

# **DOMESTIC VIOLENCE DEATH REVIEW TEAM**

## **REPORT OF THE SACRAMENTO COUNTY DOMESTIC VIOLENCE DEATH REVIEW TEAM October 2009**

### **INTRODUCTION**

The Sacramento County Domestic Violence Death Review Team is a sub-unit of the Sacramento County Domestic Violence Coordinating Counsel. The Death Review Team is authorized to exist pursuant to Penal Code Section 11263.3. Formed in the spring of 1998, the team meets on a monthly basis.

This report is the ninth annual report of the Domestic Violence Death Review Team. The first report was released in the fall of 2000. The reports are released in October which is also Domestic Violence Awareness Month. The team is presently chaired by Paul Durenberger, Supervisor of the District Attorney's Domestic Violence Unit.

### **PURPOSE**

The purpose of the Domestic Violence Death Review Team (hereafter DVDRT) is to bring together a multi-disciplinary team to review domestic violence related homicide and homicide/suicide cases in Sacramento County; to develop strategies, policies and procedures to improve the system's response to domestic violence; and to reduce and prevent future incidents of domestic violence related homicides, homicide/suicides, and injuries. Domestic Violence continues to be a widespread problem in our county. In the last 12 months approximately 3900 fresh arrests were made for domestic violence and 2200 warrants were requested for a total of over 6100 cases reported to law enforcement. The District Attorney filed and prosecuted approximately 2545 cases in that same time period. Of those, 48% were fresh arrests and a reduced percentage of cases submitted via warrant, due to the investigative follow-up needed for these cases.

### **CONFIDENTIALITY**

Pursuant to Penal Code Section 11163.3, the meetings of the DVDRT are confidential. Every representative of a constituent agency or institution who attends DVDRT meetings signs an agreement of confidentiality.

### **MEMBERSHIP**

The DVDRT is a multi-disciplinary, broad based organization which reviews information provided by law enforcement, public health, social services, legal, coroner, child welfare, public and private medical organizations and domestic violence advocacy organizations. The current participating organizations are:

- Sacramento County District Attorney
- Sacramento County Sheriff
- Sacramento City Police
- Sacramento County Probation
- Elk Grove Police Department
- Citrus Heights Police Department
- Law Enforcement Chaplaincy- Sacramento
- California Attorney General's Office
- California Department of Justice Automated Systems Programs
- Sacramento Fire Department
- Sacramento County Department of Health and Human Services

- Kaiser Permanente
- University of California, Davis Medical Center
- Sacramento County Child Protection Services
- Sutter Medical Center
- Mercy Sacramento/ Catholic Healthcare West
- WEAVE, Inc. (Women Escaping a Violent Environment)

## **IMPLEMENTATION**

The DVDRT performs the following steps to achieve its purpose:

- Develop and recommend strategies to reduce and prevent domestic violence related homicides and homicide/suicides.
- Develop and recommend strategies to deal with the aftermath of domestic violence and domestic violence deaths.
- Act as a multi-agency and multi-disciplinary team with regular meetings.
- Operate with the confidentiality principles outlined in Penal Code Section 11163.3, and require a signed statement of confidentiality for all team participants.
- Maintain a database of all reviewed records.
- Interact with agencies and community based organizations to help achieve its goals, using the Domestic Violence Coordinating Counsel as a point of contact and interaction.

## **SELECTION AND REVIEW OF CASES**

The process for the selection of cases reviewed by the DVDRT has evolved over time. Now, any member who has knowledge of a domestic violence related death in Sacramento County that is not currently being prosecuted by the District Attorney may ask for a case to be reviewed. Most cases are referred by either law enforcement or the District Attorney. The DVDRT chair then selects the cases to be reviewed by the committee.

When a case is selected, the District Attorney's Office, prior to the meeting, provides identifying information to the other members of the team regarding the victim, the perpetrator, and any children that may also be involved. Each committee member is then responsible for reviewing the records specific to their agency to identify relevant information regarding the case and/or parties involved. At the time of review, the District Attorney or law enforcement agency describes details of the homicide and then each member can share additional information.

In some cases, the DVDRT may extend an invitation to the prosecutor, law enforcement detective or victim advocate assigned to the case. When necessary, a member of the group may be assigned to contact family members of the victim or perpetrator to develop a better understanding of the underlying circumstances of the relationship prior to the murder. Family members have also been asked to be guests of the team in the past.

Due to the limitations of the selection process and time constraint placed on the team to ascertain records, the data base of cases reviewed cannot be considered exhaustive, or statistically representative. They can, however, reveal significant concerns and/or insufficiencies which are evaluated by various experts, representatives of local agencies in the community and members of the team, who then make recommendations.

## **CASES REVIEWED**

In 2009, the team reviewed ten distinctly different homicides, an increased number over last year's total. There were four female perpetrators, which was a significant increase over prior years. Each homicide case requires complex scrutiny by the team in order to adequately evaluate all of the issues. The murder/suicide cases, where no criminal prosecution was possible, require even more effort to gather essential information on the family history, which many times is not contained in the report by law enforcement.

## CASE SUMMARIES

While four of the ten cases reviewed had female perpetrators, the cases with female perpetrators cut across the range of different types of domestic violence homicides and were factually indistinguishable from cases with male perpetrators. While one case was clearly an assault with a knife to the leg of the male victim that hit an artery and became a homicide, another was a premeditated homicide with a false alibi in place when law enforcement arrived. The incomes of the victims and perpetrators ranged from middle income to low income. Use of drugs/alcohol was a significant problem in two of the four cases. In one of the two cases, the perpetrator's prescription for depression medication was terminated just prior to the homicide. In the second case, a lifestyle with social drugs and illegal activities was prevalent. The one constant in all cases where a female was the perpetrator were reports of prior domestic violence in the relationship. The range of violence prior to the murder varied, with much of it not having been reported to law enforcement. The main truism that can be gained from these cases is that a domestic violence homicide victim or perpetrator can be either male or female, and as with domestic violence it cuts across social/economic status, race, and gender classes.

### Statistical look at the cases we reviewed is detailed below:

Age of Victim	19-49	62	58	42	26	32	27	25	49	33
Age of Perp	21	44	42	50	25	51	27	61	53	34
Kids Together?	1	No	No	No	No	No	Yes -1	--	1	2
Children - V	2 S& D	1 adult	2 adult	4 adult	No	None	1 w/Perp	2	2: 1 w/Perp	2 w/Perp
Children - Perp	1 son w/ V	No	No	No	No	2 kids	2- 1 w/Perp	2	1 w/V	2 w/V
Kids Witness Violence?	Yes	No	No	No	No	No	Yes	Yes	No	Yes
Relationship Status	Separated	Separated	Cohab BF-GF	Married	Cohab BF-GF	Married	Married	In laws Estranged	Es BF-GF	Separated
Weapon Used	Hammer	Rifle	Unknown	Knife	Handgun	Knife	Knife	Rifle	Truck	First
Type of Execution	12+ hammer blows to head	Murder suicide shooting	Blunt force to head	Stabbed in leg- hit artery	Shot in head	Multiple stab wounds	Perp stabs V for having sex w/ sex partner w/out protection	Shot in front of house	Run over w/ truck, beaten and stabbed	Punch to jaw
Prior DV History	Misdo prior 5 months before	No	Yes-recent restraining order	Yes	Perp had 273.5 misdo conviction	Yes-arrest for DV by Perp 3 mon. prior to murder	Allegations by Perp after arrest	Recent Restraining order on Perp	Yes	Perp: prior DV conviction. DV assault by Perp & defense by CV just prior to homicide

Prior Suicidal Ideation	Yes	Yes	None	No	Yes	No	Yes- Perp	No	No	Only after homicide
Education - V	H.S.	H.S.	H.S.	H.S. drop out	Attending business college	H.S. + C.C.	H.S.	H.S.	H.S.	H.S.
Education - Perp	H.S. drop out	H.S.	H.S. drop out	H.S	H.S	H.S	H.S. drop out	H.S.	Unknown	H.S.
Mental Health Diagnosis	Perp: Schizo-affect w/ psychotic	Perp: Depression Zoloft V: Depression Prozac & Paxil	None	None	None	Depression in Perp. Zoloft prescribed, stopped taking just prior to murder	Depression /suicide ideation by Perp after crime	Unknown	None	None
Employment - V	Student	Unknown	Unemployed	None	Escort service	Manufacturing	None	Security guard	None	State worker
Employment Perp	Painter	Unknown	Odd jobs	Unknown	Escort service	Unknown	Unknown	Unknown	Unknown	Truck driver
Facts	Perp goes to V's house and beats her w/ hammer	Murder-suicide Perp shoots wife then calls daughter, confesses & kills self	V gets restraining order. D hits V on head hematoma causes death?	Perp stabs V as V tries to forcibly enter house after Perp locked V out	Perp shoots V in head claims found V dead	Perp stabs V many times because she was mad he called police re: prior DV by Perp.	Perp brings 3 <sup>rd</sup> partner into sex w/ V and when V has sex w/ 3 <sup>rd</sup> party w/out protection Perp stabs V.	Perp shoots son in law of estranged spouse	D runs V over w/car in field then slits her throat	Perp and V argue about infidelity, D hits V in jaw-breaks vertebrae severs artery
Drugs/ Alcohol	Meth & alcohol by Perp	Alcohol -Perp consumed at least 3 beers	Perp: alcohol & drugs, unknown amount V had drug problem	Alcohol & drugs: V Alcohol : Perp	Cocaine in V's blood	Meth/ cocaine past for V. Claimed sober during murder	Alcohol for V & Perp night of crime. Perp history of arrests for drunkenness	None	None	Alcohol and MJ day of crime-both V & Perp
Race	Hispanic	White	White	Black	White	White	White	Black	Hispanic	Black

The victims ranged in age from late teens 20's to middle 60's. The perpetrators ranged in age from early 20's to the age of 61. The employment of the victims ranged from a business owner, to a state worker, to a security guard. The education levels ranged from some high school to a college education.

One of the ten cases was a murder-suicide. In four of the cases, the victim was killed in the presence of children. In six of the ten homicides there was evidence of calculated pre-planning by the perpetrator. One of the pre-planned cases was a murder-suicide. In the remaining four cases, the perpetrators tried, with different levels of effectiveness, to hide their crimes and escape punishment.

There was evidence of prior abuse, both physical and verbal in all of the murders that did not have evidence of pre-planning. However, there wasn't any evidence that indicated a progression of escalating violence preceded the murders. This is also true of the pre-planned murders.

Alcohol and/or drug use was a contributing factor in five of the ten murder cases we reviewed. In two cases, based on witness statements, there was evidence that the perpetrator was intoxicated at the time of the commission of the offense. In the remaining three cases it was determined that alcohol/drugs had been consumed but the amount could not be quantified. Therefore, the degree of impairment, if any, could not be determined.

A review of agency contacts found that at least one of the parties in each case had some prior contacts with law enforcement.

In most cases, the victim had either told someone about prior abuse or family members knew about prior abuse and/or fear of future abuse. In some of the cases the victim thought they could control the situation. This incorrect judgment, that the victim of abuse thinks he/she will have time to make a determination prior to the violence turning lethal, turned out to be a deadly error. In two cases the victim had sought refuge through the courts, but their restraining orders proved useless against a determined killer.

In most of the cases reviewed, the friends or family members who knew or were concerned for the victim's situation failed to realize that there was a possibility that the violence could end in murder. Repeatedly there were people talking about signs of abuse they had witnessed, then in the next breath expressing shock that this would ever happen. This insight into the potential lethality of domestic violence was also lacking in many of the victims, who were certain they could control their environment and escape serious injury, as they had in the past.

## **FINDINGS**

Children are often witnesses and the forgotten victims of domestic violence, including domestic violence homicide. Children who witness abuse long-term in their homes internalize the violence, which can lead to drug and alcohol dependency and violence in their future personal relationships. While it is the policy of law enforcement to request CPS to respond to a domestic violence crime scene where children are present, occasionally the children are not at the scene or part of the crime investigation process. The DVCC is concerned that children may still be slipping through the cracks and not receiving the needed psychological therapy, or the determination of the most appropriate guardian that will insure their future well being.

While not statistically significant, the fact that two out of ten cases had perpetrators ending a prescription for medication for depression apparently without communicating with a doctor about possible consequences is troubling, especially in these down economic times. If people who lose their jobs and health care coverage stop using prescription medications for depression without communicating with medical professionals, the results could be an increase in all violence related offenses, including domestic violence.

The age range, employment status, education level, and race varied markedly. These findings repeatedly demonstrate that intimate partner homicides cut through every layer of the socio-economic community of Sacramento County. Yet this reality is dismissed when people speak of domestic violence.

Without a commitment to on-going education, treatment and resources, specific to domestic violence dynamics, for victims, abusers, their families, friends, and the community, we will not be able to significantly reduce the number of intimate partner deaths in Sacramento County.

## **RECOMMENDATIONS**

The DVDRT recommends that the Board of Supervisors promote a policy that all cases of domestic violence with children in the family be reviewed by CPS and that all have Court review with child advocates appointed for the children. This policy should be promoted to insure that the well being of the children is always protected in our county's court system. The DVDRT will be contacting the Sacramento Court to ensure that these policies are understood by the courts.

## **DVCC SUB-COMMITTEES ON-GOING ACTIVITIES**

The Domestic Violence Coordinating Council has four standing committees. They include: the Domestic Violence Death Review Team (DVDRT); the Health Care Domestic Violence Network (HDVN); the Law Enforcement Committee; and the Community Committee. Each sub-committee is comprised of agency and/or community representatives with expertise in these distinct areas. The committees work independently, and are multi-disciplinary in nature. Their responsibilities and duties are determined by the DVCC Executive Committee.

The law enforcement sub-committee discussions have been limited, due to the reduction in staff at all of the local law enforcement agencies. Efforts have been made by the District Attorney to provide training for all patrol and detective law enforcement personnel new to domestic violence. The training has been revised and offered to every law enforcement agency in the county, at their request.

The community sub-committee, which was chaired by WEAVE, was disbanded due to economic cutbacks at WEAVE. The DVCC has invited the Domestic Violence Prevention Collaboration (DVPC), and the DVPC has agreed to become part of our DVCC council and take over the responsibilities for our community sub-committee. We are happy that such a highly organized group with so many community contacts accepted our invitation.

The Health Care Committee has been communicating with the new Community group to try to help them develop protocols for domestic violence cases where children are victims or witnesses.

Due to funding cuts the DVCC was not able to produce the domestic violence training program for county employees, which was a recommendation last year. When funds are secured we will begin work on this proposal.

## **CONCLUSION**

Due to the economic downturn, the DVCC sees real potential for an increase in domestic violence homicides due to current budget cuts. Law enforcement budgets have been reduced. County agencies that deal with the aftermath of domestic violence have been dramatically cut. Funding for community groups that protect and help countless numbers of our community that are suffering from domestic violence has been slashed. Our DVDRT has lost a number of participating members due to these cutbacks. We are stretched to a point where the concern is that our team may not be able to function in the future. While we understand that the economic crisis is real and cuts are necessary, history sends us a warning that cost cutting can lead to dangerous and expensive results.

The case of Theresa Macias in Sonoma County is an example of how budget cuts which eliminate domestic violence as a priority can have devastating human and economic consequences. Theresa was gunned down in broad daylight in downtown Sonoma after repeated attempts to have her restraining order enforced by law enforcement were not successfully completed. The ensuing lawsuit over law enforcement's failures cost

Sonoma County over 1 million dollars in a civil settlement. The county's economic loss pales in comparison to the emotional, physical and economic damage perpetrated on witnesses to the crime and Theresa's family.

Due to the hard work of law enforcement and the other community partners, Sacramento has been spared the tragedy which occurred in Sonoma County. The DVCC requests that this Board acknowledge the potential savings in cost and in lives that the investment in the protection of domestic violence victims brings to this community. An ounce of prevention is worth a pound of cure was simple logic to Benjamin Franklin. We hope that this Board is able to continue to incorporate his logic by keeping domestic violence protection a point of emphasis for this county.