

**SANTA COUNTY DOMESTIC VIOLENCE
COUNCIL**

DEATH REVIEW COMMITTEE

FINAL REPORT

JANUARY 1 – DECEMBER 31, 2004

SPEAK UP - SAVE LIVES

The Domestic Violence Death Review Committee of the Santa Clara County Domestic Violence Council dedicates this year end report to the memory of Sgt. David L. Gordon.

Sgt. David L. Gordon was a tireless, hardworking member of this committee for over three years. His wit, wisdom and understanding of human nature helped this committee complete its very important work.

He will be missed by all of us.

**DOMESTIC VIOLENCE DEATH REVIEW COMMITTEE ROSTER
SANTA CLARA COUNTY, CALIFORNIA
January 1, 2004-December 31, 2004**

**ROLANDA PIERRE DIXON ESQ., CHAIR
DISTRICT ATTORNEY'S OFFICE**

Wiggys Sivertsen San Jose State Univ-Counseling Serv	Lt. Michael Sterner San Jose' Police Dept.-Homicide
Eve Castellanos City of San Jose'	Lt. Peter Decena San Jose' Police Dept.- FVC
Amos Grogan Pretrial Services	Det. Leila Sutherland Sheriff's Office-DV
Caroline Jimenez District Attorney's Office	Captain Dave Sepulveda Department of Corrections
Barbara Krzyczkowska MFT Community Psychotherapy Institute	Cynthia Spencer, Esq. Family Law Attorney
Det. Eric Fujii Sunnyvale Dept. of Public Safety	Lisa Chavira Juvenile Probation Dept.
Moon-Hi Ree MSW Asian Pacific Family Resource Center	Sgt. Jim Stephens Sheriff's Office-DV
Enrique Alvarez MSW Dept. of Social Services	Det. April Chan Palo Alto Police Dept.
Dr. Joseph O'Hara Coroner's Office	Shawne Smith Next Door Solutions to DV
Janeen Carlo Dep. Director Family Court Services	Frank Del Fiugo MFT Turning Point Counseling
Tracy Bowers MSW Ujirani Family Resource Center	Edna Thomas Adult Probation Dept.
Margaret Petros Victim Witness	Det. Cameron Shearer Los Altos Police Dept
Charu Aggarwal Asian Americans for Community Involv.	Jamie Buckmaster Prog. Manager-APS

Jillian Laxton
Support Network for Battered Women

Clint Tada
Los Gatos Police Dept.

FINAL REPORT

JANUARY 1, 2004– DECEMBER 31, 2004
DEATH REVIEW COMMITTEE

By: Rolanda Pierre Dixon Esq.-Chair

The Santa Clara County Domestic Violence Death Review Committee, hereinafter referred to as the DVDRC, was created in October of 1994. The Department of Justice asked the Santa Clara County Domestic Council if they would create a death review committee. They wanted the committee to examine all domestic violence related deaths in order to determine if changes in the system could lead to the elimination of future deaths. The Department of Justice also hoped that the committee would be able to present all information received to the Domestic Violence Council, who in turn would advise and advocate for appropriate system-wide change.

In creating the DVDRC, we attempted to bring to the table a cross section of all the organizations in Santa Clara County that dealt with domestic violence victims, perpetrators and their children. Representatives from the District Attorney's office, law enforcement, coroner's office, pre-trial services, adult probation, juvenile probation, battered women's advocacy agencies, therapists, Adult Protective Services, Social Services, CPS, Victim Witness, batterer's intervention programs, Family Court Services and the family law bar were all invited and they all agreed to participate.

We were very fortunate in this county to get buy-in and cooperation from all the relevant organizations. We were also very comfortable working together because nearly all the involved organizations were already a part of the county's domestic violence council. We trusted one another not to use the committee to "finger point" but to do the more constructive work of advocating for system-wide change, which would hopefully save lives.

Every member of the DVDRC signed a confidentiality agreement (attachment A). This agreement requires that all information discussed in committee meetings remain confidential. The signed agreement is kept on file by the committee chair. The only agreed upon public disclosure of cases involves statistics and fact patterns. The names of particular victims and perpetrators are not revealed out of respect for victims, survivors and their families.

The DVDRC also decided what cases would be reviewed. We would review all "domestic violence related deaths". The committee's definition of "domestic violence related death" is as follows: it is a death where the perpetrator and victim were romantically linked, either at the time of death or prior to the death, and the conduct of either party lead to the death. This includes all individuals in (or formally in) intimate partner relationships, whether or not they were married or living together. We look at homicides, homicide/suicides, suicides, blue suicides* and fatal accident cases. If other

family and or community members are also killed by the perpetrator those cases are also reviewed.

***Blue suicides are those situations where a depressed individual threatens to kill police officers and/or others and comes toward the police with a deadly weapon- intending that they respond by shooting him or her.**

In 1996 the California legislature passed Penal Code Section 11163.3 (et. seq.) which allowed for the formation of domestic violence death review teams in all California counties. It also deemed all information shared in death review committee meetings as confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations of a domestic violence death review team may be disclosed at the discretion of a majority of the members of the team.

The Santa Clara County Domestic Violence Review Committee produces a final report at the end of each calendar year. This year's report will cover six (6) identified domestic violence related deaths from 2004. In 2003 there were twenty-one (21) identified cases. The Santa Clara County District Attorney's Office filed criminal complaints on 32 homicide cases in 2004. The DVDRC identified 3 domestic violence related homicides.

The Santa Clara County District Attorney's office issued 3703 criminal domestic violence complaints in 2004 (3150 misdemeanors and 553 felonies). Our civil courts issued over 2700 temporary restraining orders and our domestic violence criminal courts issued protective orders on every criminal case. All of our police agencies (including those on university and college campuses) adhere to a law enforcement protocol, which recognizes domestic violence as a crime and contains a "shall arrest policy". A "shall arrest policy" means where probable cause exists to believe the perpetrator committed an act of domestic violence an arrest shall be effectuated by the responding law enforcement officer.

Women's shelters, domestic violence organizations, batterer treatment groups and other professionals deal with domestic violence on a daily basis in this county. They explain the law and provide needed assistance for victims, their children and perpetrators. They also offer counseling in an effort to help these families build a life without violence.

It is our belief that Santa Clara County's policies and procedures around domestic violence help decrease the number of domestic violence related deaths. Although there were 6 such deaths in 2004 we did not lose a single person in the five thousand three hundred and thirty seven (5337) cases (issued and non-issued) that were referred to the District Attorney's office for prosecution. We believe this clearly shows that the policies of this county and the educational efforts around domestic violence have helped decrease the number of fatal incidents.

It is also important to note that we did not lose any children this year to domestic violence related death. We lost five children in 2003 and six children in 2002. The committee continues to stress to the public that when deadly domestic violence erupts, no one is safe, even the most vulnerable ones in our homes, our children. We also noted that ten children were left this year without one or both parents because of these deadly acts. Their lives will be forever changed.

Domestic violence related death also took the life of an elder member of our community this year. We must not forget that domestic violence also happens in the elder community and we must be vigilant in our observations of our senior citizens.

It is very important for those individuals who come in contact with potential victims and their families to pay close attention and not to hesitate to ask the right questions. Our investigation into these cases shows that nearly everyone around these victims were aware of serious problems. It is important that victims, children, families, neighbors and co-workers contact law enforcement when they are aware of abuse. We did observe last year that increasing numbers of everyday citizens did call law enforcement on behalf of victims of domestic violence.

When anyone suspects that domestic violence may or is being perpetrated against a victim, they must act. Calling 911 could save their lives. When anyone loses their life to violence it has devastating impact on those individuals left behind. Domestic violence happens everywhere in our community, no one is safe. From our youngest citizens to our oldest. When entire families are killed, the entire community suffers. When school age children die, every child who sat in the classroom with that child is negatively affected. We must increase our vigilance in order to protect the lives of those children, adults and seniors in our community.

“Speak up – Save lives” – was the message chosen by the DVDRC in 2002. We decided in 2003 to retain the message and in 2003 it was also adopted by the City of San Jose’ Family/Domestic Violence Advisory Board and used in a public campaign. It has been decided by the committee to again retain this message in the coming year. It is still very important and it succinctly states what we must all do in our fight to end domestic violence. It is everyone’s responsibility to pay attention to what’s happening in their community and speak out (for example call 911) in order to stop the violence and protect victims. We could not have said it any clearer.

Speak up – Save lives

The reviewed cases breakdown as follows:

I. TYPES OF DEATH

1. **6 deaths from 2004** (2 homicides, 1 homicide/suicide, 2 suicides-after attempted homicides)

II. POLICE AGENCIES INVOLVED

1. 3 deaths from San Jose' Police Department (1 homicide/suicide, 1 homicide)
2. 1 death from Morgan Hill Police Department (1 suicide)
3. 1 death from Mountain View Police Department (1 suicide)
4. 1 death from Los Gatos Police Department (1 homicide)

III. AGE/RACE/SEX/SUBSTANCE ABUSE/CHILDREN PRESENT

1. **Ages** For all victims and perpetrators- 24 yrs to 73 years of age
 - A. Homicide adult female average age was 38
 - B. Suicide adult male average age 38 (73 year old suicide perpetrator not counted in average)
 - C. Elder perpetrator age 73

2. Race/Ethnicity

- | | |
|-------------------|---------------------------------|
| Hispanic: | 3 (1homicide/suicide,1 suicide) |
| Caucasian: | 2 (1 homicide, 1 suicide) |
| Asian: | 1 (1 homicide) |
| African American: | 0 |
| Bi-Cultural: | 0 |

3. Sex

- | | |
|---------|---|
| Male: | 3 (1 homicide/ <u>suicide</u> , 2 suicides) |
| Female: | 3 (1 <u>homicide</u> /suicide, 2 homicides) |

4. Substance Abuse At Time of Incident

0

5. **Number of Children –Homicide Victims**

0

6. **Children Present At Time of Incident**

7 (1 homicide/suicide, 1 suicide-six children present)

7. **Number of children left w/o one or both parents**

10 (1 homicide/suicide, 6 suicide, 3 homicide) ages 9ms.-16yrs

8. **Perpetrators Gender**

5 male (1 homicide/suicide, 2 homicides, 2 suicides)
0 female

9. **Manner of Death**

3 knives (1 homicide/suicide, 2 homicides)
2 guns (2 suicides)
1 poison (1 suicide)

10. **Separated/Divorced or discussing either at time of death**

6 (1 homicide/suicide, 2 homicide, 2 suicides)

11. **Prior domestic violence contact (police reports)**

0

12. **Restraining orders/Do not annoy, harass or strike orders**

0

13. **Location of Deaths**

5 at home (1 homicide/suicides, 2 homicides, 1 suicide)
1 in public (1 suicide)

14. **Same Sex Couples**

0

15. **Occupations of those who died**

Homemakers
Postal worker
Self employed businessman
Administrator
Retiree

16. Occupations of those who committed homicide

Postal worker
Security guard

17. Type of relationship at time of death

- * 5 marital relationships (1 homicide/suicide, 2 homicides, 1 suicide)
- * 1 cohabitant (1 suicide)

*in the 5 marital relationships 2 were separated, in the suicides 1 was separated, in the cohabitant case they were also separated, all were having on-going contact

18. Length of relationship

1 year months to 22 years

- 1- 1 year (1 homicide)
- 2- 3 years (1 homicide/suicide)
- 2 –5 years (1homicide, 1 suicide)
- 1 –22 years (1 suicide)

19. Educational level of perpetrators

1 – College
3 – High School

20. Educational level of victims

1 – College
1 – High School

22. Met and began dating as teens

0

23. Immigrants (less than 10 years in the United States)*

1 (1 homicide/suicide)

*The DVDRC defines Immigrant as a person who has been in the United States for 10 years or less-it does not look at legal status.

IV. CASE SUMMARIES

CASE 170, 171: Homicide/Suicide- The victim and perpetrator met three years ago, family friends introduced them. The perpetrator brought her here from another country. Per family members there was trouble in the relationship from the beginning. The perpetrator was very jealous of the victim and it appeared to his family that she was also jealous of him. He even asked neighbors to watch his house to see if any men visited while he was at work. The relationship produced one child. Eventually the perpetrator started talking about divorce and the victim left for a night. She returned the next day. The perpetrator stated he was going to start divorce proceedings. The victim was afraid of a divorce because she didn't know if she would be able to care for her child. Before anything was legally filed the perpetrator chased her throughout their home stabbing her, finally killing her. Their baby was present in a back bedroom on a bed. The perpetrator then drank muriatic acid and died 9 days later. The victim was 24 years old and the perpetrator was 35.

CASE 172: Suicide-The perpetrator and victim are married. When they met she was the mother of three children; they eventually had three children together. During their five-year marriage the perpetrator was very controlling. He was also the main breadwinner. Per the victim he also had an alcohol problem. Eventually he becomes physically violent with the victim and she asked him to move out. He moves out and then weeks later returns in the early morning hours. The victim is asleep with three of her small children in the same bed. The perpetrator begins to strangle her. He also tries to smother her with a pillow. She is able to fight back and the perpetrator runs away. She calls 911. He leads the police on a high-speed chase, gets back to his residence and threatens to shoot anyone who comes in to get him. After a long standoff, a shot is heard from inside the residence, the perpetrator shot and killed himself. The victim and children survive. The perpetrator was 41 years old.

CASE 173: Homicide-The victim and perpetrator meet and very quickly get married. She has three children when they meet and he has two. After five years it becomes clear that she is unhappy in the marriage. They separate. She continues to talk to the perpetrator and he continues to help out financially. She eventually makes it clear she does not want him to return home, he stabs and kills her. She was 40 years old.

CASE 174: Suicide- The perpetrator meets the victim almost 22 years ago, they begin living together. He is much older than she is (over 20 years). The perpetrator is controlling in the relationship and according to the victim is emotionally and verbally abusive. She decides to separate. He moves out. They argue constantly over the separation of the property (he really just wants to put the relationship back together). She will not reconcile. The perpetrator sees her out in a parking lot, he shoots her in the stomach, and she hits the ground but is able to call 911. He goes about 2 blocks away and shoots himself, he dies, and she survives. He was 73 years old.

CASE 175: Homicide-The perpetrator and victim met about three years before the death. They are married about a year when the victim decides to divorce. They agree that the defendant will move out. On the date set for the move, the def stabs and kills her. She was 52 years old and he is 59 years old.

V. TASKS ACCOMPLISHED

The Santa Clara County Death Review Committee is a standing committee of the Santa Clara County Domestic Violence Council. The committee has been in existence since 1994, this makes it one of the oldest domestic violence death review committees in the nation. We have been asked on numerous occasions to present at various conferences and workshops all over the country. In the last year we have made over ten such presentations. We have a standing agenda item which request reports from those team members who have presented in the preceding month. We have also been called upon to assist other death review teams, in and outside of California. Team members also wrote numerous articles and were quoted extensively by the media, in and outside of the state.

Committee members also made themselves available this year for a large number of presentations in the county on the issue of death review. These presentations were made to professional and lay groups. The committee is committed to informing the general public about domestic violence and its' deadly consequences.

The committee also worked closely with the Santa Clara County Domestic Violence Council, the San Jose' City Family/Domestic Violence Advisory Board, The Court Systems Committee, Police Victim Relations Committee, The Executive Committee of the Domestic Violence Council and the Battered Immigrant Women's subcommittee.

In 2004 there weren't any "blue suicides" (those situations where a depressed perpetrator in a domestic violence incident threatens to kill officers and/ or others and comes toward the police with a deadly weapon-intending that they respond by shooting him/her), this is the third year in a row that this has held true in Santa Clara County.

We also did not lose one person who had a restraining order or had a reported an on-going criminal case with law enforcement. We are convinced that law enforcement is doing a great job in terms of its response to domestic violence situations and that prosecution of these cases saves lives. There was also an increase last year in citizen's calls to law enforcement in domestic violence cases.

We will continue to track and study domestic violence related death cases and we are convinced that this work saves members of our community from early and tragic death.

VI. CONCLUSION

In concluding this year's report it is again glaringly obvious that family members, co-workers and neighbors are well aware of serious problems in these relationships before the deaths occur and yet did not call law enforcement or others for intervention. It is the hope of this committee that everyone begin to take notice of what is going on in these relationships. The community must educate itself on domestic violence in all its' forms and begin to realize that it can turn deadly. Concerned community members must also know where and what they can do to assist victims. It is hoped that this report will lay the groundwork for the beginning of that knowledge (see pages 17-20).

Domestic violence homicides are at their core about one individual's desire to have absolute power and control over their significant other. When they begin to feel that power eroding, they will do whatever they have to in order to regain it, including killing the very person/persons they seek to control. Children, other family members, neighbors, co-workers and innocent bystanders are all put at risk if they are around when the violence erupts. We must continue to work to educate the public on these issues and help people to understand that reporting domestic violence is helping not hurting and intervention is necessary. It should not be considered interference in an intimate relationship but a civic duty to keep our community members and their children safe.

We must also note that this year we had the lowest number of domestic violence related deaths since we started compiling the numbers in 1994. We feel this is due to several reasons:

- (1) Increased reporting of non-lethal domestic violence incidents by the community
- (2) Confiscation of guns at domestic violence incidents by well trained law enforcement officers
- (3) Arrest and thorough follow-up by well trained law enforcement officers
- (4) Prosecution by the District Attorney's office
- (5) Advocacy support for victims and their children by agencies and programs
- (6) Appropriate sentences for perpetrators by Judges and court orders which the Probation Department makes sure are followed
- (7) Counseling for victims, children and perpetrators
- (8) Community campaigns on domestic violence
- (9) In custody and community intervention programs
- (10) Availability of restraining orders
- (11) Increased community awareness
- (12) Collaborations of the county and community based organizations-working together on domestic violence issues

We also know that all the other agencies represented on the Domestic Violence Death Review Committee take what we learn in every case and apply it to their everyday work. This report gives us "**red-flags**" (page 17) that help us identify those potentially lethal cases.

We are also very happy we did not lose any children this year in domestic violence incidents and will continue our all out efforts to educate the public on domestic violence. This educational effort will target both the young and old. We also for the first time did not have one couple represented in these numbers who met and began dating as teens. Again, kudos to those who work on a daily basis to educate the teens in our county.

The Domestic Violence Death Review Committee hopes that the release of this report will help people begin to recognize domestic violence and intervene before death is the result.

“Speak up-Save lives”.

Respectfully Submitted: The Domestic Violence Death Review Committee 2004

VII. 2004 SIGNIFICANT FINDINGS (RED FLAGS)

- 1. Everyone close to the victim and perpetrator knew that something was very wrong in the relationship but did not intervene. They did not ask the appropriate follow up questions. They must ask victims if they are fearful of the perpetrator and why? They should always act as if there are deadly weapons in the home. They must seek to safely intervene (assist the victim in calling a woman's shelter or seeking domestic violence information, call law enforcement, encourage victim's to call law enforcement to remove firearms) in these relationships.**
- 2. Perpetrators of deadly domestic violence have several characteristics, which were evident in many of the 6 deaths we reviewed. They are:**
 - A. Prior threats of homicide and or suicide-5 cases**
 - B. Victim talked about divorce or separation and the perpetrator cannot tolerate it – 6 cases**
 - C. He or she was unraveling in front of everyone's eyes i.e. sleeplessness, loss or imminent loss of job, no real friendships (perpetrator), possessing guns, talking about dying, depression (sadness), extremely upset about life, mood swings, prior false imprisonment –6 cases**
 - D. They hit or threatened to hit the victim at least once and in most cases more than once before the death occurred, or had used violence with a previous partner-4 cases**
 - E. The perpetrator engaged in controlling and obsessive behavior (following the victim, checking his/her whereabouts constantly, monitoring their phone calls, limiting their friendships, handling all the money, making all the family decisions) – 5 cases**
 - F. Extreme jealousy/possessiveness- 5 cases**
- 3. Handguns were used in two of the deaths. Those individuals possessing guns and using or threatening violence are a clear danger to themselves and everyone around them.**
- 4. Deaths occurred in nearly every jurisdiction in this county and have involved different racial and socio-economic groups. In fact those individuals from the middle/upper middle and higher economic strata made up the majority of the deaths (5 out of 6). We must be cognizant of the fact that domestic violence is not a poor person's problem, it is everyone's problem. Domestic violence death also does not care how old you are, so our elders are also at risk.**
- 5. Children are the most vulnerable in our society. If they express real fear of a parent, we must act. When children appear vulnerable and in danger of abuse or neglect all mandated reporters must report to the Child Abuse Hotline at DFCS.**

VIII. RECOMMENDATIONS

We the members of the Santa Clara County Domestic Violence Death Review Committee hereby recommend to the Domestic Violence Council and the community at large the following,that

1. The Domestic Violence Council encourages the community at large to stand up and report domestic violence when it is observed.
2. The Domestic Violence Council continues its efforts to educate the public on domestic violence issues, including the release of this report to the public.
3. The Domestic Violence Council increases its efforts to educate our ethnic minorities and immigrant communities on domestic violence.
4. The Domestic Violence Council continue to ensure that all domestic violence-related educational information teach that domestic violence occurs in the elder, immigrant, gay, lesbian, bi-sexual and transgender communities.
5. The Domestic Violence Council continues to encourage local school districts to develop a curriculum that addresses the issues of domestic violence, dating violence and stalking.
6. The Domestic Violence Council continues to encourage victims of domestic violence to get restraining orders.
7. The Domestic Violence Council continues to promote the education of all workplaces on domestic violence, so those potential victims can be protected.
8. The Domestic Violence Council promotes legislation, which requires all mental health professionals to have domestic violence education.
9. The Domestic Violence Council promotes the addition of services for male victims of domestic violence.
10. The Domestic Violence Council continues to encourage the utilization of available monies for mental health services for children exposed to domestic violence.
11. The Domestic Violence Council continues to encourage parents to get parenting classes, which discuss the impact of domestic violence on children.
12. The Domestic Violence Council continues to inform the public that the police at a domestic violence incident (Penal Code Section 12028.5) can remove all guns and keep them for up to 5 days if charges are not filed. If charges are filed and the perpetrator is convicted he/she cannot possess a firearm for up to 10 years

(Penal Code Section 12021). Also if the victim obtains a restraining order (whether or not the perpetrator is filed on or convicted), the restrained person cannot possess a firearm.

The DVDRC recognizes that the lower number of domestic violence related this year (6 as compared to 21 in 2003), are a clear indication that we must continue to do all of the above.

SPEAK UP – SAVE LIVES

IX. CRISIS HOTLINES

EMERGENCY POLICE RESPONSE – 911

Asian Women’s Home	(408) 975-2739
Support Network for Battered Women	(650) 940-7850
Spanish	1-800-572-2782
TDD	(650)490-7857
Next Door Solutions to Domestic Violence	(408) 279-2962
Community Solutions (South County)	(408) 683-4118
YWCA Rape Crisis Center	(408) 287-3000
South County Rape Crisis Center	(408) 779-2115
Adult Protective Services	1-800-414-2002
Family Court	(408)534-5600
Suicide Crisis Service	(408) 279-3312 (650) 494-8420 (North County) (408) 683-2482 (South County)
Victim Witness Assistance	(408) 295-2656 (830am-5pm)
CONTACT (Hotline for all hotlines)	(408) 279-8228
National Domestic Violence Hotline	1-800-799-7233 (SAFE)
Victim Notification System	1-800-464-3568 (jail program- Victim’s can register and be informed when defendant is to be released)
Charter Legal Services	(408) 522-3800

Attachment 1: Copy of the DVDRC's Confidentiality Agreement

CONFIDENTIALITY AGREEMENT

DOMESTIC VIOLENCE

DEATH REVIEW COMMITTEE

I, as a member of the Domestic Violence Death Review Committee **agree to keep confidential all** information discussed at the death review meetings. I also **agree to return all** outside case information received in the meeting involving decedents to the Chairperson of the Death Review Committee upon my resignation from the Committee.

Dated

Printed Name

Signature