



**Governor's Domestic Violence  
Fatality Review Board 2012  
Annual Report**

# Governor's Domestic Violence Fatality Review Board 2012 Annual Report

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GOVERNOR'S DOMESTIC VIOLENCE FATALITY REVIEW BOARD

*Sam Brownback, Governor  
The Honorable Harold Flaigle, Chair  
Judge, 18<sup>th</sup> Judicial District*

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The Honorable Sam Brownback  
Governor, State of Kansas  
Capitol Building  
Topeka, Kansas 66612-1590  
Domestic Violence Fatality Review Board Annual Report

Honorable Governor Brownback:

I am pleased to submit the 2012 annual report of the work of the Domestic Violence Fatality Review Board (DVFRB). This report has been submitted annually since the Board was established in October, 2004.

The DVFRB has always felt strongly about the impact of intimate partner homicide on children and their well-being as more than half of the cases reviewed to date have involved minor children who had one or both parents killed. The DVFRB recommends that children exposed to this violence are identified and immediately provided access to effective trauma informed care. The second recommendation is that all state agencies have policies and training in place to respond to both victims and offenders of domestic violence in the workplace. We hope to continue to focus our work in 2013 on recommendations to best help batterers and their families in our effort to prevent future intimate partner homicides in Kansas.

We continue to hope to expand our board membership in our effort to include more stakeholders in this important work. The board lost one of our valued full time analysts, Mr. Matt Ade, who left on exceptionally good terms in 2012. His hard work and dedication to the prevention of Domestic Violence has been, and will be, greatly missed. Our remaining analyst, Ms. Debi Holcomb has done an outstanding job in her service and on behalf of the DVFRB; I cannot adequately express our gratitude to her for her work.

I would also like to personally thank each member of the Board, past and present, for a job well done over the past year, and for their ongoing dedication to the cause of Domestic Violence prevention.

Moving forward as a Board we will continue to do all in our power to recommend and make improvements to prevent future fatalities and assist victims of domestic violence in any way we possibly can.

Your ongoing support in these endeavors is greatly appreciated.

Sincerely,

Harold E. Flaigle  
Chair

## 2012 Governor's Domestic Violence Fatality Review Board Members

**The Honorable Judge Harold Flaigle,  
Chair**

18th Judicial District  
Sedgwick County

**Carol Rood**

Court Services Officer  
Sedgwick County

**Steven Halley, LSCSW**

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

**Libby Keogh**

Director of Office of Victim Services  
Kansas Department of Correction  
State of Kansas

**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

**Jamie Bowser**

Governor's Grants Program

## ***Dedication***

*In 2012, the Governor's Domestic Violence Fatality Review Board reviewed domestic violence-related fatalities from 2007. 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.*

## 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 nine years ago. During that time, the FRB has had the opportunity to make a difference by reviewing 44 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 assist the FRB in its mission, which affords the FRB the opportunity to begin to review these deaths even more thoroughly. The FRB is now learning 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 the perpetrator, 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 2012 Activities**

The Fatality Review Board met four times as a whole in 2012 and as a result of training provided in 2011 by Dr. Neil Websdale, Director of the National Domestic Violence Fatality Review Initiative at Northern Arizona University, three subcommittees were formed. Each subcommittee met and reviewed respectively, the Executive Order, board composition, and the case review procedure.

Through the work of the subcommittees, recommendations were made to revise the Executive Order to have eighteen members on the board in an effort to expand the diversity of the FRB. The FRB also requested to have the Executive Order include the ability for the board to review near-death intimate partner violence cases in addition to fatalities. The case review protocol was revised to provide all members more information on specific cases and members will now create the timeline as a group versus the analyst preparing the timeline prior to the day of review.

The FRB received updated and relevant information related to domestic violence from several sources throughout the year. The Family Peace Initiative facilitated a panel consisting of graduates of the program to include a batterer, his wife, who had been victimized by him, a woman who was a domestic violence survivor and also had abused her own children. This provided an opportunity for the board to interact with the panel to ask questions and hear the real voices of people who have had first-hand experience with intimate partner violence as well as learn of promising practices. Shawnee County Court Services examined the recidivism rate of those who had completed the Family Peace Initiative batterers Intervention program. From 2007 through the spring of 2013, 81% of those who had completed the certified BIP program had not received a new domestic violence related charge and had not had a new Protection from Abuse order filed against them.

Michelle McCormick, coordinator of the Batterer Intervention Unit of the Attorney General's Office, provided regular updates to the FRB regarding SB 304, which addressed who has authority to conduct domestic violence assessments and to facilitate Batterers Intervention Programs, as well as determining that municipal courts are included in the designation of those who are required to obtain a Kansas Domestic Violence Offender Assessment (KDVOA) per HB 2517. Ms. McCormick also updated the board regarding the status of certified Batterer Intervention Programs in Kansas, which are growing in numbers. The FRB was instrumental and provided leadership in both the development of standards for Batterer Intervention Programs and with HB 2517, which requires domestic violence assessments for those who are arrested for domestic violence.

Sara Rust-Martin, KCSDV Director of Legal and Policy Division, provided an update on other bills of interest passed during the 2012 legislative session. The updates included information on HB 2613, which was the Protection Order Extension Bill and HB2534, also known as Caylee's Law.

Angela Nordhus, Executive Director of the State Child Death Review Board, presented an overview of the boards' history and duties to the FRB so the FRB could explore the possibilities of how to best collaborate with the State Child Death Review Board when the board reviews case involving the death of children in intimate partner fatalities.

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 FRB Analysts presented to criminal justice personnel, medical personnel, students, 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 2012, analysts were invited to present to the Sunflower Chapter of Forensic Nurses in Winfield, law enforcement at the Kansas Law Enforcement Training Center in Hutchinson and Lawrence, The Jackson County Safe Family Coalition in Kansas City, students at the University of Kansas enrolled in the Intimate Partner Violence class, and the Kansas Department of Corrections Systems Management Team.

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 Sunflower Bridge Child Exchange and Visitation Center Advisory Council, the Saline County Domestic Violence Coordinated Community Response, the Geary County Domestic Violence Task Force, the Riley County Domestic Violence Task Force, the Justice Reinvestment Initiative Focus Group with the Kansas Department of Corrections and the Statewide Victim Assistance Academy Steering Committee.

As part of their continuing education and awareness, the FRB Analysts attended the 15<sup>th</sup> Annual Crime Victims' Rights Conference in 2012 sponsored by the Governor's Office and the Office of the Attorney General. One of the analysts also participated in, "The Psychological Effects of Trauma and Implications for Healing," by Janine M. D'Anniballe, PhD.

## 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.

### **SUMMARIES OF FATALITY REVIEWS IN 2012**

#### **Brenda Brock 43 years Cherokee County**

Brenda Brock, Steven Tyner and Derrel Henkle were fishing as they had done many times before on June 23, 2006, when an argument started between the three. Steven left the site and came back in a vehicle with a gun. Derrel was shot, ran into the woods, and called 911. Brenda was shot and killed. When law enforcement arrived, Steven told them that Darrel shot Brenda and Steven had placed her in his vehicle. Darrel told law enforcement that Steven had shot both him and Brenda.

Steven was arrested and charged with Murder in the 1<sup>st</sup> Degree. He was found not guilty of Brenda's homicide and guilty of the Attempted Voluntary Manslaughter of Derrel Henkle.

#### **Irma Davalos-Garcia 52 years Finney County**

On July 15, 2006, in front of several dozen witnesses inside a club, Jose De La Cruz-Flores shot Irma Davalos-Garcia once in the back of the head, killing her instantly. Irma and Jose had dated briefly and Irma had recently told Jose she was no longer interested in dating him.

Jose was charged with one count of 1<sup>st</sup> Degree Murder and one count of Attempted 1<sup>st</sup> Degree Murder. He was convicted of 2<sup>nd</sup> Degree Murder for killing Irma, and acquitted on the charge of Attempted 1<sup>st</sup> Degree Murder for shooting at one of her friends. Jose was sentenced to a 165 month prison term, followed by 36 months of post-release supervision. Jose's earliest possible prison release date is March 22, 2018.

**Rachelle Teresa Peterson 28 years Geary County**

On January 1, 2007, Rachelle Peterson was stabbed and killed by her husband, Cedric, when he waited in hiding for her to return to her apartment. Three weeks prior to the murder, Rachelle left Cedric and moved into an apartment with their two children. A family member of Rachelle's picked the children up the day before her murder so Rachelle could attend training in St. Louis for a new job.

Cedric Peterson was convicted of 1<sup>st</sup> degree, premeditated murder and was sentenced to life in prison, which is known as the Hard 25. His earliest release is 2032.

**Zachery Ware 22 years Sedgwick County**

On June 6, 2007, Sedgwick County 911 received the following phone call: "Hi, my name is Todd. I live at 1358 S. Wichita Street. I'd like to report a suicide...thank you." The caller then hung up the phone. Wichita police were dispatched to the address to conduct a welfare check where they found both, Todd Fox and Zachery Ware, dead of a homicide/suicide.

**Danielle Weixelbaum 18 years Sedgwick County**

Joshua had been stalking Bobbie, Danielle's mother. On July 18, 2007 He broke into their apartment and started shooting. He shot and killed Danielle, shot and wounded her boyfriend, shot and wounded two police officers, and shot through a neighbor's door, killing him. Joshua then turned the gun on himself and committed suicide.

**Sahn Do 41 years Sedgwick County**

On August 21, 2007, 911 was called to report a fire. When emergency personnel arrived, they found Sahn Do burned in the front yard of the duplex he and Betsy Baldwin shared. Betsy was found in a lawn chair a few doors down, also burnt. Both were transported to the hospital where they later died. Betsy was able to tell the emergency workers and nurses at the hospital that she had poured gas on herself and lit herself on fire. Both died as a result of the fire.

**Antonio Ortiz, Jr. 24 years Riley County**

Latoya Fields and Antonio Ortiz, Jr. were both soldiers in the Army stationed at Fort Riley, Kansas. Both individuals had previously dated each but were out separately the evening of October 20, 2007 at a bar. When they left the bar, Antonio went to the car LaToya was sitting in and they continued an argument that had started in the bar. A physical altercation occurred with Antonio being stabbed in the chest by Latoya and he died from his injuries in the parking lot.

Latoya was prosecuted through the Military Justice System. She pled not guilty to the charge of murder, claimed self-defense, and was found guilty of involuntary manslaughter. She was sentenced to four years in Federal prison, reduced to the grade of Private E-1, and separated from service with a dishonorable discharge.

## Case Review Findings

Since the FRB's inception in 2004, it has reviewed 45 intimate partner violence related fatalities. The FRB meets quarterly to review the cases. The following charts represent statistics from 42 of the total fatalities reviewed. Three of the reviewed cases were deemed by the FRB not to be intimate partner violence therefore they are not included in the statistics. In one case reviewed in 2012, there was no conviction of homicide of the victim and no information is included in the perpetrator section for this one case.

It is important to note the language and the context of victim and perpetrator in this report. Perpetrator is used to describe the person who committed the homicide and victim is used to describe the person who was killed. There is evidence through police reports that several of the female perpetrators of homicide were victims in a battering relationship prior to killing their intimate partner.

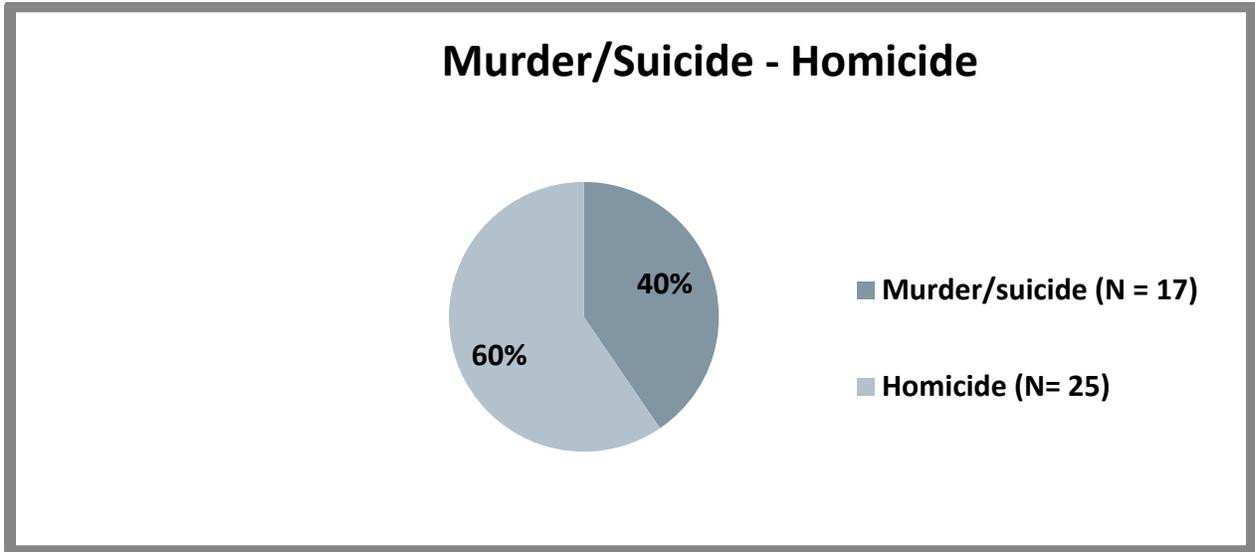
Characteristics	Victims		Perpetrators	
	Female (N=32)	Male (N=10)	Female (N=7)	Male (N=34)
<b>Average Age</b>	<b>40.4</b>	<b>32.9</b>	<b>40.8</b>	<b>32.34</b>

Race	Victims	Perpetrators
<b>White</b>	<b>31</b>	<b>27</b>
<b>Black</b>	<b>8</b>	<b>12</b>
<b>Asian</b>	<b>2</b>	<b>1</b>
<b>Of Hispanic or Latin Origin</b>	<b>1</b>	<b>1</b>

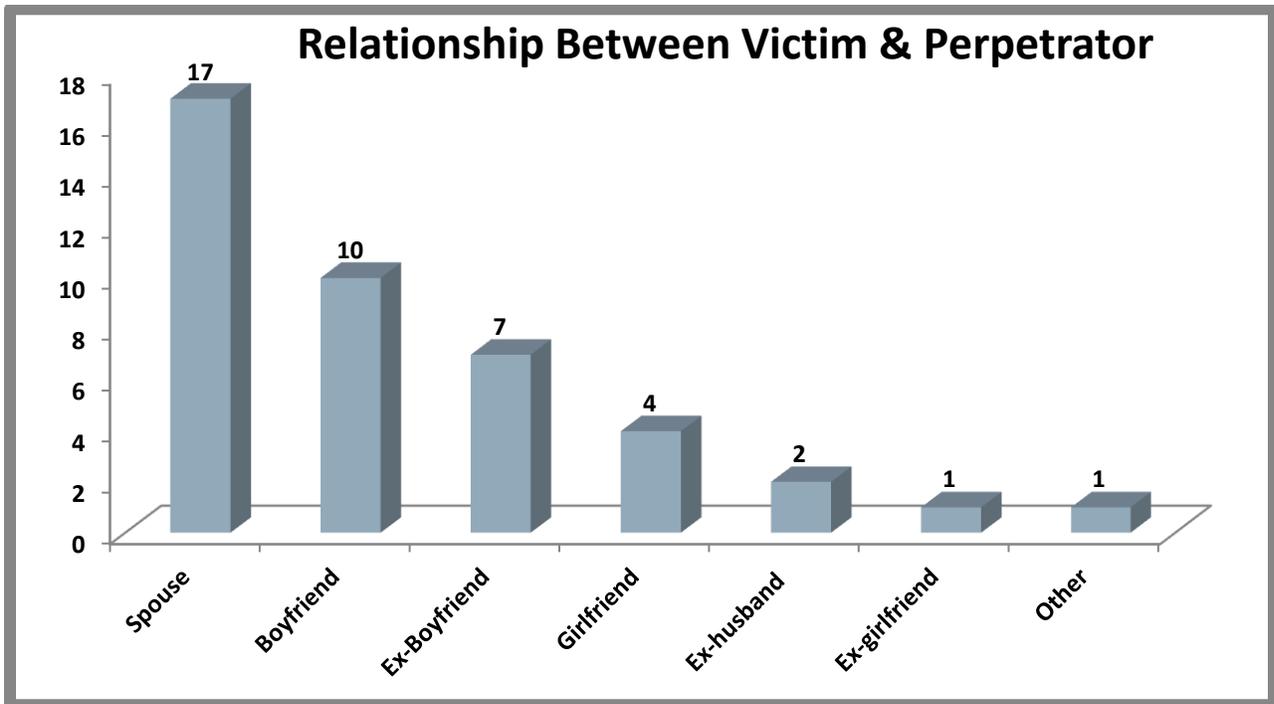
*“Statistics are human beings with the tears wiped off.”*

*Paul Brodeur*

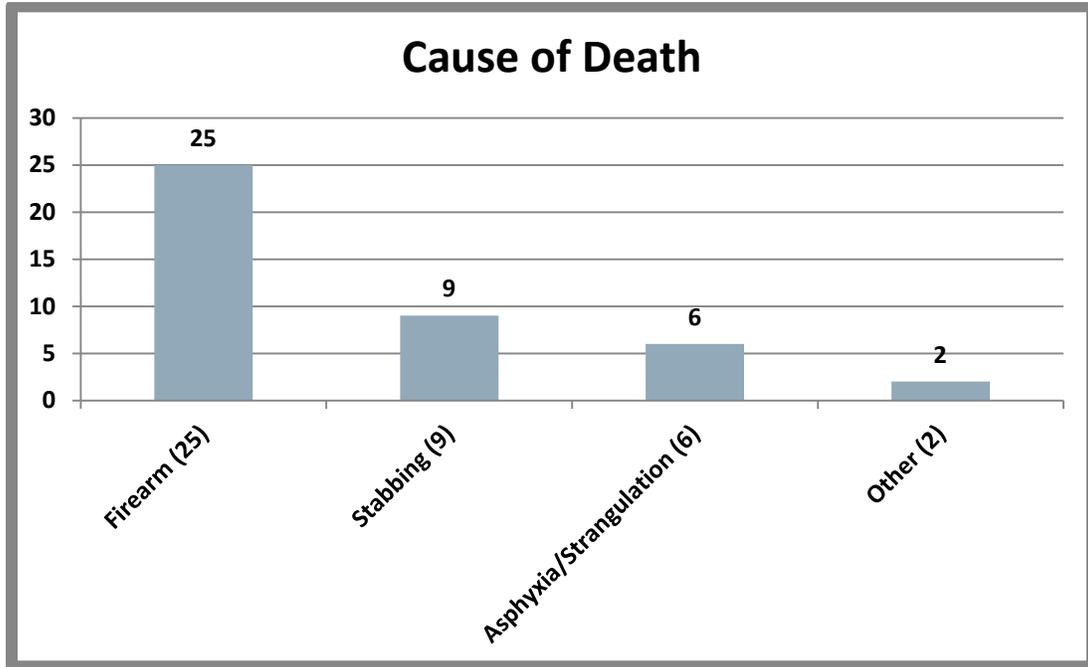
Forty percent of the cases involved a murder/suicide. Of the 42 cases included in these statistics since 2004, 17 perpetrators committed suicide after killing the victim. Included is one case where the perpetrator attempted suicide but survived the attempt.



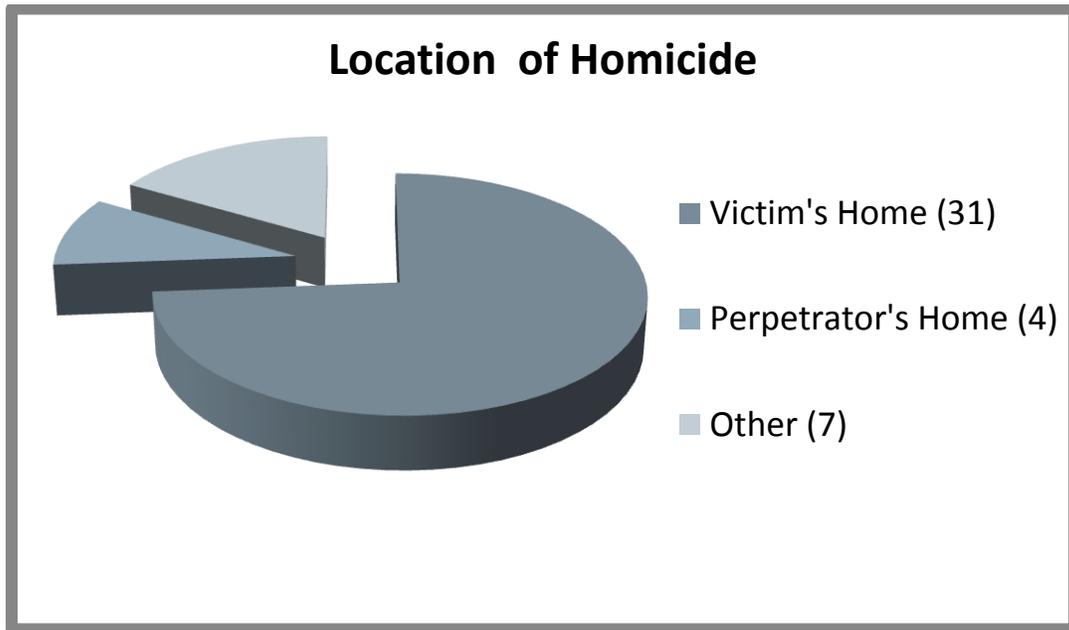
Of the intimate partner homicides, the perpetrator was most commonly the victim's current spouse.



Of the cases reviewed since 2004, firearm shootings were the main cause of death (60 percent). Stabbing was the second leading cause of death (21 percent), followed by asphyxia and strangulation (14 percent).

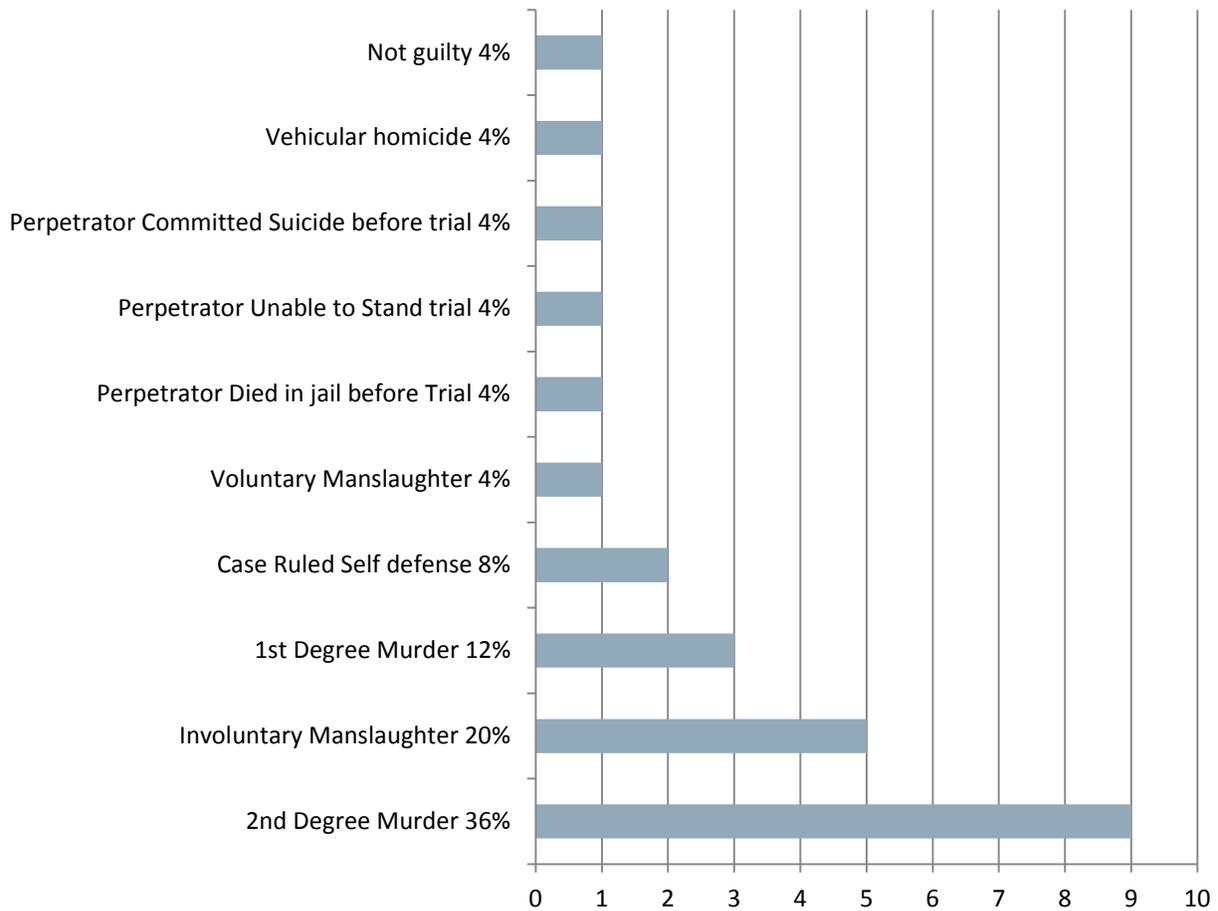


The majority of the homicides occurred at the victim's home (74 percent).

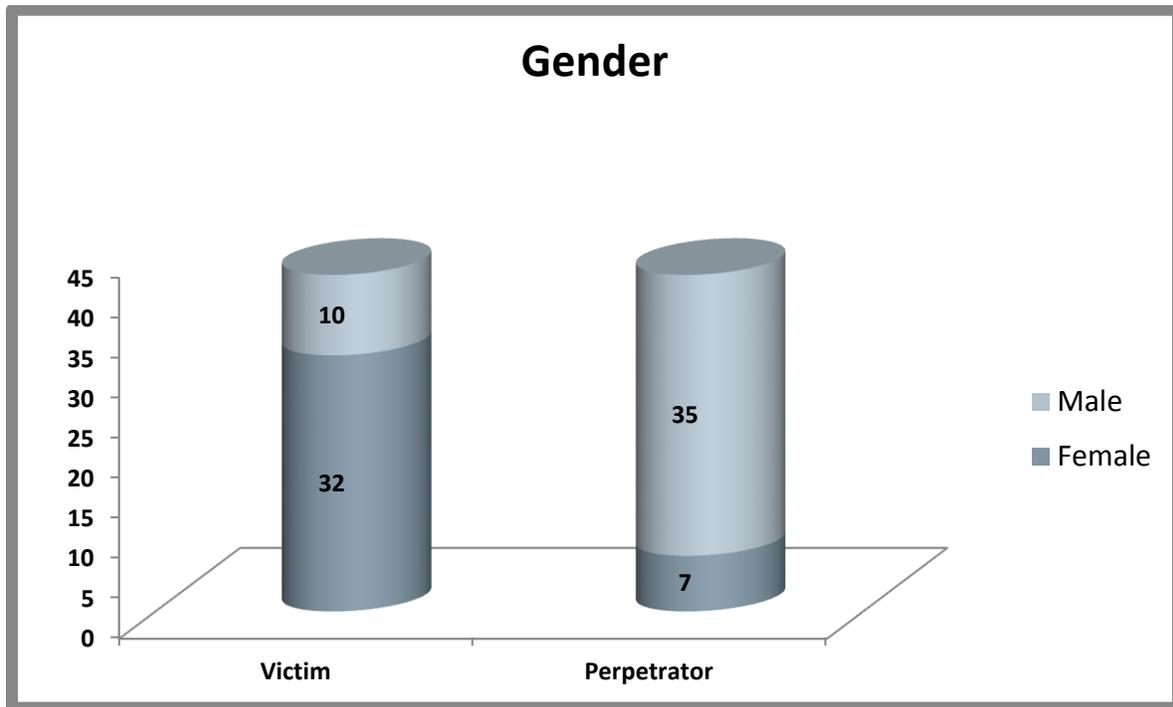


Charges were filed in all of the cases except those where the perpetrator committed or attempted to commit suicide. The majority of the perpetrators were convicted of the second degree murder (36 percent), followed by involuntary manslaughter (20 percent), 1<sup>st</sup> Degree Murder (12 percent) and one case where the accused was found not guilty. Prison sentences for those convicted ranged from 3 to 40 years.

### Criminal Case Resolution



Eighty-three percent of those who killed their intimate partner were male. Of the remaining 17% (7 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 or had recently ended the relationship.
- In 42 percent of the cases the victim and the perpetrator were living together.
- In 40 percent of the cases the victim and the perpetrator had a child together.
- Convicted perpetrators' sentences ranged from 3 years to 40 years.

## 2012 Recommendations

- All state agencies should develop employer training specifically focused on identifying domestic violence and protocols to respond to both domestic violence perpetrators and victims in the work place.***

The board has identified the workplace as a place of opportunity to respond to domestic violence. In 2010, the FRB recommended the Kansas Coalition against Sexual and Domestic Violence (KCSDV) develop and implement a plan to collaborate with employers in Kansas to develop and implement policies to address domestic violence in the work place. This 2012 recommendation is specific to state agencies to develop model policy and procedure and includes responding to both victims and perpetrators in the workplace.

- Kansas should support the recommendations specifically related to children and domestic violence made by the Defending Childhood report of the Attorney General's National Task Force on Children Exposed to Violence (2012).***

According to the Defending Childhood report of the Attorney General's National Task Force on Children Exposed to Violence (2012), an estimated 3,500–4,000 children witness fatal family violence each year in the United States. Children in families in which one parent kills another parent is a uniquely traumatic experience that has the potential to profoundly derail the child's security, health, happiness, and ability to grow and learn the effects often last well into adulthood. The harm caused by childhood exposure to domestic or intimate partner violence can put future generations of children at risk of family conflict, abuse, neglect, or other exposure to violence and psychological trauma, potentially creating an inter-generational cycle of violence. Men who witnessed domestic violence in their families growing up are at risk for perpetrating domestic violence, which the FRB hopes to work toward preventing.

Of the cases reviewed to date by the FRB, more than half involved minor children who had one or both parent/caregiver killed. There are strategies that can be put in place to address children's exposure to violence as recommended by the National Task Force:

- **Ensure that all children exposed to violence are identified, screened, and assessed.**
- **Provide all children exposed to violence access to trauma-informed services and evidence-based trauma-specific treatment.**

- **Increase collaborative responses by police, mental health providers, domestic violence advocates, child protective service workers, and court personnel for women and children who are victimized by intimate partner violence.**
- **Ensure that parents who are victims of domestic violence have access to services and counseling that help them protect and care for their children.**

### **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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