstances of the complaint an absolute must for prosecutors.

Both cases revolved around the issue of whether or not the victims' statements were testimonial. A testimonial statement is one given or taken in significant part for purposes of preserving it for potential future use in legal proceedings. If a statement is testimonial, then the accused has the right to be confronted by the witness against him.

In one of the cases the victim (McCottry) made statements to a 911 emergency operator. McCottry told the 911 operator that the batterer had "jumped on her and used his fists" and she gave his name. When the police arrived, they saw injuries on her forearm and her face.

As to McCottry, the Supreme Court held that at least the initial interview conducted with a 911 emergency operator ordinarily is not designed primarily to establish or prove some past fact, but to describe current circumstances requiring police assistance. The questions asked by the 911 operator were necessary to resolve the present emergency. As a result, McCottry's statements were not deemed testimonial and were admissible.

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The other case decided by the Supreme Court held that the statements of the victim (Amy) were testimonial and must not be allowed at a trial.

Police responded to a domestic disturbance at the home of Herschel and Amy Hammon. Amy told the police nothing was the matter as did Herschel. After hearing Amy's account, the officer had her fill out and sign an affidavit as to how she was battered by Herschel. Herschel was charged with domestic battery and at the trial Amy did not appear. The Supreme Court said her statement should not be admitted because when it was given there was no ongoing emergency and the purpose of the interrogation was to establish or prove past events relevant to later criminal prosecution.

It should be noted if the court finds the victim did not appear at trial because she was intimidated by the batterer the Sixth Amendment right of confrontation has been waived and the victim's prior statement is admissible.

The decisions are not a total win for domestic violence victims but the guidelines are fairly clear and should result in more justice for victims.



KANSAS

KATHLEEN SEBELIUS, GOVERNOR

September 13, 2006

**Governor's Domestic Violence Fatality Review Board Column:
Domestic Violence and Public Awareness**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

Violence in any form is adverse to the concept of what a civilized world should be. The reality is that the flow of violence has been with us since the beginning of time, but it should also be a reality that good people will work to provide a solution.

Since the inception of the Domestic Violence Fatality Review Board, which was created by Governor Kathleen Sebelius, I have received many letters about the horror people have experienced as victims of domestic violence. Some of those folks who have contacted me have been friends and acquaintances over many years and I was unaware of the tragedy in their lives. As an example, a man I have known for more than 40 years recently advised me that he was a victim of domestic violence during his childhood. The daughter of a friend who is a business woman told me she had been subjected to violence from her husband for 20 years. This silent blight on our society must not be allowed to continue unnoticed.

The Kansas Bureau of Investigation (KBI) publishes a yearly Domestic Violence Report. The 2004 KBI report showed that 121 domestic violence related fatalities occurred in Kansas from 1999 to 2004. Of the 121 fatalities, 82 were females and 39 were males. Victims ranged from 18 to 90 years of age. Only since 1992 have Kansas law enforcement agencies been required to submit a standard offence report to the KBI on domestic violence incidents.

The Board reviewed six cases from calendar year 2003 involving nine domestic violence related deaths. In four of six cases, friends, family and coworkers knew of the violence or threats to kill. In four out of the six cases the decedents were attempting to leave their partner. Five of the victims were Caucasian and one was African American. It should be noted that no homicide is reviewed until the legal process has been completed.

The Domestic Violence Fatality Review Board has two principal goals: (1) inform the public about the insidious nature of domestic violence in order to get citizens involved in finding solutions, and (2) identify systematic changes in all agencies that work with domestic violence that might reduce the number of fatalities and improve the delivery of services.

The Domestic Violence Fatality Review Board has received a grant from the Kansas Health Foundation to be used to formulate a program to raise public awareness about the horror of domestic violence. We believe the support of the public is necessary if domestic violence is to be reduced. That cannot become a reality until awareness gives rise to action.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

October 2, 2006

**Governor's Domestic Violence Fatality Review Board Column:
October Domestic Violence Awareness Month**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

Each year we dedicate the month of October to raise awareness and educate our communities about domestic violence. Domestic violence affects all of us. Your neighbor, child's school teacher, sister, mother or best friend could be a victim of domestic violence. During October, Governor Kathleen Sebelius and I along with members from the Governor's Domestic Violence Fatality Review Board invite you to:

- Get involved in a community event to observe domestic violence and honor domestic violence victims;
- Volunteer at a local domestic violence program;
- Help raise funds or make a contribution to a local domestic violence program;
- Learn more about the issue of domestic violence; or
- Help someone you know, or suspect, is in an abusive relationship

The Governor's Domestic Violence Fatality Review Board (FRB) has completed its first step in its efforts to make the public more aware of the tragedy of violence in the home. With a grant from The Kansas Health Foundation the FRB employed an expert to formulate a campaign to increase awareness and stimulate meaningful action on the issue of domestic violence. The campaign plan will utilize various means to publicize the cruel and yet silent epidemic called Domestic Violence.

The statistics continue to tell the story but these victims are not just a mass of mathematical statistics, but are real human beings. In Kansas, from July 2004 to June 2005:

- 12,880 women, 1,169 children and 992 men received face-to-face services from domestic violence programs.
- Shelters provided 62,327 bed nights to women, children and men seeking safety from domestic violence.
- Statewide, domestic violence programs responded to 27,785 crisis calls.
- Law enforcement intervened during 19,222 domestic violence incidents.
- And, 21 homicide victims in Kansas died from injuries sustained as a result of domestic violence – and this number could increase as investigations continue.

We urge you to stay committed and get involved in bringing meaningful services and protection to domestic violence's innocent victims.

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KANSAS

KATHLEEN SEBELIUS, GOVERNOR

November 21, 2006

**Governor's Domestic Violence Fatality Review Board Column:
"A Change of Address, Safe At Home"**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

In May 2006, Governor Kathleen Sebelius signed House Bill 2928 enacting a groundbreaking law to protect and serve domestic violence and sexual assault victims. The new law becomes effective January 1, 2007 and allows domestic violence, sexual assault, trafficking, or stalking victims the right to establish a new confidential address.

The new law was the result of the Kansas Coalition Against Sexual and Domestic Violence and Secretary of State Ron Thornburgh, as well as others working together to propose the legislation which passed the House and Senate unanimously.

Domestic violence, sexual assault, trafficking, or stalking victims often are subjected to increased risk by the perpetrator of the crime because the residence of the victim is known. HB 2928 allows victims to establish a substitute address that can be used by state and local agencies to respond to requests for public records without disclosing the confidential physical location of the victim. The Secretary of State is authorized to designate an address for a victim as a substitute mailing address.

One of the reasons, among others, that domestic violence, sexual assault, trafficking and stalking victims do not report the crime is the fear of retaliation by the perpetrator. Cutting off access to the victim is not only important in protecting the individual, but in assisting the enforcement of law.

The Secretary of State is in the process of creating rules and regulations for processing "Safe at Home" applications, brochures explaining "Safe at Home", a training program for those tasked with enrolling victims in the program and training materials for agencies that will be required to accept the substitute addresses.

HB 2928 also prohibits an employer from discharging, discriminating, or retaliating against an employee who is a domestic violence or sexual assault victim. Hopefully, this meaningful legislation will increase the momentum to assist and protect domestic violence and sexual assault victims by allowing the victim to take time off work to:

1. seek injunctive relief;
2. seek medical attention;
3. obtain services from a domestic violence shelter, domestic violence program, or rape crisis center; or
4. make court appearances in the aftermath of domestic violence or sexual assault.

Perhaps the passage of this legislation is an indication that the Legislature and the public are hearing the cry of domestic violence and sexual assault victims, and intend to continue to move forward to assist the victims of these terrible crimes. Kansas has taken a step in the right direction and the Governor and 2006 Legislature should be congratulated for the passage of this legislation.



KANSAS

KATHLEEN SEBELIUS, GOVERNOR

December 22, 2006

**Governor's Domestic Violence Fatality Review Board Column:
Victim's Call for Help Not Diagnosis**

The following is a column by Robert T. Stephan, Chair of Governor Kathleen Sebelius' Domestic Violence Fatality Review Board:

On December 6, 2006, a Reno County 911 call was publicly released. The call and the lack of response by the 911 operator show the need for training those who assist and protect domestic violence victims. Fortunately, Rachelle Deitz, the woman making the call, survived the attack by her boyfriend.

When Deitz called 911 for help, strangely enough the 911 dispatcher seemed to be more concerned with Deitz's language than assisting with her emergency.

Deitz first called 911 around 10 in the morning. She told the dispatcher her ex-boyfriend was destroying her house and she "... didn't ***** want him there as he was going to get violent." The dispatcher told her not to cuss.

At 10:06 a.m. she called again. The dispatcher asked Deitz if her ex-boyfriend had hit her. Deitz responded, "No not yet. I don't know where he's at. He has before though - I had him arrested." When officers responded the offender was gone.

About two hours later the man was back and at 11:55 a.m., Deitz again called and used profanity. Again she was advised to stop cussing. During the last phone call at 12:04 p.m., the dispatcher told Deitz she was sending an officer and hung up saying that Deitz was being verbally abusive.

Deitz said the officer never did come to her aid and she was badly beaten.

Ironically, the officer who was to go to the Deitz home said she was working an accident and would go when she was done with her work. At the very least, another officer should have been dispatched to respond to Deitz' 911 call.

The Reno County 911 Director said the bottom line was that there was no indication Deitz was in danger and that the dispatcher did not believe that she was in danger of being battered.

Evidently the 911 dispatcher expects people who call because they have been battered before and expect to be beaten again should be calm, cool and collected and above all should not be using profanity. It is natural that a victim of abuse would become hysterical if they believed violence was going to happen again. The language and demeanor of a potential victim should not result in a lack of response. It would be a better practice for the 911 dispatcher to act in the best interests of the victim and not draw conclusions as to whether or not the fear of the caller is valid. Sensitivity training is certainly in order.

During this month, there have been several deaths allegedly due to domestic violence in Kansas. The case of Ms. Deitz did not result in death but the circumstances were dangerous. The plight of victims of domestic violence is seldom understood by the public at large but it should be understood by those who have taken the responsibility of providing assistance and protection to citizens in danger. All citizens have a right to expect the law enforcement apparatus to act quickly and efficiently to protect them from bodily harm.

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