CITY OF PHOENIX

DOMESTIC VIOLENCE FATALITY REVIEW TEAM

2018-19 ANNUAL REPORT

City of Phoenix

July 1, 2019

To the Arizona Domestic Violence Community:

As Co-Chairs of the Phoenix Domestic Violence Fatality Review Team (DVFRT), we are pleased to share our annual report with you. The Phoenix team was appointed by the Phoenix City Manager and this report is submitted to the Attorney General's Office. The report provides information on a domestic violence fatality case and includes recommendations for system change and improvement.

Domestic violence calls represent one of the most frequent violence-related calls for service to the Phoenix Police Department. In 2018, the Phoenix Police Department received 42,293[1] emergency calls for domestic violence incidents (9-1-1 and Crime Stop) with approximately 21,120 investigations conducted. Domestic violence is a public safety issue, representing danger not only for the victim, but also for friends, family, and co-workers; law enforcement; and the community at-large. The DVFRT is dedicated to identifying system gaps or areas for improvement in an effort to reduce the number of domestic violence homicides in our community.

Marchelle Franklin
DVFRT Co-Chair
Director
Human Services Department

Commander Christina Gonzales
DVFRT Co-Chair
Family Investigations Bureau
Phoenix Police Department

[1] *Calls for service with missing or incorrect information may not be properly depicted in this report. Calls are based on the final call type as entered by communications and for Patrol.*

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MISSION AND INTRODUCTION

The mission of this team, which is comprised of representatives from the criminal justice system, advocacy community, municipal government, and other community members, is to examine domestic violence fatalities and near-fatality events.

The team analyzes the circumstances of past fatalities in an effort to better understand the dynamics of such incidents and to make recommendations for prevention and system improvements. The purpose of this project is to actively improve all systems that serve those involved with domestic abuse and to prevent violence and fatalities in the future.

Members come from a variety of fields, providing a unique opportunity to work across disciplines to evaluate system barriers and develop comprehensive recommendations for improvement.

The Co-Chairs would like to thank the 2018-2019 DVFRT for their continued commitment to preventing domestic violence fatalities through systems analysis and improvement. Members dedicated a tremendous amount of knowledge, passion, and time to the process.

The Co-Chairs extend a debt of gratitude to a subset of members who participated in a subcommittee formed to conduct an intense case review. This committee dedicated additional hours to look closely at the facts in the case and interview individuals who provided additional insight. These members include Lieutenant Warren Brewer, Laura Guild, Carl Mangold, Dana Martinez, Amy Offenberg, Hilary Weinberg, and Erin Yabu.

On behalf of the entire DVFRT, the Co-Chairs sincerely thank the following who drafted the final report following the review process: Lieutenant Warren Brewer, Dolores (D.C.) Ernst, Amy Offenberg, Shawn Steinberg, Detective Deb Taylor, Hilary Weinberg, and Erin Yabu.

DVFRT MEMBERS

Members

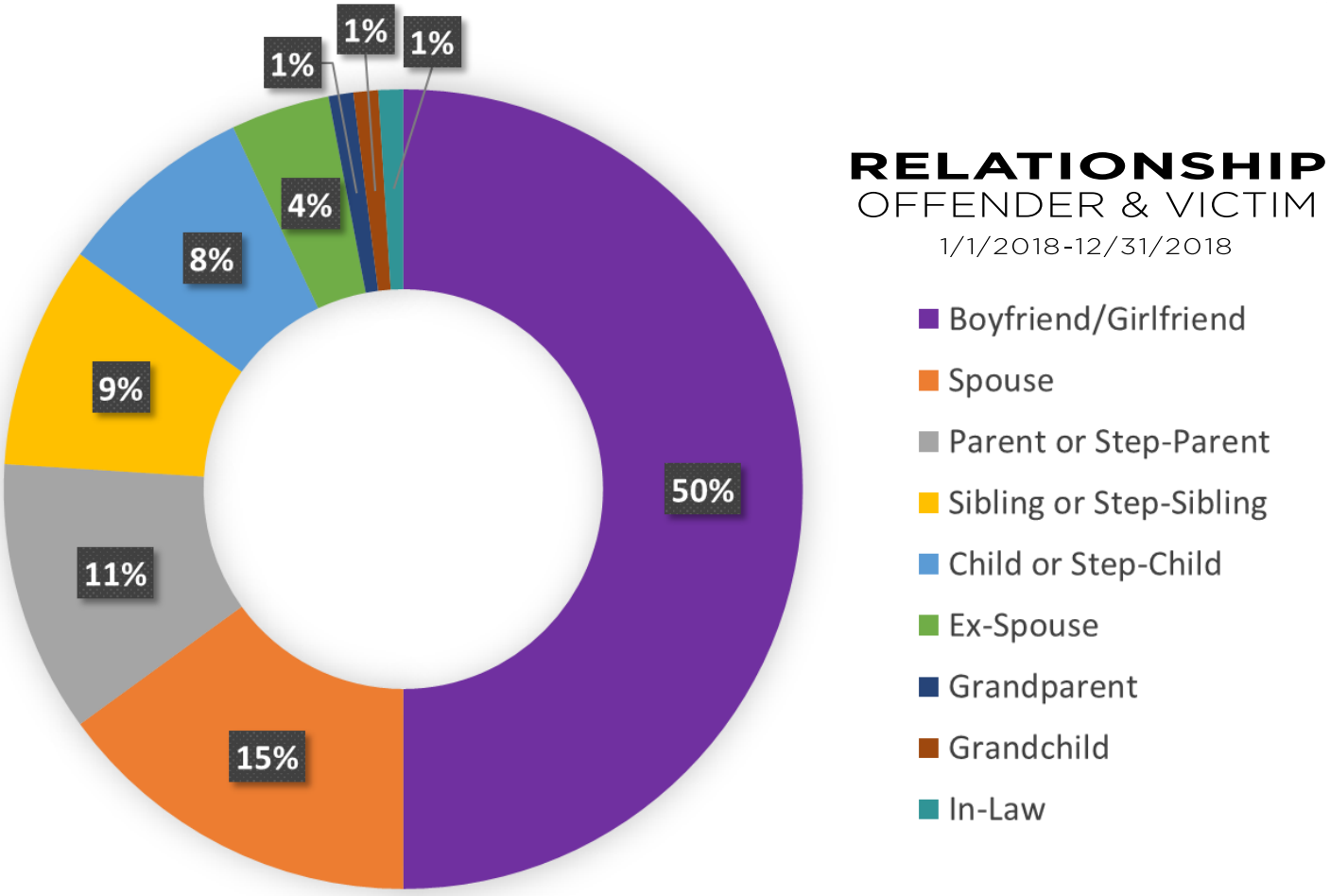
Marchelle Franklin (Co-Chair)	City of Phoenix Human Services Department
Christina Gonzales (Co-Chair)	Phoenix Police Department
Warren Brewer	Phoenix Police Department
Shane Disotell	Phoenix Police Department
Dolores (D.C.) Ernst	Phoenix Fire Department
Sallie Gaines	Retired Judge
Dawn Gingerich (Liaison)	City of Phoenix Law Department
Laura Guild	Arizona Department of Economic Safety
Jessica Greco	City of Phoenix Human Services Department
Kristen Kidd	Arizona Department of Child Safety
Karin Kline	Family Involvement Center
Amy Offenberg	Phoenix City Prosecutor's Office
Carl Mangold	Retired Mental Health and Treatment Provider
Dana Martinez	A New Leaf
Jill Rable	HonorHealth Forensic Nurse Examiners
Shawn Steinberg	Arizona Attorney General's Office
Deborah Taylor	Phoenix Police Department
Hilary Weinberg	Maricopa County Attorney's Office
Erin Yabu	City of Phoenix Human Services Department

Administrative Members

Lori Lopez	City of Phoenix Human Services Department
Cynthia Segovia	City of Phoenix Human Services Department

DVFRT
STATISTICS

According to the Arizona Department of Health Services, most cases of domestic violence are never reported to the police.[2] However, 1 in 4 women and 1 in 7 men have experienced domestic violence in their lifetime.[3] The Arizona Coalition to End Sexual and Domestic Violence's website states that 43% of lesbian women and 26% of gay men have experienced rape, physical violence, and/or stalking by an intimate partner.[4] In 2018, approximately 50% of the domestic violence cases in Phoenix occurred in a current or previous dating relationship (see graph below).[5]



[2] *Arizona Department of Health Services URL: https://www.azdhs.gov/prevention/womens-childrens-health/womens-health/index.php#domestic-violence-home.*
[3] *Arizona Coalition to End Sexual and Domestic Violence in Arizona, URL: http://www.acesdv.org.*
[4] *"Intimate partner violence (IPV) is violence or aggression that occurs in a close relationship. The term "intimate partner" includes current and former spouses and dating partners." Center for Disease Control and Prevention, URL: https://www.cdc.gov.*
[5] *Based on Phoenix Police Department domestic violence statistical report 1/1/2018-12/31/2018.*

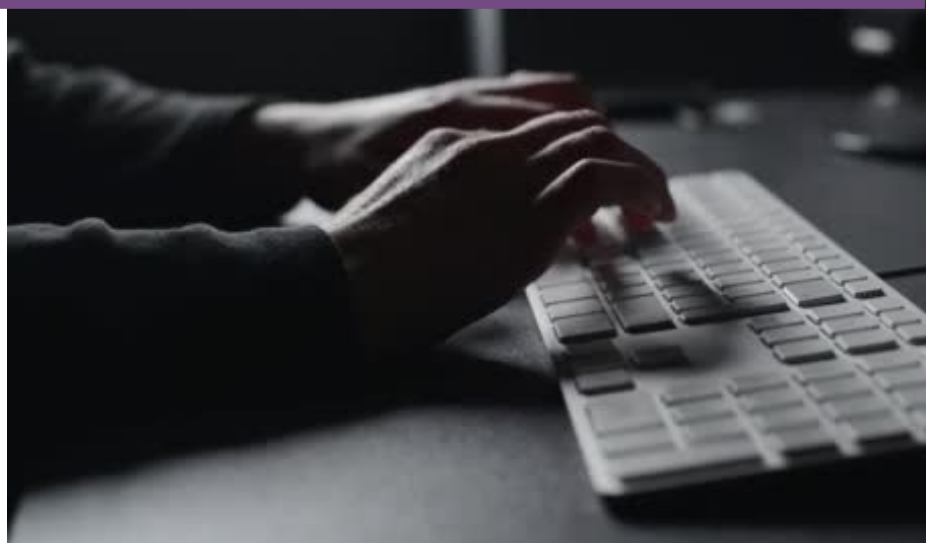
DVFRT
THE PROCESS

In order to develop recommendations, an extensive case review took place.

This year, the DVFRT selected a murder-suicide case involving a same-sex female couple. In preparation for the review, staff obtained police reports, criminal histories, medical examiner reports, and court records. Using these documents, a detailed timeline was created.

A DVFRT subcommittee interviewed the investigating case agent, as well as individuals who could provide insight about the intimate partner relationship.

DVFRT
CASE SUMMARY



This summary will provide a brief look at the perpetrator and victim's individual histories, as well as an overview of their relationship and the events leading up to the murder/suicide.

The perpetrator worked in a family-owned business and had a good relationship with some individual family members; however, she was estranged from others.
She was diagnosed with and struggled to manage her mental health issues, and her mother was known to take care of her during depressive episodes. A criminal damage police report filed four years prior to the murder/suicide indicated that a former partner believed the perpetrator had caused damage to her vehicle. The former partner believed the perpetrator was at fault, as their relationship had recently ended. The perpetrator was never charged with a crime due to a lack of evidence, and the investigation was still pending at the time of her suicide. Additionally, four months prior to the deaths, the perpetrator filed for an injunction against harassment against a former friend. In the application, she indicated that the former friend was telling others that she was displaying stalking behaviors.

The victim had recently retired from a long, successful career. She had been in a long-term relationship that ended shortly before meeting the perpetrator. There was no indication she had been in previous abusive relationships. Although the victim was estranged from immediate family, she had a small group of close friends who were aware of the various conflicts that occurred in the relationship with the perpetrator.

The victim and perpetrator met approximately a year and a half before their deaths. They dated intermittently for just under a year when the victim permanently ended the relationship. Friends reported that their relationship was on-again-off-again and that they lived together for a short period of time. During the months they resided together, it was reported that the perpetrator had tampered with the victim's computer, allowing her to monitor the victim's online activities after they separated.

DVFRT
CASE SUMMARY

In the weeks leading up to the murder/suicide, neighbors of the victim reported seeing a vehicle that matched the perpetrator's vehicle in her neighborhood on several different occasions. Neighbors also reported seeing someone who matched the perpetrator's description sitting in the vehicle watching the victim's home. This information was reported to police during the homicide investigation but was never reported to police prior to the murder.

Both the victim and perpetrator obtained orders of protection against each other in the last three weeks of their lives. In the perpetrator's petition, the perpetrator told the court that five months earlier, the victim had entered her home without permission. In addition, the perpetrator reported receiving multiple calls from the victim, in which the victim accused her of continuing to access the victim's computer without permission. The following information was included in the victim's petition for an order of protection: The perpetrator had attempted to cause her to lose control of her vehicle by grabbing the steering wheel while the vehicle was in motion, which took place early in their dating relationship; Several months after this incident, the perpetrator threatened to abandon the victim on the side of a highway when the couple was out of town; Three months before the deaths, the perpetrator entered the victim's home without permission and printed off emails from the victim's account.

Sixteen days before the murder/suicide, the victim filed a burglary report. The victim reported items that the perpetrator had given her during the relationship had been stolen, and she believed the perpetrator stole those items due to their recent break-up. This was the same date the perpetrator applied for and received an order of protection against the victim.

DVFRT
CASE SUMMARY

The victim's friends reported that they had spoken with her regarding the perpetrator's stalking behaviors. Friends encouraged the victim to install a security system at her home and recommended obtaining an order of protection. The victim applied for and was granted an order of protection 12 days before the murder, and the perpetrator was served with the order four days before the murder. A hearing contesting the victim's order of protection was scheduled to take place two days after the murder/suicide.

On the day of the murder/suicide, the victim's friends called police and requested a welfare check because no one had heard from her in the last 48 hours. After being unable to make contact with the victim, police conducted a search of the property and found her deceased inside her residence. Friends on-scene at the victim's residence directed the police to the perpetrator as the suspect. Police responded to the perpetrator's home and made contact with her friends outside who had also requested a welfare check when they were not able to reach her. Upon a search of that residence, the perpetrator was found deceased inside her home.

Autopsies were performed on both parties. The evidence showed that the victim suffered from blunt force trauma to the head and multiple stab wounds. The perpetrator's autopsy revealed no evidence of external trauma to the body. An overdose of multiple medications was determined to be the cause of death.

During the investigation of the murder, police found evidence that the perpetrator meticulously planned how to access the victim's residence. The perpetrator utilized a baseball bat to inflict the blunt force trauma on the victim and also used a knife to inflict multiple stab wounds. A search of the perpetrator's body revealed a gun in her pocket, which had been legally purchased three months prior to the murder/suicide. This timeframe corresponds to when the victim ended their relationship. There were no findings that the gun was fired in the course of the murder/suicide.

DVFRT
KEY FINDINGS

The DFVRT identified the following key findings:

- Friends of both parties reported that there were substantial negative dynamics in the relationship. Red flags for risk were determined to be present from their perspective. However, if the danger or risk assessments were applied (developed specifically to address violence in heterosexual relationships), these tools do not indicate high levels of danger or risk in the same-sex relationship.[6] The committee is aware of a danger assessment tool that has not yet been scientifically validated for female same-sex relationships, in which the results of the tool would have reflected "increased danger." [7]

    - ◊ Att**achment A:** *Arizona Intimate Partner Risk Assessment Instrument System (APRAIS)/Form 4(C):* If this tool had been used, the victim would not have scored as "Elevated Risk" or "High Risk" in Tier 1 with only one possibly known "yes" to a risk factor:

        - ✓ Is he/she violently and constantly jealous of you?

    - ◊ **Attachment B:** *DANGER ASSESSMENT (Jacquelyn C. Campbell, Ph.D., R.N., dangerassessment.org):* If this tool had been used, it would have shown "variable danger" to be present, which is the lowest level.

        - ✓ Does he own a gun?
        - ✓ Is he violently and constantly jealous of you? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car?
        - ✓ Does he follow or spy on you, leave threatening notes or messages, destroy your property, or call you when don't want him to?

[6] *At the time of the murder/suicide, the Phoenix Police Department was not utilizing APRAIS as it had not yet been validated. The Phoenix Police Department has now adopted the APRAIS tool to be used in every intimate partner domestic violence case.*
[7] *The Family Advocacy Center Victim Advocates use the DA-R for use in abusive female same-sex relationships, which is in the process of being scientifically validated.*

- **Attachment C:** *DANGER ASSESSMENT – Revised, For Use in Abusive Female Same-Sex Relationships (Jacquelyn C. Campbell, Ph.D., R.N., dangerassessment.org):* If this tool had been used, the victim would have scored as "Increased Danger":
  - ✓ Is she constantly jealous and/or possessive?
  - ✓ Does she try to isolate you socially?
  - ✓ Does she constantly blame you and/or put you down?
  - ✓ Has she destroyed or threatened to destroy things that belong to you?
  - ✓ Has she ever violated a restraining order?

- Sources indicated that the perpetrator had a mental health diagnosis that she struggled to manage and had previously threatened suicide.
- There was no indication that the victim sought out domestic violence resources.
- Due to a significant amount of time spent at the crime scene, friends of the victim reported that on-scene assistance for those waiting during the investigation would have been helpful. Some examples included increased (allowable) communication about the status of the investigation process and emotional support from other resources.

DVFRT RECOMMENDATIONS

Following careful consideration of the case and the identification of key findings, the DFVFT makes the following recommendations:

Protective Order Advocacy:

- The team recommends the expansion of resources to gain a better understanding of the use and limitations of protective orders, including early advocacy and safety planning. The need for effective tools to increase understanding of protective orders was apparent in this case review. Throughout the review, the team recognized that the individuals involved in this case did not understand the use of the order of protection.
- If victim advocates are not available to help walk a petitioner through the entire process, the recommended alternatives may include:
    - ✓ Expansion of resources that detail:
    - ✓ The capacity and/or limitations of an order. Define what an order does and does not do.
    - ✓ Improved instructions for completing a petition.
    - ✓ Procedures to contest an order and potential outcomes of these procedures.
    - ✓ Process for serving an order.
    - ✓ Procedures if the order is violated.
    - ◊ Resources could be available such as:
        - ✓ A video for petitioner to watch prior to completing a petition.
        - ✓ More detailed Plaintiff and Defendant's Guidesheets included in the petition.
- Implement a procedure to verify that defendants who are ordered to not possess firearms or ammunition in an order of protection immediately surrender their firearms.
- In the new statewide online orders of protection system (effective 2020), explore methods to include victim advocacy and other domestic violence resources.

Domestic Violence Community Awareness:

- The parties did not have many interactions with the criminal or civil justice systems that would have made them aware of available resources. This lack of interaction demonstrated that outside of these systems, the community is not aware of services to assist with promoting victim safety.
- Outreach within community groups should take place to increase understanding of resources for:
    - ◊ Stalking: increase awareness about the definition of stalking and what to do when being stalked.
    - ◊ Mental/behavioral health assistance (e.g. crisis hotlines).
    - ◊ Domestic violence: focus on emotional abuse factors to increase awareness that domestic violence is not just physical abuse.
    - ◊ Prevention: development of resources for abusers at all age levels that create an avenue for abusers to seek help or gain understanding about abusive behavior.
- Continued efforts by the Phoenix Police Department in building trust and rapport with different community groups, such as LGBTQ, by utilizing the Police Advisory Boards and in particular taking the opportunity to educate on domestic violence.
- Development and use of culturally sensitive, reliable, and valid instruments for first responders (e.g. Police Department, Fire Department, victim advocates) to assess degree of danger risk as contextualized to gender, orientation, and identity of both partners.
- For those communities that are hesitant to contact law enforcement and professionals, provide a method to educate and identify resources that are available anonymously and confidentially and bring awareness of these resources through awareness campaigns.

DVFRT
2016-17 REPORT UPDATE

This provides information on progress made on recommendations in the 2016-2017 DVFT report:

- **Improve tools within the criminal justice system for identifying both non-domestic violence and domestic violence related lethality indicators, and address those issues earlier and more thoroughly.**
  The state-wide uniform risk assessment tool, Arizona Intimate Partner Risk Assessment Instrument System tool (APRAIS), was developed by the Family Violence Institute and adopted by the Phoenix Police Department and implemented for use on all intimate partner domestic violence cases.
- **Increase the use of validated risk assessments by all community partners. Provide information and resources to victims about their assessments and potential danger in their relationships.**
  The Arizona Intimate Partner Risk Assessment Instrument System tool (APRAIS), has become a standard validated risk assessment tool being used in intimate partner domestic violence incidents by law enforcement first responders and investigators, victim advocates, and initial appearance courts.
- **Increase technology safety training for domestic violence victims.**
  Traditional and Technology Safety Planning training by the Arizona Coalition to End Sexual & Domestic Violence (ACESDV), a valued partner of the City of Phoenix, continues to offer and provide education and training in these areas.

DVFRT
2016-17 REPORT UPDATE

The following 2016-17 recommendations are still pending implementation. As such, the DVFRT proposes including these remaining tasks in the implementation plan that is developed for the 2018-19 recommendations:

- Encourage Domestic Relations Courts to explore ways to increase education and awareness about the increased danger and lethality surrounding domestic relations proceedings.
- Encourage Domestic Relations Courts to include domestic violence information and education in co-parenting classes.
- Educate school administrators and staff on recognition of domestic violence and child abuse to foster an environment that encourages students to report abuse.
- Increase on-scene domestic violence advocacy.
- Increase awareness of domestic violence resources and silent witness reporting via social media.
- In cases of domestic violence related murder-suicides, encourage the Medical Examiner to conduct toxicology testing on all decedents.
- Explore potential relationships between mental health and domestic violence activities.

Form 4(c): Release Questionnaire
Intimate Partner Risk Assessment *

Defendant's Name _____ DOB _____ Booking No. _____
Law Enforcement Agency _____ Report No. _____
Victim's Name _____ Incident Date _____

Questions are asked on the scene; Victim participation is voluntary		Yes	No	Decline
Tier 1				
1.	Has physical violence **increased in frequency or severity** over the past six months? Alternate wording: Is the pushing, grabbing, hitting, or other violence happening more often?			
2.	Is he/she violently and constantly **jealous** of you?			
3.	Do you believe he/she is **capable of killing** you?			
4.	Has he/she ever beaten you while you were **pregnant**? (e.g. hit, kicked, shoved, pushed, thrown, or physically hurt with a weapon or object)			
5.	Has he/she ever used a **weapon** or object to hurt or threaten you?			
6.	Has he/she ever **tried to kill** you?			
7.	Has he/she ever choked/strangled/suffocated you?			
7a.	If you answered "Yes" to Question 7, has this happened more than once?			
Tier 2				
8.	Does he/she **control** most or all of your daily activities?			
9.	Is he/she known to carry or possess a **gun**?			
10.	Has he/she ever **forced you to have sex** when you did not wish to do so?			
11.	Does he/she use **illegal drugs or misuse prescription drugs**? (e.g. meth, cocaine, painkillers)			
12.	Has he/she threatened to **harm people you care about**?			
13.	Did you **end your relationship** with him/her within the past six months?			
13a.	If you answered "No" to Question 13, does he/she know or sense you are planning on ending your relationship?			
14.	Has he/she experienced **significant financial loss** in the last six months?			
15.	Is he/she **unemployed**?			
16.	Has he/she ever threatened or tried to commit **suicide**?			
17.	Has he/she **threatened to kill** you?			
18.	Has he/she threatened or abused your **pets**?			

"Yes" to 2 or 3 Tier 1 questions = "Elevated Risk" / "Yes" to 4 or more Tier 1 questions = "High Risk"
"Elevated Risk" and "High Risk" scores trigger law enforcement officers to offer follow up responses in the form of providing or connecting victims to supportive resources or resource information.

Action: ☐ Victim referred for follow up based on responses to the assessment
☐ Victim referred for follow up based on the officer's professional judgment
☐ No referral

DANGER ASSESSMENT

Jacquelyn C. Campbell, Ph.D., R.N. Copyright, 2003; update 2018; www.dangerassessment.com

Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury, miscarriage or choking* (use a © in the date to indicate choking/strangulation/cut off your breathing – example 4©
5. Use of weapon; wounds from weapon

(If **any** of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following. ("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

____ 1. Has the physical violence increased in severity or frequency over the past year?
____ 2. Does he own a gun?
____ 3. Have you left him after living together during the past year?
3a. (If have *never* lived with him, check here____)
____ 4. Is he unemployed?
____ 5. Has he ever used a weapon against you or threatened you with a lethal weapon?
(If yes, was the weapon a gun?____)
____ 6. Does he threaten to kill you?
____ 7. Has he avoided being arrested for domestic violence?
____ 8. Do you have a child that is not his?
____ 9. Has he ever forced you to have sex when you did not wish to do so?
____ 10. Does he ever try to choke/strangle you or cut off your breathing? (If yes, has he done it more than once, or did it make you pass out or black out or make you dizzy?____)
____ 11. Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, "meth", speed, angel dust, cocaine, "crack", street drugs or mixtures.
____ 12. Is he an alcoholic or problem drinker?
____ 13. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here:)
____ 14. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
____ 15. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here:____)
____ 16. Has he ever threatened or tried to commit suicide?
____ 17. Does he threaten to harm your children?
____ 18. Do you believe he is capable of killing you?
____ 19. Does he follow or spy on you, leave threatening notes or messages, destroy your property, or call you when you don't want him to?
____ 20. Have you ever threatened or tried to commit suicide?
____ Total "Yes" Answers

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in your situation.

DANGER ASSESSMENT-Revised
For Use in Abusive Female Same-Sex Relationships

Nancy Glass, PhD, MPH, RN & Jacquelyn C. Campbell, PhD, RN, FAAN

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Several risk factors have been associated with increased risk of re-assault of women in abusive same-sex relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of repeat abuse and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones, miscarriage
4. Threat to use weapon; head injury, internal injury, permanent injury, miscarriage
5. Use of weapon; wounds from weapon

(If any of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following.
("She" refers to your female partner or ex-partner)

Yes	No		
___	___	1.	Is she constantly jealous and/or possessive of you?
___	___	2.	Does she try to isolate you socially?
___	___	3.	Has the physical violence increased in severity or frequency over the past year?
___	___	4.	Has she threatened you with a gun over the past year?
___	___	5.	Have you lived with her in the past year?
___	___	6.	Has she ever abused or threatened to abuse a previous intimate partner, or their family members or friends?
___	___	7.	Does she use illegal drugs, (by illegal drugs, I mean "uppers" or amphetamines, "meth," speed, angel dust, cocaine, "crack," street drugs or mixtures) or abuse prescription medication?
___	___	8.	Is she an alcoholic or problem drinker?
___	___	9.	Does she try to control/limit your spirituality?
___	___	10.	Does she constantly blame you and/or put you down?
___	___	11.	Has she destroyed or threatened to destroy things that belong to you?
___	___	12.	Has she threatened to harm a:
___	___		12a Pet?
___	___		12b Elderly family member?
___	___		12c Person you care for with a disability?
___	___	13.	Has she ever violated a restraining order?
___	___	14.	Does she stalk you, for example, follow or spy on you, leave threatening notes or messages on answering machine or cell phone, call you when you do not want her to?
___	___	15.	If you were being abused by her and tried to get help, do you think people would **not** take you seriously?
___	___	16.	If you were being abused by her, would fear of reinforcing negative stereotypes about female same-sex relationships and/or being discriminated against prevent you from seeking help, for example help from friends, domestic violence advocates, or health care providers?
___	___	17.	If you were having serious difficulties with her, would you keep it a secret out of fear or shame?
___	___	18.	Have you threatened or tried to kill yourself?
			Total "Yes" Answers

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment-Revised means in terms of your situation.

SUBMITTED TO:

MARK BRNOVICH

ARIZONA ATTORNEY GENERAL

JULY 2019