



# STATE OF KANSAS

*GOVERNOR KATHLEEN SEBELIUS*  
*DOMESTIC VIOLENCE FATALITY*  
*REVIEW BOARD*  
*2008 REPORT*

*Published February 2009*

## Governor's Domestic Violence Fatality Review Board

February 23, 2009

Dear Governor Sebelius,

I am pleased to submit the 2008 Report of the Governor's Domestic Violence Fatality Review Board (FRB).

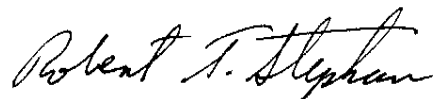
This past year the FRB focused its efforts on developing and drafting a bill to tag all domestic violence crimes committed in intimate relationships. We are hopeful that the 2009 Legislature will introduce and hear the bill.

The FRB also worked on seeking financial assistance to adopt its public awareness campaign which was created in 2006. **"Do Something. Today"** is a public health initiative that uses strategic awareness building and educational tools to reduce domestic violence incidents. The message all Kansans must adopt is domestic violence is not acceptable, **Not here. Not now. Not ever.**

All members of the FRB remain dedicated and supportive of the work. Each member is to be commended for their efforts and time in addressing this important issue.

You can be assured the FRB will continue its work in improving the response to the horrible crime of domestic violence.

Sincerely,



Robert T. Stephan

RTS:mjs

**Governor's Domestic Violence Fatality Review Board Members  
During 2008**

**Robert T. Stephan, Chair**  
Former Attorney General  
Johnson County

**Carol Rood**  
Court Services Officer  
Sedgwick County

**The Honorable Judge Harold Flaigle**  
18th Judicial District  
Sedgwick County

**Sergeant Troy Hensley**  
Law Enforcement Officer  
Riley County

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

**Matthew Ade**  
Parole Officer  
Saline County

**Carly Farrell**  
Unified Government Legal Department  
Wyandotte County

**Darrell Hamlin**  
Fort Hays State University  
Ellis County

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

**Janice Norlin**  
Attorney  
Saline County

**Susan Moran, Executive Director**  
SOS, Inc.  
Lyon County

**John Gutierrez**  
County Attorney  
Crawford County

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

The FRB would like to recognize the staff that assists the FRB in its work, JaLynn Copp, Erica Haas, Tracy Khounsavanh, Tiffany Fisher and Juliene Maska. A special thank you to Erica Haas for her efforts in researching and drafting the domestic violence tag legislation.

The Governor's Domestic Violence Fatality Review Board (FRB) was established in October 11, 2004 by Executive Order 04-11. The mandate set out in the order is to "recommend improvements to prevent future fatalities and determine if adequate resources and training are in place for those who respond to domestic violence crimes." More than four years later, the FRB continues its work on reviewing the tragic homicides that occur in intimate relationships.

Unfortunately the horror of domestic violence continues to be a major problem in Kansas. Thousands of women and children seek assistance each year from domestic violence programs. The Docking Institute of Public Affairs of Fort Hays State University, published its report of "*Domestic Violence Victims Services Awareness, Use and Satisfaction Project*" in August 2007. The report showed a random telephone survey of adult women in the state revealed that more than 10 percent or 106,419 Kansas women were domestic violence victims in a given year. The work and resources needed to reach all those who are victimized by domestic violence must be incorporated into major policy decisions.

According to Kansas law enforcement agencies reporting homicides to the Kansas Bureau of Investigation, 180 adult domestic violence-related fatalities occurred in Kansas from 1999 to 2007. However the FRB has found instances where not all domestic violence homicides are tracked appropriately and therefore there may be more than is reported. Too many families face the disastrous effects of their loved ones' murder. The news headlines are telling:

*"Man admits murder-Wellington woman was strangled"*

*"May-December affair ends in homicide"*

*"Suspect ID's in slaying of pregnant women"*

*"Man who took son charged in 3 killings"*

*"Husband guilty in shotgun murder"*

*"Four found dead in Scranton Home"*

*"Man sought in KU student's death"*

During 2008 the FRB focused its work on two recommendations, working on the passage of a domestic violence tag for all crimes involving an intimate relationship and seeking funding for a public awareness campaign.

### **Legislation**

Currently Kansas cannot generate information on specific domestic violence crimes from the time of the incident to case disposition. It should be recognized that domestic violence involves all types of crimes and the tracking should be based on the relationship of those involved in the crime.

The FRB has been researching and studying the issue of creating a new law to tag all crimes involving intimate relationships. The proposal includes a new definition for domestic violence, repeals domestic battery law, requires an assessment and evaluation of offenders and would begin the tracking of all crimes committed in intimate relationships. During the 2008 Legislative Session, House Bill 2910 was introduced by the FRB in the House Judiciary Committee, unfortunately the bill did not have a hearing.

During 2008, the FRB refined its proposal and sought input from other stakeholders. It also worked with the Attorney General's Office to ensure the implementation of the batterer standards and development of an assessment tool were moving forward. The bill was introduced in the House Committee on Corrections and Juvenile Justice for the 2009 Legislative Session.

The FRB continues to believe that this proposed legislation is an important step in addressing domestic violence crimes in relationships early and to get the help needed for offenders who commit these crimes.

### **Public Awareness**

In 2006, a \$25,000 Recognition Grant from the Kansas Health Foundation was received to develop a domestic violence public awareness plan. The FRB continues to seek private support for its public awareness plan. DeSieghardt Strategic Communications, LLC developed the campaign, **"Do Something. Today."** It is a public health initiative using strategic awareness building and focused educational tools to reduce domestic violence incidents in Kansas, and to create a culture of intolerance for such behavior among current and future generations.

The goal of the campaign is to bring the reality of domestic violence out of the shadows, by using media and other communication tools to educate adults, youth and children about the depth of this problem, and about the steps all of us must take to make a meaningful personal and statistical difference. It's up to all of us to take

appropriate action when domestic violence is discovered. The message we must adopt is that domestic violence is not acceptable, **Not here. Not now. Not ever.**

The Docking Institute of Public Affairs report of “*Domestic Violence Victims Services Awareness, Use and Satisfaction Project*” identified the women surveyed ranked domestic violence as the third major health issue for women in Kansas, following cancer and heart disease. The FRB believes to address domestic violence in the state, resources must be developed to make citizens aware of the problem and how to help those in need. The FRB continues to meet with private foundations to seek financial resources to adopt the statewide public awareness campaign.

In addition, FRB Chair Robert Stephan and other members continue 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.

### **Case Reviews**

The FRB only reviews closed cases of spouse and partner 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.

During 2008, two cases were reviewed that occurred in 2004.

#### **Mutindi**

**24 years**

#### **Sedgwick County**

On April 24, 2004, Mutindi was found dead in a parked vehicle with gunshot wounds. Initially, it was believed that her ex-boyfriend, Napoleon, had killed her. She had ended her relationship with boyfriend Napoleon in March and he left the state. She started dating Terry, Napoleon's cousin. Both Terry and Napoleon belong to a gang. After returning to Kansas in April, Napoleon was upset about the breakup with Mutindi. On April 22, 2004, Mutindi filed for a protection from abuse order stating her ex-boyfriend Napoleon had punched her in the head the day before and said he was going to kill her. Their relationship had been verbally and physically violent during the several months that they dated.

However, the night of Mutindi's murder, Terry was with her and they argued off and on throughout the night. He ultimately killed her. Terry was arrested on September 17, 2004 and was found guilty of murder in the first degree on May 10, 2005 and sentenced to 25 years in prison. He currently is incarcerated with the Kansas Department of Corrections at Lansing Correctional Facility.

**Keo'Na**

**22 years**

**Shawnee County**

**Byron**

**23 years**

**Shawnee County**

The double homicide was a result of a car chase and crash on August 12, 2004. Prior to the crash, Keo'Na and her son were at home with Byron. Reginald, Keo'Na ex-boyfriend and father of her son, came to her house along with his brother Cleon. An argument started and soon after, Keo'Na, Byron and her son left. Reginald and Cleon pursued them in their car. Testimony revealed that the cars were traveling in excess of 70 miles per hour in residential areas of the city. The vehicle with Keo'Na and Byron crashed into a building and they were killed. The child and another passenger survived.

Cleon, the driver of the car, was convicted of two counts of Vehicular Homicide, one count of Aggravated Battery and one count of Endangering a Child less than 18 years of age. He currently is incarcerated with the Kansas Department of Corrections at the Lansing Correctional Facility. Reginald also was convicted of the same charges and is at the Lansing Correctional Facility.

The work of the FRB and the examination of domestic violence cases are based on the following goals and objectives established by the FRB.

### **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.



**2005-2008 FRB Recommendations**

1. Increase Public Awareness Initiatives
2. 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.
3. Train all professionals involved with domestic violence case – 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.
4. Encourage safety and accountability assessments in local communities.
5. Develop an assessment tool to ascertain the level of protection needed for victims seeking protection from abuse and protection from stalking orders.
6. Ensure that third time convicted offenders of domestic violence battery spend time in state correctional facility.
7. Courts should give strong consideration to domestic violence incidents when considering custody issues.
8. All child protective services should assess for domestic violence and should be non-punitive towards the non-abusing parent.
9. Adopt and require standards for working with batterers.
10. Ensure that adequate funds are available for community based domestic violence programs regarding capacity building.
11. Improve the death investigation system in Kansas.
12. Develop screening for health care professionals.
13. Establish screening by mental health and substance abuse providers.
14. Recognize elder abuse issues.
15. Create culturally sensitive training.
16. Continue to increase awareness and promote successes of domestic violence services.
17. Create legislation for a domestic violence tag on all crimes.
18. Increase dissemination of information/brochures to victims of domestic violence when law enforcement officers respond to these crimes.
19. The Kansas Department of Corrections should screen inmates of domestic violence at the Reception and Diagnostic Unit and upon release from a correctional facility. Planning for safety with victims and family members should be provided prior to the release of an inmate identified with a history of domestic violence.
20. The majority of domestic violence homicides result in the use of a firearm and the state should do everything possible to keep guns out of the hands of abusive and violent batterers. Perpetrators of domestic violence should be given notice of the

federal firearms prohibition at the time of conviction or at the issuance of a protection from abuse or stalking order.

21. Perpetrators of domestic violence who seek mental health services should be served with the utmost consideration for the safety of the victim; screen perpetrator for level of dangerousness; and make appropriate referrals.

Access [http://www.governor.ks.gov/grants/gdvfrb\\_columns.htm](http://www.governor.ks.gov/grants/gdvfrb_columns.htm) to review the Governor's Domestic Violence Fatality Review Board Columns.

Access [http://www.governor.ks.gov/executive/orders/exec\\_order0411.htm](http://www.governor.ks.gov/executive/orders/exec_order0411.htm) to review the Executive Order04-11 Establishing the FRB.

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