



Governor's Domestic Violence Fatality Review Board

Reviewing the Past to Change the Future

2011 Report

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GOVERNOR'S DOMESTIC VIOLENCE FATALITY REVIEW BOARD

*Sam Brownback, Governor
The Honorable Harold Flaigle, Chair
Judge, 18th Judicial District*

March 10, 2012

The Honorable Sam Brownback
Governor, State of Kansas
Capitol Building
Topeka, Kansas 66612-1590

Governor Sam Brownback:

I am pleased to submit the 2011 report of the work of the Domestic Violence Fatality Review Board which was first established by Executive Order on October 11, 2004.

The year 2011 was one of transition for our Board. Our original Chair, former Attorney General Robert Stephan, a passionate advocate for victims and in particular victims of domestic violence, ended his service to the Board in June. Additionally, long time liaison to the Board, Juliene Maska, a passionate and knowledgeable advocate for victims, ended her service to the State in July. Their presence with the Board will be greatly missed and it is with sincere gratitude that I say "thank you" to each of them on behalf of the Board for all they have done. We honor their contributions with our ongoing efforts on this important issue.

As a part of this transition, the Board felt the timing was right to reevaluate not only what we do, but the manner in which we do it. To that end national domestic violence expert Dr. Neil Websdale was asked to return for a one day training session. He had provided some of our initial Board training in 2005, and proved once again very helpful in stimulating our thought processes on dealing with the very complex issues of domestic violence and fatalities in our society.

I would like to commend each member of the Board, past and present, and our staff Ms. Debi Holcomb, Mr. Matt Ade, and Ms. Erica Haas for their commitment, dedication, and for a job well done over the past year. I would also like to thank those same members and staff for making my transition to the position of Chair a smooth one.

As we move into 2012 we will continue to do all we can to recommend and make improvements to prevent future fatalities, and continue to assist victims of domestic violence in any way we can.

Your involvement and support is greatly appreciated.

Sincerely,

Harold E. Flaigle

2011 Governor's Domestic Violence Fatality Review Board Members

Robert T. Stephan, Chair
(resigned June 2011)
Former Attorney General
Johnson County

**The Honorable Judge Harold Flaigle,
Chair (September 2011)**
18th Judicial District
Sedgwick County

Carol Rood
Court Services Officer
Sedgwick County

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

Vicki Meyer
Unified Government Legal Department
Wyandotte County

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

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

Joyce Grover, Executive Director
Kansas Coalition Against Sexual and
Domestic Violence
Shawnee County

Timothy Tompkins
(resigned October 2011)
Law Enforcement
Crawford County

Libby Keogh
Parole Officer
Douglas County

Susan Moran, Executive Director
SOS, Inc.
Lyon County

Deborah Moody
District Attorney
Douglas County

Janice Norlin
Private Attorney
Saline County

Leigh Reaves
Victim Assistance Coordinator
Johnson County

Mark Malick
Special Agent
Kansas Bureau of Investigation
Shawnee County

Staff

Matt Ade
FRB Analyst

Debi Holcomb
FRB Analyst

Dedication

In 2011, the Governor's Domestic Violence Fatality Review Board reviewed domestic violence-related fatalities from 2006. This report is dedicated to women, men, their children, friends and family members who have lost their lives to domestic violence and to the survivors of domestic violence who struggle to stay alive every day.

Special Thanks

Former Attorney General Robert Stephan, who served as chair of the Fatality Review Board from its beginning in 2004, resigned in June 2011. His passion and leadership in this difficult work will always be appreciated and remembered.

Introduction

The Governor's Domestic Violence Fatality Review Board (FRB) was established on 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."

The FRB began reviewing the tragic homicides that occur in intimate partner relationships over eight years ago. During that time, the FRB has had the opportunity to make a difference by reviewing 35 cases of homicides/suicides and all other deaths related to intimate partner violence. The FRB views the work as more than "cases to be reviewed," recognizing that the people involved are loved ones from our communities. People who once had a future, who are now gone, leave a rippling impact on families and communities. Valuable recommendations have resulted from the reviews in an effort to address the realities of intimate partner violence.

Through funding from the Office on Violence Against Women, U.S. Department of Justice, two FRB analysts were hired in 2010 to assist the FRB in its mission. The addition of staff afforded the FRB the opportunity to begin to review these deaths even more thoroughly. The FRB can now learn more about the people involved, who knew about the abuse/violence and what the systemic response over time was to the abuse. Learning from the viewpoint of family members, employers/co-workers, school and medical personnel, and others who knew the families provides insight that has influenced future recommendations for the direct benefit all Kansans.

Goals & Objectives

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 that 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.

FRB 2011 Activities

One of the goals of the FRB is to continue informing the public about the insidious nature of domestic violence and motivating the public to find solutions to end domestic violence.

The two FRB Analysts hired in 2010 gave presentations for criminal justice personnel, medical personnel, victim advocates, and community members. These presentations provide audiences with the purpose, objectives, and workings of the FRB, statistics, patterns and trends identified through the FRB case reviews, a sample timeline of an intimate partner homicide from Kansas, and finally, recommendations of the FRB and discussion of those recommendations. In 2011, analysts were invited to present in the communities of Manhattan, Junction City, Emporia, Liberal, Winfield, Arkansas City, and Garden City. They also presented to participants at the Annual Crime Victims' Rights Conference in Wichita in April 2011, the staff of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) and some members the KCSDV Program Council.

The analysts facilitated a domestic violence training for community supervision officers that included Community Corrections Intensive Supervision Officers, Court Services Probation Officers, and Kansas Department of Corrections Parole Officers in Hays, Kansas.

The analysts participated as representatives of the FRB on several coordinated community response groups and statewide committees to include the Kansas Attorney General's Batterer's Intervention Program Advisory Board, the Kansas Attorney General's Crime Victims Compensation Advisory Board, the Saline County Domestic Violence Coordinated Community Response, the Geary County Domestic Violence Task Force, the Riley County Domestic Violence Task Force, and the Statewide Victim Assistance Academy Steering Committee.

The analysts participated in a *Domestic Violence in Later Life* training in Topeka facilitated by Ann Turner, Elder Victim Services and Advocacy Coordinator for the National Clearinghouse on Abuse in Later Life. The training was sponsored by Kansas Legal Services and the YWCA Center for Safety and Empowerment. The workshop provided information and guidance for the board when reviewing intimate partner homicides involving the elderly.

The Fatality Review Board met four times in 2011 and also invited Dr. Neil Websdale to meet with and provide training to the board. Dr. Websdale is the Director of the National Domestic Violence Fatality Review Initiative at Northern Arizona University and is a leading expert in best practice for fatality review boards.

Case Reviews

The FRB only reviews closed cases of intimate partner homicide and homicide/suicide. This ensures all appeals have expired and the FRB will not affect the ongoing investigation of an active criminal or civil case. In addition, the review and discussions of individual cases are conducted in a confidential manner in executive session.

Information for each review is gathered through law enforcement reports, autopsy reports, media reports, criminal justice inquiries, and interviews with family members, friends, employers, coworkers, and the offenders. A timeline is developed to identify the offender's history of abuse, red flags in the relationship, and community and agency interaction with the family.

Following are summaries of fatalities from 2006 that were reviewed in 2011.

Bobbie Peterson 47 years Clay County

On January 19, 2006, Bruce Peterson came to Bobbie's home with a rifle while she and other family members were eating dinner. Bruce chased Bobbie out of the home into a neighbors' yard and shot her twice, killing her while she was on her knees before him. Bruce then turned the gun on himself committing suicide. Family members, including their young grandson, witnessed the murder and suicide.

Bobbie and Bruce had been married for 28 years and had recently separated. Bobbie had applied for, and been granted, a temporary Protection From Abuse Order in which she stated that Bruce had tried to run her off the road and she was "deathly afraid" of him. The order was in effect and valid when Bruce murdered Bobbie.

Dalena Cole 45 years Leavenworth County

On March 10, 2006, Dalena was stabbed to death by her boyfriend of six months, Robert Miller. Robert, bleeding and covered in blood, appeared on the doorstep of his friend and neighbor asking for help. Robert told police that he and his girlfriend, Dalena, had been attacked in their home by an unknown assailant. Police found Dalena on the kitchen floor dead from a single stab wound to the chest. Robert was transported to the hospital with a deep cut to his face and a stab wound to his hand and was then arrested.

On October 18, 2006, Robert was convicted of involuntary manslaughter and sentenced to 130 months in the Kansas Department of Corrections.

Charles Delcoure 32 years Atchison County

On the evening of May 28, 2006, Charles Delcoure and Kristy Kley were at a party together when they began to argue and Kristy left. A few hours later, Charles went to Kristy's residence and forced his way inside. After a struggle, Kristy stabbed Charles once in the chest with a kitchen knife. Kristy was placed under arrest for aggravated battery. Charles was transported to the hospital where he was treated and released about a week later. On the evening of June 8, 2006, Charles began having difficulty breathing and was taken to the hospital where he was pronounced dead.

The charge against Kristy was amended to murder. A judge later dismissed all charges against Kristy ruling that she had acted in self-defense. Charles and Kristy had been dating for ten months and throughout their relationship, Charles displayed signs of excessive jealousy and was physically abusive toward Kristy.

Andra Smithhart 38 years Sedgwick County

On September 5, 2006, Wichita Police responded to the apartment complex where Andra Smithhart and Charles Hankerson resided to investigate the shooting death of a 19 year old neighbor. While conducting a door-to-door canvas of the neighboring apartments, police officers encountered Charles sitting in his apartment with a shotgun in his hands. Before police had a chance to speak with Charles, he took his own life by shooting himself with the shotgun.

During the ensuing investigation, the body of Andra, Charles' girlfriend of approximately three months was discovered in the apartment. Andra and Charles lived together in the apartment and on or about September 2, 2006, Charles strangled Andra to death.

Debie Jefferson 26 years Sedgwick County

On December 2, 2006 a motorist was flagged down by a child outside asking for someone to help her mother. The motorist stopped and went with the child to their home to discover that Debie Jefferson had been shot in her bed and was dead.

Debie was a single mom of four children who worked full time. She had a boyfriend who was going to college in another state, Marcus Warmley, who came to see Debie in Wichita. Marcus shot Debie while her children were asleep in the home and left Kansas to go to his parent's home where he committed suicide by shooting himself.

Kristina Timmons 29 years Osage County

On December 3, 2006 Kristina Timmons was home talking on the phone with a family member when Robert Timmons shot Kristina while their children and another family member were in the home. Robert, 45, immediately turned the gun on himself committing suicide.

Kristina and Robert were married twelve years and had four children at the time of the murder/suicide.

*“Statistics are human beings
with the tears wiped off.”*

Paul Brodeur

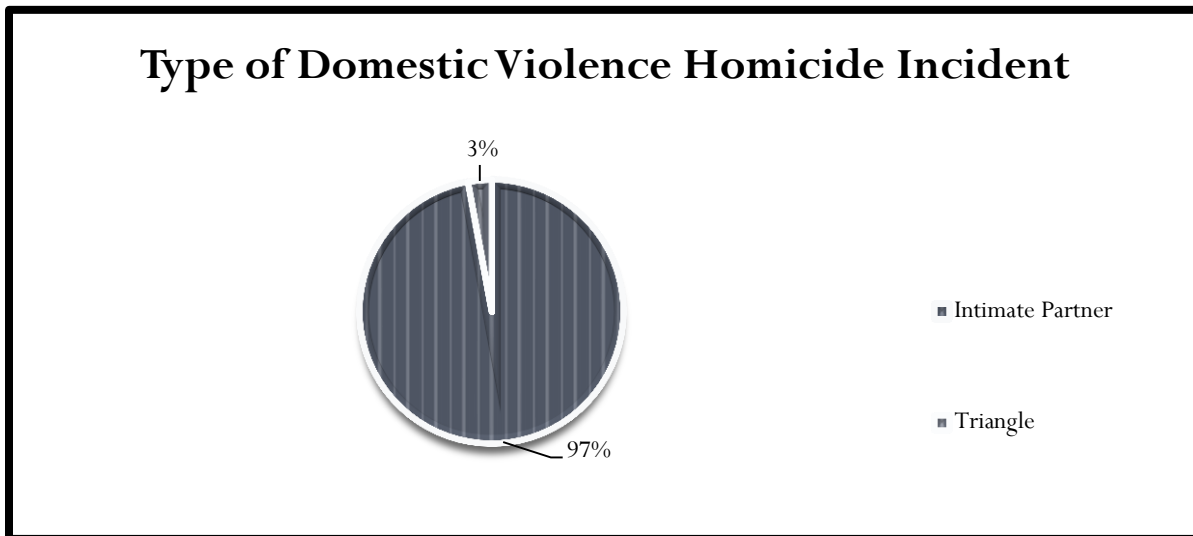
Case Review Findings

Since the FRB's inception in 2004, it has reviewed 35 intimate partner violence related fatalities. The FRB meets quarterly to review the cases.

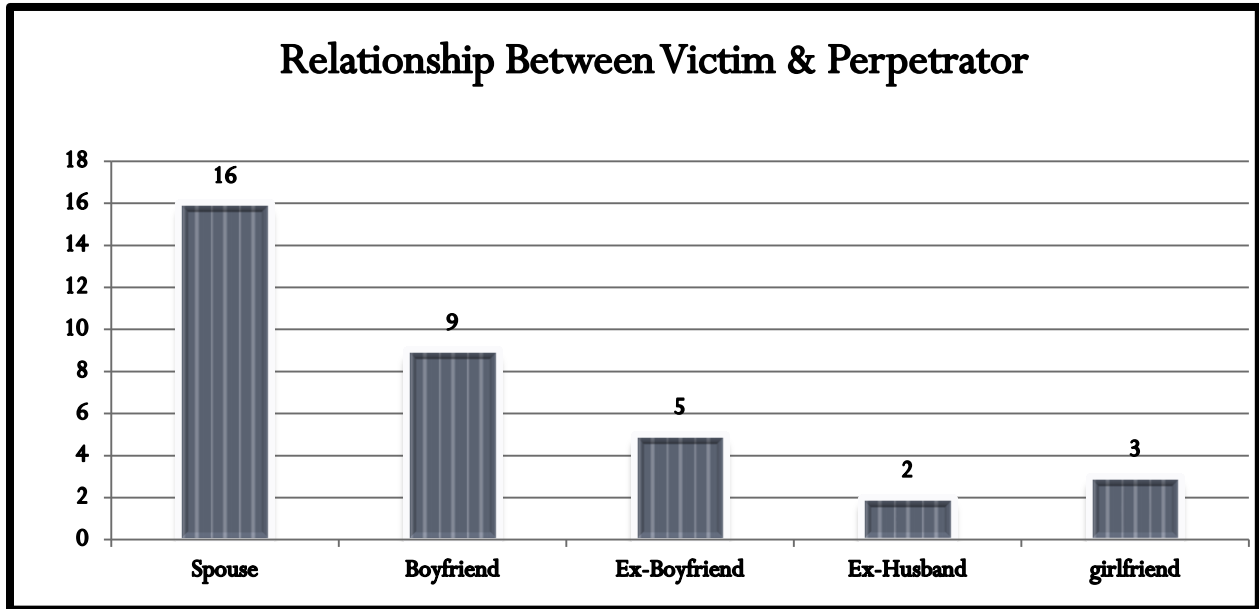
Characteristics	Victims		Perpetrators	
	Female (N=28)	Male (N=7)	Female (N=6)	Male (N=29)
Average Age	38.62	34.6	47.3	38

Race	Victims	Perpetrators
White	27	23
Black	7	10
Asian	1	1
Of Hispanic or Latin Origin		1

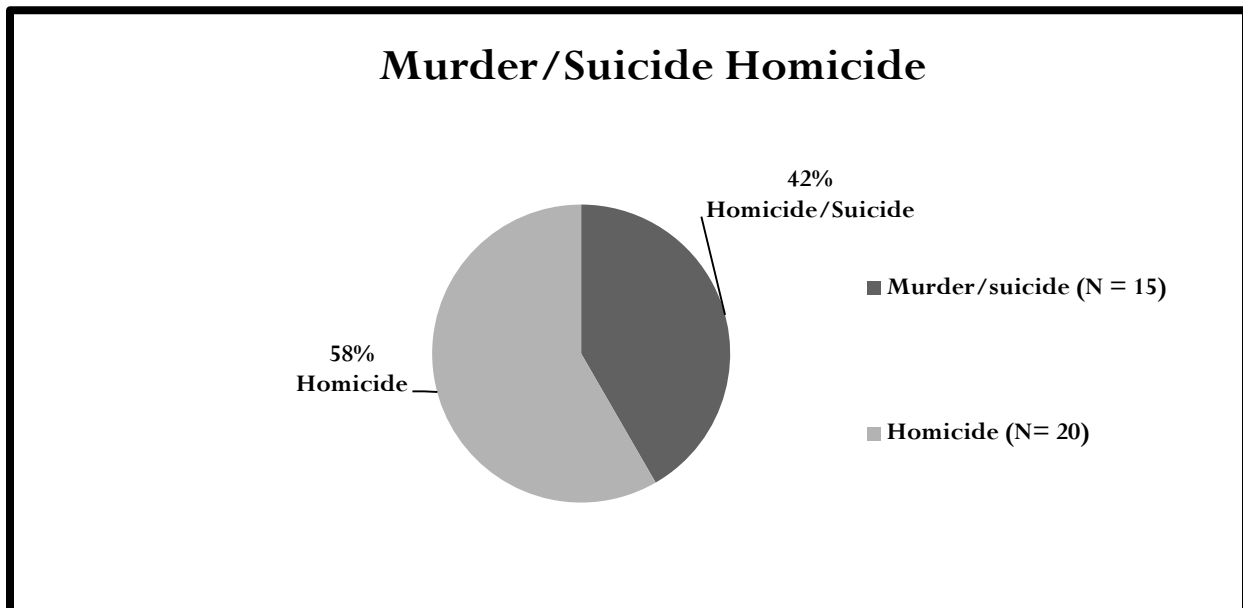
Intimate partner homicides accounted for the majority of domestic violence incidents (94 percent). Triangle cases involve a third party homicide.



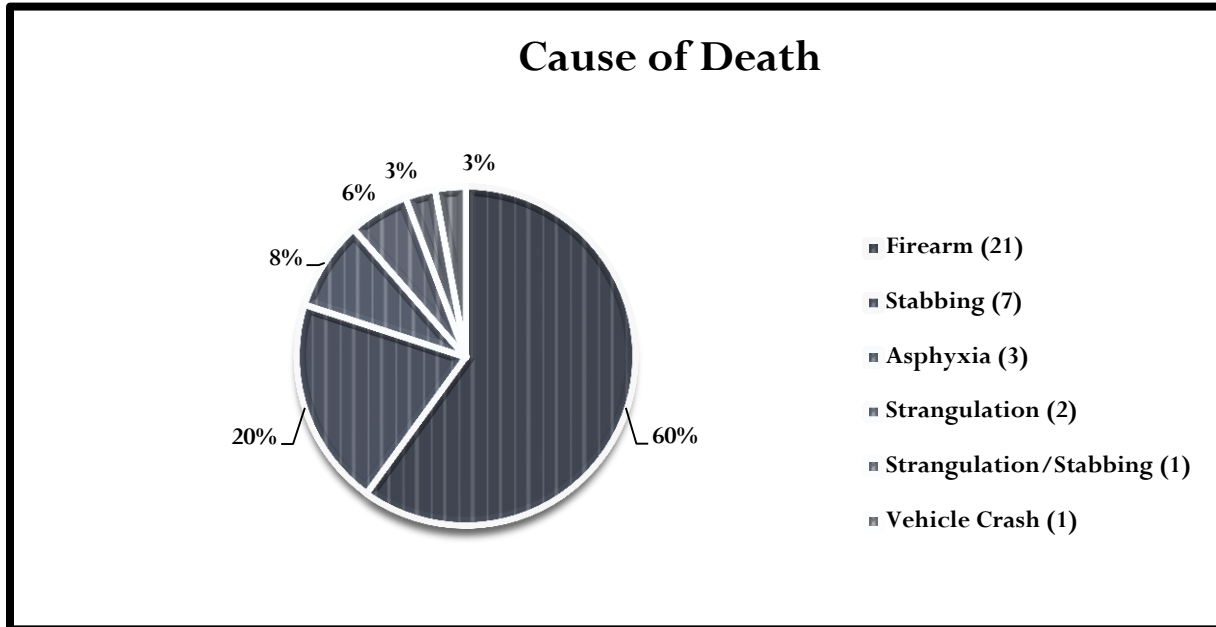
Of the intimate partner homicides, the perpetrator was most commonly the victim's current spouse.



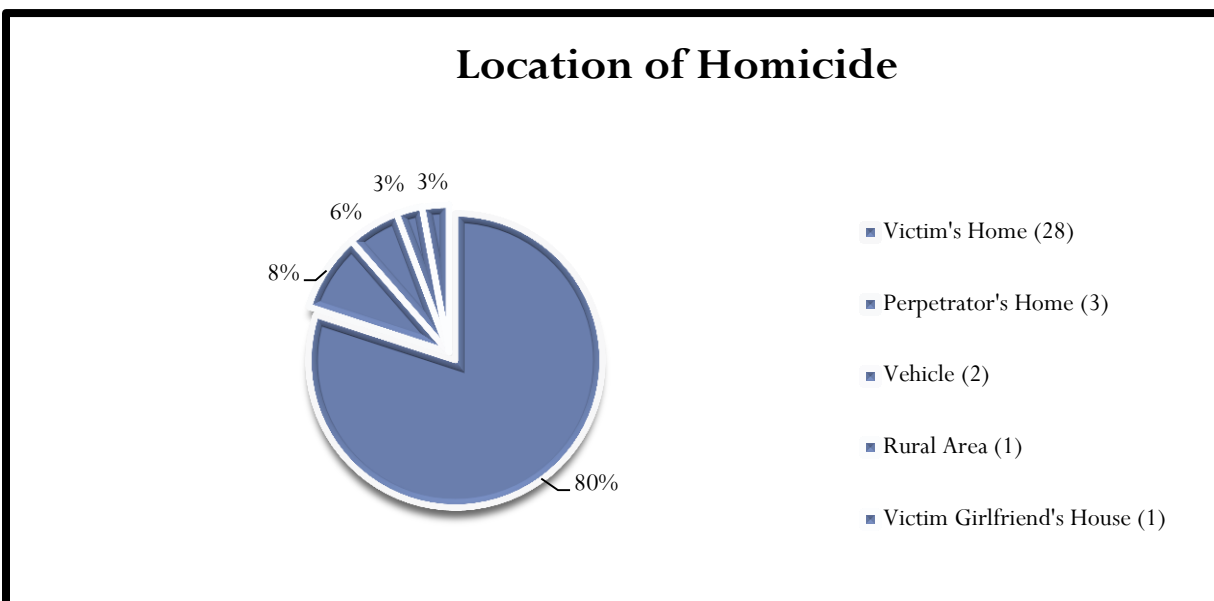
Forty-two percent of the cases involved a murder/suicide. Of the 35 cases reviewed since 2004, 15 perpetrators committed suicide after killing the victim. In one case the perpetrator attempted suicide but survived the attempt. In another case, the perpetrator was then killed by his ex-wife's current husband in self-defense.



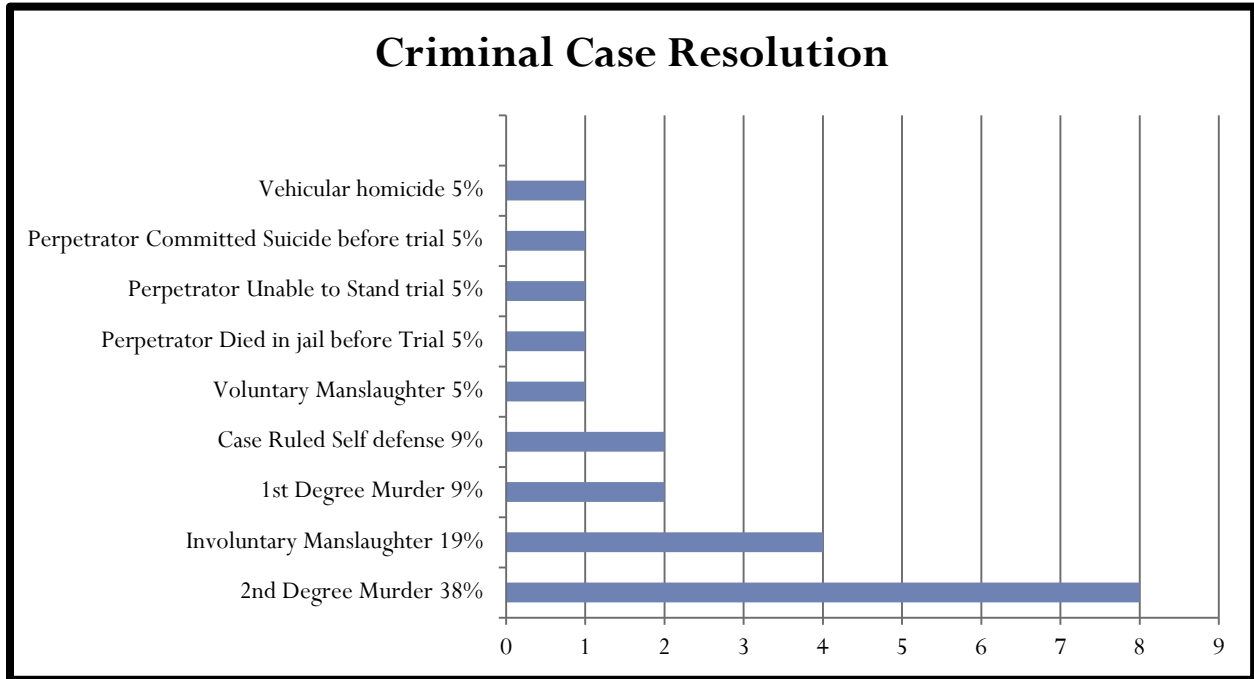
Of the cases reviewed since 2004, firearm shootings were the main cause of death (60 percent). Stabbing was the second leading cause of death (20 percent), followed by asphyxia (8 percent), strangulation and stabbing and vehicle crash each of which represented three percent of the cases.



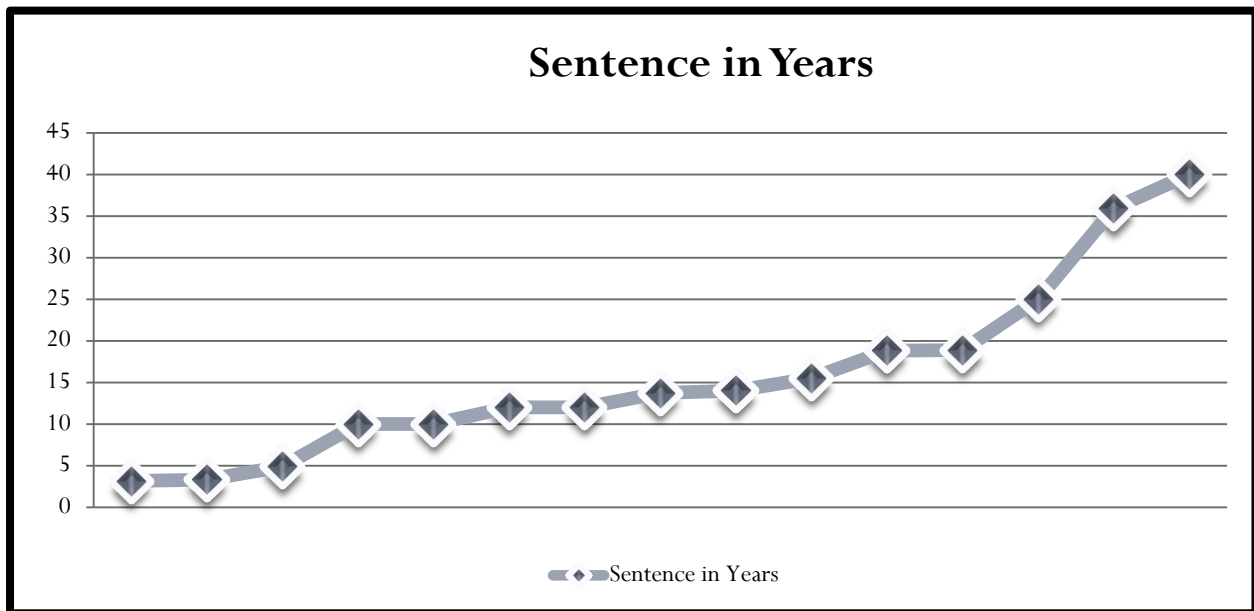
The majority of the homicides occurred at the victim's home (80 percent).



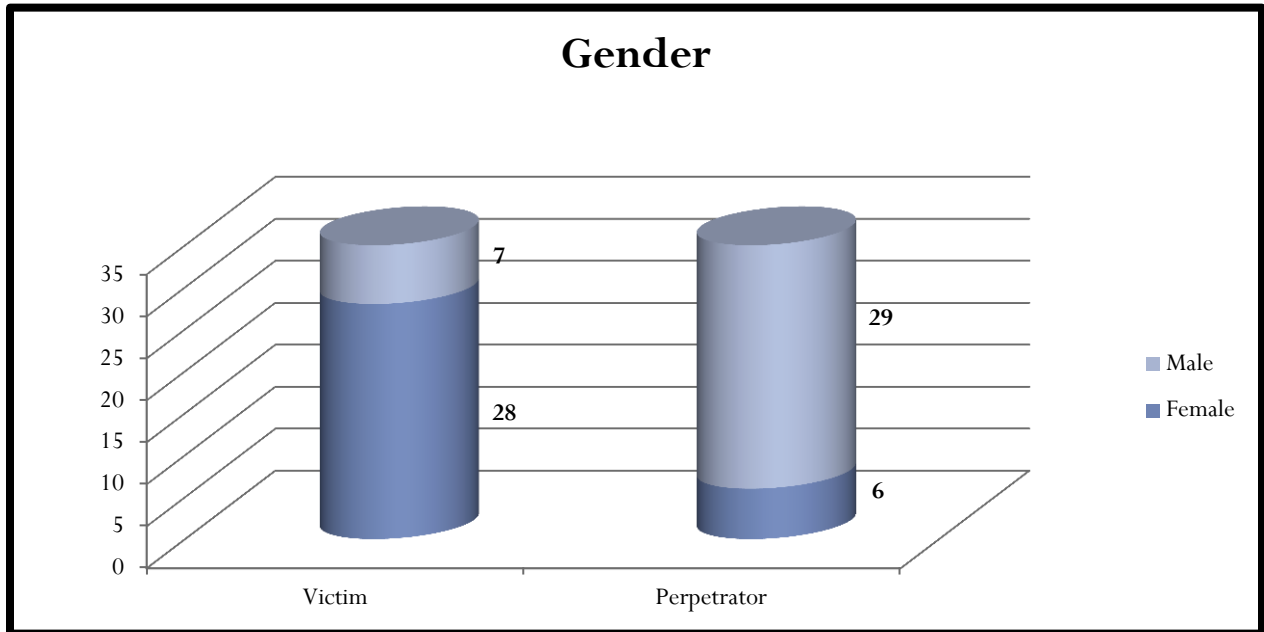
Charges were filed in all of the cases except those where the perpetrator committed or attempted to commit suicide. The majority of the perpetrators were convicted of second degree murder (38 percent), followed by involuntary manslaughter (19 percent), 1st Degree Murder (9 percent) and voluntary manslaughter (5 percent).



As the figure below illustrates, the perpetrators' sentences ranged from 3 years to 40 years.



Eighty-three percent of those who killed their intimate partner were male. Of the remaining 17% (6 women), two killed in self-defense and two were likely victims of domestic violence at some point prior to the homicide. These percentages are consistent with national research as noted by the Bureau of Justice Statistics and can be found at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=2221>



Additional Information

- ~* In 42 percent of the cases the victim was in the process of leaving the perpetrator.
- ~* In 53 percent of the cases the victim and the perpetrator were living together.
- ~* In 44 percent of the cases the victim and the perpetrator had a child together.

Progress on Past Recommendations

As a result of Dr. Websdale's training, the FRB will review the Executive Order, board composition and the case review process. The FRB is committed to continuing this important work and assuring that the work is consistent with best practice. Three subcommittees have been formed to work towards this goal.

A summary of past recommendations, the year of the recommendation, and progress made on each recommendation can be found at <https://governor.ks.gov/Governors-Domestic-Violence-Fatality-Review-Board>.

Acknowledgements

For the families and friends of the victims, the FRB respectfully acknowledges your loss and in submitting this report it is our hope to increase the awareness of domestic violence victims. The FRB continues to be committed to eradicating the cruelty of and deaths caused by domestic violence. We want to especially thank the families, co-workers and friends of the victims who communicated with the FRB in honor of their loved ones.

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 the officials and their staffs of local law enforcement agencies, prosecutor offices, Kansas Bureau of Investigation, and the many other agencies contacted to assist the FRB in gathering case information.

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KANSAS

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