

Santa Clara County
Domestic Violence Council
Death Review Committee

Final Report

January 1 - December 31, 2001

February, 2002

DOMESTIC VIOLENCE DEATH REVIEW COMMITTEE ROSTER
SANTA CLARA COUNTY, CALIFORNIA

January 1, 2001 – December 31, 2001

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FINAL REPORT
JANUARY 1, 2001 – DECEMBER 31, 2001
DEATH REVIEW COMMITTEE
By: Rolanda Pierre Dixon – Chair

The Santa Clara County Death Review Committee was created in October of 1994. The Department of Justice asked the Santa Clara County Domestic Violence council to create such a committee. They wanted a committee that would examine domestic violence related deaths and use the knowledge obtained to suggest system-wide changes. It was hoped that the changes once implemented would save future lives.

The first problem encountered by the Domestic Violence Death Review Committee centered on confidentiality. How could several different groups and agencies both public and private come together and share pertinent information on identified decedents in domestic violence related deaths? There was extended discussion by the committee attempting to answer this very important question. Eventually a solution was reached and we were able to move forward. The solution was grounded in our prior experience working together on other projects of the Domestic Violence Council. Trust and respect also played an important part in getting over this hurdle. We were able to come together with the understanding that our main charge was to make system-wide changes that would save lives and not to try to pin point blame on any particular agency.

All Death Review Committee members were also asked to sign a confidentiality agreement. This agreement requires that all information discussed in committee meetings remain confidential. This signed agreement is kept on file by the committee chair. The only agreed upon public disclosure of cases involves statistics and fact patterns and not particular victims and or perpetrators.

The committee then had to decide what cases we would review. Since Santa Clara County has a population of over one million people we could not possibly review every single death in the county trying to determine those which were domestic violence related. We had to come up with a definition of “domestic violence related”. “Domestic violence related” is now defined as follows, it is a death where the perpetrator and victim were romantically linked, either at the time of death or prior to the death, and the conduct of either party lead to the death. We look at homicides, homicide/suicides, suicides and accident cases. Cases involving siblings, parents who are killed by family members or other types of family related homicides are not reviewed.

In 1996 the California legislature passed Penal Code Section 11163.3 (et. seq.) which allowed for the formation of death review teams in all California counties. It also deemed all information shared in death review meetings as confidential and not subject to disclosure or discovery by a third party. Notwithstanding the

foregoing, recommendations of a domestic violence death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of the domestic violence death review team.

The Santa Clara County Domestic Violence Death Review Committee produces a final report at the end of each calendar year. This year's report will cover **17** identified domestic violence related deaths from the year 2001. The Santa Clara County District Attorney's office filed criminal complaints on **22** homicide cases last year, there were **7** identified domestic violence related homicides, nearly 1/3 of all homicides.

The Santa Clara County District Attorney's office also issued 3565 criminal domestic violence complaints in 2001 (2956 misdemeanors, 609 felonies). Our civil courts issued about 2700 temporary restraining orders and our domestic violence criminal courts issued stay away orders on nearly every criminal case.

It is our belief that Santa Clara County's polices and procedures around domestic violence help decrease the number of domestic violence homicides each year. Victims can and do get assistance from law enforcement and the courts before the violence turns deadly.

The reviewed cases breakdown as follows:

I. TYPES OF DEATHS

17 cases from 2001	3 homicides, 3 homicide/suicides, 4 suicides, 2 "blue suicides" * and 1 accidental death.
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*Blue suicides are situations where the perpetrator refuses to put down the weapon and is shot by police officers.

II. POLICE AGENCIES INVOLVED

San Jose Police Dept.	6 cases	3 homicides, 1 homicide/suicide, 1 "blue suicide".
Sheriff's Office	5 cases	2 homicide/suicides (3 deaths occurred in one incident).
Sunnyvale Dept. of Safety	2 cases	1 "blue suicide", 1 suicide.
Los Altos Police Dept.	1 case	1 suicide.
Los Gatos Police Dept.	1 case	1 suicide.
Campbell Police Dept.	1 case	1 accidental death.
Marin County	1 case	1 suicide (perpetrator had pending DV charges in San Jose).

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

1. Ages (For all victims/perpetrators from 17 to 83 years old).

- A. Homicide adult average age was 30 years old.
 - 1. Females average age was 35
 - 2. Males average age was 18
 - 3. Elder victim age 72 was not averaged in
- B. Suicide average age 42 years old.
 - 1. Males average age 42
 - 2. Elder perpetrator age 83 was not averaged in
- C. Three elder victims- 1 homicide, 1 suicide, 1 homicide/suicide
 - 1. Female age 72
 - 2. Male age 83
 - 3. Male age 67
- D. Two "blue suicides"
 - 1. Both males- average age 44

2. Race / Ethnicity

White	10 cases	3 homicides, 4 suicides, 2 "blue suicides", 1 accident.
Asian	4 cases	3 homicides, 1 suicide.
African-American	2 cases	1 homicide/suicide combination.
Hispanic	1 case	1 homicide.

3. Victim's Sex

Male	11 cases	1 homicide, 8 suicides, 2 "blue suicides".
Female	6 cases	2 homicides, 3 homicide/suicide combinations.

4. Substance Abuse

Male	5 cases	3 alcohol, 2 drugs.
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5. Children Present

Yes	10 cases	1 homicide, 1 suicide, 1 homicide/suicide, 1 "blue suicide".
No	7 cases	

6. Number of children left without one or both parents

19 children	2 homicides, 2 homicide/suicides, 2 suicides, 1 "blue suicide".
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7. Perpetrator's Sex

Male	17 cases	3 homicides, 3 homicide/suicides, 2 "blue suicides", 5 suicides, 1 accidental death.
Female	none	

8. Manner of Death

Guns	11 cases	1 homicide, 3 homicide/suicides, 1 suicide, 2 "blue suicides"; average ages males - 45, females - 39 (elder perpetrator and victims 83 and 72 not included in average).
Overdoses	2 cases	2 suicides; males average age 30.
Stabbings	1 case	1 homicide; male age 17.
Arson	1 case	1 homicide; male age 18.
Falls	1 case	1 suicide; male age 54
Accidental	1 case	1 accidental death; male age 29.

9. Separated / Divorced or pending either at time of death

Yes	11 cases	2 homicides, 2 homicide/suicides, 3 suicides, 1 "blue suicide", 1 accidental death.
No	6 cases	

10. Prior Domestic Violence Contacts (police reports)

Yes	4 cases	1 homicide, 1 homicide/suicide, 1 "blue suicide", 1 accidental death.
No	3 cases	

11. Restraining orders / Do not annoy, harass or strike orders

Yes	3 cases	2 suicides, 1 accidental death, all in which the restrained person died.
No		

12. Location of deaths

Home	13 cases	4 homicides, 2 homicide/suicides, 2 suicides, 2 "blue suicide".
Public place	4 cases	1 homicide/suicide, 2 suicides, 1 "blue suicide"

13. Same sex couples

Yes	0 cases
No	17 cases

14. Occupations of those who died

social worker
 computer specialist
 mechanic
 clerk
 student
 housewife
 retiree
 self-employed
 food service worker
 physician
 white collar worker
 unemployed
 electrical engineer

15. Occupations of those who killed (homicide, homicide/suicide cases)

white collar worker
 clerk
 retiree
 construction worker

16. Type of relationship at time of death

Marital	5 cases	1 homicide/suicide, 2 blue suicides, 1 suicide.
Separated / Divorced	4 cases	2 suicides, 2 homicide/suicides.
Former cohabitants	3 cases	1 homicide/suicide, 1 accidental death.
Dating / Former dating	3 cases	2 homicides, 1 suicide.
Relatives	2 cases	1 homicide/suicide, 1 homicide.

17. Length of relationship (3 months to 28 years)

3 months	1 case	1 homicide.
6 months	1 case	1 homicide.
1 year	1 case	1 homicide.
2 years	3 cases	1 homicide/suicide, 1 accidental death.
5 years	2 cases	1 homicide/suicide.
10 years	2 cases	1 homicide/suicide.
13 years	1 case	1 blue suicide.
16 years	1 case	1 suicide.
19 years	1 case	1 suicide.
28 years	1 case	1 suicide.

18. Educational level of perpetrators (including suicides)

High school	6 cases
College	4 cases

19. Educational level of victims

High school	3 cases
College	4 cases

20. Age differential between victim and perpetrator in relationship cases

2 years (perp older)	1 case	1 suicide.
3 years (perp older)	1 case	1 suicide.
4 yrs (perp older)	3 cases	1 homicide/suicide, 2 homicides.
5 years (perp older)	1 case	1 homicide/suicide.
6 years (perp older)	1 case	1 suicide
9 years (perp older)	1 case	1 "blue suicide".
11 years (vic older)	1 case	1 accidental death.
11 years (perp older)	1 case	1 suicide.
16 years (perp older)	1 case	1 homicide/suicide.
17 years (perp older)	1 case	1 "blue suicide".
38 years (perp older)	1 case	1 suicide.

21. Met and began dating as teens

Yes	2 cases	1 homicide (perp 4 years older); 1 suicide (perp 5 years older).
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IV. CASE SUMMARIES

CASE 114 AND 115: Homicide/Suicide - Perpetrator is in his early thirties and the victim in her late 20's. They met at a social event. They dated over a couple of years; they broke up and got back together numerous times. The victim felt he was too controlling, she decides to end the relationship once and for all, he shoots her and then kills himself.

CASE 116: Blue suicide – Perpetrator is in his early 40's. He is in a marriage where he is very obsessed about the victim. She decides that she needs to end the marriage, he attacks and nearly kills her. She escapes. He is upset, police are called, and he won't put down his weapon, raised it at officers and is shot and killed.

CASE 117: Suicide - Perpetrator is in his late 20's. He is despondent over a breakup with his girlfriend. He goes to visit her in another county, murders her and then returns to this county and kills himself by taking an overdose of pills.

CASE 118: Homicide – Perpetrator is married to a relative of the victim. The victim tries to get her out of the relationship because the perpetrator is jealous, controlling and has threatened to kill her. She leaves perpetrator. He later kills the victim.

CASE 119: Homicide – Perpetrator is in his early 20's and the victim is a teenager. She meets him where he works. They date for a couple of months. The perpetrator is distraught over a prior relationship, which had recently ended, he kills the victim.

CASE 120, 121 AND 122: Homicide - Perpetrator is in his 60's. He is unemployed and is an alcoholic. His spouse is in her 50's and her mom in her 70's. The perpetrator is also very controlling and always argues with victim and her mom. They are arguing over matters in the home, the perpetrator shoots and kills her and her mom and then kills himself.

CASE 123: Suicide – The perpetrator is in his early 30's. His wife has left him and is filing for divorce, she alleges that he is abusive and controlling. She has a temporary restraining order. He is very distraught by this and kills himself.

CASE 124: Suicide - The perpetrator is in his 50's, he has been married over 20 years. He starts gambling, the wife is very upset and he hits her. She reports the incident to police and he is charged with a domestic violence crime, before the case comes to court, he kills himself.

CASE 125: Homicide – The perpetrator and victim meet at her workplace. He is very jealous and controlling. After a few months, she decides to end the relationship. He comes to her home and shoots her.

CASE 126: Suicide – The perpetrator is in his 80's. He is married to a much younger woman and has 6 children by her. He is very upset about getting old and is also very controlling. He tries to kill his wife, but she and some of the children escape. He then shoots his mother-in-law (she is 82), she survives, and he then shoots himself.

CASE 127 and 128: Homicide/Suicide – The perpetrator is in his 40's and the victim in her late 30's. They are currently separated, going through a divorce. He is very upset about the divorce. Comes to her home, shoots and kills her, shoots her mom (who survives) and then later kills himself.

CASE 129: Accidental Death – The perpetrator is in his late 20's. He has an alcohol and substance abuse problem. His girlfriend gets tired of it, he hits her. She calls the police, makes a report and gets a temporary restraining order. He returns to her home, she won't let him in. He bashes in a window and cuts his arm severely, she calls the police, and he dies later.

CASE 130: Blue Suicide – The perpetrator is in his early 50's. He has been diagnosed with schizophrenia. He argues with his wife and then attacks her. The police are called, he will not put down his weapon when asked to, and he is shot and killed by the police.

V. TASKS ACCOMPLISHED

The Santa Clara County Death Review Team is recognized as one of the first of its kind in the nation. We have been in existence since 1994. Requests for our final reports come from all over the nation. Committee members have been asked to present on the topic of Death Review at several venues. This past year, we have presented to the National Association of District Attorneys, California District Attorney's Association, National Training Center on Domestic and Sexual Violence, Statewide Victim Witness program and New Hampshire's Death Review Team. We have also put on several other local presentations (to Minority and other communities) on the work of the committee.

Committee members made themselves available this year for any number of presentations, interviews and articles. Committee members also worked closely with the Santa Clara County Domestic Violence Council, Court Systems Committee, Police Victim Relations Committee, Victim's Voice Committee, Executive Committee and the City of San Jose's Domestic Violence Taskforce.

The California Attorney General's office came to visit the committee again this year. They are very interested in the work of this committee and intend to use the information obtained to help establish death review committees in other counties.

We continue to be concerned about firearm possession and use in death cases. We suggested that the countywide police protocol be amended so that all domestic violence cases involving handguns are referred to the District Attorney's office. The Santa Clara County Police Chief's Association approved this amendment. It is now part of the Law Enforcement protocol which is adhered to by all police agencies in the county. We are also working closely with police agencies and the courts on developing protocols for obtaining weapons in cases where the defendant is convicted of or made the subject of a restraining order and ordered to relinquish any firearms.

We are happy to note that the domestic violence deaths overall are down (one less than last year) and domestic violence homicides are down (2 less than last year). There was also only one death in our Hispanic community this year, compared to 11 last year. In the Asian Community there were 4 deaths this year as opposed to 3 last year, however this is still good news as compared to statistics from two years ago where ½ of the overall deaths came from the Asian community.

We also did not lose one victim to homicide who had a restraining order. As noted in the beginning of this report Santa Clara county's Judges order significant numbers of civil and criminal restraining orders. Judges not only make the orders, law enforcement officers and the District Attorney's office enforce them and our Judges hold violators accountable. We are convinced this helps protect victims of domestic violence.

The committee also believes that the overall community education provided by Santa Clara County's Domestic Violence Council (including this committee) is beginning to pay off and, hopefully, that the decrease in deaths reflects that hard work.

VI. SIGNIFICANT FINDINGS and RED FLAGS

1. Perpetrators of deadly domestic violence have several characteristics, which are evident in many of the cases we reviewed. They are:
 - a. Threats of homicide or suicide – 14 cases;
 - b. Victim is talking about divorce or separation and the perpetrator cannot handle it – 11 cases;
 - c. He or she is unraveling in front of everyone's eyes i.e. sleeplessness, loss of job, possessing guns, talking about dying, extreme upset about his life, excessive drinking or drug use, prior sexual assault, prior false imprisonment of victim – 13 cases;
 - d. They often hit the victims at least once and in most cases more than once before the death occurred or used violence with a previous partner – 12 cases;
 - e. The perpetrator engaged in stalking conduct – 7 cases;
 - f. Extremely jealous/possessive of partner – 11 cases;
 - g. Substantial mental health issues (sought treatment) – 2 cases;
 - h. They met and began dating as teens – 2 cases.
2. Everyone close to the victim and perpetrator knew that something was very wrong in the relationship but did not intervene. Oftentimes neighbors were also aware but also did not intervene.
3. Handguns were still the most commonly used deadly weapon in these cases. Those individuals possessing guns and using or threatening violence are a clear danger to themselves and others.
4. Deaths occurred in nearly every jurisdiction in this county and have involved every socio-economic group. We must also be cognizant of the fact that domestic violence is not just a young person's problem. This year three people over the age of 66 are represented in these numbers.
5. Family members and those close to victims are also at risk when violence turns deadly, two family members of victim's lost their lives during this reporting period.

VII. RECOMMENDATIONS

We the members of the Santa Clara County Domestic Violence Death Review Committee recommend as follows:

1. The Domestic Violence Council continues its efforts to educate the public on domestic violence issues, including the release of this report to the public.
2. The Domestic Violence Council should consider forming a subcommittee on immigrant issues.
3. That our community at large stand up and report domestic violence when it is observed. Ignoring the problem is not the solution.
4. All local school districts develop a curriculum that addresses the issues of domestic violence and dating violence.
5. Continue to promote the idea that victims of domestic violence should get restraining orders.
6. Continue to promote the education of all workplaces on domestic violence so those potential victims can be protected.
7. The Domestic Violence Council examine and report on the availability of mental health care for low/middle income families and request that an employee of the Office on Mental Health sit on the Death Review Committee.
8. The City of San Jose's Domestic Violence Task Force join with the Domestic Violence Council in forming a committee which will develop a hotline or other emergency service for men who are contemplating an act of domestic violence or need help in their interpersonal relationships.
9. Continue to encourage the media to report on the availability of assistance so that victims, family members and others can have the information needed to assist victims.
10. Continue to ensure that all domestic violence related educational information be culturally competent and take into account that domestic violence also occurs in the elder, immigrant, gay and lesbian communities.
11. Continue to encourage the use of assessments for substance abuse and encourage Judges to require substance abuse counseling and search and seizure in domestic violence cases.

12. Continue to encourage the utilization of available monies for mental health services for children exposed to domestic violence.
13. Continue to encourage parents to get parenting classes that discuss the impact of domestic violence on children.
14. Continue to encourage victims to access available support services.
15. Continue to inform the public that the police at a domestic violence incident (Penal Code Section 12028.5) can take all guns and once convicted of a domestic violence related charges that defendant cannot possess a weapon for up to 10 years (Penal Code Section 12021). Also, those subject to a restraining order have the same 10 year gun restriction (Penal Code Section 273.6).

The Santa Clara County Domestic Violence Council Death Review Committee believes that information is powerful. It is our hope that this report with all the above statistical information, significant findings and recommendations, will lead to a reduction in the number of lives lost in our community through acts of domestic violence.

Respectfully Submitted,

February, 2002
The Death Review Committee
Santa Clara County Domestic Violence Council