



STATE OF KANSAS

GOVERNOR'S DOMESTIC

VIOLENCE FATALITY

REVIEW BOARD

2009 REPORT



Published May 2010

2009 DOMESTIC VIOLENCE 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

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

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

Janice Norlin
Attorney
Saline County

Matthew Ade
Parole Officer
Saline County

Carol Rood
Court Services Officer
Sedgwick County

Susan Moran
Executive Director
SOS, Inc.
Lyon County

Stephen Hunting
Assistant District Attorney
Shawnee County

Timothy Tompkins
Law Enforcement
Crawford County

Debi Holcomb
Director Client Services
Crisis Center
Riley County

Marilyn Ray M.D., M.P.H.
Fort Hays State University
Ellis County

Victoria Meyer
Unified Government of
Wyandotte County Legal
Department
Wyandotte County

This publication was supported by Grant Award Number 2007-WF-AX-0014 awarded by the Office on Violence Against Women, U.S. Department of Justice. The points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice, Office on Violence Against Women or the Office of the Kansas Governor.



Mark Parkinson, Governor

OFFICE OF THE GOVERNOR

www.governor.ks.gov

May 21, 2010

The Honorable Mark Parkinson
Governor of the State of Kansas
300 SW 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

RE: Governor's Domestic Violence Fatality Review Board

Dear Governor Parkinson:

I am submitting the 2009 Report of the Governor's Domestic Violence Fatality Review Board (FRB).

Sadly in 2009 there were 130 total homicides in Kansas. The homicides included 34 adults and 14 children who were victims of domestic violence homicides. This is the highest number since 1994.

For four years the FRB recommended legislation that would track all crimes of domestic violence. During the 2010 Legislative Session the Kansas Legislature passed a bill that will identify all domestic violence offenders who commit any criminal actions. If a criminal offense includes a domestic violence designation (even if not charged in the named crime), the court will require a domestic violence offender assessment and the offender must follow a regimen ordered by the court such as counseling and other rehabilitative initiatives.

Each member of the FRB is committed to working toward initiatives that will reduce incidents of domestic violence. I have worked with many boards and commissions through the years and I am pleased to say that the members of the FRB are among the best. Each and everyone are committed to do everything possible to reduce fatalities that result from domestic violence.

In addition to the FRB members listed in this report, I want to thank the dedicated members of the staff who have assisted the FRB, Juliene Maska, JaLynn Copp, Erica Haas and Tracy Khounsavanh. In particular, I should note that Erica Haas has researched and prepared many drafts of the domestic violence law before it was finally passed by the Legislature.

Sincerely,

A handwritten signature in black ink that reads "Robert T. Stephan". The signature is written in a cursive style with a large, prominent initial "R".

Robert T. Stephan
FRB Chair

INTRODUCTION

The Governor's Domestic Violence Fatality Review Board (FRB) was established in October 2004 by Executive Order. The purpose of the FRB is to review 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 crimes. During the last five years, the FRB has reviewed 22 closed cases of homicide/suicides and any other deaths related to domestic violence.

The FRB only reviews closed cases of homicide/suicide 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.

In 2009, the FRB conducted in-depth reviews of five domestic violence homicides. This annual report provides a summary of these cases, findings from all cases reviewed and the FRB's recommendations.

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

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.

Inside this Report:

Introduction	1
Goals of the Board	1
Objectives	2
Summary of Cases	2
Findings from Reviewed Cases	5
Recommendations	9
Progress on some of the Past Recommendations	11

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.

SUMMARY OF CASES

In 2009, the FRB reviewed the following five cases.

Lindsey

25 years

Ellis County

On the night of October 8, 2004, Lindsey's live-in boyfriend, Kurt (27), killed her. Earlier that afternoon and evening, she was with friends. When her friends brought her home Kurt was enraged as he had expected her home much earlier. Lindsey's friends tried intervening when Kurt began yelling and following her around their home. Her friends eventually left as the arguing continued. In the early morning hours of October 9, Kurt called for an ambulance. When law enforcement officers arrived at Kurt and Lindsey's home, they found Lindsey dead. The coroner found bruising covering a large percentage of Lindsey's body with severe trauma to her head, face and limbs. The immediate cause of death was asphyxia because of a tracheal injury and suffocation, and obstruction of the nose and mouth by a soft object after several beatings of her head and body.

Kurt was convicted of second degree murder and two counts of reckless aggravated battery and was sentenced to 14 years in prison. He currently is incarcerated with the Kansas Department of Corrections at the El Dorado Correctional Facility.

Deborah**41 years****Montgomery
County**

On June 19, 2005, David (44), shot his estranged wife Deborah with a single shot 12-gauge shotgun. David and Deborah's oldest son and Deborah's sister were present at the time of the shooting. The shooting followed an argument between Deborah and David regarding division of property and Deborah's removal of property from the residence as a result of a filed and pending divorce.

Initially, David was charged with first degree murder. On August 9, 2005, he pled no contest to an amended charge of second degree murder. The plea agreement was in keeping with the family's wishes, who did not want the oldest son to have to testify at a jury trial. David currently is incarcerated with the Kansas Department of Corrections at the Lansing Correctional Facility. His earliest possible release date is February 26, 2017.

Santol**26 years****Wyandotte County**

On June 25, 2005, Santol was shot and killed at his girlfriend's (Francis) home. Francis' nine-year-old son witnessed the shooting and told law enforcement officers that Francis' estranged husband, Darrell (26), shot and killed Santol.

In searching for Darrell, law enforcement officers learned he had an extensive criminal history, including criminal homicide. On September 1, 2005, law enforcement officials located Darrell and a standoff ensued. Upon entering the residence, law enforcement officers found Darrell's body as he had committed suicide. The KBI report indicated the shell casing from the suicide and the homicide matched. As a result, the case was closed on September 10, 2005.

Jana**25 years****Douglas County**

Around 11 p.m. on July 3, 2008, Jana's body was found in the home of her ex-boyfriend, Adolfo (48). She died from stab wounds inflicted by Adolfo who fled the scene hours before law enforcement officers found her body. Jana had plans to go out of town for the weekend with a friend and never met her friend. Her friend reported Jana missing at 4:36 p.m. She informed law enforcement that she was worried as Jana and Adolfo recently had ended their relationship. Further, Adolfo had a criminal history of being violent toward women.

Adolfo was apprehended in Elizabeth, New Jersey and was charged with second degree murder. Two days after finding Jana's body, while Adolfo was awaiting extradition, he hanged himself at the Elizabeth law enforcement headquarters.

Angela**21 years****Ellis County**

On November 29, 2005, Robert (32), murdered his girlfriend Angela by asphyxia while they were driving her car in rural Ellis County. Angela was reportedly meeting with Robert to end their relationship and sever all ties with him.

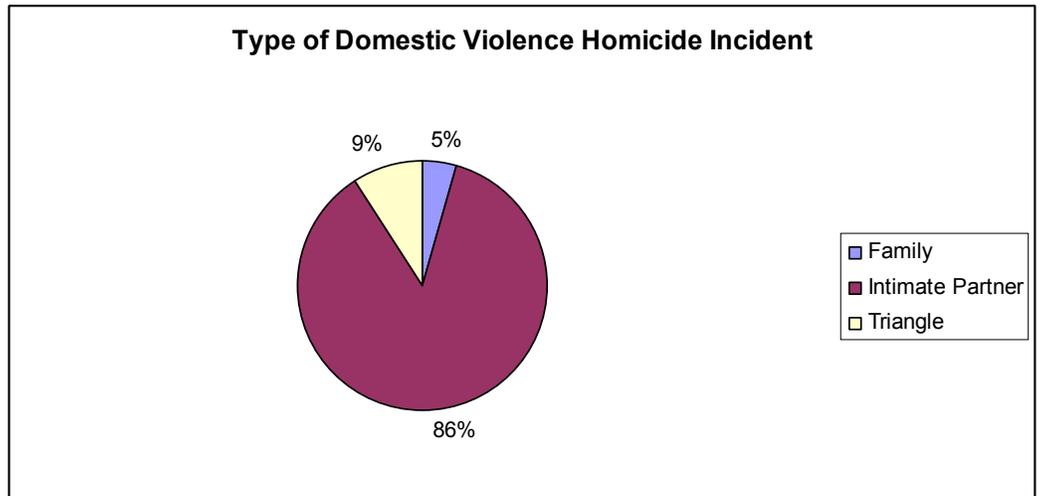
Robert told law enforcement officers he, Angela and a third party had driven to the rural location where the third party attacked Angela and himself. Law enforcement officers searched on the ground and by air and found no third party. Throughout the entire case, including at the time of his plea and sentencing, Robert maintained that a third person was responsible for Angela's death. On August 6, 2006, Robert pled guilty to second degree murder and assisting suicide. He was sentenced to 226 months with the Kansas Department of Corrections and currently is incarcerated in the Ellsworth Correctional Facility.

FINDINGS FROM REVIEWED CASES

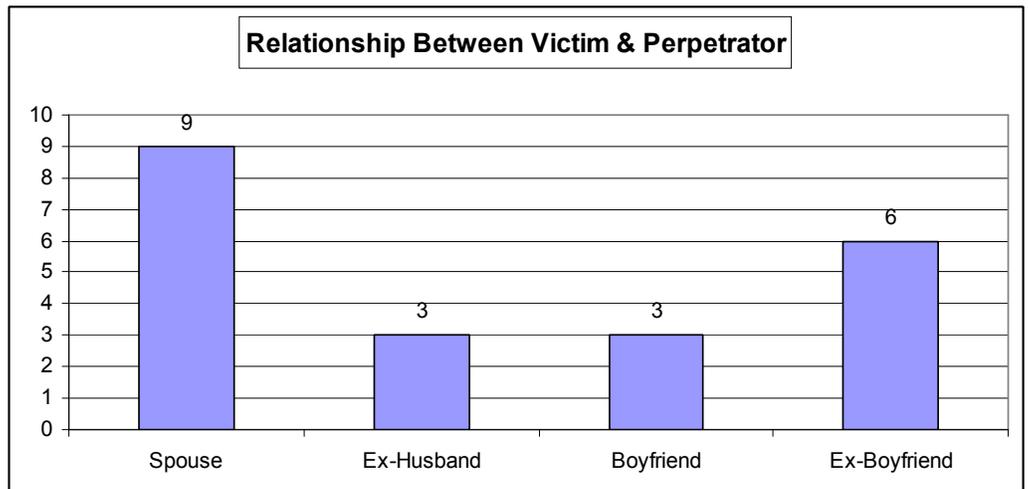
Since the FRB's inception in 2004, it has reviewed 22 domestic violence-related fatalities. The FRB meets quarterly to review the cases. The 22 cases reviewed includes 23 victims and 22 perpetrators. The average age for female victims was 40 and 48 for male victims. The average age for female perpetrators was 48 and 40 for male perpetrators. The oldest victim was 85 and the youngest was 21. The oldest perpetrator was 78 and the youngest perpetrator was 27. The majority of victims were white (77 percent), followed by black (18 percent) and Asian (five percent). The majority of perpetrators also were white (72 percent), followed by black (18 percent), Asian (five percent) and Cuban (five percent). Most of the cases were homogeneous, only one case involved an interracial homicide.

Characteristics	Victims		Perpetrators	
	Female (N=18)	Male (N=4)	Female (N=2)	Male (N=20)
Average Age	40.16	48	48	40.05
Race				
White	0.77	0.75	1	0.75
Black	0.21	0.35	0	0.2
Asian	0.07	0	0	0.05
Of Hispanic or Latin Origin	0	0	0	0.05

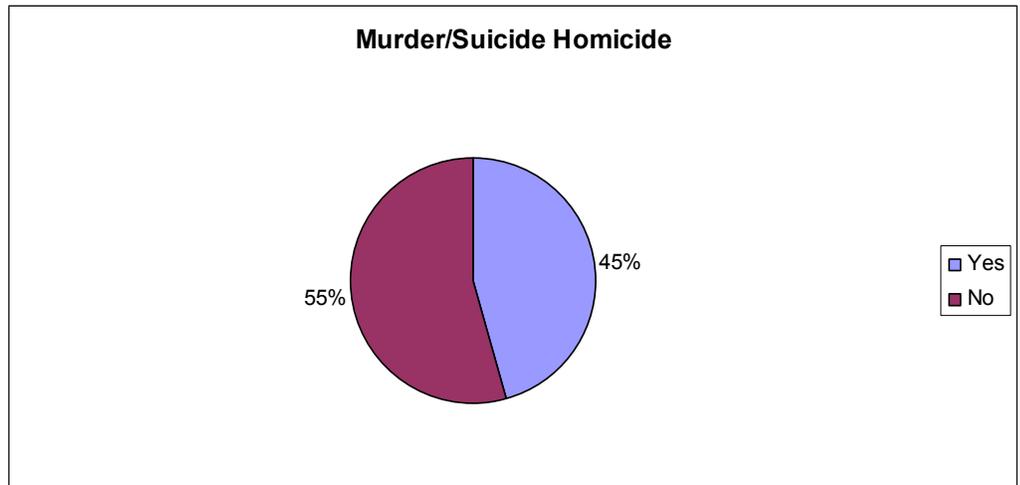
Intimate partner homicides accounted for the majority of domestic violence incidents (86 percent). Triangle homicides which includes a woman's ex-husband killing her new boyfriend/husband or vice versa represented nine percent of the cases and the remaining five percent were family member homicides.



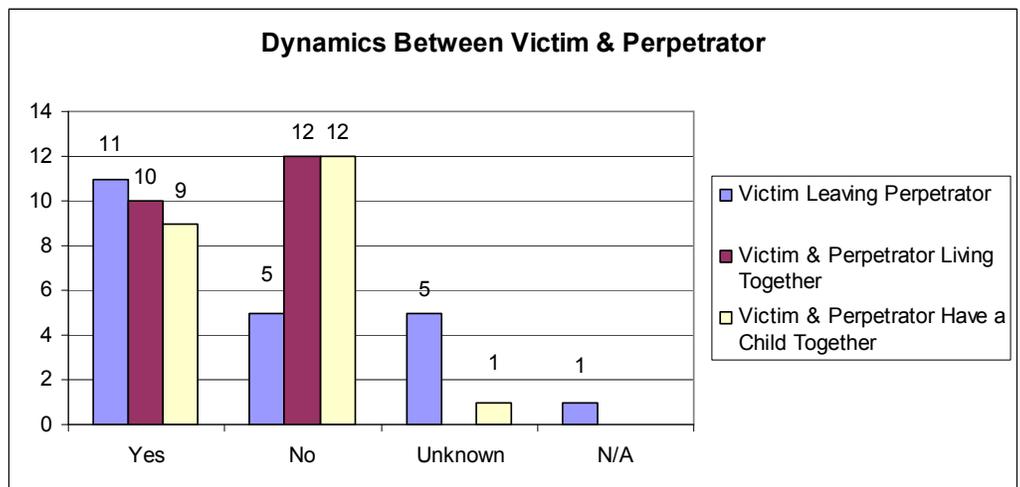
Of the intimate partner homicides, the perpetrator was most commonly the victim’s current spouse (42 percent), followed by ex-boyfriend (23 percent), boyfriend (14 percent) and ex-husband (14 percent).



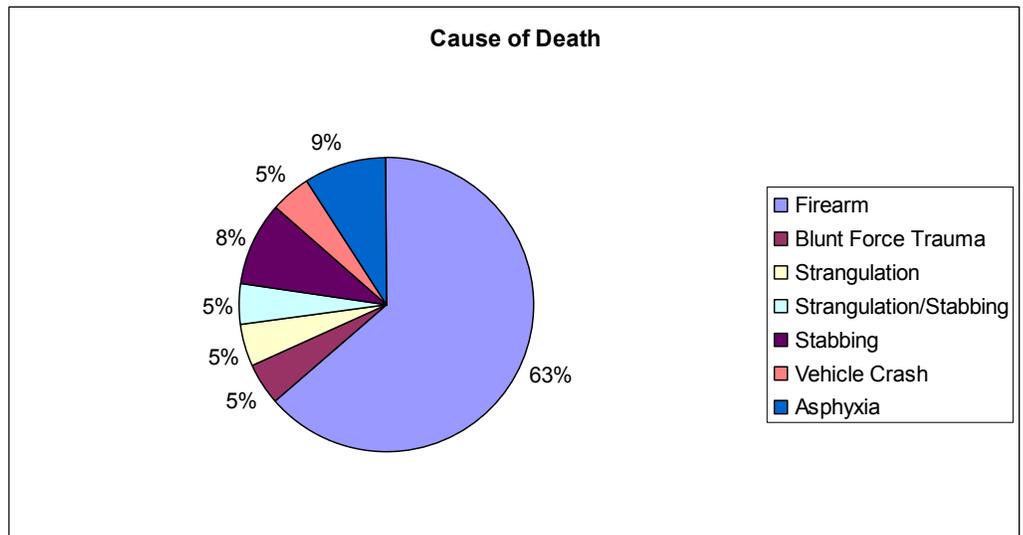
Nearly half of the cases involved a murder/suicide homicide. Of the 22 cases reviewed 10 perpetrators committed suicide after killing the victim. In one case the perpetrator attempted suicide but survived the attempt. In another case, the perpetrator was then killed by his ex-wife’s current husband in self defense.



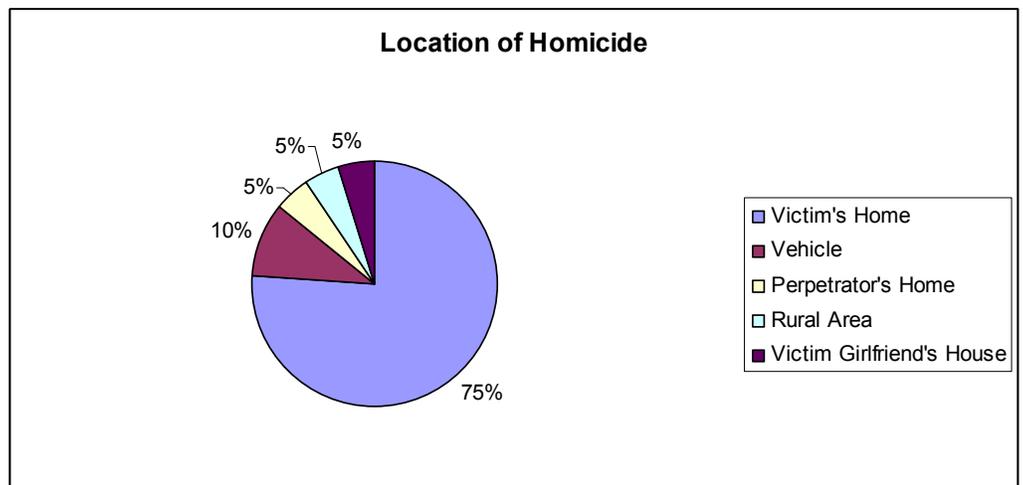
In 50 percent of the cases the victim was in the process of leaving the perpetrator. In 45 percent of the cases the victim and the perpetrator were living together. And, in 41 percent of the cases the victim and the perpetrator had a child together.



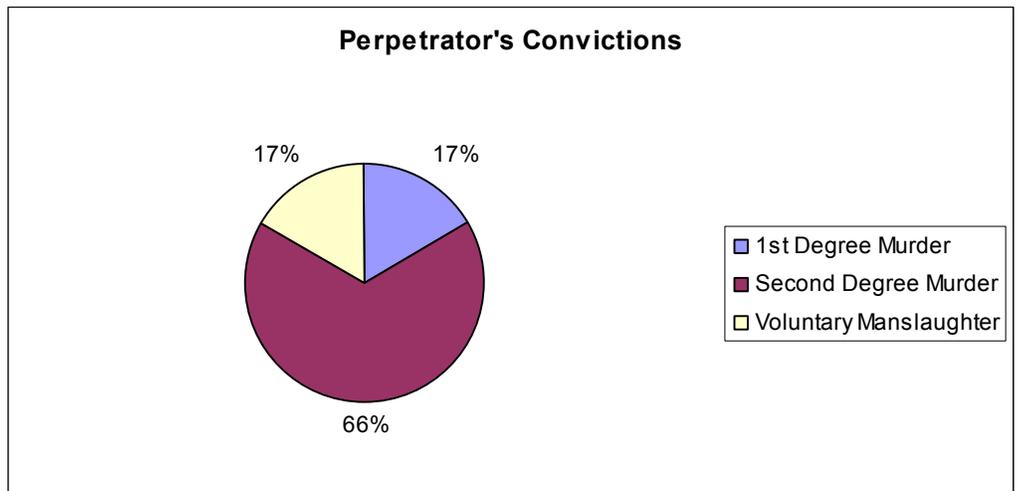
Of the cases reviewed, firearm shootings were the main cause of death (63 percent). Asphyxia was the second leading cause of death (nine percent), followed by stabbing (eight percent), blunt force trauma, strangulation, strangulation and stabbing and vehicle crash each of which represented five percent of the cases.



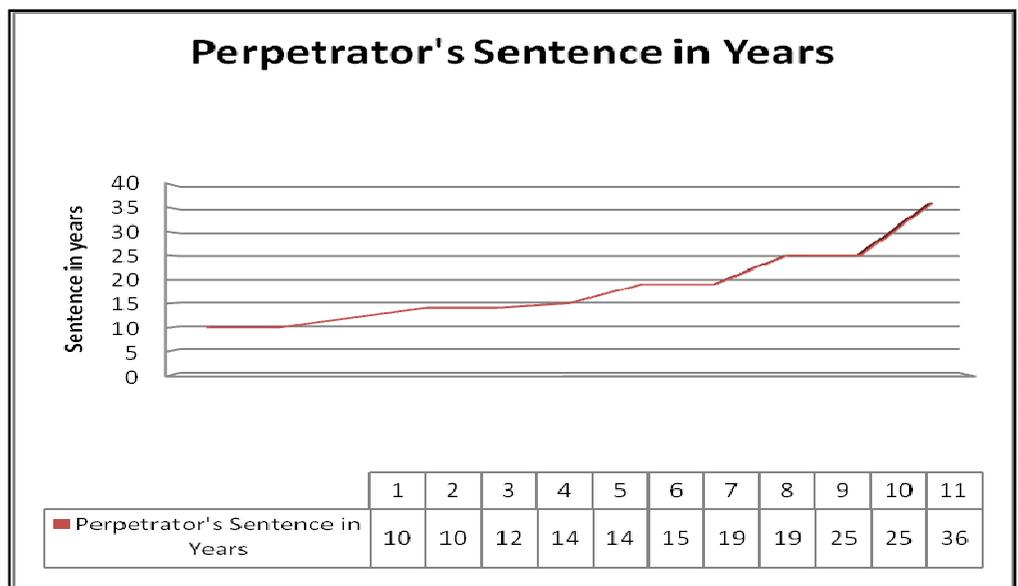
The majority of the homicides occurred at the victim’s home (75 percent), followed by in a vehicle (10 percent) and at the perpetrator’s home, rural area or house of the victim’s girlfriend (five percent each).



Charges were filed in all of the cases except those where the perpetrator committed suicide. And all perpetrators were convicted of committing the homicide for which they were charged. The majority of the perpetrators were convicted of second degree murder (66 percent), followed by first degree murder and voluntary manslaughter (17 percent each).



As the figure below illustrates, the perpetrators' sentences ranged from 10 years to 40 years.



RECOMMENDATIONS:

Below are the FRB's recommendations based on the review of its cases in 2009:

Advocacy

- Domestic violence programs should build capacity to offer victims a full range of services regardless of whether they stay in a shelter or not.
- Domestic violence programs should develop collaborations that allow them to co-advocate with other service providers when requested by the victim. Such collaborations shall include memoran-

dum of agreements, and policies and procedures that ensure confidentiality obligations are maintained.

- Domestic violence programs should address victims' needs with Kansas courts to enhance access to protection orders, create consistent procedures where possible and to provide access to assessment and services.
- Domestic violence advocates should work closely with victims seeking protection orders, helping victims understand what to expect from the legal process, attending hearings with victims, assessing if abuser has access to weapons, etc.

Awareness

- Continue to promote "Believe It. Help Change It" campaign and disseminating information on the statewide hotline number 888-END-ABUSE (1-888-363-2287) and the HelpChangeKansas.com website.

Courts

- The courts should have domestic violence advocates available when victims are seeking protection orders.
- Court Services Officers, Community Corrections Officers and Parole Officers should have resources, policies and procedures for monitoring domestic violence offenders that include additional supervision and contact with the offender, referring victims to domestic violence programs for safety planning and holding offenders accountable for violations while on probation or parole. Courts should consider specialized case loads if adequate resources are available.

Health Care Providers

- Training and proper screening should be required for professionals in the health care system. 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. Many of these contacts may appear to be unrelated to domestic violence. However, domestic violence may be an underlying cause for the medical contact. 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 pro-

vide referrals to community organizations knowledgeable about domestic violence.

Law Enforcement

- Law enforcement should review and revise its policies to ensure thorough investigation of domestic violence incidents.

Legislation

- Kansas should adopt a law regarding strangulation through a separate criminal statute or by including strangulation in the definition of “great bodily harm” in the Kansas aggravated battery or other appropriate statute.

Parole Officers

- Domestic violence offenders pose a greater risk to commit dangerous and/or lethal violence than any other offender population. They often possess specific knowledge about their victims which makes it easier for them to commit new acts of violence or stalking upon their release from prison. Therefore, specialized domestic violence caseloads, with specific supervision standards that focus on victim support and offender accountability, are needed to address the continuing risk for violence associated with domestic violence offenders. Parole officers who have received specialized training on domestic violence are better equipped to address victim’s needs and safety concerns, while at the same time promoting offender change through effective supervision strategies.

PROGRESS on some of the PAST RECOMMENDATIONS:

Prosecutors

- ★ Prosecutors should assess their procedures in regard to ordering family services to intervene in domestic violence cases.
- ★ Create legislation for tracking all crimes of domestic violence
One of the FRB’s recommendations for the last few years has been the passage of a domestic violence bill which will identify all domestic violence offenders who commit any criminal action. During the 2010 Legislative Session, the Kansas Legislature passed Substitute for House Bill 2517 unanimously. The bill was signed by Governor Mark Parkinson on April 12, 2010

and a ceremonial bill signing was held with the FRB April 20, 2010.

The bill makes substantial changes to the process for tracking domestic violence. It creates a standard definition of domestic violence, requires the trier of fact to determine if a domestic violence offense was committed and to place a domestic violence designation on the criminal case, requires assessments of domestic violence offenders and those that enter into a domestic violence offense diversion agreement, requires the attorney general to adopt rules and regulations regarding the assessment process, requires law enforcement to make changes to its domestic violence policies and the KBI must provide domestic violence crime data to the FRB.

Key partners and groups who supported this bill and helped with its passage include: Kansas Coalition Against Sexual and Domestic Violence, Kansas Attorney General's Office, Kansas Department of Corrections, Kansas Office of Judicial Administration, Kansas Peace Officer Association, Kansas Sheriff's Association and Kansas Chiefs of Police Association.

One of the most significant partners in helping with the bill's passage was Jana's Campaign. Christie and Curt Brungardt, parents of Jana Mackey, formed Jana's Campaign to encourage and promote a public policy response to domestic violence. Jana was killed by her ex-boyfriend on July 3, 2008. She was well known throughout Kansas for her advocacy for women's rights. The testimony of the Brungardts illustrated the depth of the tragedy that can occur as a result of domestic violence. The FRB greatly appreciates and applauds Christie and Curt Brungardt for their support and willingness to share the story of Jana. Jana's voice, through the work of the Campaign, provided a poignant human picture which demonstrated the need for this legislation.

★ Increase public awareness initiatives:

The FRB partnered with the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) to implement the public awareness campaign, *Believe It. Help Change It.* The campaign consists of video and radio PSAs, billboards, newspaper ads, online ads, and establishing a website,

www.HelpChangeKansas.com. Many of the ads and billboards were displayed across Kansas and had a tremendous impact on drawing attention to the issue. In addition the website had 7,761 visitors since its inception. The FRB hopes to continue this initiative and appreciates the work of the KCSDV on providing this important service.

★ Adopt and require standards for working with batterers:

The FRB formed a subcommittee to review and update the *Essential Elements and Standards of Batterer Intervention Programs in Kansas* developed by the Kansas Coalition Against Sexual and Domestic Violence. The FRB adopted and approved the standards. Attorney General Steve Six has developed the oversight and certification process for those who provide services to batterers in Kansas on behalf of the FRB. The Attorney General created a Batterer Intervention Program Unit and formed a committee and developed the certification process. In addition, his staff is working on the assessment process and developing the rules and regulations regarding assessment of domestic violence offenders for the recently passed domestic violence bill, Substitute for House Bill 2517. Additional information can be found at www.ksag.org under victims services.

★ Train all professionals involved with domestic violence cases:

The Governor's Office in conjunction with the Kansas Attorney General, Kansas Coalition Against Sexual and Domestic Violence, Kansas Law Enforcement Training Center, Kansas Office of Judicial Administration, Kansas Department of Corrections and Kansas county & District Attorneys Association received a federal grant from the U. S. Department of Justice, Office on Violence Against Women. The purpose of the project is to develop a comprehensive training program that includes trainer curricula and materials and develop model policies for all professions involved in the criminal justice system.

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

The FRB supports the efforts of domestic violence programs receiving state general funds. In order to ensure comprehensive services are offered across the state, adequate funding must be available to provide core services to assist victims of domestic violence.

- ★ The Kansas Department of Corrections (KDOC) should screen inmates of domestic violence at the Reception and Diagnostic Unit (RDU) 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.

KDOC is working on revamping the screening tool at RDU to include domestic violence. Due to lack of resources, the KDOC Victim Services Division is not able to screen every release plan for domestic violence. However, when victims have identified that domestic violence has occurred in their relationships with offenders, or it is evident in the inmate's history, the division is providing safety planning and release preparation services to victims.

- ★ Develop an assessment tool to ascertain the level of protection needed for victims seeking protection from abuse and protection from stalking orders.

Research from other state fatality reviews, show that for victims who leave and obtain a protection order, may be killed three to six months after leaving. Training should be developed, along with an assessment tool, to assist advocates in determining the need for a protection order and if it is in the best interest of the victim seeking safety. Too often orders are requested and the level of need may not be shown or known. The Kansas Coalition Against Sexual and Domestic Violence has developed training and materials for domestic violence advocates and continues to work on development of screening tools to help victims determine the need for an order.

Research from other state fatality reviews show that victims who leave and obtain a protection order may be killed three to six months after leaving.

The FRB recognizes the time and efforts of those involved in this project. The creation of this report and the data it represents would not be possible without the support of family members who have suffered a tragic loss and those working in the criminal justice system.

The FRB appreciates the county sheriffs, police chiefs, district and county attorneys and others in providing the information on cases to the FRB for its review and analysis.

KANSAS
**Governor's Domestic Violence
Fatality Review Board**

Office of the Governor
Capitol, 300 SW 10th Avenue,
Suite 241S
Topeka, KS 66612-1590

Phone: 785-291-3205
Fax: 785-291-3204
www.governor.ks.gov

Creating S.A.F.E. Communities