



Fatality Review Bulletin

The article below is the result of a focus group convened by the Asian Pacific Islander Institute on Domestic Violence at the Midwest Leadership Forum, St. Paul, Minnesota in July, 2005 and is reprinted here with their permission. Please visit their website (apiahf.org/apidvinstitute) to download this article or locate more information about their work and for resources. The article is addressed to advocates but is relevant to anyone working to end domestic violence as it raises many important questions and issues about accountability. We all use this language, with regard to perpetrators and systems, but the word may gloss over differences in needs, intent, meaning, and goals. We hope the ideas presented by Grace Poore help generate thought and discussion about the meaning of "accountability" in fatality review work.

National Domestic Violence Fatality Review Initiative

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FRAMING BATTERER ACCOUNTABILITY IN THE CONTEXT OF OUR WORK AS ADVOCATES: ISSUES & QUESTIONS

By Grace Poore, March 2006
For the Asian and Pacific Islander Institute on Domestic Violence

How do we hold someone accountable if we don't know what accountability is? What are the key elements of accountability that we can all agree on and what are the additional elements of accountability that can vary from survivor to survivor, family to family, community to community?

Different expectations of accountability can be a nightmare to enforce and monitor. It can be very time consuming and expensive to implement, which is why we rely on the legal and criminal systems that have standardized the process of holding someone accountable. On the other hand, many families and communities avoid the criminal and legal systems because these systems approach "justice" in a way that takes a huge toll on victims, families and perpetrators who are also part of the family. The three main questions that need to be addressed in this conversation are:

- What needs to happen in order to hold someone accountable?
- How does the process of holding someone accountable get practiced and implemented?
- What are the resources needed to make the accountability process meaningful and sustainable?

In order to answer these questions, several key issues have to be examined:

1. Who has the right to hold violators accountable?
2. Who has the right versus who has the capacity for the job? For instance, what role will victims/survivors play in the process of holding their abusers accountable?
3. How do we resolve differences in approaches to holding perpetrators accountable and who decides this?
4. What are the anticipated outcomes of accountability and how do we decide which outcome is adequate? Who decides this?

How we hold perpetrators accountable is also related to how we talk about domestic violence, sexual violence and child sexual abuse within the family. For instance, how many words are there in our different cultural settings for battering, rape, incestuous sexual abuse? Do these

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words convey force? Dishonor? Carnal desire? Violation? Disciplining of an insubordinate? Mistreatment? Abuse of power? What determines the way we talk about sexual violence? Is it easier to find words if the perpetrator is a stranger versus someone in the family, someone without status versus someone with high status? How do factors such as the form the violence takes, age of victim, age of perpetrator, and where or when the violence happened determine how we talk about accountability?

1. Right and Responsibility

Those who perpetrate domestic violence and sexual violence often do not initially acknowledge intention to commit the violence, acknowledgment of harm caused, full acceptance of responsibility for violence, and/or willingness to make amends. Given this reality, should it be the victim/survivor's responsibility or burden to hold their own perpetrator or perpetrators accountable or should this responsibility be expected of others? In which case, the question becomes, who has the right to hold perpetrators accountable versus who can be entrusted with this responsibility? What if those to whom we give the responsibility have the necessary authority to hold perpetrators accountable but are not necessarily a survivor's ally? What if this person has decision-making power in that community/family but is also the family, community or clan patriarch? Does the person holding perpetrators accountable have to come from within the community or can they also be non-community allies? Ideally, a combination of all these people is important. The definition of ally must be taken in conjunction with who has the right versus the power to enforce accountability.

2. Right versus Capacity

Whose responsibility should it be to hold perpetrators accountable if the victim/survivor lacks the ability or capacity to do it? What does capacity mean? Material capacity? Emotional and mental capacity? Capacity to enforce accountability? Capacity to access or galvanize resources like a family support structure?

While it is important to keep the voice of the victim/survivor central to the process of seeking accountability from perpetrators, it is also critical that the victim/survivor does not bear the sole responsibility of holding perpetrators accountable. Depending on the level of harm and impact of the trauma, the victim/survivor may not be able to think about holding someone accountable while she is trying to deal with the immediate aftermath. So timing is important. But how much time is sufficient time and who gets to decide when the accountability process begins? Depending on who the perpetrator is, the victim may or may not feel safe, confident, comfortable to ask for, let alone demand accountability. This means that there has to be a reliable and consistent support structure in place for those who are doing the work of holding perpetrators accountable.

To facilitate the ability of victims/survivors to hold perpetrators accountable, we need to give the people who have been most harmed the resources to hold someone accountable. We also need to facilitate the ability of trustworthy allies. Often what we end up doing is leaving the process to the criminal and legal systems because it is easier, less overwhelming and ensures greater safety.

3. Methods and Mechanisms

Who decides what the most appropriate process is for implementing accountability? For instance, should the process be in the best interest of the woman, her children, her family, her community? What if the best interest of the victim or survivor is not in the best interest of her children or other members of her family? Should we also consider the perpetrators involved — those who committed the violence as well as those who colluded?

In some communities, rapists are made to marry victims. The idea is, "If she is good enough to rape then she is good enough to marry." This is seen as saving the victim's honor and also holding the perpetrator responsible for acting in a dishonorable way. Another mechanism for holding perpetrators accountable is public humiliation where shaming is viewed as necessary for accountability. But how does this impact the victim and other family members? In most countries, the criminal and legal systems excise the perpetrator from society as a way to punish the wrongdoing and keep society safe from violent perpetrators. Again, how does this affect the family and community decisions to hold a perpetrator accountable at all if they choose to have the perpetrator go through that kind of punishment?

Criminal remedies may not get the perpetrator to be accountable in a way that is satisfactory to the victim/survivor and her/his family members. Methods used to hold the perpetrator accountable take a toll on victims, survivors and their families.

4. Outcomes

Discussions on accountability tend to evoke emotional responses that can be polarized. How do we balance different emotions and keep from watering down the outcomes of accountability? First, it is important to know what to ask for. We need to negotiate the different ideas that people have about what is satisfactory accountability. For instance, do we want long-term versus short term accountability? What should the perpetrator's amends be? Who decides this? Should perpetrators have a say in this decision or do they relinquish their rights because they committed the violation? Should the outcome involve punishment? Each of these outcomes means different things to different people. Those most harmed may want an apology and a promise never to do it again while people least harmed may also want punishment. But punishment by whom? What form will the punishment take? Punishment of what? In addition, allies of the victim may not agree with allies of the perpetrator. Advocates and survivors from one community may not want the same thing as those from another community. The legal system may have its own idea of what constitutes suitable accountability, which may or may not be satisfactory to those who have been harmed by the perpetrator. Survivors may want one outcome in the immediate aftermath of the violence but ask for another outcome at a later time. It is difficult to conclude what outcomes are satisfactory to everyone.

Two important and related questions to ask when we are dealing with violence in intimate networks is: What constitutes a perpetrator and how many perpetrators are involved? The answer to these questions will help determine if perpetrator accountability needs to be different from by-stander accountability.

a. Perpetrators versus By-Standers

Should members of a victim/survivor's family, clan, or religious organization be held accountable for active collusion with the perpetrator? Should those who looked the other way be punished for passive by-standing? Should local law enforcement or family members be held accountable for not taking an active role to prevent the violence or intervene effectively? If the answer

is yes, then what constitutes collusion? Should all colluders be held accountable in the same way? Are some forms of collusion more reprehensible than others? Do we rank collusion according to levels of circumstances in a person's life? Will we rank the different acts of collusion and betrayal just as we rank the different levels of violation? For instance do we divide by-standers into "active" and "passive" by-standers? Or do we instead divide people into "by-standers" and "colluders" where colluders are those who actively aid and abet the perpetrator in acts of abuse and by-standers are those who do nothing to intervene. If so, do we rank accountability procedures according to the levels of betrayal people engaged in or do we hold people accountable equally for harm caused — i.e., overt acts of violence as well as overt acts of collusion and omission?

If accountability standards should apply to all of us, then all of us need to be part of the process of holding each other accountable and being held accountable by others. This means reframing our understanding of violence in intimate networks and looking at how this violence is perpetuated, permitted, and sometimes advocated by various members of community and family. In this setting, the perpetrator's actions are often in line with what is already a misogynistic environment.

While this perspective is useful for bringing about overall community-level change, it also poses the danger of backfiring when perpetrators end up being exonerated for their actions, which gives them the opportunity to skip out on owning up to, making amends for, and providing restitution for the harm they have done. Given the pre-existing dynamics of abusive power involved in battering and sexual violence, such an outcome would further harm victims-survivors and non-offending family members, and send a message to perpetrators that they can offend with impunity.

b. Complexity of Holding Perpetrators Accountable

The process of holding perpetrators accountable requires resources. Some communities have more resources and some have more barriers. For instance, the responsibility of holding a perpetrator accountable involves monitoring to make sure that perpetrators are fulfilling their "contract" to victims and others who have been harmed. Enforcing accountability takes time and can be emotionally draining. Without adequate emotional and material support, taking on this process can be daunting, especially if outcomes are uncertain.

Perpetrators often perceive the process of holding them accountable as revenge-taking by victims-survivors or their allies. This adds another layer of pressure on those who are doing the work of holding someone accountable. They may end up on the receiving end of different forms of retaliation — overt and covert. What is the line between seeking accountability and seeking revenge?

Having to deal with these questions while also coping with the aftermath of the violence is one reason we persistently turn to the criminal and legal systems for solutions, and why we don't seek alternative ways to bring about accountability — even when we know that the closer the perpetrator's relationship to the victim's network, the more difficult it is to turn them in to the criminal and legal systems. For instance, only 12% of child sexual abuse is committed by strangers. Yet, incestuous child sexual abuse is the least likely form of family-based violence to be reported. Studies report that only 10% of those who commit child sexual abuse are reported and only 2% of these are convicted.

OTHER CRITICAL ISSUES

Advocates' Roles In Holding Perpetrators Accountable

In reality, the right to hold a perpetrator accountable and the capacity to put it into practice do not always coincide. How do we resolve this at the community level?

Sometimes advocates take themselves out of community in order to challenge the community. They set themselves apart from community because they don't share the same values and beliefs. How does this pose a problem for achieving community-level accountability when we, as advocates, choose not to be part of the communities we work with? For instance, for some (or many) advocates it is critical to be grounded in their communities. But does this result in silences and compromises by advocates in the form of subtle endorsements of attitudes that minimize battering or sexual violence? How do advocates play into victim blaming or excusing perpetrators, and how does this undermine their responses to domestic violence and to sexual violence against women and/or children?

No Such Thing As Perfect Intervention

There is no perfect intervention because there is no one-size-fits-all technique that is adequate for all situations in all communities. The criminal and legal systems do standardize ways to address domestic violence, sexual violence and child sexual abuse. However, when we talk about intervention, it may be counterproductive to prescribe set methods of intervention for everyone. For instance, a place of worship may be open to some interventions and a community center may be open to others. Male community leaders may be interested in some kinds of intervention that women in that community may not want because the intervention is an excuse to police women's freedom, sexuality or autonomy. The criminal justice system may prefer certain interventions that families find problematic or harmful.

To conclude, more work clearly remains to be done on the issue of framing accountability. It is important that anti-violence advocates are involved in these efforts in order to consider the questions and contradictions that arise in dealing with systems and communities.

HIGHLIGHTS OF GROUP DISCUSSION

The process of holding perpetrators accountable has to be guided by survivors and by women. The difficulty is who will ensure that batterers will follow through on what they say?

Let us get away from "I want this" versus "survivor wants that." This is too individualistic. We need to develop a collective plan for accountability such as a set of options based on a range of violence.

If we see ourselves as part of the community, do we necessarily have to endorse the community's values? Can we be part of community and also outside of it, can we be beyond community?

If we endorse community values by remaining silent around violence, we betray the survivors and ourselves.

In order to bring about social change we need to also look at how to hold women accountable for harmful practices, such as women abusing other women in polygamous marriages, or female in-laws abusing daughters-in-law.

We need multi-layered approaches for achieving accountability but do we spend our energy on developing community strategies for accountability or systems reform?

As advocates we are at the intersection of many communities and we occupy many different positions in society — as victims/survivors, as members of our community, as advocates, as representatives of various systems. We should recognize in which positions we have privilege and use that privilege.

Co-optation means (among other things) giving up on making radical demands on systems and on our communities. What is a radical demand? Is a public apology by a perpetrator a radical demand or a minimal demand?

We cannot think about accountability as one moment in time. Accountability is what we set up before violence happens as well as what happens after the violence. Each may look very different from the other.

Does our responsibility and accountability end when the survivor's relationship with the perpetrator ends? Do we limit the accountability process to leaving?

How can we create a community that is ready for accountability given centuries of victimization of women?

This topic was presented for discussion by Grace Poore at the Midwest Leadership Forum organized by Asian & Pacific Islander Institute on Domestic Violence, July 2005, St. Paul, MN



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Understanding Familicide

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Familicidal killings greatly disturb communities across the United States and around the world. They usually attract considerable local and sometimes national media attention and occasionally provide opportunities to focus on the serious social problem of domestic violence. Fatality review teams have reviewed some of these cases and learned much from their endeavors. At the NDVFRI we are embarking on a long term analysis of familicides in order to learn more about intervention and prevention strategies in domestic violence cases in general.

For some researchers, the word "familicide" refers to the killing of a former or current spouse or intimate partner and one or more children (Wilson, Daly, and Daniele, 1995). Others use the term to refer to the killing of four or more family members, within a 24-hour period, by another family member, nearly always a male (see for example, Duwe, 2005). In their highly influential work on mass killing, Levin and Fox (1985) identify "family slayings" as one of the three major forms of mass murder, the other two being mass murder for profit or expediency and killing out of a sense of sadism or for purposes of sexual gratification (1985: 89). Included in family slayings

are cases where the intimate partner or spouse dies along with the children and also mass killings where none of the familial victims are spouses or intimate partners. Levin and Fox's broad category of "family slayings" account for "nearly half of all mass murders" (1985: 90). Later work by Duwe (2000, 2004) comports with Levin and Fox's assessment. Using a combination of newspaper reports and crime statistics, Duwe contends that from 1900-1999 familicides comprised almost half of 909 mass murders in the U.S.

In some cases of familicide or family slayings, the perpetrator, almost exclusively male, commits suicide. It is in familicide cases, more so than in homicide-suicides and intimate partner homicides, we witness the sharpest differences between the sexes in the commission of intimate homicidal violence. Given the extensive and sensational local media coverage of familicides, and given that many of these mass killings exhibit a history of domestic violence, it is surprising that scholars have devoted relatively little systematic attention to them. As one research team notes, "their epidemiology remains virtually unstudied" (Wilson, Daly, and Daniele, 1995: 275. See also Johnson, 2005: 105, whose Australian study of familicide linked to custody disputes or access to children notes, "the dearth of research dealing specifically with familicide").

Part of the reason for the lack of scholarly attention, particularly in the US, is methodological. As Wilson, Daly, and Daniele note, US homicide archives in the form of the Federal Bureau of Investigation Supplementary Homicide Reports (SHR) do not permit the identification of familicides. As Duwe (2005) shows, the identification of familicides requires combining data sources such as the SHR with newspaper accounts of killings.

Another reason for the dearth of scholarship on familicide compared with other forms of mass killing is familicidal killings prove less saleable in national and international media markets and generally receive only limited local coverage. As Duwe (2000) contends, the news media disproportionately cover mass killings involving stranger victims, public locations, assault weapons, workplace violence and interracial victim-offender relationships. Such multiple killings represent what Duwe describes as the "most extreme and atypical mass murders."

Given that scholars and popular writers learn of mass killing from mostly national media sources it is understandable that extant scholarship dwells more on atypical mass killings. For example Duwe observes that 55 percent of media examples of mass killings and 63 percent of academic examples use cases with stranger victims. He stresses that the actual proportion of US cases (1900-1999) involving stranger victims is only 24 percent. In a related vein only 18 percent of media and academic examples used cases with family members as victims. This contrasts with the 44 percent of actual mass killings between 1900 and 1999 evidencing family victims (see Duwe, 2005: Table 1). Likewise Levin and Fox comment, "Similarly underrepresented are the multiple murders by killers who know their victims very well, who kill their family" (1985: 31). They go on to note, "The annihilation of an entire family by one of its members is the most frequent form of mass murder" (1985: 204).

The extant research posits two types of offenders. Wilson and Daly identify the "angry" perpetrator who has various grievances against his female partner, many apparently associated with his perception of her sexual infidelity or her desire to exit their intimate relationship (1998: 225). In these cases the perpetrator may have battered his female intimate on one or more occasions prior to the familicide. The second type of familicidal offender they term "despondent." This man is more likely to suffer depression, much less likely to have battered his partner prior to the familicide, and much more likely to commit suicide after killing his family members. However, as

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Wilson and Daly acknowledge, the validity and usefulness of this taxonomy “have yet to be established” (1998: 225).

In both types of case they note the common strand of male entitlement in taking the lives of family members. Specifically, they point out, “the killer’s professed rationale for his actions invokes a proprietary conception of wife and children” (1998: 225). Similarly, they contend, “the killer feels entitled to decide his victims’ fates” (1998: 226). We need to know more about this sense of entitlement and the development of proprietary conceptions to the point they culminate in multiple homicides.

Charles Ewing’s (1997) research into familicide, published as a book chapter, was based almost entirely on newspaper accounts. Ewing does not emphasize the anger/despondency typology proposed by Wilson and Daly. Instead he focuses on the notion of “control” or control that is ebbing. At one point he notes, “The typical family killer is more likely to have been concerned about losing control over more than just his wife and/or family. His concern is more often with losing control over all aspects of his life, or at least those that he most values. He is a man who, in his own eyes, is, or is about to become, a failure” (1997: 135).

The scholarly research has moved little from its reliance on media reports. More popularized accounts of family slayings continue to invoke sensational language to explain these killings. Drawing upon the work of P.E. Dietz (1986), Holmes and Holmes (2001: 35) use the term “family annihilators” to refer to those men who kill several family members. Other writers re-employ these terms. For example, in a chapter titled “Family Annihilation,” and under the subheading “A Profile of the Family Annihilator,” Fox and Levin explain:

“The mass slayer often suffers a long history of frustration and failure, through childhood and on into his adult life. He has tremendous difficulty both at home and at work in achieving happiness and success. Over time, repeated frustration can erode a person’s ability to cope, so much so that even modest disappointments seem catastrophic” (2005: 177).

Familicidal killing often appears as the quintessential manifestation of evil and the antithesis of civilized and settled behavior. Levin and Fox capture this sentiment nicely:

“We like to think of the family as a crucible of love and affection. Hence, murder by the hands of a family member (especially a son killing his mother) can be too much for the mind to fathom. What is more, the family is typically a closed unit in which conflicts and disagreements are kept from the prying eyes and ears of outsiders. Consequently, people who considered themselves to be familiar with the perpetrator and his victims responded in utter shock” (1985: 98).

As noted, familicides usually have not made the same splash in the media as other forms of mass killing. Nevertheless, familicidal episodes are keenly felt and crisply articulated at the local level, regardless of whether their subject matter plays out through broader ranging media circuits. It is also clear that writers in the early American republic reported familicides in considerable detail, in some cases going so far as to base entire novels on such unusual episodes (see Cohen, 1995, footnote 7 for examples).

One notable theme embedded in both popular and more scholarly explanations of familicide is what they articulate or imply about the nature of families, intimacy, love, violence, power and so on. It is no exaggeration to state that these killings, rare as they may be, have provided opportunities to comment on the way people usually live their lives, and arrange familial, kinship, and intimate relationships. In some cases these commentaries reinforce stereotypes and myths about the relationship between families and societies. One might make the argument that discourses on familicide have contributed to the rise of prescriptive notions of “normal” familial, kinship, and intimate relationships.

Over the next year and half or so NDVFR staff will be contacting some fatality review teams to see if those teams have reviewed cases of familicide. We will ask if those teams have anything they might like to contribute to the ongoing debate about intervening in and preventing such cases. Should you have comments or observations about the matter of familicide you may contact myself at 928 523 9205 or through my email address at Neil.Websdale@nau.edu.

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For more information please call Elizabeth Kelly, Ph.D. 888-217-0010.

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