"Tell the world what happened to me."

– Maria Teresa Macias (1959-1996)

Findings and Recommendations from the Washington State Domestic Violence Fatality Review

December 2002

Margaret Hobart for the

Washington State Coalition Against Domestic Violence

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Points of view in this document are those of the author and do not necessarily represent the official position or policies of the Washington State Department of Social and Health Services.

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About the cover:

The figures on the cover represent the lives taken by domestic violence abusers in Washington between September 1, 2000 and August 31, 2002. Also included in the totals are two murders from August 2000 which we were unable to include in our previous report and analysis.

"Si yo muero, quiero que le digas al mundo lo que me ocurrió a mí. No quiero que otras mujeres sufran lo que estoy sufriendo. Quiero que se las escuche."

"If I die, I want you to tell the world what happened to me. I don't want other women to suffer as I have suffered. I want them to be listened to."

— Maria Teresa Macias (1959-1996), Sonoma County, California, 1996

THE MARIA TERESA MACIAS STORY[1]

For over a year before she was murdered by her husband Avelino, Maria Teresa Macias pursued every possible avenue to escape his years of violence against herself and their three children. She reported to Child Protective Services, obtained restraining orders, cooperated with investigators, attended counseling, brought her mother in from Mexico and her sister from Ireland, and tirelessly reported new incidents to authorities, verbally and in writing. In just the last three months of her life, between January and April 1996, Teresa and witnesses reported Avelino's crimes against her to the Sheriff's Department on at least eighteen different occasions.

Teresa solicited the help of friends, professionals, battered women's groups, churches and Latino organizations, stayed at shelters, studied English, got help to translate for police, meticulously documented, spoke publicly about abuse, and reached constantly for two goals—to live in peace with her children, and to help other women who find themselves victims of abusive men.

Teresa's struggle to be free of Avelino's violence was relentless. And it was doomed. The help she reached for, failed her at every turn. After Child Protective Services took her children because she was unable to keep Avelino away from them, Teresa made a comment to her mother that seemed to describe the efforts of her entire last year. "Instead of helping me," Teresa told her mother, "They sank me even more."

On April 15, four days before she was going to take the final step of fleeing north with her kids, Avelino lay in wait at the Sonoma house she and her mother were due to clean. Avelino ended Teresa's life with a bullet to the head, shot her mother through the legs, and then turned the gun on himself.

In the last couple weeks of her life, Teresa became enveloped by an ominous sense that Avelino would indeed succeed in his threats to kill her. If he did, she told her mother, she wanted the story told. "If I die, I want you to tell the world what happened to me. I don't want other women to suffer what I am suffering," she said. "I want them to be listened to."

Soon after her murder, hoping to honor her daughter's words, Maria Teresa's mother filed a lawsuit accusing the Sonoma County Sheriff's Department of violating Maria Teresa's constitutional right to equal protection under the Fourteenth Amendment. In June 2002, the Sonoma County Sheriff paid a one million dollar settlement to Maria Teresa's family. During the course of the lawsuit, the Ninth Circuit Appellate Court established for the first time, and in the most unambiguous language to date, women's rights to sue law enforcement agencies for discriminatory practices when they fail to properly respond in instances of domestic abuse.

This report is dedicated to Maria Teresa Macias' memory and to the hope that telling her story and the stories of other abused women will help bring an end to women's suffering.

[1] Quoted with permission from the Women's Justice Center in Santa Rosa, California. Copyright by Marie De Santis, Women's Justice Center. More information about Maria Teresa Macias is available on the Women's Justice Center website, http://www.justicewomen.com.

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In This Report

Executive Summary: A brief overview of the Domestic Violence Fatality Review's goals, our key findings and recommendations, as well as a complete list of all the recommendations contained in this report.

Introduction: Addresses the relationship of this report to our 2000 report.

Overview: A quantitative summary of the domestic violence fatality cases we have tracked, and those we have reviewed in depth. This section contains descriptive information about the fatalities, such as who was killed, their ages and races, how frequently homicidal domestic violence abusers were also suicidal and what weapons were used.

Findings and Recommendations: Findings and recommendations are based on the eleven domestic violence fatalities reviewed in depth by Fatality Review panels between September 2000 and August 2002. In each section, we have summarized key findings in bold type, included narrative which explains in detail how we arrived at these findings, and then made detailed recommendations which respond directly to those findings.

Appendices: Appendix A explains in detail the history of the Domestic Violence Fatality Review (DVFR) and how we identify and review domestic violence fatalities. Appendix B provides a glossary of terms used in this report. Appendix C outlines the protocol for citizen requests for review of a particular fatality by the DVFR.

A note about language used in this report: With one exception, all the individuals who committed homicides in the cases reviewed by Fatality Review panels were male. In the one instance in which a woman committed the homicide, she was defending herself from her male abuser, who had broken into her house and was threatening her. This is consistent with national trends and our prior findings that most domestic violence homicides are committed by male abusers against their female intimate partners, and that men commit the majority of murders overall.[2] Thus, we will generally refer to victims with female pronouns and murderers and abusers with male pronouns.

8/5/00, Deputy Wally Davis, 48, law enforcement officer shot by an abuser when responding to a domestic violence call

[2] The Bureau of Justice Statistics reports that at least 75% of murders attributable to intimate partners are women killed by male partners. Looking at murder generally, men commit 91% of murders of women overall and 89% of murders of men overall. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Special Report: Intimate Partner Violence,* by Callie Marie Rennison, Ph.D. and Sarah Welchans, NCJ-178247 (Washington, DC: U.S. Department of Justice, May 2000).

9/15/00, **Annette Smith,** 32, bludgeoned by her husband

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9/16/00, Tara Jenson,
32, shot by her husband

9/20/00, **Betty Virginia Poole,** 76, shot by her husband

EXECUTIVE SUMMARY

Since 1997, at least 209 people died at the hands of domestic violence abusers in Washington state. Consistent with national trends, about one-third of women who are murdered in Washington are killed by their current or former intimate partner.[3] While men killing their female current or former intimate partner comprises the largest portion of domestic violence-related homicides, we cannot understand the true death toll of domestic violence unless we also examine the many other homicides which take place as abusers seek to control their intimate partners. The children, friends and families of victims of domestic violence are at risk when abusers become homicidal.

The Domestic Violence Fatality Review's (DVFR) primary goals are to: promote cooperation, communication and collaboration among agencies investigating and intervening in domestic violence; identify patterns in domestic violence-related fatalities; and formulate recommendations regarding the investigation, intervention and prevention of domestic violence. We seek to do this by bringing together locally based, multi-disciplinary review panels for a detailed examination of domestic violence fatalities. These panels focus on the events leading up to the homicide; they seek to identify gaps in policy, practice, training, resources, information and collaboration. Information generated by in-depth reviews of eleven domestic violence fatality cases conducted between January 1, 2001 and August 31, 2002 forms the basis for the specific findings in this report. However, the sum of our experiences reviewing a total of forty-one cases since the inception of the DVFR provides the foundation for the entire report.

This report is the DVFR's second to issue findings and recommendations. The first report, *Honoring Their Lives, Learning from Their Deaths*, was released in December 2000.[4] The findings and recommendations from the 2000 report continue to be relevant; this report should be considered its companion, not its replacement. In the 2000 report we noted that: "We do not know if a model coordinated response to domestic violence could have saved the battered women, or their children, friends and family from being murdered. We do know that none of the victims experienced a model response to domestic violence." This continues to hold true in our more recent findings; Fatality Review panels frequently identified large gaps in community response to the abuse victims experienced prior to their deaths. Chief among these were the following:

- A lack of contact with community- or system-based domestic violence advocates.
- Friends, family and neighbors who knew about the abuse but did not know how to support the victim and help her obtain safety.
- The failure of intervening professionals (police, prosecutors, judges, doctors, social workers and counselors) to recognize the danger abusers' suicidal threats and behaviors represented to their families. We have found that abusers are suicidal in about one-third of domestic violence fatality cases. A quarter of domestic violence fatalities are homicide-suicides.
- Criminal justice system response to abusers that was weak, inconsistent and did not contribute significantly to victim safety. Abusers rarely faced consequences for non-compliance with the (often minimal) terms of their sentences for domestic violence assaults committed prior to the murders.
- The significant barriers to accessing help from the criminal justice, civil justice and social service systems that domestic violence victims with limited English proficiency faced. Higher rates of domestic violence homicides in Asian and Hispanic populations reflect the sometimes lethal consequences of these barriers.
- Civil courts ill-prepared to oversee the formulation of parenting plans which would protect the safety of the victims and their children when victims did leave their abusers and filed dissolutions or obtained protective orders, and a lack of access to representation in civil matters.

[3] Data from the Washington Association of Sheriffs and Police Chiefs (WASPC), Uniform Crime Reporting Section, *Crime in Washington* annual reports.

[4] Washington State Coalition Against Domestic Violence, *Honoring Their Lives, Learning from Their Deaths: Findings and Recommendations from the Washington State Domestic Violence Fatality Review,* by Margaret Hobart (Seattle: WSCADV, 2000). To obtain a copy of the previous report or additional copies of this report, see the Coalition's website at http://www.wscadv.org.

Below are our top-priority recommendations. These are followed by a complete listing of all the recommendations in the report.

A NOTE ABOUT THE RECOMMENDATIONS:

While the findings in this report come directly from the observations of Fatality Review panel members, the recommendations do not. Review panels are not recommendation-making bodies. Rather, they focus on identifying issues and gaps in response to domestic violence. The recommendations contained in this report were formulated in conversation with a series of advisory groups convened over the last year. This report could not have been written without the important contributions review panel members and advisory group members made. However, the Washington State Coalition Against Domestic Violence takes full responsibility for the recommendations contained herein, and the reader should note that some DVFR panel or advisory group members may have differing opinions about what should be done to rectify the problems identified during the course of reviewing individual cases.

KEY RECOMMENDATIONS

1. All courts issuing civil Protection Orders should establish advocacy in their Protection Order offices, and ensure that advocates have extensive training in how to assist women in safety planning.
2. Domestic violence programs should increase their outreach and services to friends and family of domestic violence victims in order to increase the capacity of people in the community to support battered women.
3. Sentences for domestic violence offenders should send a clear message that domestic violence is a crime and abusers will be held accountable. Because the bulk of domestic violence cases are prosecuted as misdemeanors, any additional funding directed toward the criminal justice system for improving response to domestic violence should be put into probation and post-sentence supervision for misdemeanor domestic violence cases.
4. Law enforcement agencies should be mandated to work with their community to come up with a plan for providing equal protection and access to Limited English Proficient individuals in their community.
5. Courts should employ well-trained evaluators who can provide assistance to judges in civil proceedings by conducting thorough assessments for domestic violence and providing recommendations regarding custody and visitation which protect the safety of domestic violence victims and their children.
6. In order to increase judicial accountability to the community, the state should provide funding (or seek federal funding) for court watch programs. These programs should be based in local domestic violence agencies or collaborate closely with them.
7. Health professionals, psychologists, counselors, suicide specialists, batterer's treatment providers, medical providers, law enforcement, prosecutors, mental health professionals and domestic violence advocates should work together to establish protocols for identifying the combination of suicide and domestic violence and responding in ways that minimize the danger that suicidal domestic violence abusers pose to intimate partners, children and others.

SUMMARY OF RECOMMENDATIONS

A summary of recommendations follows. Please note that each section of the report explains in detail how our findings led us to make these recommendations.

9/22/00,
Anastasia Soloveva King,
20, strangled by her husband's male lover

10/8/00,
Sheri Kay Wolf, 31,
stabbed by her boyfriend

Friends, Family, Neighbors: Community

Increasing the Capacity of Friends, Family and Neighbors to Support Domestic Violence Victims

- All organizations mounting public education campaigns regarding domestic violence should include messages about building the capacity of friends, family and neighbors to support battered women and (when safe) encourage change on the part of the abuser.
- Public education should provide people with concrete examples of how to recognize the level of danger, intervene and support a victim of domestic violence.
- Domestic violence agencies should critically examine their philosophies, mission statements, policies and procedures and eliminate barriers within their agency to providing support to friends and family of battered women.
- Domestic violence agencies should consider providing support, problem-solving strategies and information to friends and families as an important part of their work.
- Rather than seeing themselves as the victim's support network, domestic violence agencies should assist domestic violence victims in building support networks in their community among friends, family, neighbors and co-workers.
- Domestic violence advocates should consistently ask battered women if they can help them talk to their support system about the abuse and how their support system can help them (and their children) stay safe.
- Funders of domestic violence agencies should see building the capacity of communities surrounding battered women to respond to domestic violence as a legitimate and important part of domestic violence agencies' work.
- When on the scene of a domestic violence crime, law enforcement should hand out domestic violence referral information to witnesses, friends, family and neighbors who are also present.
- Curricula and trainings focused on effective advocacy should address working with family and friends to increase their capacity to support battered women.
- Domestic violence programs throughout Washington state need more information about strategies and models for community organizing-based approaches to domestic violence prevention and intervention.
- Domestic violence programs should develop "best practices" models for friends and family which emphasize working collectively, deciding who to involve, obtaining expert help with clarifying the issues and problem solving, deciding when (and when not to) call law enforcement, and safe, ethical communication with battered women and abusers.
- Domestic violence advocates and others concerned about domestic violence should consider creative ways to harness new money aimed at strengthening families and direct it toward victim safety and abuser accountability.
- Federal programs promoting fatherhood and marriage should refrain from blanket statements and promotional materials which imply any father is better than no father, or that marriage is always superior to single parenthood.

Understanding and Addressing Community Reluctance to Involve Law Enforcement When Witnessing Abuse

- Everything possible should be done to protect the identities of people who call 911 to report crimes.
- Callers to 911 should be informed of the policy to protect the identity of the caller.
- Crime prevention-oriented public education campaigns should address people's fears regarding confidentiality and safety when they call law enforcement.
- Policy makers and community members should recognize the corrosive effects widespread availability of guns have on the social fabric of communities and seek to minimize access to guns.
- Police, prosecutors and judges should all enforce federal and state laws intended to deprive abusers of access to weapons.
- Block Watch organizers should raise and address the issue of domestic violence and other forms of family violence (e.g., child abuse and elder abuse), help neighbors develop a common understanding of how they want to respond to these problems, and be sure that everyone knows about the resources available for domestic violence victims in their communities.

- The state should oversee the creation of model discussion guidelines regarding domestic violence for law enforcement representatives to Block Watch meetings.
- Policy makers, community leadership, domestic violence agencies and law enforcement agencies should recognize that poor policing practices, strained police/community relations and lack of police accountability to the community all expand abusers' power because victims and others are reluctant to call the police as a result.
- Policy makers, community leadership and domestic violence advocates should pair calls for vigorous law enforcement response to domestic violence with calls for rigorous law enforcement accountability to the community around issues of brutality, bias, racial profiling and cooperation with Immigration and Naturalization Service (INS).
- Domestic violence agencies should ally with organizations working for greater police accountability in their communities.
- Law enforcement agencies should have clear policies of non-cooperation with INS and make sure that immigrant communities in their jurisdiction are informed about these policies.

THE NEED FOR FOCUSED PREVENTION EFFORTS

- State government and local communities need to commit to focused prevention efforts which mobilize support and resources around children exposed to violence and/or who show signs of being violent themselves.
- Policy makers should move from a punitive to preventative model for violence. Prevention is more effective, more humane, and in the long run, more cost efficient.

WEAPONS

- Each jurisdiction in the state should establish a protocol for gun removal and destruction for (at minimum) all convicted domestic violence offenders.
- Each jurisdiction should establish a protocol for gun removal and storage for domestic violence offenders subject to protective orders, and offenders on probation or court supervision with suspended or continued sentences.

10/11/00, Babette Y. Castillo,
40, beaten and stabbed by her boyfriend

- Protocols should address methods for identifying gun possession (e.g., searching licenses, asking victims), use of court orders and search warrants to compel surrender of weapons, processes for offenders to voluntarily turn over weapons to law enforcement and destruction schedules.
- The "special request for law enforcement" section of Protection Orders should include the option to ask for help in removing guns from the respondent's home.

HOMICIDE-SUICIDE

- Every professional (Child Protective Services, mental health, law enforcement, prosecutors, probation, medical personnel, substance abuse treatment providers, domestic violence advocates, housing advocates,Temporary Aid for Needy Families workers) who may come in contact with domestic violence perpetrators or victims should understand the increased risk of homicide when suicide and domestic violence coexist and be prepared to accurately identify this combination, as well as respond to it in ways that increase victim safety.
- Health professionals, psychologists, counselors, suicide specialists, batterer's treatment providers, medical providers, law enforcement, prosecutors, mental health professionals and domestic violence advocates should examine their institution's/discipline's policies and practices to identify:
  - Barriers to identifying the combination of suicide and domestic violence
  - Barriers to taking concrete steps to increase victim safety when the combination is identified
  - Barriers to collaboration with other professionals when responding to suicidal abusers
- Professionals across disciplines should work together to establish protocols for:
  - Identifying the combination of suicide and domestic violence
  - Responding in ways that minimize the danger that suicidal domestic violence abusers pose to intimate partners, children and others

- All suicidal men should be screened for a history of domestic violence.
- Professionals should act on their duty to warn the current or former intimate partner of the increased risk of homicide when they come into contact with an individual whose history of suicidal behaviors coexists with a history of domestic violence.
- Advocates should always ask a victim about the abuser's suicidal behaviors. If there is a history of suicidal ideation, they should inform/educate women about the risk of homicide and intensify safety planning.
- Judges should use all the tools at their disposal to ensure the removal of firearms when abusers are suicidal.
- Everyone who intervenes should take as much responsibility as possible for responding to the danger suicidal abusers pose.

Homicide and Suicide Threats and Protection Orders

- Courts should ensure that the minority of petitioners who mention homicide threats, and the even smaller number who mention suicide threats, are connected to advocacy, made aware of their increased danger given these threats and supported to engage in immediate and detailed safety planning.
- Judges should order that abusers surrender their guns when granting Protection Orders.
- Protection Order advocates should inquire specifically about homicide and suicide threats, inform women of their increased danger if these are being made and safety plan accordingly.
- Safety plans for women reporting homicide and suicide threats should include getting weapons out of the house and car.

11/12/00, Tina Wallace, 39,
beaten and strangled by a male friend

Chemical Dependency and Mental Health Issues

Barriers to Effective Support

- Domestic violence and chemical dependency programs should partner with one another to provide cross-training as well as services to one another's clients.
- Domestic violence and chemical dependency programs should develop policies and procedures that maintain safety for all program participants while providing services to substance-abusing domestic violence victims. [5]
- Providers need to be aware of the increased risk to victim safety when a domestic violence victim is working towards sobriety, and thereby reducing the abuser's control. Domestic violence agencies and chemical dependency programs should coordinate safety plans and relapse prevention plans accordingly.
- Community education regarding domestic violence should inform people of the dangers of domestic violence, the importance of taking threats seriously, the increased lethality when substance abuse is involved and the community resources available for victims, their friends and families.

Interactions with Law Enforcement

- Domestic violence and chemical dependency programs must take into account the fact that calling 911 may not be an option for women dealing with substance abuse, and assist the victim in developing alternative safety-planning strategies.
- Domestic violence programs should provide outreach to women in chemical dependency treatment programs, jails, prisons and homeless shelters in an effort to reach women who are not being connected with domestic violence services.
- Chemical dependency treatment programs should provide outreach to women in domestic violence programs, jails, prisons and homeless shelters.
- Law enforcement officers should be held accountable for following their department's domestic violence policy, regardless of any biases or judgments about mentally ill and/or chemically addicted women they may personally hold.

[5] Good models exist both locally and nationally for such policies: the Washington State Coalition Against Domestic Violence (www.wscadv.org) can assist agencies in identifying relevant models.

The Combination of Chemical Dependency, Mental Health and Domestic Violence

- Probation department units focusing on domestic violence, chemical dependency and offenders with mental health issues should be linked so that the cases can all go through one probation officer, increasing the ability of that probation officer to hold the defendant accountable for treatment and to more effectively track compliance.
- Substance abuse treatment should never be mandated in lieu of batterer's treatment.
- Treatment providers should not rely on a client's self-report regarding the severity of domestic violence. Particularly when offenders are attending programs on court order, providers should obtain criminal histories from probation officers and/or public records.
- Chemical dependency programs should screen for domestic violence and refer abusers to batterer's treatment when it is identified.

Family and Couples Counseling

- Prior to family (or couples) counseling sessions, chemical dependency treatment providers should screen each family member individually for domestic violence. If domestic violence is identified, traditional family counseling should not be a part of the treatment plan, and providers should develop individual safety plans with family members, including children.[6]
- Chemical dependency and domestic violence programs should form collaborative partnerships in order to assist in the development of screening tools.
- Substance abuse programs providing counseling to family members should routinely provide information and referrals to local domestic violence agencies.
- Substance abuse and mental health providers should always screen individually for domestic violence and avoid offering couples counseling when it is identified.
- When consulted on a criminal domestic violence case, mental health providers should recognize that judges take their recommendations very seriously, and therefore should only make such recommendations after receiving extensive domestic violence training or consulting with a domestic violence agency.
- Judges should check mental health providers' qualifications when accepting their recommendations regarding domestic violence. They should inquire into whether the mental health provider has received training on domestic violence, whether they are qualified to make recommendations in this area, and what information the mental health professional gathered prior to making the recommendation.

STALKING

Educating Friends and Family

- Domestic violence agencies should include stalking in brochures and other outreach information, discuss stalking as a part of abusers' tactics and inform people that they can call a domestic violence agency for support and safety planning around stalking.
- Domestic violence agencies should extend safety-planning efforts to include friends, family, co-workers and neighbors of the victim.
- Domestic violence agencies should designate at least one advocate to receive specialized training on stalking, and develop it as their area of expertise.
- Domestic violence agencies should track the number of clients and crisis line callers who are victims of stalking, in order to generate prevalence statistics to assist with community education and to identify the need for resources.

Criminal Justice System Response to Stalking

- Prosecutors should file stalking charges more frequently and consistently.
- When an abuser has stalked the victim in addition to some other crime (assault, violation of a Protection Order), prosecutors should charge stalking as a separate crime.

11/14/00, Debra Gordon,
age unknown, shot by her male roommate of twelve years

[6] According to the American Medical Association, 75% of wives of alcoholics have been threatened and 45% have been physically assaulted by their husbands, highlighting the need for appropriate response to domestic violence in substance abuse treatment programs. See the AMA's *Diagnostic and Treatment Guidelines on Domestic Violence* (Chicago: American Medical Association, 1994).

11/28/00, Carmen Ruiz, 28, shot by her husband

- Law enforcement officers should record stalking as a separate crime on their reports.
- Law enforcement should receive specialized training on recognizing and documenting stalking, collecting evidence and documenting the victim's fear and extreme emotional distress.
- State-level criminal justice agencies, such as the Washington Association of Sheriffs and Police Chiefs and the Washington Association of Prosecuting Attorneys, should work collaboratively with domestic violence organizations to develop model protocols for criminal justice response to stalking.
- Assigning a specific detective to each stalking case is a "best practices" model that should be routinely followed. Patrol officers should be trained to inform victims to call 911 to report incidents of stalking, have officers take a report and assign a case number, and then inform the assigned detective of each new incident.
- Law enforcement agencies should identify an officer who can receive additional training on stalking and become an in-house expert.
- Domestic violence agencies, law enforcement and prosecutors should develop and distribute tools that assist victims in documenting stalking, such as a stalking log.
- Law enforcement, prosecutors and the courts should routinely provide stalking victims with information on resources available for safety planning and support.
- Stalking victims should not appear in person at court hearings for criminal cases or civil court orders. The court and prosecutor's office should routinely arrange for stalking victims to participate in court hearings via telephone conference calls, rather than in person, to avoid rewarding the stalker with additional contact.

HOLDING ABUSERS ACCOUNTABLE

Meaningless Processing of Cases

- Sentences for domestic violence offenses must impose consequences on the abuser that send a clear message that domestic violence is a crime and abusers will be held accountable (e.g., jail time, work release, intensive probation).
- Domestic violence sentences should include frequent post-sentencing reviews by the court which involve both the judge and (if available) the probation officer assigned to the case.
- Domestic violence assaults that involve weapons and injuries should be prosecuted as felonies.
- Because the bulk of domestic violence cases are prosecuted as misdemeanors, any additional funding directed toward the criminal justice system for improving response to domestic violence should be focused on probation and post-sentence supervision for misdemeanor domestic violence cases.
- Monitoring domestic violence cases should be a priority for community corrections, since it is likely that the perpetrator will repeatedly assault the victim.
- Local jurisdictions should establish misdemeanor domestic violence probation programs which are staffed such that intensive monitoring can take place.[7]
- When making a determination regarding the frequency and intensity of monitoring, probation departments should examine the entire criminal history of domestic violence offenders, as well as Protection Orders filed against them, rather than focusing solely on the incident leading to conviction.
- Community corrections officers should strive to make contact with the victim, and inform her regarding her options if they feel the abuser is violating the terms of their sentence.

Meaningful Sentences for Domestic Violence Offenses

- Judges should not rely on Stipulated Orders of Continuance or suspended jail time unless the resources exist for close, timely and automatic review of the case.

[7] The Washington State Coalition Against Domestic Violence has published model guidelines for all jurisdictions to follow in post-arrest supervision of domestic violence offenders. Washington State Coalition Against Domestic Violence, *Post-Arrest Model Response for the Supervision of Domestic Violence Offenders,* by Roy Carson (Olympia, Washington: WSCADV, 1999).

12/14/00, Norma Romero, 25, strangled by her boyfriend

- If offenders do not comply with the terms of their sentences, then judges should immediately revoke suspended sentences and impose jail time.
- Jail space should be prioritized for violent offenders with a high likelihood of recidivism, such as domestic violence offenders.
- Judges should avoid imposing fines for domestic violence crimes in cases where the offender and victim share finances.
- If the resources and expertise exist within a probation program to monitor it, then judges should consider work release as an alternative to suspended sentences when it seems that the perpetrator's income is important for the domestic violence victim's well-being.
- Work release should only be considered if the safety of the victim during the time the perpetrator is out of the program can be ensured. Ideally, this would be determined by an advocate within the prosecutor's office, in conversation with the victim.

Batterer's Treatment and Batterer Accountability

- Domestic violence offenders should never be sentenced to "anger management" or other non-state-certified treatment programs. If the court wishes them to seek treatment, the sentence should clearly state that it must be from a state-certified domestic violence perpetrator treatment program.
- Judges, probation officers and batterer's treatment providers must acknowledge that batterer's treatment is not appropriate in every case, is not available for every abuser and is not effective for many abusers.
- Judges should only require batterer's treatment when well-run, certified programs in the abuser's native language are available; the abuser is amendable and appropriate for treatment, and the violence in the relationship is in the early stages and has not escalated to severe physical violence.
- Judges and prosecutors should develop a variety of sentencing options for abusers, which should include treatment in a state-certified program, frequent court review, jail time, work release, electronic home monitoring, a combination of jail and treatment (or domestic violence treatment in jail) and/or intensive probation.
- Jails should consider establishing "in-house" batterer's treatment programs, so that perpetrators could begin receiving treatment while in jail.

Access to Justice for Limited English Proficient Domestic Violence Victims

- Children should never be asked to translate.
- Consistent with our state law, law enforcement agencies should conduct investigations of domestic violence crimes with qualified interpreters.
- Law enforcement training on domestic violence should emphasize using appropriate sources of translation, and avoiding use of friends, children, or family members as translators on domestic violence calls.
- Domestic violence organizations and/or coalitions of social service providers may want to consider creating a pool of paid, on-call translators with specialized domestic violence training who can be available to the police, prosecutors and probation officers, as well as community-based organizations.
- Law enforcement agency policies regarding obtaining translation at crime scenes should be clear and training provided.
- Law enforcement agencies should hold officers accountable for conducting inadequate investigations when they fail to follow policies regarding translation.
- Officers should obtain a complete statement from the victim at the scene of every domestic violence crime. When language barriers exist, officers should let the victim write out a statement in their first language, or if literacy is a concern, record the victim's statement in their own language, using the AT&T Language Line to interpret their questions if necessary. Law enforcement agencies should equip officers with digital or tape recorders for this purpose.
- Personnel in government institutions should reflect the community they are serving. All parts of the criminal justice system should prioritize hiring people who can communicate with Limited English Proficient (LEP) individuals in their population.
- Law enforcement agencies should be mandated to work with their community to come up with a plan for providing equal protection and access to LEP individuals in that community. These plans should be made public.

- Law enforcement agencies should strive to create partnerships with local resources, like university language departments, in order to obtain interpretation and translation assistance.
- Law enforcement agencies should consider using federal Violence Against Women Act monies to hire court-certified interpreters.[8]
- Law enforcement agencies should be aware that federal anti-discrimination law prohibits discrimination on the basis of national origin, which includes discrimination on the basis of English proficiency.[9]
- When taking a call from a cell phone, 911 call takers should always read back addresses, saying each number individually, to verify they have understood the caller (e.g., one, nine, two, five Maple Street).
- Community-based agencies and providers of English as a Second Language classes should educate LEP individuals about how to make use of 911 and the availability of interpreters when they call 911.

Pattern Identification and Danger Identification Within the Criminal Justice System

- When the tools exist to examine histories and patterns of behavior (such as access to computerized information regarding prior arrests, charges, convictions, criminal No Contact Orders, civil Protection Orders and Anti-Harassment Orders), investigators, prosecutors and judges should make use of these tools.
- Law enforcement officers, prosecutors and judges should examine histories and patterns of behavior in domestic violence cases when assessing for danger and considering how to proceed (e.g., asking the victim about abuse history and consistently making use of computerized databases).
- The Washington Association of Prosecuting Attorneys should create and disseminate model guidelines for prosecutors on how to bring multiple events to light when prosecuting and sentencing domestic violence-related crimes.
- Judges and prosecutors should be aware that State v. Grant, 83 Wn. App. 98, 920 P.2d 609 (1996) supports admission of prior acts of domestic violence for the purpose of helping the jury understand the unique characteristics of domestic violence and place the current incident in context.
- Prosecutors should consider filing stalking charges alongside assault charges more frequently, as this does allow the judge and the jury to see a longer-standing pattern of abusive behavior.
- RCW 10.99.030.6(b) should be amended to include the directive that officers should obtain a history of prior acts of domestic violence (e.g., death or suicide threats, assaults against victim and others, stalking, protective order violations and other threatening behaviors) from the victim at the scene and from computer records.
- Officers should be required to fill out supplemental domestic violence forms when they determine probable cause exists to make an arrest.
- Minimally, domestic violence reports should include a checklist of questions to ask and actions to take like that provided in Washington State's *Model Operating Procedures for Law Enforcement Response to Domestic Violence*[10] and officers should be held accountable for completing these tasks.
- Law enforcement agencies, prosecutors and community corrections should all identify and allocate funds for personnel to research prior violent crime (domestic violence and non-domestic violence) arrests, criminal and civil protective orders, charges, convictions and dismissals prior to decision making about action on those cases. This information should be taken into account when considering the safety of the victim.
- Probation departments need to ensure that they have identified the abuser's history. Probation officers' time and support staff allocations should include consideration of the time and effort it may take to track down information across multiple jurisdictions.

12/25/00, Aeriq Flores, six weeks, beaten by his mother's husband

[8] The Washington Administrative Office of the Courts offers a certification program for interpreters to work in state court proceedings.

[9] See "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," Federal Register, vol. 67 p.19237-19252 (April 18, 2002).

[10] Washington Association of Sheriffs and Police Chiefs, *Model Operating Procedures for Law Enforcement Response to Domestic Violence* (Olympia, Washington: WASPC, revised 1999). Checklist is included in Appendix E-1.

- Intensity of probationary monitoring in felony and misdemeanor domestic violence cases should be determined by the individual's entire history of domestic violence and other violent crime, not just specifics of the case for which the abuser was convicted.
- The Washington Association of Sheriffs and Police Chiefs, the Washington Criminal Justice Training Center and the Washington Association of Prosecuting Attorneys should work with the Washington State Coalition Against Domestic Violence to design a model risk assessment checklist for law enforcement officer use on the scene of domestic violence crimes.
- Law enforcement, 911 call takers, prosecutors, community corrections officers and advocates should obtain training and build expertise regarding lethality risk assessment.
- Advocates, police officers, prosecutors, probation officers and other professionals in contact with battered women should make the effort to ask victims (separate from the abuser) "What is the meaning of this behavior to you?" if the behavior described does not seem dangerous at face value. Asking this question can encourage women to articulate their fears and make their knowledge about the batterer's motivations and patterns of behavior visible to others.

Releasing Abusers on Personal Recognizance

- Every effort should be made to contact domestic violence victims and assess for danger before bail is set or an offender is released on personal recognizance.
- RCW 10.99 should be amended to direct judges to examine a complete criminal history before releasing a defendant in a domestic violence case on personal recognizance.
- Jurisdictions should improve the information available to both prosecutors and judges in order to inform bail requests and conditions for pre-trial release by making use of available network technologies to make police reports, 911 tapes and photographs available in digital form to prosecutors and judges.

Domestic Violence Incident Reports: The Importance of Quality Information

- Incident reports for domestic violence cases should include written descriptions that accurately capture the physical and emotional demeanor of the victim, suspect and children, as well as include a description of the scene, any excited utterances and the victim's version of events.
- Law enforcement agencies (in collaboration with prosecutors' offices) should consider documenting domestic violence cases with digital cameras and implementing a system of information-sharing via computer networks so that photographs can be immediately available to prosecutors and judges.
- All policies regarding use of cameras at crime scenes should address the victim's access to and control over the photos.

Information-Sharing and Accountability Across Jurisdictions

- All jurisdictions should ensure adequate resources to comply with the provisions in RCW 26.50.100(1) and RCW 10.99.040(6) regarding immediate entry of civil and criminal protective orders into computerized systems.
- Data entry on matters pertaining to violent crimes and violations of civil and criminal protective orders should be prioritized.
- Courts, municipalities and the state need to continue to work to increase information-sharing capacity between jurisdictions.
- Judges, prosecutors and probation officers must be committed to making full use of available technology for obtaining information on prior case histories.
- RCW 10.31 should be amended to add a section specifying that officers shall arrest offenders on assault and domestic violence-related warrants, regardless of where they originated.
- Law enforcement agencies should change their policies and practice to direct officers to always arrest on assault and domestic violence-related warrants, regardless of where they originated.
- Probation departments should establish (if necessary) and follow policies for responding to probation violations when offenders are out of county.

1/6/01, Linda Grover, 43, beaten by her boyfriend

1/12/01, Abeba Woldemichael,
38, shot by her ex-husband

- When a domestic violence victim calls a probation officer to request intervention, this should raise a red flag and indicate a need for action or more intensive probation on the case.

Connecting Women to Advocacy Once Criminal Justice System Is Involved

- Researchers should utilize federal Violence Against Women Act funds to address these questions: Is having community-based advocacy organizations initiate contact with domestic violence victims after police contact useful for battered women? Do battered women welcome this sort of intervention and make good use of it? Does having a program like this in place reduce women's risk of being assaulted again? Does it result in more services to more women (especially women outside the mainstream) or not?

Children, Child Protective Services and Batterer Accountability

- Child Protective Services response should be focused on holding the abuser accountable for their actions and not punishing the non-abusing parent for being unable to control the abuser's actions.
- Child Protective Services response should include an assessment for domestic violence, be non-punitive towards the non-abusing parent and prioritize the victim's safety and access to support services.

Civil Issues

Missed Opportunities for Intervention in the Civil Justice System

- All players in the civil system should receive education regarding: identifying domestic violence, resources for support, lethality indicators and what to do if lethality seems high. Training should include examples of appropriate action given varied roles (e.g., attorney, judge, commissioner, advocate).
- Legal education should emphasize identifying and responding to domestic violence regardless of area of specialty.

Representation in Protection Order Hearings

- Funding should be increased for legal aid programs for representation in domestic violence and family law matters.
- The state should consider re-allocating available federal funding for legal representation of domestic violence victims in civil cases.
- The State Bar Association and local bar associations should create pro bono panels that will take domestic violence and family law cases. Individuals who participate should be recognized for their efforts.
- The State Bar Association should award Continuing Legal Education credits for pro bono representation in family law and domestic violence cases.
- Law schools should prioritize the creation and support of legal clinics for representation of domestic violence victims in domestic violence and family law cases.
- The availability of low-cost or free legal representation should be advertised where low-income and Limited English Proficient people are likely to access the information, such as welfare offices, radio stations and laundromats.

Access to Justice

- If a person shows up at court during business hours, they should be able to obtain a Protection Order that day.
- Each jurisdiction should create a plan for issuing Protection Orders whenever the court is open.[11]

Misinterpretation of the "Imminent Harm" Clause

- The wording of RCW 26.50.010(1) defining "domestic violence" should be changed from "domestic violence is…the infliction of fear of imminent harm" to "domestic violence is…the infliction of actual fear of harm even if such fear is subjective…"
- Until this legislative change can be accomplished, the State Bar Association should contract with an agency with expertise in domestic violence and family law to create a model brief regarding overcoming narrow interpretations of the "imminent harm" clause in RCW 26.50.010(1) which result in denying Protection Orders.

[11] In some cases, judges may not be present in person in the courthouse, because they may be in another court or county. In these cases, one possible model is for the clerk to fax the order to the judge, and for the judge to hold the hearing by telephone or via video conference with the person seeking the order.

1/13/01,
Bryce Allen Powers, 20,
stabbed by his girlfriend's ex-boyfriend

Interpreters and Translation

- The Washington State Supreme Court and Access to Justice Board should make ensuring adequate court interpretation a priority for all cases, especially in domestic violence cases.
- Protection Order forms should be available in translated form in all courts, consistent with RCW 26.50.035(d)(5).

Advocacy

- All courts issuing civil Protection Orders should establish Protection Order advocacy programs for domestic violence victims.
- Counties should strive to establish Protection Order advocacy programs that (minimally) meet the needs of their largest non-English-speaking populations.
- Protection Order advocacy programs should have access to interpreters, or ideally, the advocacy should be done in the victim's first language.
- The state should seek or reallocate federal Violence Against Women Act funds to increase information and training for legal advocates in the civil system through the creation of a manual for legal advocates and interactive training tools which can be used repeatedly and individually (e.g., web-based or CD-ROM interactive training).

Lack of Enforcement of Court Orders

- Protection and No Contact Orders should be enforced vigorously; violations should be prosecuted to the fullest extent possible.

Criminal and Civil Protective Orders, Custody and Visitation

- Courts should include children in No Contact Orders (NCO), or define terms of visitation with children while the NCO is in place that protect the safety of the victim and the children.
- Courts should send a clear message to victims that they will be supported in obtaining all the protection the NCO offers and that they are not obligated to compromise the NCO in order to offer the defendant access to the children.
- Courts should offer women the full relief provided for in RCW 26.50.060.
- Protection Orders should specify visitation arrangements which address both the battered woman's and the children's safety.
- Rather than refer women to another civil proceeding to determine parenting plan arrangements, courts should employ a neutral, well-trained evaluator who can:
  - assess for the existence of domestic violence
  - obtain all available prior civil and criminal justice records which may bear on the existence of domestic violence, including Protection Orders, arrest records and information regarding the offender's history of compliance with court orders
  - speak to corroborating sources
  - assess for the domestic violence victim's and children's safety and provide the judge with well-informed recommendations
- Evaluators should be employed by the court in order to maintain neutrality, and so that the court can ensure accountability, consistency in approach and ongoing training. This is preferable to using guardians ad litem who may not have in-depth training about domestic violence or extensive experience with it.[12]
- Evaluators providing assessments for use in determining custody and parenting plans should be highly trained in how to do assessments, as well as the dynamics of domestic violence (including danger assessments). Evaluators should have experience working with victims and/or perpetrators prior to becoming an evaluator.
- If resources are limited, evaluators should minimally be available to provide assessments regarding domestic violence, custody and parenting plans for people requesting Protection Orders.
- Legal advocacy organizations should appeal judges' denials of requests to make custody decisions at the Protection Order level when courts consistently do not honor the intention of the law.

[12] King County Family Court Services serves as a good model for this approach.

Addressing Domestic Violence in the Dissolution of Marriage Process

- The State Bar Association should contract with agencies with expertise in domestic violence and family law to provide Continuing Legal Education courses and to create and disseminate the following model briefs:
  - How to raise the issue of domestic violence in custody cases
  - Making the connections between domestic violence and harm to children, including an up-to-date literature review which will help attorneys bring the scholarly work in this area to judges' attention
  - How to construct a parenting plan which addresses women's and children's safety

Judicial Bias and Lack of Information Regarding Domestic Violence

- Continuing legal and judicial education should include ample opportunities for training on diversity and bias in the legal system.
- Judges and all other professionals involved in dissolution proceedings must rigorously examine their biases and seek to ensure that they do not affect rulings.
- Judges should avoid punishing women for claiming they have been abused and should not be surprised to see a great deal of domestic violence coming through their courts.
- Courts need alternatives to criminal convictions in order to determine the presence of domestic violence. The best of these is an "evaluator" model.
- Judges, commissioners and pro tem judges and commissioners should be mandated to receive domestic violence training.
- Regardless of whether or not it is mandated, judges should seek out training on domestic violence.

Custody Cases and Family Court Response to Domestic Violence

- Any judge hearing Protection Orders and family court cases should be required to receive training on how to respond to domestic violence in parenting plan decisions once it has been determined.
- Judges should structure parenting plans in ways that place the burden on abusers to prove that they are following court orders, as opposed to expecting victims to demonstrate to the court that the abuser has not complied, or assuming abusers will act in good faith to comply with the order.
- The state should prioritize funding for establishing supervised visitation resources for family law cases where there have been findings of abuse against a parent or child.
- Courts should create in-house evaluator programs which can gather information regarding the impact of domestic abuse on children and make appropriate recommendations to the court.
- The State Bar Association should oversee the creation and dissemination of a model brief making the connections between domestic violence and the harm to children.

Guardians ad Litem

- Continuing education requirements for guardians ad litem (GALs) should include training in working with diverse communities.
- An "in-house" evaluator model is preferable to using GALs in domestic violence cases, unless a GAL can demonstrate in-depth training on and experience with domestic violence.
- When judges do assign a GAL in a case which includes allegations of abuse, the judge should ensure that the GAL has adequate training regarding identifying domestic violence, assessing for danger, ensuring victim safety and working with diverse communities.
- Each court administrator should set standards for GALs to be assigned to domestic violence cases and designate a separate roster of people qualified to work in this area.
- To assist with this, the Gender and Justice Commission, in collaboration with organizations with domestic violence expertise, should issue a model set of qualifications and training standards for GALs assigned to domestic violence cases.

1/26/01,
Elizabeth Ann Southwick,
55, shot by her husband

- The state should contract with an organization with expertise in the area of domestic violence and family law matters for the creation of an in-depth, comprehensive training curriculum for GALs who are assigned to cases where allegations of domestic violence have been made.
- The Gender and Justice Commission should collaborate with domestic violence organizations to create model protocols for GALs and evaluators in cases involving domestic violence.

Holding the Judiciary Accountable

- Funding should be prioritized to create a domestic violence appellate project.
- The legal community, in conjunction with community-based domestic violence programs, should create appellate panels to seek review of inappropriately adjudicated domestic violence Protection Orders and custody orders.
- Communities should demand that judges take responsibility for holding domestic violence abusers accountable once they have pleaded guilty or have been convicted.
- The state should provide funding (or seek federal funding) for court watch programs. These programs should be based in local domestic violence agencies or collaborate closely with them.
- Domestic violence programs or court watches should evaluate judicial performance regarding domestic violence and report these findings to the community, so that people can take this information into account when voting to retain or release judges.

2/15/01,
Janine Crandall,
49, shot by her husband

Key Recommendations from *Tell the World What Happened to Me: Findings and Recommendations from the Washington Sate Domestic Fatality Review,* December 2002

Civil Courts

All courts issuing civil Protection Orders should establish advocacy in their Protection Order offices, and ensure that advocates have extensive training in how to assist women in safety planning.

Courts should employ well-trained evaluators who can provide assistance to judges in civil proceedings by conducting thorough assessments for domestic violence and providing recommendations regarding custody and visitation which protect the safety of domestic violence victims and their children.

Criminal Courts

Sentences for domestic violence offenders should send a clear message that domestic violence is a crime and abusers will be held accountable. Because the bulk of domestic violence cases are prosecuted as misdemeanors, any additional funding directed toward the criminal justice system for improving response to domestic violence should be directed to probation and post-sentence supervision for misdemeanor domestic violence cases.

Domestic Violence Programs

Domestic violence programs should increase their outreach and services to friends and family of domestic violence victims in order to increase the capacity of people in the community to support battered women.

Law Enforcement

Law enforcement agencies should be mandated to work with their community to come up with a plan for providing equal protection and access to Limited English Proficient individuals in their community.

All Professionals

Health professionals, psychologists, counselors, suicide specialists, batterer's treatment providers, medical providers, law enforcement, prosecutors, mental health professionals and domestic violence advocates should work together to establish protocols for identifying the combination of suicide and domestic violence and responding in ways that minimize the danger that suicidal domestic violence abusers pose to intimate partners, children and others.

Court Watch

In order to increase judicial accountability to the community, the state should provide funding (or seek federal funding) for court watch programs. These programs should be based in local domestic violence agencies or collaborate closely with them.

DOMESTIC VIOLENCE FATALITIES IN WASHINGTON STATE: FINDINGS FROM THE WASHINGTON STATE DOMESTIC VIOLENCE FATALITY REVIEW

The death toll

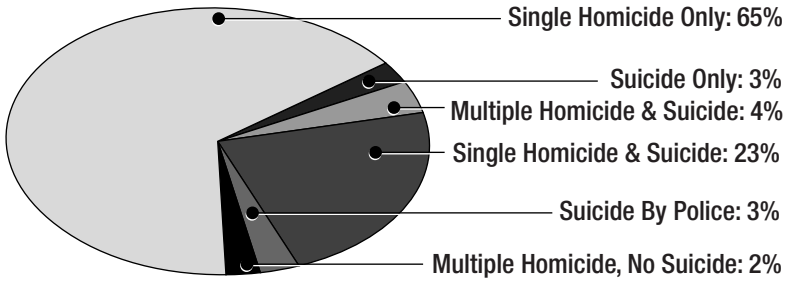
209 people in Washington State died at the hands of domestic violence abusers between January 1, 1997 and August 31, 2002. These included domestic violence victims, their children, friends and family members and three law enforcement officers.

In addition, 68 abusers committed suicide (usually after killing one or more other people), and 15 abused women killed their male partners. Another 9 abusers were killed in self-defense by friends or family of abused women.

ALL DOMESTIC VIOLENCE FATALITIES	1/1/1997-8/31/2002
Female domestic violence victim killed by current/former husband/boyfriend	131
Female domestic violence victim killed by other male intimate (housemate, caregiver)	6
Female domestic violence victim killed by female intimate partner	1
Female domestic violence victim killed by perpetrator's associate	1
Male domestic violence victim killed by female current/former wife/girlfriend	11
Male domestic violence victim killed by male intimate partner	1
Children killed by male domestic violence perpetrator	19
Friends/family killed by male domestic violence perpetrator	24
New boyfriend killed by male perpetrator	11
Co-worker killed by male perpetrator	1
Law enforcement killed by male perpetrator	3
Male domestic violence perpetrator killed by woman in self-defense, no prosecution	7
Male domestic violence perpetrator killed by woman, case prosecuted, but history of abuse claimed	8
Male domestic violence perpetrator killed by friend or family of the abused woman	9
Male Domestic violence perpetrator killed by law enforcement (suicide by police)	7
Male domestic violence perpetrator suicide	68
All decedents	308

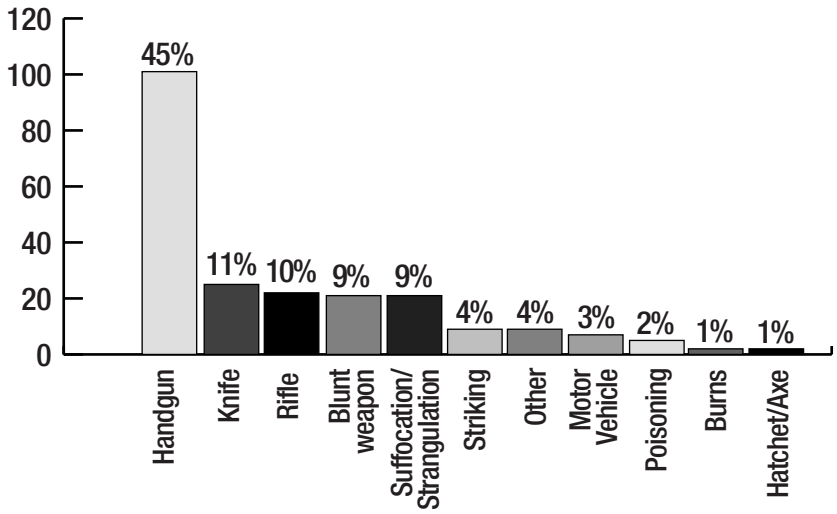
Suicidal domestic violence abusers pose increased risks to their partners

Abusers committed or attempted suicide in more than one-third of the 230 domestic violence fatality cases we have tracked since 1997.



DOMESTIC VIOLENCE FATALITY CASES FROM 1/1/97 TO 8/31/02

Total Cases: 230



WEAPONS AND MEANS OF KILLING FROM 1/1/97 TO 8/31/02

Total: 223 means of killing used on 209 victims

Weapons and means of killing

Since January 1, 1997, domestic violence perpetrators have killed 59% (n=123) of their homicide victims with a gun or rifle.

The number of methods for killing totals more than the number of homicide victims because some deadly assaults involved more than one weapon.

Children are at risk for death and trauma

Children may become the abuser's homicide victims—abusers killed a total of 19 children under age eighteen since January 1997.

At least 78 children under age eighteen were left motherless by domestic violence murders since 1997. (This number would be even higher, but abusers killed 8 children alongside their mothers.) Of the children left motherless, at least half were in the home at the time of their mother's murder.

Women of color, immigrants and refugees are at greater risk of domestic violence-related homicide than white, English-speaking women

Our findings indicate that Latina, Asian and African American victims of domestic abuse face the following challenges, which result in higher risk rates of domestic violence homicide than white, English-speaking women:

- Lack of access to domestic violence victim services which are culturally appropriate and/or available in the victim's native language.
- Systemic disadvantage or bias based on race/culture in the justice system (e.g., lack of interpretation at crime scenes, lack of interpretation in civil court hearings, lack of low-cost or free representation to women with limited English proficiency, reluctance to take women of color seriously).
- Disadvantages associated with poverty, which is disproportionately experienced by people of color: difficulty accessing safe housing and transportation to victim services, inability to attain economic independence from the abuser, lack of access to resources.

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