

# **Montgomery County**

## **Domestic Violence Death Review Committee**

### **Second Annual Report**

### **Data Summary and Recommendations**

**June, 2000**

# Domestic Violence Death Review Committee

## Members

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Cheryl Bowe  
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**Montgomery County  
Domestic Violence Death Review Committee**

**Data Summary**

**Overview of Cases Reviewed:**

To date, the Committee has reviewed 16 cases of intimate partner homicide, occurring between 1995 and 1998. These 16 cases involved 19 fatalities, as 3 were homicide/suicide. All were heterosexual relationships. 10 of 16 homicide perpetrators were male; the 3 homicide/suicides were male perpetrators. In 12 of 16 cases (75%) there was a documented history of domestic violence.

**Relationship**

2 spouse  
3 ex-spouse, or in process of divorcing  
5 live-in intimate partner  
3 ex-live-in intimate partner  
3 dating, not living together

8 of 10 (80%) female victims had recently separated from perpetrator, or had announced intent to separate.

**Demographics**

average age of victim: 35.5  
average age of perpetrator: 39  
race of perpetrator: 11 white, 5 african american  
race of victim: 11 white, 5 african american  
10 cases - white homicide perpetrator and victim  
4 cases- african-american homicide perpetrator and victim  
1 case - white homicide perpetrator and african-american victim  
1 case - african-american perpetrator and white victim

**Domestic Violence History**

In 12 of 16 cases (75%) there was a documented history of law enforcement contact regarding domestic violence. 10 of those 12 resulted in arrests and charges filed; in 4 cases, domestic violence charges were pending at the time of the homicide.

## **Cause of Death**

8 (50%) Firearm  
2 (13%) Strangulation  
5 (31%) Stabbing  
1 (6%) Automobile

## **Children**

Twenty children lost at least one parent in the 16 cases reviewed. Children were present in 8 of the homicide cases and directly witnessed the homicide in 5 cases. In 10 of the 16 cases (63%) children were living in the home.

## **Court Orders**

Only 3 of 16 cases involved a criminally enforceable protection order. 1 victim had a criminal Temporary Protection Order (TPO), 2 had a Civil Protection Order (CPO) and a TPO.

## **Victim Services**

2 female victims had contact with victim services via outreach at court hearings. None had gone into a battered women's shelter.

## **Batterer Intervention**

Four of the 16 homicide perpetrators had received batterer intervention services, one of which was a one-day program. Two of the 4 homicide perpetrators had been identified by the batterers' program as being at-risk of re-offending prior to killing their partner.

# Montgomery County Domestic Violence Death Review Committee

## Recommendations

The Death Review Committee reaffirms its prior recommendations, and makes additional recommendations, all as follows. Where available, progress toward implementing prior recommendations is noted. There are five areas of focus: 1) Criminal Justice System; 2) Domestic Relations Court; 3) Victim Services; 4) Health Care; and 5) Community Education and Response.

### **I. Criminal Justice System**

75% (12/16) of cases there were contacts with the criminal justice system: law enforcement and/or courts. 11 of these 12 cases had more than one contact with the criminal justice system. However, these contacts resulted in few convictions, sentences of incarceration, orders to batterer intervention, and protection orders.

- A. **Access to information:** A cross-jurisdictional database is necessary for effective bond setting and adjudication of domestic violence offenders.  
**Progress:** Montgomery County Commissioner Vicki Pegg has launched an initiative to institute such a database within Montgomery County. It is the belief of this committee that the database will be a useful tool in preventing domestic violence homicides, and we urge all criminal justice agencies to participate in the implementation.
- B. **Prosecution without the complaining witness:** In six cases, numerous prior misdemeanor domestic violence charges had been dismissed due to lack of participation of the complaining witness. As stated in the Montgomery County Domestic Violence Protocol, *“criminal charges can and should be filed, and convictions obtained, in domestic violence cases irrespective of the cooperation of the victim, where there is sufficient independent corroborative evidence of the elements of the crime and the identity of the perpetrator.”* In order to achieve this, police agencies must emphasize thorough evidence collection at the scene as well as follow-up investigations. And, prosecutors and judges must encourage evidence-based prosecution independent of victim testimony.  
**Progress:** In December, 1998, the Criminal Justice Council Domestic Violence Sub-Committee issued a domestic violence supplemental form for use by law enforcement on the scene of a domestic violence complaint. One purpose of the form is to enhance evidence collection at the scene so that prosecution would be more likely to succeed if the complaining witness does not participate. The Death Review Committee urges all law enforcement agencies to implement use of the

form into their response at the scene.

- C. **Enforcement of protection orders:** Criminal and civil protection orders must be enforced by all police agencies and violations must be prosecuted aggressively. Violations of protection orders, including non-violent violations, indicate a dangerous offender, and violations should be fully enforced by law enforcement and courts. In addition to filing charges for the violation, courts should consider revoking the bond of offenders who violate court orders while criminal charges are pending.
- D. **Felony Enhancements:** All reasonable and practical efforts must be made to prosecute enhancable offenses as felonies.
- E. **Consideration of Lethality Factors in bond and sentencing.**

The Domestic Violence Death Review Committee noted the presence of lethality factors, *as known by the committee*, in all cases reviewed. The following were the most common indicators in the cases reviewed:

- prior domestic violence arrests/convictions
- repeated and escalating violence
- serious injury
- stalking, monitoring behavior
- threats to kill
- violations of protection orders
- victim attempting separation from perpetrator

These lethality indicators are consistent with those outlined in the Montgomery County Domestic Violence Protocol. The Committee urges compliance with the standards of the Protocol, which recommend that judges consider a term of incarceration if the pre-sentence investigation reveals one or more of the following factors :

- serious bodily injury
- forcible sexual activity
- use of a deadly weapon
- ongoing intimidation of victim
- stalking
- history of domestic violence
- violation of court orders
- non-compliance with batterer intervention
- batterer intervention program has assessed the offender as inappropriate for treatment

Courts should consider ordering screening by a batterer intervention program as part of the pre-sentence investigation. Also consistent with the Protocol standards, Bond/Probation should be revoked based on non-compliance with bond requirements (i.e., a new offense or violation of protection order), probation requirements, or if a batterer intervention program has assessed the offender as inappropriate for treatment.

- F. **Sentences should include batterer intervention.** As recommended by the Montgomery County Domestic Violence Protocol, in cases where one or more lethality factors exist, participation in a batterer intervention program should be for a period not less than 6 months, and should include comprehensive case management between all systems involved, including batterer intervention, victim services, drug alcohol services, probation, etc.. Courts should carefully consider reports from the intervention program. Two of the 4 offenders who received treatment were noted by the treatment program in reports to the court as being at high risk to re-offend prior to committing the homicide. Lethality assessments should be conducted by the intervention program and communicated in progress reports to the court. Courts should have a mechanism in place for dealing with offenders who are flagged as being at high-risk to re-offend, and should consider an immediate revocation of probation in such cases, and/or extend the length of time the offender must spend in the batterer intervention program.

## **II. Domestic Relations Court**

**Civil Protection Orders: Opportunities for victims to obtain civil protection orders and have access to counsel must be increased and improved.** Victims should be informed regarding expiration/limits of criminal protection order and advised of options for civil relief, and provided resources to effectively safety plan, given that separation is a clear risk factor.

**Progress:** In 1997, fewer than 400 Civil Protection Orders were issued out of Domestic Relations Court. In 1999, over 1000 were issued. The increase in issuance of Civil Protection Orders (CPOs) to domestic violence victims resulted in part from increased victim services and public information efforts by the Domestic Relations Court. The Death Review Committee re-emphasizes the need for consistent criminal enforcement of CPO violations, including non-violent violations.

## **III. Victim Services**

**Outreach:** Only 3 of the 16 homicide victims had contact with victims service agencies,

all via outreach by victim advocates at court hearings. One of the victims refused services; two of the victims were receiving some victim assistance services at the time of the homicide. None utilized shelter services. Resources should be provided to increase the ability of victim service agencies to make outreach contact as soon as possible after the initial incident report to law enforcement

#### **IV. Health Care**

**Screening in medical settings:** Screening for domestic violence should occur at all entry points into the health care system. Hospitals should ensure this takes place through adherence to hospital protocols, periodic re-evaluation/revision of protocols, and ongoing training of staff.

#### **V. Community Education and Response**

- A. **Education regarding domestic violence and resources-** The community should receive continuing news and education services about domestic violence and available resources, so that informal systems, such as the workplace or place of worship, can better assist victims.
- B. **Children at the scene of a domestic violence homicide:** Of the cases where children were living in the home, 80% were home at the time of the homicide, 62% witnessed the incident directly. Twenty children lost at least one parent as a result of the 16 homicides reviewed between 1995 -1998. The committee recommends the creation of a multi-disciplinary team, working in concert with law enforcement and Montgomery County Children Services, to respond to the needs of children in the wake of a domestic violence homicide. The community should be reminded that community efforts to reduce domestic violence not only protects adults from serious injury and death, but also protects children from serious harm.
- C. **Education for all systems:** All community systems-- criminal justice, social service agencies, health care, children's services, faith communities-- should receive training and education on how to respond effectively to domestic violence victims and their families.