

UP TO US

**Lessons learned
and goals for change**

**after thirteen years
of the
Washington State
Domestic Violence
Fatality Review**

**December
2010**

By Jake Fawcett for

WASHINGTON STATE COALITION

WSCADV

AGAINST DOMESTIC VIOLENCE

Up to Us: LESSONS LEARNED AND
GOALS FOR CHANGE AFTER
THIRTEEN YEARS OF THE
Washington State Domestic Violence Fatality Review

By Jake Fawcett
for the
Washington State Coalition Against Domestic Violence
December 2010

Table of Contents	2	Acknowledgements
	4	List of Victims
	5	Introduction
	6	History and Future of the Domestic Violence Fatality Review
	8	How to Use the Domestic Violence Fatality Review as a Tool for Change
	10	Overview of Fatalities
	19	Eleven Key Goals to Improve the Response to Domestic Violence in Washington State
	48	Index of Topics in Fatality Review Reports

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AGAINST DOMESTIC VIOLENCE

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List of Victims *Victims killed by domestic violence abusers July 1, 2008–June 30, 2010*

- 7/4/08 **Eldora Earlycutt, 46** stabbed by her husband.
- 7/14/08 **Cheryl Lynn Hayward, 28** stabbed by her ex-boyfriend.
- 7/15/08 **Maria Moya, 63** shot by her daughter's husband after her daughter left him.
- 7/29/08 **Melissa Brooks Batten, 36** shot by her estranged husband several days after he was served with a Protection Order. He then killed himself.
- 8/5/08 **Kenneth Hutchison, 62** poisoned by his girlfriend.
- 8/8/08 **Eva Poe, 44** stabbed by her husband.
- 8/25/08 **Rona Kreulen, 70** shot by her husband.
- 9/24/08 **Pamela Placek, 52** shot by her boyfriend.
- 10/7/08 **Kathy Tubbs, 45** shot by her daughter's ex-boyfriend.
- 10/16/08 **Jane Kariuki, 42** stabbed by her boyfriend.
- 10/21/08 **Yesenia Haro, 18** shot by her boyfriend.
- 11/18/08 **Fatima Zavala, 25** shot by her ex-boyfriend, who then killed himself.
- 11/30/08 **Noemi Lopez, 31** stabbed by her ex-husband.
- 12/31/08 **Lois McCarthy, 82** neglected by her daughter who was her caregiver.
- 1/28/09 **Becky Brosnan, 32** beaten by her estranged husband.
- 1/31/09 **Herman Green, 50** stabbed by his girlfriend.
- 2/14/09 **Eliva Antunez Roman, 49** shot by her boyfriend, who then killed himself.
- 2/09 **Unnamed man, 38** shot and stabbed by his boyfriend.
- 3/1/09 **Michelle Kitterman, 25** beaten and stabbed by her boyfriend's wife and her acquaintance.
- 3/4/09 **Laura McQueen, 24** and her son **Dominic Blackburn, 1** beaten by Laura's boyfriend.
- 3/13/09 **Barbara Jo Nettlebeck, 52** and her daughter **Bretta Joan Hawkins, 33** killed by Barbara's estranged husband.
- 4/2/09 **Braxton Washington, 23** shot by her friend's ex-boyfriend.
- 4/4/09 **Maxine Harrison, 16, Jayme Harrison, 14, Samantha Harrison, 12, Heather Harrison, 8, and James Harrison Jr., 7** shot by their father after their mother planned to leave him. He then killed himself.
- 4/24/09 **Barbara Porthen, 52** shot by her boyfriend, who then killed himself.
- 5/8/09 **Kira Larsen Banaszek, 31** shot by her husband.
- 5/13/09 **Robert Irby, 61** shot by his girlfriend.
- 6/5/09 **Shirley Sweeton, 73** beaten by her granddaughter's ex-boyfriend.
- 6/16/09 **Cheri Stewart, 63** killed by her husband.
- 6/25/09 **Michael Shon White**, shot by his girlfriend.
- 7/1/09 **Sheryl Huntley, 40** shot by her husband.
- 7/22/09 **Sharlona White, 33** shot by her ex-boyfriend, who then killed himself.
- 7/27/09 **Harjinder Basra, 39** strangled by her husband, who also attempted to strangle their daughter.
- 8/6/09 **Markeisha Monroe, 19** shot by her boyfriend.
- 8/6/09 **Ruby Wise, 88** neglected by her son who was her caregiver.
- 8/12/09 **Rhan Rha, 39** strangled by her boyfriend, who later killed himself.
- 8/22/09 **Robin Anderson, 33** stabbed by her boyfriend.
- 8/29/09 **Jessica Armstrong, 21** shot by her estranged husband, who then killed himself.
- 9/3/09 **Sara Marie Whitson, 28** shot by her boyfriend.
- 9/5/09 **Colette Peone Pakootas, 23** beaten by her husband.
- 9/11/09 **Lisa Bonney, 45** shot by her ex-boyfriend.
- 9/14/09 **Collin Cross, 21** shot by his girlfriend's ex-boyfriend.
- 9/16/09 **Erika Song, 27** shot by her ex-boyfriend, who then killed himself.
- 9/24/09 **Kay Langford, 43** shot by her ex-boyfriend, who then attempted suicide.
- 9/30/09 **Rafael Oseguera, 33** stabbed by his wife.
- 10/3/09 **Susan Cosby, 53** shot by her husband as she planned to leave him.
- 11/6/09 **Unnamed woman, 78** shot by her husband, who then killed himself.
- 12/2/09 **Michelle Canino, 43** stabbed by her husband. He then stabbed himself until his eleven-year-old son intervened.
- 12/2/09 **Erin Epley, 34** shot by her estranged husband, who then killed himself.
- 12/5/09 **Rosa Duran, 29** shot by her boyfriend, who then killed himself.
- 12/16/09 **Regina Calip-Elix, 49** stabbed by her boyfriend.
- 12/20/09 **Chelsie Stoneking, 16** suffocated, stabbed, and beaten by her boyfriend.
- 12/21/09 **Jennifer Morgan, 28** and her daughter **Emma Lyn Hicks, 13 weeks** shot by Jennifer's boyfriend, Emma's father.
- 12/29/09 **Sage Munro, 35** shot by his girlfriend's ex-boyfriend.
- 12/31/09 **Mikarah Sanders, 15** shot by her boyfriend.
- 1/2/10 **Sherry Harlan, 35** stabbed by her ex-boyfriend.
- 1/3/10 **Laura Carlson, 46** shot by her husband.
- 1/7/10 **Felicity Boonstra, 14** shot by her mother's boyfriend after he shot and wounded her mother. He then killed himself.
- 2/4/10 **Yvonne Earney, 89** shot by her husband, who then killed himself.
- 2/5/10 **Tawnia Costan, 39** shot by her ex-boyfriend, who then killed himself.
- 2/17/10 **Mark McCollum, 48** shot by his girlfriend.
- 2/19/10 **Winter Plummer, 27** strangled by her husband.
- 3/17/10 **Carol Parsons, 38** shot by her ex-husband during a counseling session.
- 4/1/10 **Chad Venegas, 32** shot by his girlfriend's husband when he confronted him about his violence.
- 4/11/10 **Joanna Marsh, 22** shot by her boyfriend while their two young children were nearby.
- 4/11/10 **Mariano Guzman Moedana, 24** shot by his girlfriend.
- 4/14/10 **Unnamed woman, 88** shot by her son who was her caregiver. He then attempted suicide.
- 5/1/10 **Angela Beery, 39** strangled and stabbed by her male date.
- 5/3/10 **Celeste Pond, 31** shot by her husband, who then killed himself.
- 5/8/10 **Shenay Greenough, 19** strangled by her ex-boyfriend. She was pregnant at the time of her death.
- 5/14/10 **Susan Multanen, 68** and **Monty Multanen, 70** shot by their daughter's husband in front of one of their grandchildren. The husband then killed himself.
- 5/24/10 **Griselda Ocampo Meza, 21** stabbed by her ex-boyfriend.
- 5/27/10 **Unnamed woman, 75** beaten by her husband, who then killed himself.
- 5/30/10 **Deborah Leu-Weeks, 36** stabbed by her husband in front of their daughter.
- 6/18/10 **William Green, 81** shot by his wife.
- 6/27/10 **Annemarie Wargacki, 37** shot by her boyfriend, who then killed himself. She was pregnant at the time of her death.

The purpose of the Washington State Domestic Violence Fatality Review (DVFR) is to identify problems in the community response to domestic violence—gaps in services, policy, practice, training, information, communication, collaboration, and resources. In doing so, we hope to honor the women, children, and men who have lost their lives at the hands of abusers. Victims in these cases reached out for

Only when we act on what we have learned can we honor the lives that have been lost.

help and did not find safety. Their stories show us the points at which the community response to domestic violence has failed. In bringing communities together to look critically at the circumstances leading up to these murders, we shed light on the places where our efforts have not yet been enough, and we acknowledge our responsibility to make the changes that would honor the lives lost.

Since its inception in 1997, the DVFR has conducted in-depth reviews of 84 domestic violence fatality cases involving 135 deaths in 15 Washington counties. During this time, 625 professionals from a wide range of disciplines have participated in the reviews and contributed their expert insight and analysis. The DVFR's five previous biennial reports have detailed the problems raised in case reviews and have made hundreds of recommendations to address them. Each recommendation is a concrete step toward improving the community response to domestic violence across the state.

This sixth and final biennial report draws on what we have learned from more than a decade of analysis and community conversation, and it sets out eleven goals for change. Each of these goals, if achieved, would increase safety and choices for victims, strengthen communities' capacity to respond to abusers, or prevent abuse before it happens. Following each goal is a summary of what we have learned from case reviews, as well as a few steps toward realizing the goal.

Each of the goals aims to solve problems that are deeply rooted and complex. Ending domestic violence will not rest on a few people making changes, but will require many people making many thoughtful changes, as individuals and in institutions. The "Steps Forward" suggested throughout this report are meant to be a starting place for your own thinking and action. Your ideas, expertise, and commitment are essential.

Review panels have generated tremendous knowledge about the experiences of domestic violence victims and how communities across the state respond to abuse. Now that we know, we each must commit to turning knowledge into action. Only when we act on what we have learned can we honor the lives that have been lost, work toward justice for survivors of domestic violence, and build communities that will support safe, loving, and respectful relationships for all.

It is up to us.

History and Future of the Washington State Domestic Violence Fatality Review

Origin of the Domestic Violence Fatality Review

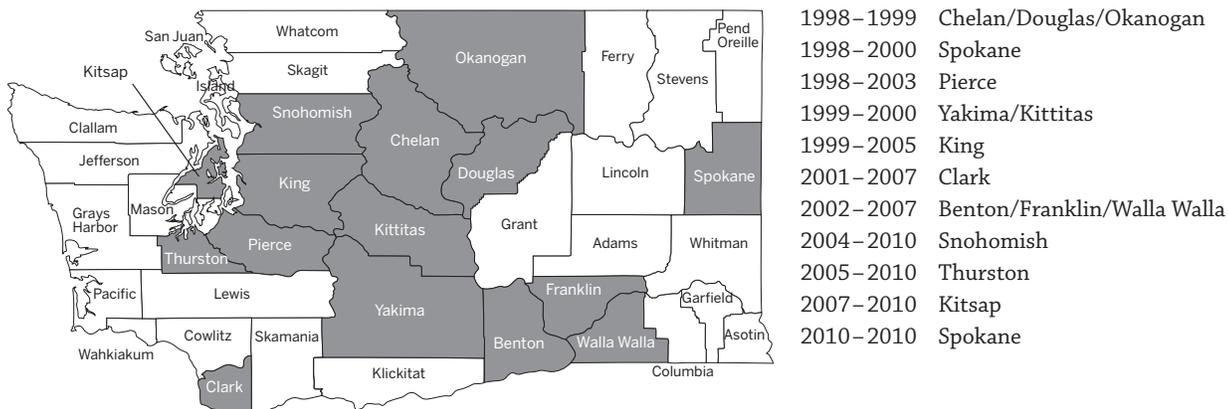
The DVFR came about as a result of concern on the part of domestic violence victim advocates about the significant number of women murdered each year by current or former intimate partners. Advocates believed that careful examination of these deaths could yield important insights into the response to domestic violence. They hoped that domestic violence fatality reviews would serve as a powerful tool to create knowledge and catalyze action from tragedy.

The DVFR formed in 1997 and began reviewing fatality cases in 1998. In 2000, the Washington State Legislature passed legislation (RCW 43.235) that established the fatality review process and stipulated that proceedings of DVFR panels be confidential and protected from discovery by a third party. The legislation also protected panel members from liability arising from their participation.

Fatality Review panels

The best information and analysis about fatalities are generated at the local level, by people who are closely involved in the community response to domestic violence. Fatality Review panels are locally based and multidisciplinary. Panel participants typically include municipal, district, superior, and tribal court judges; city and county prosecutors; law enforcement personnel; court, law enforcement, and prosecution-based domestic violence advocates; hospital staff; community-based domestic violence advocates; child protection workers; community corrections and probation officers; Department of Health representatives; members of agencies and organizations serving specific communities (for example, communities of color; immigrants and refugees; lesbian, gay, bisexual, and transgender (LGBT) people); military liaisons for areas close to military bases; Humane Society and animal cruelty investigators; batterer's intervention providers; mental health providers; substance abuse treatment providers; sexual assault advocates; school personnel; and religious community leaders.

Location of Fatality Review panels 1998–2010 (by counties)



Recommendations for the future of the Domestic Violence Fatality Review

The legislation that established the Domestic Violence Fatality Review (RCW 43.235) calls for a recommendation in 2010 as to whether the fatality review process should continue or be terminated by the legislature.

The in-depth review of domestic violence fatalities is a proven and useful tool that has yielded a wealth of information and furthered the learning of participants in many communities throughout the state. It has promoted collaboration and resulted in concrete action to improve the response to domestic violence. It is important that the people of Washington State continue to have access to the fatality review process.

The data generated by the DVFR is a unique set of statistics about intimate partner violence-related homicides and suicides in Washington State. These data are not duplicated by any other entity in Washington State, and are an important contribution to identifying trends and furthering our understanding of this complex social issue.

In addition to continuing to generate new information, the DVFR should expand its work to support communities to implement the hundreds of case-based recommendations that have been made. In a 2003 survey of 133 Fatality Review panel members, a large majority of respondents said that the DVFR recommendations were relevant to their work and addressed the needs in their communities. At the same time, respondents expressed a need for help to take concrete steps toward implementing recommendations.

Recommendations for the Washington State Domestic Violence Fatality Review

- Convene ad hoc review panels to review selected domestic violence fatalities in response to community needs.
- Use existing data from the eighty-four case reviews conducted from 1998 to 2010 to generate new analysis of issues that have not been explored in depth.
- Collect, analyze, and disseminate timely domestic violence fatality data for Washington State.
- Provide information and technical assistance to individuals and groups working to implement the DVFR recommendations.
- Support efforts to promote awareness and social change based on the lessons learned from reviews of domestic violence fatalities.

Recommendations to the Washington State Legislature

- Continue RCW 43.235 establishing the authority for fatality review panels, protecting the confidentiality of the review process, and providing immunity from liability for review panel participants.
- Modify RCW 43.235 to allow for both regional review panels and ad hoc review panels focused on a particular issue or population.
- Fund statewide efforts to collect and analyze information about domestic violence fatalities, and efforts to implement identified best practices in domestic violence intervention and prevention.

How to Use the Domestic Violence Fatality Review as a Tool for Change

1. Read the Fatality Review reports and remember the stories of those who have lost their lives to domestic violence. Share victims' names and stories at events that honor domestic violence victims and survivors.
2. Share the reports with others. Copies of this report and prior reports are available at www.wscadv.org. Email the link to coworkers, advocates, judges, police officers, mental health professionals, substance abuse counselors, attorneys, health care workers, religious leaders, teachers, family, and friends. Print the sections you think would be relevant to others' work and share these sections with them. Print handouts and use them in community presentations.
3. Use the index to all Fatality Review reports (at the end of this report or online) to find discussions and recommendations related to the topics most relevant to your work.
4. Discuss the report at a staff meeting at your workplace. Identify which of the eleven goals in this report are most relevant to your agency, and work toward their implementation. Identify specific steps forward.
5. If you work in a nonprofit agency, share the reports with your board of directors. Use the goals and recommendations as a tool for strategic planning. Identify other agencies with which you want to collaborate, and discuss specific goals that you can work toward together.
6. Share this report with your community's domestic violence commission or task force. As a group, identify areas in which the community is doing well and areas in which improvement is needed. Identify five to ten recommendations or action steps that are priorities for your community and work toward them. Start a fatality review work group to report back to the task force on its progress.
7. Create discussion groups in your community to talk about the Fatality Review reports and goals for change. These groups can be interdisciplinary groups of professionals or groups of community members interested in making their communities safer and healthier. As a group, identify action steps toward the goals in this report. Contact WSCADV to invite Fatality Review staff to talk about the reports to your group.
8. Use Fatality Review findings, statistics, recommendations, and goals in community education, with the media, and in grant proposals.

Fatality Review reports

The DVFR has published six reports with domestic violence fatality statistics, original research, and findings and recommendations from case reviews. All these reports are available at www.wscadv.org.

2000 *Honoring Their Lives, Learning from Their Deaths*

Our first report includes findings and recommendations from thirty case reviews.

2002 *“Tell the World What Happened to Me”*

Our second report includes a study of Washington State Protection Orders that demonstrates that Protection Order petitioners in reviewed fatality cases were far more likely to mention homicide and suicide threats than a random sample of Protection Order petitioners.

2004 *Every Life Lost Is a Call for Change*

This report includes the results of statewide surveys of Protection Order courts, law enforcement agencies, domestic violence programs, and Fatality Review panel participants evaluating the implementation of DVFR recommendations.

2006 *If I Had One More Day...*

The 2006 report includes a chapter on the intersection of domestic violence and suicide and research demonstrating that one in five men who die by suicide in Washington State had been perpetrators of domestic violence.

2008 *Now That We Know*

This report includes new data showing that Hispanic and Latina, African American, American Indian and Alaska Native, and Asian and Pacific Islander women are at 2.5 to 3.5 times greater risk for domestic violence homicide than white, non-Hispanic women in Washington State.

2010 *Up to Us*

The sixth and final biennial report summarizes what we have learned from eighty-four case reviews and sets out goals to improve the community response to domestic violence in Washington State.

Overview of Fatalities

Definition of a domestic violence fatality

The DVFR defines a domestic violence fatality as a death that arises from an abuser's efforts to assert power and control over an intimate partner. Fatalities in this report include:

1. All homicides in which the victim was a current or former intimate partner of the person responsible for the homicide.
2. Homicides of people other than the intimate partner that occur in the context of intimate partner violence, or in the midst of a perpetrator's attempt to kill an intimate partner (for example, situations in which an abuser kills a current or former partner's friend, family member, or new intimate partner, or a law enforcement officer).
3. Homicides that are an extension of or in response to ongoing intimate partner abuse (for example, cases in which an abuser takes revenge on a victim by killing the victim's children).
4. Suicides of abusers that happen in the context of intimate partner violence.

Domestic violence fatalities discussed in this report

This report makes reference to two different sets of domestic violence fatalities.

1. **All domestic violence fatalities.** Every homicide and suicide that meets the DVFR definition of a domestic violence fatality that has occurred in Washington State since January 1, 1997. Data comes from news reports, crime statistics, death certificates, and other public records.
2. **Reviewed fatality cases.** The 84 cases involving 135 deaths that the DVFR has reviewed in depth with locally based, multi-disciplinary review panels since 1998. Information about these cases comes from Fatality Review panels and public records, including civil and criminal histories. The detailed information about cases and findings discussed in this report reflects that information.

Domestic violence fatalities discussed in this report

	Number of cases	Total number of fatalities	Cases drawn from which counties
All domestic violence fatalities that occurred from January 1997 through June 2010	572	755	Entire state
All cases reviewed in depth from 1998 through 2010	84	135	Benton, Chelan, Clark, Douglas, Franklin, King, Kitsap, Kittitas, Okanogan, Pierce, Snohomish, Spokane, Thurston, Walla Walla, Yakima

Overview of all domestic violence fatalities between January 1, 1997 and June 30, 2010

A total of 755 people died in domestic violence-related fatalities between January 1, 1997 and June 30, 2010.

All domestic violence fatalities

	Fatalities	Killed by whom	
1	female domestic violence victim	current or former husband/boyfriend	325
2	female domestic violence victim	male caregiver	3
3	female domestic violence victim	female caregiver	1
4	female domestic violence victim	male abuser's associate	3
5	female domestic violence victim	current or former female intimate partner	2
6	male domestic violence victim	current or former wife/girlfriend	45
7	male domestic violence victim	female abuser's associate	4
8	male domestic violence victim	current or former male intimate partner	3
9	children	male abuser	41
10	friend or family of female domestic violence victim	male abuser	45
11	friend or family of male domestic violence victim	female abuser	2
12	new partner of female domestic violence victim	male abuser	31
13	new partner of male domestic violence victim	female abuser	3
14	coworker of female domestic violence victim	male abuser	2
15	law enforcement	male abuser	4
16	male abuser	female dv victim in self defense	16
17	male abuser	female dv victim in probable self defense	9
18	male abuser	female dv victim, not in self defense	7
19	male abuser	friend or family of female dv victim	17
20	male abuser	law enforcement	26
21	male abuser	suicide	160
22	female abuser	suicide	3
23	children	female dv victim	3
	Totals		
24	all domestic violence fatalities (rows 1–23)		755
25	all homicide victims (rows 1–19 and 23, excludes suicides and abusers killed by law enforcement)		566
26	all homicides by abusers and associates (rows 1–15)		514

Domestic violence fatalities by county

The following table represents the number of domestic violence-related fatalities (as defined by the DVFR) in each Washington State county by year. These deaths include homicides of domestic violence victims, their children, their friends and family members, and law enforcement officers; homicides in which victims killed abusers; and abuser suicides. Cases in which law enforcement offi-

County	1997		1998		1999		2000		2001		2002		2003		2004	
	Homicides	Abuser suicides														
Adams																
Asotin							1	1								
Benton					1	1			1	1			5	2	3	
Chelan			1												1	
Clallam	2		1				1		1		1			1	2	1
Clark	3	2	2	2	1				5	2	1		2	2	5	1
Columbia											1					
Cowlitz					1						2	1	1		1	1
Douglas															1	
Ferry																
Franklin			1				2		3	1	1					
Garfield																
Grant			2								1					
Grays Harbor							2	2			2					
Island	1				2		1		1		2	2			1	
Jefferson											1		1			
King	15	3	15	4	15	1	6	1	11	3	12	4	17	4	9	6
Kitsap	3	1	1		1	1	1		2				1			
Kittitas					1						1					
Klickitat									1	1						
Lewis							1									
Lincoln									1							
Mason		1	1		1								1	3		
Okanogan	1		1		1	1					1				1	1
Pacific			1													
Pend Oreille		1							1				1			
Pierce	8	3	8	2	4	2	4	1	8	4	7		10	2	10	1
San Juan			1	1												
Skagit		1					1		1	1	2					
Skamania					1	1										
Snohomish	4		2		2		2		4	2	5		4	2	6	3
Spokane	2	2	3	1	3	2	4	1		1	3		1		4	1
Stevens									1							
Thurston			3	1					2	1			1			1
Wahkiakum																
Walla Walla	2	1														
Whatcom							1	1		1	2		1	1	1	
Whitman																
Yakima	1	1	2				3	2	4	2	2	2			3	1
Total fatalities	42	16	45	11	34	9	30	9	47	20	46	10	46	17	48	17

cers killed abusers who were threatening deadly force are included in the number of abuser suicides. It is likely that the numbers in this table represent an undercount of domestic violence fatalities. Some domestic violence homicides may be unsolved, misclassified, or unreported.

2005		2006		2007		2008		2009		2010*		Total		County
Homicides	Abuser suicides	Homicides	Abuser suicides											
												0	0	Adams
1												2	1	Asotin
4		4	1		1							18	6	Benton
1		1	1			1						5	1	Chelan
						1	1					9	3	Clallam
5	3			2	1	1		1	1			28	14	Clark
			1									1	1	Columbia
1	1	2				1						9	3	Cowlitz
						1						2	0	Douglas
		1						2	1			3	1	Ferry
		1				1				2		11	1	Franklin
												0	0	Garfield
						1		2				6	0	Grant
		2	1			1						7	3	Grays Harbor
												8	2	Island
												2	0	Jefferson
9	6	5	2	12	3	12	2	10	6	6	4	154	49	King
3	2					2				1		15	4	Kitsap
												2	0	Kittitas
				1	1			1				3	2	Klickitat
				1				1	1	1		4	1	Lewis
												1	0	Lincoln
3	1	1										7	5	Mason
								1				5	3	Okanogan
								1				2	0	Pacific
		1										3	1	Pend Oreille
9	1	10	2	7	4	4	2	10	3	4	3	103	30	Pierce
									1			1	2	San Juan
		1				1				1		7	2	Skagit
								1				2	1	Skamania
1	1	2	1	5	2	2	1	4	4	3		46	16	Snohomish
4			1	2	1	5	1	4	1			35	12	Spokane
		1				1		1				4	0	Stevens
2	1	3	2	4	1			1		1		17	7	Thurston
												0	0	Wahkiakum
												2	1	Walla Walla
1	1							2		4	2	12	6	Whatcom
2	1						1					2	2	Whitman
2		2		1		2		5	1	1		28	9	Yakima
48	18	37	12	35	14	37	8	47	19	24	9	566	189	Total fatalities

* Please note that the data for 2010 reflects only the first six months of the year, January 1 through June 30.

Undercounts

The DVFR tracks domestic violence fatalities using news accounts and other public records. Because we do not have access to complete information for all cases, we believe our data undercount the true number of domestic violence-related fatalities in five key areas:

1. **Children killed by domestic violence abusers.** The DVFR's count of children killed by domestic violence abusers as part of an ongoing pattern of abuse directed at both the domestic violence victim and her children is most likely low. Sometimes media coverage of a child's death makes clear that the perpetrator killed the child as an act of punishment or revenge directed at a current or former intimate partner. Often, though, this information is not available or not reported. It is likely that a larger number of child deaths are directly related to patterns of abuse by one intimate partner toward another, but our current methods of tracking these cases do not allow us to consistently identify this circumstance.
2. **Same-sex relationships.** It is also likely that the DVFR undercounts domestic violence homicides committed by same-sex partners. The DVFR only includes homicides involving same-sex partners when law enforcement or news reports make the intimate relationship clear. It is possible that some of the cases categorized by law enforcement as housemate, friend, acquaintance, other, or unknown include gay or lesbian relationships that were not accurately identified at the time of reporting.
3. **Homicides mistakenly classified as suicides or accidents.** The DVFR count relies on cases identified as homicides by law enforcement, therefore any homicide mistakenly classified as a suicide or an accident is not included.
4. **Missing women cases and unsolved homicides.** Many women are reported missing each year in Washington State. It is likely that some of these cases are murders in which the victim's body has not yet been found, and that some of those murders are related to domestic violence. Additionally, we assume that some of the unsolved homicides in which no suspect has been identified are domestic violence homicides, but we do not have enough information to include them in our data.
5. **Suicides of domestic violence victims.** Far more women die by suicide each year in Washington State than are murdered. For example, according to the Washington State Department of Health's Center for Health Statistics, 187 women died by suicide in 2008, more than three times the number of women

murdered that year. Without more in-depth examination of these cases, we cannot be sure how many of these women's suicides were directly tied to feeling trapped and abused at the hands of their partners. The DVFR does not maintain a count of suicide deaths of domestic violence victims.

Men killed by female intimate partners

Research indicates that most women who kill their male partners have been victims of their partner's abuse prior to the homicide.¹ The circumstances of these homicides are not always consistent with legal definitions of self-defense; thus, a significant number of women who kill their abusers are prosecuted, most for second-degree murder or manslaughter. In 40% of homicides of men by their female partners in Washington State since 1997, the woman had previously been a victim of violence by the man she killed. The DVFR does not have extensive details on all of these homicides, but we use the information we do have to determine who is the victim and who is the abuser in each case.

The following four categories summarize the DVFR criteria for classifying cases in which women killed their male partners:

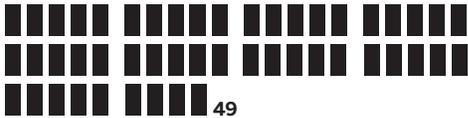
1. **Female domestic violence victims who killed abusers in self-defense.** Homicides that were so clearly self-defense that prosecutors did not file charges against the woman, or the woman was acquitted based on a self-defense argument.
2. **Female domestic violence victims who killed abusers in probable self-defense.** Homicides in which prosecutors did file charges, but the woman claimed there was a history of abuse and those claims were credible enough to prevent conviction on first- or second-degree murder charges.
3. **Female domestic violence victims who killed abusers, not in self-defense.** Homicides in which there was evidence that the woman was the victim of a history of abuse by her male partner, but that were not justified by self-defense, and the woman was convicted of manslaughter or second-degree murder.
4. **Female abusers who killed male domestic violence victims.** Homicides in which the woman was convicted of first- or second-degree murder, and in which there was no evidence of a history of abuse by the male victim toward his female partner. When the DVFR has no information about the history or circumstances of the homicide, homicides of men by female intimate partners are included in this category.

¹ Christine E. Rasche, "'Given' Reasons for Violence in Intimate Relationships," *Homicide: The Victim/Offender Connection*, ed. Anna Wilson (Cincinnati, OH: Anderson, 1993), p. 88 and Nancy Jurik and Russ Winn, "Gender and Homicide: A Comparison of Men and Women Who Kill," *Violence and Victims* 5, no. 4 (1990), p. 236.

Men killed by female intimate partners

January 1, 1997 – June 30, 2010

Total cases: 81

Male victim killed by female abuser or associate	60%	 49
Male abuser killed by victim in self-defense	20%	 16
Male abuser killed by victim in probable self-defense	11%	 9
Male abuser killed by victim not in self-defense	9%	 7

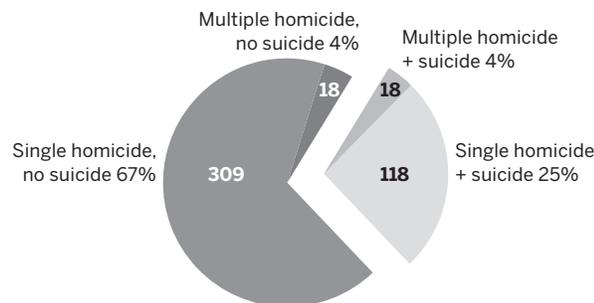
Murder-suicides

Twenty-nine percent of the 463 abusers who committed homicides since January 1, 1997 killed themselves following the murder. An additional 53 abusers killed themselves or were killed by law enforcement after committing domestic violence assault or attempted homicide.² Ninety-eight percent of murder-suicides were committed by men; female abusers committed 3 of the 136 murder-suicides.

Homicides committed by domestic violence abusers

January 1, 1997 – June 30, 2010

Total cases: 463



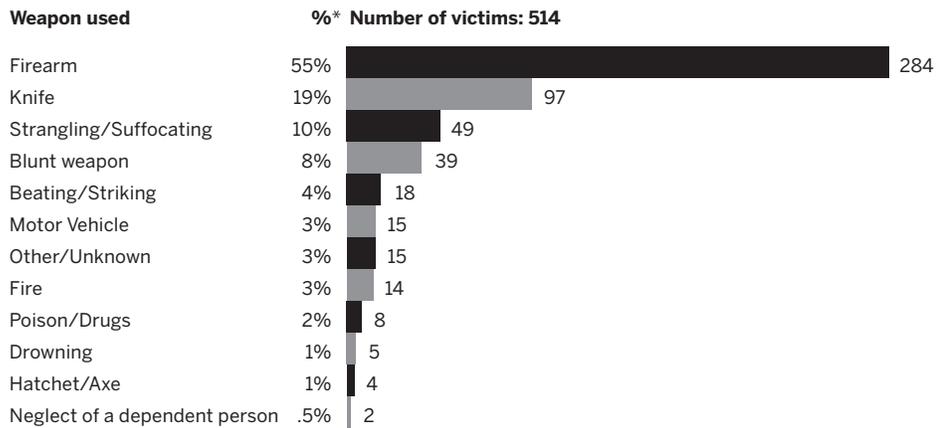
Weapons

The majority of domestic violence homicides in Washington State are committed with firearms. Since 1997, abusers used firearms to kill 55% of domestic violence homicide victims.

² We have included the deaths of abusers killed by law enforcement in counts of suicidal abusers. In all of these cases, abusers acted consciously with life-threatening force and were killed by law enforcement officers responding to that threat. This behavior has been defined by researchers as “suicide by cop” or “law enforcement officer-assisted suicide.” See Daniel Kennedy, Robert Homant, and R. Thomas Hupp, “Suicide by Cop,” *FBI Law Enforcement Bulletin* 67 (1998), p. 30-48 and Robert Homant and Daniel Kennedy, “Suicide by Police: A Proposed Typology of Law Enforcement Officer-Assisted Suicide,” *Policing* 23 no. 3 (2000), p. 339-355.

Weapons used by domestic violence abusers in homicides

January 1, 1997 – June 30, 2010



*Total greater than 100% because abusers used multiple weapons in some homicides.

Separation violence

News reports or in-depth fatality reviews made clear that in at least 46% of homicides by abusers, the domestic violence victim had left, divorced, or separated from the abuser or was attempting to leave or break up with the abuser. For cases not reviewed in depth, information on the status of the relationship is often incomplete, so the number of victims who were in the process of leaving abusers is likely higher.

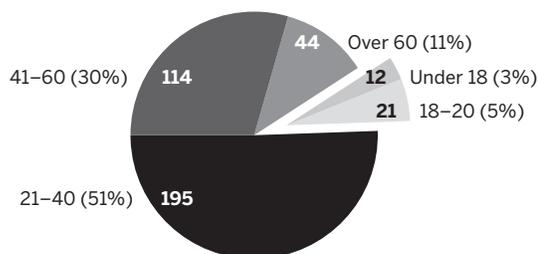
Age of victims

Domestic violence victims killed by current or former intimate partners since 1997 ranged in age from fourteen to eighty-nine. Of these victims, 8% (n=33) were under twenty-one, and of those, 36% (n=12) were not yet eighteen.

Domestic violence victim's age at time of murder

January 1, 1997 – June 30, 2010

Total domestic violence victims killed: 386



Children

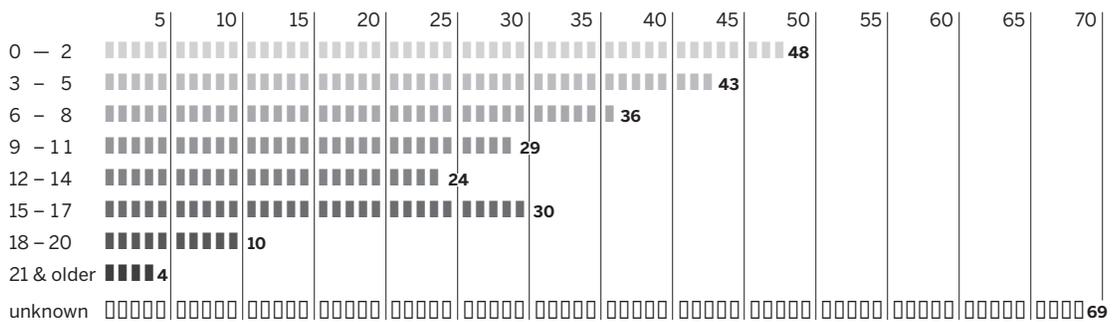
Of the 386 domestic violence victims killed by current or former intimate partners since 1997, at least 148 had children living in the home with them at the time they were murdered. Of the children for whom we have age information, 41% were age five or younger. At least eleven women killed by abusers were pregnant at the time of their murder; it is possible that more homicide victims were pregnant and this fact was not covered in news accounts.

More than half of the victim's children (55%) were present at the time of the homicide. News reports indicated that of the children present, 54% witnessed the murder (n=72) or were killed alongside their mothers (n=16).

Age of children living with the domestic violence victim at the time of the murder

January 1, 1997 – June 30, 2010

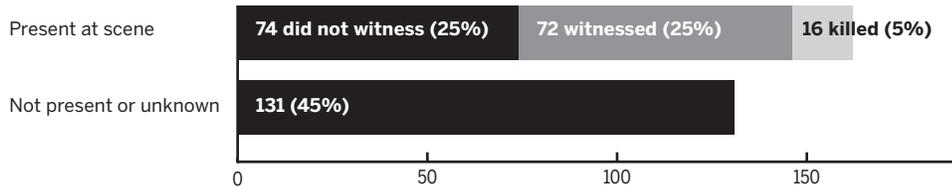
Total: 293 children of 148 domestic violence victims



Location of children at the time of the domestic violence victim's murder

January 1, 1997 – June 30, 2010

Total: 293 children of 148 domestic violence victims



**Eleven Key Goals
to Improve the Response
to Domestic Violence
in Washington State**

-
- 1 Offer comprehensive, survivor-centered advocacy at every point at which victims seek help.

 - 2 Improve access to justice and culturally relevant services for victims in historically marginalized communities.

 - 3 Integrate understanding of domestic violence into mental health, suicide, and substance abuse interventions.

 - 4 Increase knowledge about teen dating violence and young people's access to appropriate services and interventions.

 - 5 Build the capacity of friends, family members, neighbors, employers, and coworkers to support domestic violence victims and respond to abusers.

 - 6 Improve the ability of family courts to identify domestic violence and appropriately address victims' and children's safety and well-being.

 - 7 Maximize the effectiveness of Domestic Violence Protection Orders to protect victims and their children.

 - 8 Ensure that the criminal legal system consistently imposes meaningful consequences for abusers' violence and increases victims' safety.

 - 9 Maximize the use of existing legal means to restrict abusers' access to firearms.

 - 10 Increase victims' options for economic and housing stability.

 - 11 Develop state and local strategies to promote healthy relationships and prevent dating and domestic violence.

1 Offer comprehensive, survivor-centered advocacy at every point at which victims seek help.

Most victims in reviewed cases reached out for help. Almost all told someone about the abuse. Many asked for help from friends, family, neighbors, or coworkers. Many accessed services from the Department of Social and Health Services. Some sought advice from counselors, clergy, doctors, or lawyers. Some called police or petitioned for Protection Orders. When victims reached out for help, most friends and professionals gave them advice to seek a Protection Order, call 911, or simply leave the abuser. Very few victims were encouraged to seek out a domestic violence advocate or get help making a safety plan.

Victims' complex and changing needs illuminated the need for comprehensive advocacy and safety planning. Victims in reviewed cases tried many strategies to increase their safety, but the resources available were not sufficient to keep them safe. To find safety in the short and long term, victims needed an array of resources including stable housing, transportation, employment, childcare, education, legal assistance, health care, mental health counseling, parenting skills, social connection, spiritual and religious community, and support for sobriety. Advocacy—as defined by Jill Davies in *Safety Planning with Battered Women*—is the process of working with an individual victim to identify options that may increase her safety or ability to resist the abuse, describe those options and help the victim anticipate what might happen if she chooses each one, and make a plan for how the victim will implement the safety strategies she chooses. Research by Cris Sullivan in “Reducing Violence Using Community-Based Advocacy for Women With Abusive Partners” demonstrates that advocacy effectively increases victims' ability to meet their own needs, no matter what a victim's particular set of needs is. Victims in reviewed cases received some limited help to accomplish specific goals—such as obtaining a Protection Order or finding a short-term place to stay—but did not get help making an ongoing plan for safety that addressed the full range of risks they faced.

When victims or their families found advocates, the advocates did not always offer comprehensive advocacy or safety planning. In at least ten reviewed cases, victims or their family members spoke with a domestic violence advocate in some capacity—working in a court, a police department, a prosecutor's office, or a domestic violence program. Yet these contacts did not guarantee that victims were offered help making an individualized safety plan. In one case, the victim's sister heard from a coworker about a domestic violence program. She called the program to get information about the shelter for her sister. The victim lived in another county and did not want to move her family out of the area. The advocate did not tell the caller that another similar program existed closer to her sister or that the victim could get help without staying at the shelter. The program provided the narrow information the victim's sister requested (how to get into shelter),

but missed the much more important opportunity to help her think through a range of strategies and resources that the victim could use to meet her needs and reduce her risk of harm.

Another victim planned to leave her abusive boyfriend and called several local shelters looking for a place to stay with her children. She told a relative that none of the shelters in the area could take them in. It did not appear that she got any help with safety planning or information about advocacy or support available. The panel reviewing this case said that the domestic violence program in her county did not routinely talk about safety planning with all callers or offer other services. If victims called looking for shelter and there was no space available, they may never have heard about any of the other services the program offers.

These advocates missed a critical opportunity to offer a potentially lifesaving intervention. They also reinforced the common perception that advocates only facilitate access to prescribed services, such as shelter or court orders. Victims or surviving family members in several reviewed cases said that the victims knew about the domestic violence program in their area, but they never called because they did not want to stay in shelter or get a court order and they had no idea that the program could help them find other resources or pursue other safety strategies.

Reviewed cases illustrated the limitations of focusing on any one strategy to meet victims' safety needs. Friends and professionals referred victims to a range of services, but these referrals did not meet their needs. In some cases, victims tried to use the services available but were not able to do so. For example, victims in several cases petitioned for Protection Orders and were denied. In other cases, victims chose not to access services because they brought new risks or were contrary to the victims' goals. Some victims were told to leave the abusers but were not able to do so without losing access to their children. Some victims who were told to call 911 did not because they were afraid of being arrested on warrants or because they wanted the abusers to get help, not punishment. Some victims were stigmatized by the very systems they turned to for help, which prevented them from getting the help they needed. In one case, law enforcement officers did not see the victim as believable—perhaps due to her substance use and previous suicide attempt. In at least one incident, officers documented the victim's "credibility issues," dismissed her claims that she had been assaulted, and did not refer her to domestic violence resources.

Victims in reviewed cases needed help finding safety in creative ways that did not rely on systems that had failed them or that they did not choose to access. As Davies puts it, "Each option presented and each service provided has a consequence. Arrest could stop the attack, but end privacy or result in the woman's arrest as well... Leaving might reduce the violence, but could lead to homelessness and loneliness. The pursuit of any option could bring on an escalation of the violence. Advocates are the key to helping women assess the consequences of available options and choose among them."

Steps Forward

- ***Domestic violence advocates:*** Offer safety planning strategies to all victims and their friends and families who contact your agency.
- ***Domestic violence programs and funders:*** Increase efforts to co-locate community-based domestic violence advocates in a range of community settings, for example in health clinics, DSHS Community Services Offices, and Protection Order offices.
- ***Domestic violence programs:*** Articulate a clear message about what your program does that can be easily understood by anyone in the community. Use that message in community education, outreach, fundraising, social media, and with the news media.
- ***All professionals:*** Help victims identify multiple options and strategies for safety. Refer every domestic violence victim to a trained domestic violence advocate for ongoing safety planning.

2 Improve access to justice and culturally relevant services for victims in historically marginalized communities.

All victims in reviewed cases were in lethal danger and faced obstacles to getting the help they needed. Reviewed cases illustrated that for victims of color, Native victims, immigrant and refugee victims, and lesbian and gay victims, the danger they faced was intensified by the absence of culturally relevant, accessible services and the failure of the legal system to adequately protect them. Though they reached out for help time and again, victims in marginalized communities were unable to find protection from either their own communities or the systems they turned to for assistance. The fatal consequences of these compounding failures are underscored by statewide homicide rates: the DVFR has found that women of color and Native women in Washington State are more than twice as likely to be murdered by intimate partners than white, non-Hispanic women.

Immigrant and refugee victims faced overwhelming barriers to finding safety.

The DVFR has reviewed at least seventeen cases in which the victim was an immigrant to the United States. Victims' immigration status in a number of cases made them extremely vulnerable to abusers' control and limited their options for safety. In one case, the victim moved from her home country to the United States to marry the abuser. They lived with his family, who were controlling and abusive toward her. She worked in the family business, where she was monitored by her in-laws. When she tried to leave her husband after he had assaulted her, his family physically prevented her from leaving with her small child. For this victim, escaping the abuse meant facing a whole new set of risks: losing her job, jeopardizing her immigration status, losing contact with her child, and suffering retaliation from the abuser and his family.

The DVFR has reviewed fifteen cases in which the victim spoke limited English. In every single case, inadequate interpretation undermined the victim's ability to get help from law enforcement, courts, or social services. In two cases, victims who spoke limited English were denied Domestic Violence Protection Orders after they were unable to fully express their fears in court. In other cases, law enforcement agencies' failure to provide interpretation led to incomplete investigation of domestic violence crimes; these cases involved weakened accountability for abusers, reliance on very young children to relay horrific stories, and failure to provide limited English speaking victims with resource information in their language. In one case, police did not take a statement from the victim when responding to an assault by her husband, citing a "language barrier," and did not use an interpreter during the follow-up investigation. The court released the abuser on personal recognizance, and the case was never prosecuted. When officers and courts failed to hold abusers accountable by not providing adequate interpretation, they reinforced abusers' criminal behavior and increased victims' danger.

Poor relationships between law enforcement and communities of color, immigrant communities, and LGBT communities undermined victims' and community members' willingness to seek help from the legal system. In cases involving lesbian and gay victims, review panels identified a history of homophobic and dismissive responses from law enforcement as deterrents to LGBT victims' calling police. In several reviewed cases in which the victim and the abuser were African American, victims were reluctant to call police and instead turned to friends and family members to intervene in the violence. In one case, the victim's boyfriend had abused her over several years and had threatened her, her family, and their child. At one point, he kidnapped her and their infant. The victim's family intervened, helping her escape the abuser with the baby. Although the victim did later call police for help when the abuser continued making threats, her family urged her not to. The panel reviewing this case pointed to the history of police bias against people of color and "over-policing" in African American communities as deterrents to victims' seeing law enforcement as a source of help rather than harm.

In another case, the victim and her husband lived in a community where most of their neighbors were undocumented immigrants. Immigration and Customs Enforcement regularly scanned jail bookings in the county to identify people eligible for deportation. The fear of deportation created a community ethic of not involving police and deterred victims from reporting abuse. This practice of not reporting crime also contributed to lawlessness and high rates of violence. As a result, officers perceived the area as dangerous and would not respond without backup, making response times so long that victims could not rely on police to intervene in an emergency, which in turn reinforced the practice of not calling police.

Another reviewed case illustrated how one local law enforcement agency's inability to communicate with the predominantly immigrant community under-

mined community trust and jeopardized the safety of both victims and officers. A neighbor saw the abuser yelling at his wife and ran to a nearby city office where a police officer was stationed. The neighbor assumed she could get help there faster than by calling 911 and speaking through an interpreter. The officer saw the neighbor but did not respond at all when she knocked on the door of the office. The neighbor ran back home and called 911, though by this time the abuser had shot his wife and child and killed himself. The officer who responded to the shooting scene was unable to communicate with the Spanish-speaking neighbors. As a result, the officer did not know for several minutes that the abuser had killed himself, and he delayed responding to the victims while he attempted to secure the scene. Neighbors expressed a lot of distress at the delayed response and interpreted it as a lack of respect on the part of officers for the victims and their community.

One reviewed case involving a same-sex relationship demonstrated the legal system's failure to effectively distinguish the victim from the abuser, intensifying the danger for the victim. In one incident, the abuser assaulted the victim and fired a gun at her. When police responded, the abuser spoke to officers first and told them that the victim had assaulted her. Officers arrested the victim before hearing her version of events. The abuser filed a civil Domestic Violence Protection Order against the victim while the victim was in jail, and was granted the full order after a court hearing. Prosecutors eventually dropped the charges against the victim but did not charge the abuser. After she was released from jail, the victim retrieved some of her belongings from the apartment she shared with the abuser and was arrested again, for violating the Protection Order. The abuser went on to use the Protection Order to refuse to return the victim's belongings, and she used subsequent court hearings to stalk and harass the victim and her family. The same court granted the victim a Protection Order against the abuser. However, although the victim reported five violations of the order to law enforcement, officers never made an attempt to locate the abuser and arrest her. After months of stalking her, the abuser shot and killed the victim. It did not appear that the victim ever received a referral to a domestic violence advocacy program through any of her contacts with police, prosecutors, or courts.

The absence of culturally appropriate, community-based domestic violence services compounded the legal system's inability to adequately protect victims in these cases. In most cases, culturally relevant, accessible services simply did not exist. As far as review panels were aware, only one victim in a reviewed case accessed domestic violence advocacy services from an agency that worked specifically in her cultural community. The rest were unable to find services informed about the dynamics of domestic violence, familiar with the needs of the victim's cultural community, and accessible in the victim's language. In the absence of these services, some victims sought help from culturally specific community agencies that did not have expertise in domestic violence or from domestic violence

programs that were ill equipped to provide culturally appropriate services. As a result, victims in these cases did not have access to advocates who could help them find resources, advocate for better protection from the legal system, help mobilize family and community support, or make a safety plan that addressed their particular needs.

Steps Forward

- **Law enforcement agencies, prosecutor's offices, and courts:** Develop a language access plan that ensures access for victims with limited English proficiency during 911 calls, initial law enforcement response, follow-up investigation, prosecution decisions and preparation, court proceedings, court- and prosecutor-based victim advocacy services, and in written materials.
- **Domestic violence programs and culturally specific community organizations:** Build relationships with one another. Offer cross-training, share community engagement strategies, and collaborate to co-advocate for victims of domestic violence in marginalized communities.
- **Domestic violence programs:** Prioritize recruiting and hiring advocates, managers, directors, and board members from diverse cultural backgrounds who are grassroots leaders, organizers, and advocates in their own communities.
- **Immigrant community organizations, immigration attorneys, and domestic violence programs:** Provide information to community members about immigrants' legal rights, how to access legal assistance, and legal options available to immigrant domestic violence victims.
- **Funders:** Support domestic violence advocacy programs by and for Native communities, communities of color, immigrant communities, and lesbian, gay, bisexual, and transgender communities.
- **All programs offering domestic violence services:** Establish protocols for assessing who is a survivor of domestic violence and who is an abuser in a same-sex relationship and for determining whether someone seeking services is eligible. Contact WSCADV to learn about model assessment protocols and training.

3 Integrate understanding of domestic violence into mental health, suicide, and substance abuse interventions.

When abusers were suicidal, neither legal nor mental health interventions adequately addressed the danger to victims signaled by abusers' suicide risk. The DVFR has reviewed seventy-nine cases in which an abuser committed murder or attempted murder. In 32% of these cases (including both abusers who killed themselves and those who did not), the abuser had previously threatened or attempted suicide. An additional 18% of homicidal abusers in reviewed cases had reported depression or another mental health concern. Twenty-nine percent of all domestic violence homicides by abusers in Washington State were followed by the abuser's suicide. The first report published by the DVFR, in 2000, expressed the urgency of improving the professional response to suicidal abusers. That report

said, “The mental health practitioners and professionals who intervened with suicidal persons in the reviewed cases did not seem to screen for past violence towards family members, and did not appear to understand that a suicidal person who has a history of abuse and control towards their intimate partner may pose a homicide risk.” In the ten years since that observation, the same failures persist. Review panels have not seen a significant change in how mental health and health care providers respond to depressed and suicidal men. Reviews of recent homicides continued to show that when abusers sought help for their depression or suicidal thoughts, professionals did not pay attention to their history of abuse and did not recognize the risks they posed to their partners and families.

Many abusers in reviewed cases received substance abuse treatment, but providers did not address domestic violence. Courts ordered abusers in reviewed cases to substance abuse treatment more often than to batterer’s intervention. Review panels found that in most cases, substance abuse treatment providers did not screen for domestic violence to determine whether batterer’s intervention was an appropriate part of the abuser’s treatment plan. In one case, the abuser had attended substance abuse counseling off and on but had not completed a program. A counselor at the treatment program told Fatality Review staff that the counselors at the agency did not have domestic violence training, did not assess for domestic violence, did not routinely refer abusers to batterer’s intervention programs, and did not even consistently give the message that domestic violence is wrong and abusers must change their behavior.

Abusers’ contacts with health care and mental health providers amounted to a litany of missed opportunities for intervention. In at least twenty reviewed cases, providers had specific information about abusers’ depression or risk of suicide. In a few of these cases, providers were aware of abusers’ violence; it did not appear that the rest screened for a history of abuse. None of the records available to review panels indicated that a health care or mental health provider recognized the increased risk of homicidal violence when an abuser is suicidal or informed victims about that risk. These failures in screening and assessing for domestic violence meant that mental health providers never identified the risk abusers posed to their families. It also meant that abusers never received referrals to appropriate interventions that might have helped them stop their violence and prevented their suicide deaths.

In five reviewed cases in which abusive men committed murder followed by suicide, the abusers were being treated for serious health problems and were depressed. Physicians had recently prescribed two of these men medication that increased their risk of depression and suicide. In one case, the abuser’s family described him as jealous and controlling and said that he had been talking about suicide for many months. Consistent with common but flawed practice, it appeared that none of these depressed men’s health care providers screened for

domestic violence, assessed their suicide risk, discussed the impact of their depression on their partners and families, or recognized the risk of homicidal violence.

In at least 22% of the forty-six reviewed cases in which the victim and the abuser were married, the couple had been in family therapy or couples counseling at some point prior to the fatality. Family therapy and couples counseling are rarely appropriate interventions for abusers. Yet case reviews showed that victims pursued counseling with abusers for a range of reasons, including hope that abusers would change, pressure from their families or religious communities to stay married, internalized blame for the abuse, and a sense of obligation to try every option to preserve the marriage before leaving. When domestic violence victims and abusers seek counseling, professionals have an important opportunity to provide accurate information and appropriate referrals to both the victim and the abuser. Two victims in reviewed cases learned about domestic violence advocacy and safety planning resources as a result of counseling. However, none of the counselors effectively addressed the abuser's behavior, and it did not appear that any of the counselors referred abusers to batterer's intervention programs.

In one reviewed case, the couple pursued counseling after the abuser assaulted the victim and threatened to kill her and her entire family, resulting in criminal charges. Although the counselors knew of the criminal case, they did not get the complete information from the police report and did not have an accurate picture of the pattern of violence and intimidation that had occurred. As a result, they failed to clearly identify the abuser's violence and control as the primary problem; instead they inappropriately focused on improving the couple's "communication, problem-solving and conflict resolution skills." In another case, the couple saw three different counselors during the course of their marriage to help them resolve conflicts and to deal with the abuser's "explosive anger." One therapist identified domestic violence but did not want to address the abuser's behavior because she was intimidated by him and afraid of making him angry. The therapist expressed her concerns to the victim privately, recommended that she have a safety plan, and gave her information about local domestic violence resources.

In most of the reviewed cases, the resources to simultaneously address victims' mental health, sobriety, and safety needs simply did not exist. In 15% of reviewed cases, review panels had information that the victim was depressed, was suicidal, or had other mental health concerns. Nearly twice as many (29% of victims in reviewed cases) struggled with substance abuse. Most of these victims did not get adequate treatment to address their combination of needs. Several victims had prescriptions for antidepressants but were not receiving any counseling or mental health services. The cost of mental health services put them out of reach for victims in some cases; in other cases, abusers prevented victims from accessing help. In one case, a woman who had been abused by her husband for years was prescribed antidepressants after telling her doctor she was depressed and afraid

she would hurt her children. She was apparently not referred to counseling or any other resources. The panel reviewing this case, which included physicians, thought it was unlikely that her physician had screened for domestic violence or had asked questions about the cause of her depression that would have revealed abuse. In another case, the victim's abusive husband accompanied her to the hospital after she attempted suicide. It did not appear that the hospital staff screened for domestic violence or attempted to speak to the victim without her husband present.

Only one of the thirteen victims with identified mental health needs seemed to be receiving appropriate treatment. She participated in treatment for both mental health concerns and substance abuse from a program serving clients with dual diagnoses. The program did not address domestic violence safety planning as an integrated part of the treatment, but it did routinely screen clients for domestic violence and provide referrals to the local domestic violence advocacy program. This program was a bright spot in an otherwise bleak landscape for victims struggling with both substance abuse and mental health diagnoses.

Steps Forward

- ***Mental health, health care, and domestic violence experts:*** Collaborate to develop model screening tools for mental health and health care providers to routinely assess depressed and suicidal men for perpetrating domestic violence, and protocols for referrals, treatment, and disclosure to family members.
- ***Funders, researchers, mental health professionals, and domestic violence experts:*** Support and conduct research into effective interventions for men who are both abusive and suicidal, and develop a pilot treatment program.
- ***Substance abuse treatment providers:*** Routinely screen participants for domestic violence. Refer abusers to certified domestic violence batterer's intervention and victims to domestic violence advocacy programs.
- ***Family therapy and mental health counselors:*** Screen clients for domestic violence. Help victims identify options for safety and refer them to domestic violence advocacy programs. Refer abusers to certified domestic violence batterer's intervention.

4 Increase knowledge about teen dating violence and young people's access to appropriate services and interventions.

Since 1997, 8% of all victims killed by abusers in Washington State were under twenty-one years of age when they were murdered. Fatality reviews illuminated that many more victims—31% of victims in reviewed cases—were under twenty-one when they first became involved with their abusive partners. Victims in at least 18% of reviewed cases were under eighteen when the relationships began. In some of these cases, abusers' violence escalated to a lethal level within months.

In most cases, however, abusers committed homicide or suicide years or even decades after the relationships began. In reviewed cases, 73% of victims who began dating abusers before age twenty-one had been pregnant or had a child in common with them. In many cases, having a child in common served to reinforce abusers' control and created powerful legal, economic, and social ties that kept victims in relationships with abusers for years. These cases (in combination with several recent studies pointing to birth control sabotage by abusers and the high rate of domestic violence among women seeking abortions) highlight the important role that clinics providing birth control and abortion services, prenatal care, and childbirth and parenting education can play by routinely offering domestic violence information and resources to young women.

Review panels consistently found that schools did not provide adequate education or resources to address dating violence. Fifteen victims in reviewed cases began dating abusers before age eighteen. Several met in high school or middle school. For most of these teen victims, neither peers nor adults in the school environment challenged abusers' controlling and jealous behavior. One victim's sister said that her friends recognized that her boyfriend was controlling, but they dismissed his behavior as typical teenage "stupid guy stuff." Review panels in a few communities pointed to occasional or one-time education campaigns about dating violence but could not identify ongoing efforts to change the school culture tolerating abuse. Every panel that reviewed a case involving a teen victim agreed: existing efforts were insufficient and typically started too late. Instead, what panels hoped to see in their own communities were ongoing efforts, integrated into the curriculum and school culture, that provide young people with the skills and information to create and sustain positive relationships and the support to recognize and intervene in abuse.

In reviewed cases, teen victims' parents did not have the information or resources they needed. In one reviewed case, the victim began dating the abuser when she was fifteen and he was several years older. The victim lived with the abuser for a few months, and he threatened to kill her and her mother if she left him. The victim's parents filed a Protection Order and tried to have the abuser charged with rape. However, it did not appear that they got any help making a safety plan or locating services for their daughter. The abuser killed the victim's mother after the victim broke up with him. In another case, the victim and the abuser began dating in middle school. The victim's parents tried over several years to support both of them and to interrupt his controlling behavior toward their daughter. However, they did not access or know about any supportive resources that could help them in their efforts. When the victim ended the relationship and began taking steps to reconnect with her family, her ex-boyfriend shot and killed her.

Steps Forward

- **Domestic violence advocates:** Build the capacity of parents and adults who work with youth—for example, teachers, after-school care providers, camp counselors, youth group leaders, coaches, and teen parenting program staff—to provide information and support around healthy relationships and abuse.
- **Domestic violence advocates and adults who work with youth:** Use WSCADV’s interactive education tool *In Their Shoes: Teens and Dating Violence* to help parents and adults who work with youth learn about teen dating violence.
- **Schools, parent teacher associations, and school boards:** Promote a school environment that includes teachers, administrators, counselors, and health care providers who are educated about dating and domestic violence; school curricula that provide opportunities to discuss healthy relationship models; and policies and protocols for responding to domestic and dating violence among students, families, and staff.

5 Build the capacity of friends, family members, neighbors, employers, and coworkers to support domestic violence victims and respond to abusers.

Again and again, fatality reviews showed that victims reached out for help to friends, family, neighbors, and coworkers. In almost all cases, victims told at least one person they knew about the abuse; by contrast, a much smaller proportion of victims contacted law enforcement (51%), sought court orders (29%), or contacted a domestic violence advocate (12%). In a few cases, friends and family members pointed out helpful resources, helped the victim make a plan to increase her safety, or offered a place to stay so that the victim could leave the abuser. In most cases, however, community members did not have the information or skills they needed to help. For example, in one case, the eight-year-old daughter of the victim and abuser told a friend’s mother about an incident during which her father had been violent and her mother had called police. The friend’s mother described being unprepared to talk to the girl or her mother about the abuse: “I was surprised by this disclosure and wasn’t sure how to address the situation with her. I didn’t ask [the victim] about the incident at the time, and regretted that decision.” The adult in this situation had a clear opportunity to help, but did not have the skills or knowledge to do so.

In at least twenty reviewed cases, neighbors knew about or witnessed the abuse. These neighbors were in a unique position to notice the violence and to intervene. Some victims talked with their neighbors about the abuse. Some neighbors saw or heard the abusers’ violent attacks or threats. In at least six cases, victims or their children at some point fled to neighbors’ houses to escape. Neighbors tried to help or intervene in a number of ways. One neighbor never met the victim but repeatedly heard her boyfriend throw her against the wall and threaten to kill her. The neighbor told police that whenever she heard the victim threaten to call 911, she would make the call herself. Another neighbor, who had repeated conflicts

with the abuser, approached the victim about the conflict. The victim told the neighbor that her husband had a pattern of being angry and “dangerous.” The neighbor asked her directly whether her husband had hurt her and whether she was afraid of him, and she advised the victim to get the guns out of their home. While these neighbors took positive steps to act, most said they did not know what to do when they heard about the abuse, and they did not offer victims any information about victim services or resources. In thirteen years of case reviews throughout the state, no review panels were aware of organized efforts in their counties to educate communities about domestic violence through neighborhood organizations, Block Watch groups, or community centers.

In reviewed cases, communities completely lacked tools outside the legal system to respond to abusers’ violence. In many reviewed cases, abusers’ friends, family, coworkers, or religious leaders were aware of the abuse. In some cases, abusers specifically told others about plans to harm victims or themselves. Reviews demonstrated that people were often reluctant to involve law enforcement when a friend or family member was abusive, and they did not have strategies for intervening safely themselves.

Abusers’ violence and control eroded victims’ relationships with their friends, family members, and communities. This happened for a range of reasons, including abusers’ direct attempts to sabotage supportive relationships. In several reviewed cases, abusers took direct and extreme action to isolate victims from friends and family, including moving away from supportive family members, keeping the family in a remote area and preventing the victim from leaving the home, and threatening and punishing the victim with violence if she had contact with friends or family. In one case, the victim was so afraid of her husband’s threats that she rarely talked to any of her family members. A relative whom she did call occasionally said the victim “always called me collect, and she was always determined that I got rid of those records in case [the abuser] was ever around. She was always petrified he’d find out that I’d talked to her.” On one occasion, her mother called her at work to let her know she had sent some cash to her at her workplace. Her mother said, “I feel so helpless about being able to do anything and show her I love her.... I mean, that’s not doing much for her, but what could I do?”

In some of the cases reviewed, victims’ own choices, constrained by abusers’ violence, alienated them from their support networks. In one case, the abuser pressured his wife to buy and use drugs over the course of their fourteen-year relationship. When she was using, she would lose touch with friends who did not want to be around her drug use. Her drug use served to reinforce the abuser’s control and undermine her support system. Another reviewed case illustrated an abuser’s more subtle tactic of driving a wedge between the victim and her family. The victim’s sister described his pattern of provoking his wife while skillfully hiding his own abusive behavior. She said, “My sister is a very vocal person. There

was a lot of screaming and shouting. And [her husband] is a very quiet, manipulative kind of person. And he would say things that would just kind of put a little finger in there and twist. But if you were to observe them, it would seem like my sister was always screaming at him. But you didn't really notice his little subtle things." As a result, the victim's family was ambivalent about supporting her and seemed to side with her husband. Even after the abuser killed the victim and himself, some members of her family continued to blame her for the abuse.

These cases demonstrated some of the heartbreaking ways in which domestic violence cost victims their relationships with family and friends, which further limited their options to escape the abuse. They illustrated the need for resources to sustain friends and family in the often difficult task of supporting a victim of domestic violence; to help friends and family understand the violence and coercive control that victims live with; to give friends and family information about the kinds of help available for victims; to help victims identify supportive friends and family members and engage these people to support their planning for safety; and to help victims rebuild and repair relationships sabotaged by the abuser or damaged by the victim's own behavior in the context of the abuser's violence. In recent years, review panels throughout the state have found that the domestic violence advocacy programs in their communities are equipped to work with friends and family members of domestic violence victims. Some programs have written materials specific to family and friends. However, most programs have not made engaging with friends and family a routine part of their work, and very few have specific funding to support this work.

Steps Forward

- ***Domestic violence programs:*** Include messages in public education, outreach campaigns, and media that are directed at friends and family members (for example, how to support a victim or where to call for help making a plan to support a friend).
- ***Domestic violence advocates:*** Routinely help victims rebuild their connections with family and friends and safety plan with their support networks.
- ***Clergy and religious organizations:*** Train staff about domestic violence and make an organizational plan for responding to abuse within congregations that prioritizes victim safety and abuser accountability.
- ***Employers:*** Routinely offer information to employees about domestic violence community resources (for example, attach information to paychecks, post information in restrooms, or invite a domestic violence advocate to share information at a staff meeting).
- ***National and statewide domestic violence advocacy organizations, men's anti-violence organizations, and batterer's intervention experts:*** Develop tools and strategies for community members to talk with abusers and encourage them to stop their violence.

6 Improve the ability of family courts to identify domestic violence and appropriately address victims' and children's safety and well-being.

Victims in seventeen reviewed cases were in the process of dissolution or child custody disputes at the time of the fatalities. **When victims and abusers had children in common, victims' fears that they would lose custody of their children were a great obstacle to escaping the abuse.** In reviewed cases in which victims did leave, abusers were able to use dissolution and child custody proceedings and the resulting parenting plan orders to force contact long after the relationships had ended. Victims in these cases simply did not have the option to cut ties with abusers without leaving their children behind. Ongoing contact, without sufficient protections from the courts, left victims and children vulnerable. In the midst of a years-long custody dispute with her ex-husband, one victim made this chilling, accurate prediction to a friend: "I'm never going to make it out of this alive. He's never going to let this happen. He's never going to leave me alone." The victim in this case was murdered by her husband more than a decade ago, and yet the failures that kept her trapped in a legal battle with a dangerous abuser have not significantly improved since that time.

Over the course of twelve years in fifteen Washington counties, review panels repeatedly found that courts failed to adequately address victims' safety concerns or to understand how abusers' violence and controlling behavior threatened the safety and well-being of their children. Review panels and experts reviewing these cases identified a number of reasons that courts created parenting plans that did not fully address the safety and well-being of children when one parent was abusive to the other:

- Many judges, commissioners, attorneys, and evaluators share the misconception that domestic violence by one parent toward the other is a tangential concern and not central to the issues of parenting. Courts minimize patterns of domination and control (especially when there is not a documented history of physical violence) and fail to see how these patterns are damaging to children and indicate an inability to productively co-parent.
- Courts prioritize maximizing both parents' time with their children, instead of working toward parenting plans that take the children's physical and emotional safety and best interest into account.
- Even when judicial officers are educated about domestic violence, this education is not sufficient to impart the experience, skill, and sophisticated understanding that judges and commissioners need to evaluate the issues of abuse and control and to order parenting plan provisions that maximize children's well-being and safety and protect the safety of victims.
- A history of domestic violence creates an unequal balance of power between the abuser and the victim, often disadvantaging the victim in the adversarial family law system.

- Abusers use the court process itself (including discovery, repeated motions, and hearings) as a tool of manipulation, control, and abuse.
- Attorneys routinely fail to raise the issue of domestic violence, and often lack the skills and creativity to craft parenting plans that will minimize danger, conflict, and the victim's need to negotiate with the abuser in the future.

Attorneys in reviewed cases were reluctant to raise the issue of domestic violence in dissolution and custody proceedings for a range of reasons. Some felt that judges and commissioners were likely to see the victim's raising the issue of domestic violence as an attempt to gain advantage and would be predisposed against her as a result. In one reviewed case, the victim's petition for dissolution did not include any information about her fear of her husband's violence, despite the fact that he had twice violated a civil Protection Order, had threatened her with a loaded gun, and had threatened suicide. After the victim was murdered by her husband, her attorney inaccurately characterized the case as "one in a million," illustrating his lack of information about domestic violence and the risks to victims after separating from abusers. The attorney further expressed the belief—despite his own client's murder—that litigants misuse domestic violence allegations to gain advantage in dissolution proceedings. Review panels found that attorneys and judicial officers commonly share the dangerous misconception that women's claims of domestic violence in dissolution cases are false or exaggerated.

In another case, the victim's husband had been emotionally abusive, controlling, and intimidating toward her. He had used physical force against the victim only once and had no criminal record. When they separated, the victim obtained primary residential custody of their children; her husband had frequent, unsupervised time with the children, including overnight visits several times a week. He fought in court for more time with the children, derailed attempts at mediation, and refused to compromise on any point. The victim expressed frustration with his controlling and manipulative behavior around the parenting plan and his unwillingness to participate in good faith discussions about parenting and the children's well-being. In describing one instance in which the abuser refused to let their young children talk to her the victim wrote to the court that her husband "is willing to damage the children to spite me." The victim and the abuser had together seen a therapist, who had witnessed the abuser's manipulation and angry outbursts. The guardian ad litem's (GAL's) report to the court included a statement from the therapist saying that the mother had been a victim of her husband's abuse and recommending that the parenting plan limit contact between the parents. However, neither the court nor the GAL seriously evaluated whether the combination of the abuser's anger, his determination to control his wife, and his willingness to use their children to win his battle against her added

up to a threat to the children. In a final act of retaliation, he killed the children and himself.

Another abuser in a reviewed case had been physically, sexually, and emotionally abusive to his wife throughout their marriage, and he had physically and emotionally abused their children. The victim filed a petition for dissolution and an ex parte Restraining Order. The court entered the Restraining Order, excluding the abuser from the victim and children's home, school, and workplace, and ordered supervised visitation for the abuser. A family friend served as the supervisor, until the abuser called her repeatedly and harassed her. He then had visits with the children at a professional supervised visitation center. He voluntarily completed a domestic violence assessment from a certified batterer's intervention provider. The provider's report raised concerns that the abuser's description of his own behavior was inconsistent with his wife's and children's experience of him. The provider concluded that the abuser made an "effort to appear better than he may actually feel or be and he most probably is a person who is concerned about how he is perceived by others outside the home and venting at home in some fashion." The provider recommended that the abuser receive counseling and that the court keep the Restraining Order in place until the victim and the treatment provider agreed to remove it. Meanwhile, the victim documented that her husband insisted several times on contact with the children outside of his supervised visits, that she saw him driving slowly past her house, and that she believed he had tampered with her computer and phone, all indicating his commitment to intimidating and controlling her and his dangerous disregard for the court's orders.

The professional supervisor reported positively to the GAL about the visits, and the abuser participated in counseling as recommended. Based on this, the GAL recommended transitioning to unsupervised visits. However, the children talked about being afraid of their father; the oldest resisted going to the unsupervised visits and ran away from one visit after her father had scared her. A few weeks after his first unsupervised visit, the abuser came to the house to pick up the children for a scheduled overnight. In front of their children, he shot and killed his wife and then killed himself. The GAL's recommendation to move to unsupervised visits and the court's decisions to grant the abuser more time with the children seemed to be based on the abuser's compliance with court orders regarding visitation and counseling, rather than on a thoughtful assessment of actual changes in his abusive and intimidating behavior toward his wife and children. The court did not attend to the victim's experience of his behavior outside the supervision of professionals and did not require that he demonstrate that his abuse and intimidation of his family had stopped.

Steps Forward

- **Family law attorneys:** Routinely screen clients for domestic violence and coercive, controlling behavior by the other party. Help victims identify options for safety and refer them to community-based domestic violence programs. Get training on how to craft parenting plans that protect victims' safety and children's well-being and how to effectively present victims' needs in court. Draft parenting plan provisions that minimize opportunities for abusers to intimidate and control the victim and that limit the extent to which victims are required to have ongoing contact with abusers.
- **Courts:** Establish training standards, qualifications, and best practices for guardians ad litem and parenting evaluators. Increase supervision and ongoing training for GALs and evaluators, and require as part of training a supervised practicum in domestic violence family law cases. Implement mechanisms for the court to ensure that GALs and parenting evaluators are accountable to established standards.
- **Courts:** Create mentorship opportunities that pair judges and commissioners who are experienced in domestic violence family law cases and willing to mentor, share expertise, and engage in problem solving with other judicial officers.

7 Maximize the effectiveness of Domestic Violence Protection Orders to protect victims and their children.

Since our first report in 2000, the DVFR has identified the lack of advocacy and safety planning for Domestic Violence Protection Order petitioners as a critical gap in the protections available to victims. The lack of advocacy for petitioners not only misses an opportunity to connect petitioners with other important resources, it undermines the effectiveness of the Protection Order itself. Without advocacy, victims do not get help thinking through whether a Protection Order will increase safety, anticipating and planning for how the abuser may react, or strategizing about how to safely share parenting with the abuser. Victims in twenty-four reviewed cases petitioned for a Protection Order against the abuser. In only four of these cases did the victims get some assistance from an advocate in a community-based domestic violence program, a police department, or a court. The majority of petitioners in Washington State do not have access to advocacy when they petition for Protection Orders. A 2004 statewide survey of all courts issuing Protection Orders showed that 81% of courts do not have domestic violence advocacy available to petitioners at all, and only 7% routinely provide advocacy. More than two thirds of courts that do not routinely offer advocacy also fail to provide petitioners with brochures or pamphlets about domestic violence resources.

Two reviewed cases illustrated how petitioning for a Protection Order without any accompanying advocacy can actually increase some victims' danger. Two

victims in reviewed cases were murdered between the time the Temporary Protection Order was served and the hearing date for the full order. In each of these cases, a range of professionals had advised the victim to obtain a Protection Order, but neither victim met with an advocate to make a comprehensive safety plan or consider whether the abuser was likely to intensify his violence in response to the order. These abusers' violence escalated to a lethal level within days of being served with the temporary order.

In four reviewed cases, victims' Protection Order petitions were denied by the courts. The costs to victims were clear and devastating. In one case, the victim's ex-husband had a history of physical violence against her years earlier. She was able to get away and was in hiding. However, he found her years later and began stalking, threatening, and harassing her and her children. The court denied her petition, citing "no recent violence." Ignoring the stalking, the judge told the victim the violence happened "a long time ago" so the court could not help her. The victim told Fatality Review staff that the abuser was emboldened by the court's decision and took it as a license to escalate his stalking and threats until finally he attempted to kill her and then killed himself. In another case, the victim's neighbor encouraged her to call police or get a court order to stop her husband's violence. The victim had already petitioned for a Protection Order but was denied, despite the fact that her petition documented the abuser's homicide and suicide threats and her fear that he would harm her. She told her neighbor that she had tried to get help from the court but they did not listen to her. As a result, the neighbor did not call police when she heard the victim being abused by her husband.

In reviewed cases, courts failed to adequately address physical child custody and visitation in Protection Orders, leaving victims and children vulnerable. Legislation allows for ruling on child custody or visitation in Protection Orders so that victims and children can receive immediate protections. Yet in a number of reviewed cases, courts did not respond to victims' requests to specify custody arrangements in their Protection Orders. In four cases, victims did not get Protection Orders at all and instead were referred to family court.

One victim obtained a Temporary Domestic Violence Protection Order against her husband a few weeks after she filed for divorce. The Protection Order granted the victim temporary custody of the child, and required the abuser to arrange visitation through a third party. When the abuser was served with the order, he petitioned the court in the dissolution case for an ex parte Restraining Order against the victim. The court granted the order and awarded him temporary custody of the child, in conflict with the existing Protection Order. The next day, the court amended the Restraining Order to be consistent with the Protection Order, and instructed the police department to assist in returning the child to the victim. When the victim and abuser appeared in court for the hearing to make the Temporary Protection Order permanent, the victim requested that the court dismiss

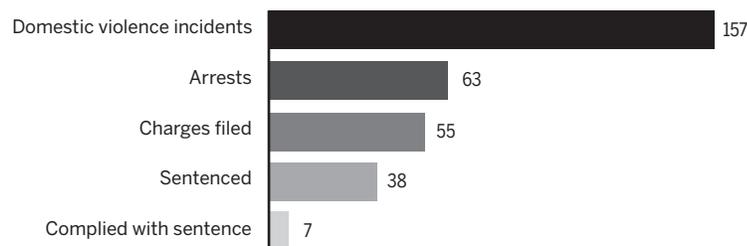
the Protection Order. It appeared that the commissioner had urged the victim to drop the Protection Order, and address her safety concerns through the dissolution case instead. However, the court never provided protection for the victim in the dissolution case. In the parenting plan, the court ordered visitation for the abuser but did not make any arrangements for supervised exchange and did not include a Restraining Order. The panel reviewing the case agreed that judges and commissioners commonly pressure petitioners to drop Protection Order cases in order to avoid conflicting orders rather than issuing a Protection Order as part of a dissolution case. In this case, the court failed to make use of all the protections available to make safe parenting arrangements and left the victim and child without the protection they needed and were entitled to.

Steps Forward

- **Courts:** Offer every Protection Order petitioner immediate advocacy and safety planning, preferably by having advocates located in the court. Explore using technology to provide advocacy remotely when courts are not able to provide advocacy on-site.
- **Courts:** Develop a process to resolve conflicting orders that provides petitioners with the maximum protection to which they are entitled. Contact WSCADV to learn about models in Washington courts.
- **Courts:** Create forms and establish procedures for victims to obtain a Domestic Violence Protection Order as part of a dissolution or parentage case, as provided for in RCW 26.50.025.

8 Ensure that the criminal legal system consistently imposes meaningful consequences for abusers' violence and increases victims' safety.

Criminal legal response to domestic violence incidents in 48 reviewed cases



Reviewed cases documented failures at every point in the criminal legal system—from 911 dispatch to law enforcement response, to prosecution, sentencing, and post-sentencing supervision. Review panels also saw some examples of excellent response from law enforcement, prosecutors, and courts. But these examples were not the consistent practice. Fatality Review panels examined 157 domestic violence incidents reported to law enforcement in 48 of 84 reviewed cases. Looking at these incidents as a whole reveals a criminal legal response to abusers' violence that is inconsistent and unpredictable. One victim's experience

illustrated the range of responses from law enforcement; her contacts with police included one officer's failure to take steps mandated by state law and another officer's actions beyond what was mandated and his use of a range of tools available to try to protect her from the abuser. In the first incident, the abuser followed the victim, threatened her, and assaulted her after she had broken up with him. The abuser had fled by the time law enforcement arrived, but the responding officer reached him by phone while taking the report from the victim. Despite state law mandating that officers shall arrest the offender if there is probable cause to believe a domestic violence crime has been committed within the previous four hours, the officer apparently made no attempt to locate the abuser. The victim told the officer several times that she was afraid the abuser would kill her because she had talked to police. The abuser called the victim many times that night, threatening her and pressuring her to call police and recant her report.

In the second incident involving this victim and abuser, the responding officer clearly recognized the danger the victim was in and took several proactive steps to protect her safety. The victim approached the officer to report that the abuser was stalking her and that she was afraid of him. The officer documented the victim's fear and the abuser's history of past violence, homicide threats, and suicide threats. When the abuser found the victim later that evening, the officer returned and arrested him on a prior misdemeanor assault charge. The officer documented for the court the officer's fear that the abuser would find the victim if he was released. In response, the court held a special session on a weekend to set bail and issue a No Contact Order. The officer called the victim to let her know the bail amount, and when the abuser did post bail, the officer called again to let her know that he had been released. The panel reviewing the case identified these steps as helpful and proactive, but not routine, and not protections that victims could rely on.

This same case illustrated how victims' inability to count on a consistent, high-quality response from the legal system increased the danger they faced. The abuser repeatedly threatened to kill two different girlfriends if they reported his violence and violations of court orders. The first victim reported the abuser but later changed stories and refused to cooperate with the prosecution because she was afraid the abuser would kill her. The second victim never called police while she was in a relationship with the abuser. Only after she had broken up with him and he was stalking and threatening to kill her did she turn to law enforcement. While these victims could be certain that the abuser would carry out his threats, they could not be so sure that the criminal system would increase their safety. The unpredictability of the criminal system response deterred them from relying on law enforcement or courts for help.

In the majority of cases, courts did not impose meaningful consequences or order helpful interventions for abusers. Despite 157 domestic violence incidents reported to police in reviewed cases, only five abusers in reviewed cases spent

more than thirty days in jail on domestic violence charges. Fewer than half of these incidents resulted in the abuser's arrest; only 24% of incidents resulted in sentencing. The abuser completed all the terms of the sentence imposed in only seven incidents (4% of incidents in reviewed cases). The lack of meaningful consequences for abusers sent a message to both abusers and victims that the criminal legal system would not take abusers' violence seriously and that victims could not rely on legal intervention for protection. In one case, the abuser had eleven different domestic violence charges against him, including misdemeanor and felony assault, violation of Protection Orders, and violation of conditions of sentencing. At one point, he attempted to burn his house down with his family inside. Despite the potential lethality of his offense, his multiple violations of orders, and his history of failure to appear in court, the judge released him at arraignment. The victim told a neighbor that she was discouraged from going to police because the abuser "got away with everything."

Courts also failed to order meaningful or helpful interventions for abusers in reviewed cases. Judges ordered domestic violence batterer's intervention in only five cases of the fifty-five domestic violence incidents in which prosecutors filed charges. Of these, only two abusers actually completed the program. More often, judges ordered a variety of inappropriate and ineffective alternatives to certified batterer's intervention. Several abusers were ordered to complete alcohol or drug treatment, a wholly inadequate response given that most substance abuse treatment programs do not address domestic violence at all and simply assume incorrectly that the abuser's violence will stop when the substance abuse ends. Some abusers were ordered to complete anger management classes, including one that focused on road rage, though the offense was a domestic violence assault.

In reviewed cases, many abusers who had been convicted of domestic violence crimes were subject to minimal post-sentencing supervision. Probation is important to hold offenders accountable to complete the conditions imposed by the court. Most abusers in reviewed cases violated the terms of their probation or sentencing agreements, but very few experienced any consequences for doing so. In one case, the victim reported the abuser's probation violations to his probation officer. The officer did not take any action and told the victim that he did not have time to pick up the abuser on the violations. Review panels consistently found that domestic violence offenders are not prioritized to receive supervised probation. In at least three cases, abusers were not subject to supervised parole even after serving prison time for killing their partners. Funding cuts continue to reduce the resources for probation and parole, which undermines the criminal system's ability to hold abusers accountable for their crimes. These cuts reinforce the need for judicial officers to hold timely reviews to monitor abusers' compliance with court orders.

The criminal legal response in most reviewed cases did not increase victims' safety and sometimes increased the risk of harm. In some cases, the police response minimized the abusers' violence and emboldened abusers or discouraged victims from calling law enforcement again. One victim asked a neighbor to call 911 when her husband was threatening her and refusing to let her leave with their children. She described the incident this way: "[The abuser] wouldn't let me by to get [the older child]. I called for her, but when she tried to come to me he grabbed her again and wouldn't let her go. He knows I wouldn't leave without [their daughter] and he was determined not to let me leave with [the baby]. [The abuser] was using our daughter as a pawn.... The police said I needed to leave and that I could take [their daughter] but I had to leave the baby." Officers documented the incident as "verbal" and did not take a report or arrest the abuser. In a later incident, the abuser strangled one of their children. Even though she saw marks on the child's neck, the victim did not call law enforcement because she did not think she would be believed. Further, the police response discouraged her from leaving the abuser. She said, "The times I called the police [the abuser] was so calm and collected they felt there was nothing wrong and did nothing. He has, on more than one occasion, told me that he would get the children because I am unstable. I was so afraid for the children I didn't leave."

Court practices in reviewed cases varied widely regarding the conditions under which to rescind criminal No Contact Orders. Victims in reviewed cases sometimes asked courts to rescind No Contact Orders against abusers who were charged with domestic violence crimes. Panels reviewing these cases described the dilemma judges face between taking into account victims' own analysis of what would make them safer and the court's responsibility to hold offenders accountable and protect victims. Case reviews made it clear that no established best practice exists to guide judges in considering requests to rescind protective orders in criminal domestic violence cases. In the absence of such guidance, judicial practice varies widely. In some reviewed cases, the court simply dismissed the order upon the victim's request, without the judge imposing any conditions or even asking questions of the victim or the abuser. In other cases, the judge made attempts to address the abuser's accountability before dismissing an order but did not have practices in place that adequately analyzed how terminating the order would affect the victim's safety.

In one case, the abuser had been convicted of a domestic violence assault, and the court had ordered him to complete a batterer's intervention program and had imposed a No Contact Order. He violated the order, and after the court issued a warrant for his arrest, the abuser attempted suicide. Law enforcement documented the suicide attempt. Shortly thereafter, the victim requested that the court dismiss the No Contact Order. The court denied her first request but

later rescinded the order after the abuser demonstrated that he had enrolled in a batterer’s intervention program, in compliance with the terms of his sentencing. In doing so, the court focused on the abuser’s superficial compliance with just one aspect of the court’s order, rather than requiring that he demonstrate full compliance by stopping his coercion and intimidation of the victim. In the context of the abuser’s recent violation of the No Contact Order and his suicide attempt—two indicators of escalated lethality risk—the court’s decision was dangerously out of step with the actual risk the abuser posed to the victim.

Steps Forward

- **Law enforcement agencies:** Document complete offense reports for all domestic violence calls, including calls during which officers determine there is no probable cause to arrest, as mandated by RCW 10.99.030(6)(b). Review policies and practices for monitoring the accuracy and completeness of domestic violence incident reports. Consult with the Washington Association of Sheriffs and Police Chiefs for model practices for monitoring the documentation of domestic violence investigations.
- **Law enforcement agencies, prosecutor’s offices, and courts:** Learn from one another about how to maximize use of the tools available to increase abuser accountability and victim safety. Contact WSCADV to learn about good models statewide.
- **Judges and prosecutors:** Develop and use a variety of sentencing options for abusers, including state-certified domestic violence batterer’s intervention, timely court review, jail time, work release, electronic home monitoring, and intensive probation.
- **Prosecutor’s offices, courts, and domestic violence advocates:** Collaborate to establish best practice guidelines for courts considering whether to rescind No Contact Orders in criminal domestic violence cases.
- **Judges:** Hold frequent post-sentencing reviews and impose meaningful and timely consequences for domestic violence offenders who do not comply with sentences.

9 Maximize the use of existing legal means to restrict abusers’ access to firearms.

Existing state and federal laws prohibit convicted domestic violence offenders and protective order respondents from possessing firearms. However, law enforcement and courts do not consistently enforce these laws to the fullest extent possible. Abusers’ access to firearms increases the lethality of domestic violence and makes it more dangerous for friends and family to intervene. Abusers used firearms in 55% of all domestic violence homicides and 85% of murder-suicides committed in Washington since 1997.

With very few, recent exceptions, law enforcement agencies did not have protocols in place to remove firearms from protective order respondents or convicted domestic violence offenders. In one reviewed case, the abuser had been convicted of domestic violence assault, and the court ordered him not to possess any firearms. Because of his conviction, he was also prohibited by federal law from possessing firearms. However, the court had no mechanism for enforcing these restrictions or monitoring whether he surrendered his weapons; instead the court relied on him to turn over the guns voluntarily. His ex-wife believed he was not allowed to have guns but had no information about how she might have his weapons removed. If a victim in that jurisdiction inquired about having weapons removed, the law enforcement agency would confirm that it is illegal for the offender to have guns but would not make any efforts to remove the weapons. The panel reviewing the case found that the victim's only legal option was to confiscate the guns herself and turn them in to law enforcement, an option that would have been both dangerous and impractical considering that the victim no longer lived with the abuser. The victim's ex-husband came to her home armed with four firearms and shot and killed her new husband and then himself in front of their four-year-old child.

Courts issuing protective orders did not make full use of their options to remove weapons from abusers. For example, one court ordered the respondent to a Protection Order to surrender his weapons but allowed him to turn them over to his son. His son lived with him, and so the abuser maintained access to the guns, undermining any possible safety the order might have provided to the victim.

Although federal law prohibits protective order respondents from owning or purchasing firearms, the law does not apply to temporary orders issued before the respondent has had the opportunity to appear in court. However, Washington courts issuing ex parte Protection Orders have the authority to prohibit a respondent from possessing firearms and order the temporary surrender of firearms if the abuser has “used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol.” Case reviews showed that courts rarely exercise this option, even in cases in which risk factors for lethality are clear. In ten reviewed cases, victims mentioned in a Protection Order petition that the respondent had threatened homicide or suicide with a gun. A Temporary Protection Order was granted in each case; however, none of the ex parte orders addressed the abuser's weapons. Petitioners have the option to file a Petition for Surrender of Weapon with the petition for a Temporary Protection Order, but most courts do not provide any information about this option; victims therefore have no way to know they can do this. **Failure to remove weapons from the most dangerous abusers when issuing temporary protective orders leaves victims vulnerable at a dangerous time**—when they are separating from abusers and the abusers' control is challenged by the court.

Steps Forward

- **Courts, prosecutor’s offices, probation departments, and law enforcement agencies:** Develop countywide protocols that set out how each agency will cooperate to restrict access to firearms by domestic violence offenders and protective order respondents. Prioritize removing firearms from abusers who have made homicidal or suicidal threats. Contact WSCADV for good models statewide.
- **Courts:** Routinely provide Protection Order petitioners with a Petition for Surrender of Weapon, and establish procedures to ensure orders are forwarded to law enforcement.
- **Domestic violence advocates:** Routinely ask victims about abusers’ access to firearms and help victims explore options for removal of firearms in the civil and criminal legal systems.
- **Washington State Legislature:** Align state firearm forfeiture laws with federal law to clarify law enforcement’s authority to remove weapons.

10 Increase victims’ options for economic and housing stability.

In reviewed cases, limited options for economic stability overwhelmingly contributed to keeping victims trapped in relationships with violent abusers. The economic barriers victims faced to safely leaving an abuser—lack of safe and affordable housing, lack of transportation, inability to support children without the abuser’s income, the abuser’s refusal to pay court-mandated child support, ruined credit based on the abuser’s reckless spending, loss of employment due to the abuser’s harassment—undoubtedly made it more likely that these victims would be killed.

Abusers in reviewed cases sabotaged victims’ employment and threatened their economic independence. Abusers stalked, harassed, and threatened victims in the workplace in several cases. In one reviewed case, the abuser’s actions resulted in a lockdown of the victim’s job site. In another case, the victim petitioned for a Protection Order, asking that her husband be excluded from both her home and her workplace. She documented in her petition that she was afraid she would be fired if he continued harassing her at work. The court granted the order but did not restrict the abuser from her workplace. He continued to harass her there, and she was fired; she subsequently stopped paying rent and was evicted from her home. After losing her home, the victim reunited with her husband and moved with him to a new city, where she found housing and a new job. In this case, the victim’s lack of employment options and the court’s failure to impose adequate protections meant that the abuser could sabotage her economic independence and derail her plan to escape his abuse.

Victims delayed leaving or were unable to leave abusers because they lacked the financial means to support themselves and their children. In one reviewed case, the victim's plan to leave her abusive husband was delayed by months because she could not afford to pay for housing and other necessities on her own. She said, "Before I can do anything I have to find a new job that pays more and save some money so I can take care of my girls and pay the rent for a few months until I can get any kind of child support." In another case, the victim was dependent on her husband's income and lived in housing owned by his father. When she briefly got a job, her husband undermined her employment and escalated his abuse. Although she wanted to leave him, she could not imagine how she would be able to support herself and their three children on her own.

A lack of stable and affordable housing limited victims' options to find safety. In one reviewed case, the victim and the abuser had been homeless most of their adult lives. The panel reviewing the case thought that the victim had no real options to obtain permanent housing. Her criminal record made her ineligible for federally funded public housing programs, and her alcohol use meant that she was unable to access the short-term shelter programs in her county. The victim's lack of housing options meant that she had nowhere to go to escape the abuser's violence. In another case, the victim's lack of housing options continued to undermine her safety even after she survived her ex-husband's murder of her new boyfriend and his attempt to kill her. After the murder, she received welfare and was working, but the money she made was still not enough to support herself and her children. She had been on the waiting list for subsidized housing for years and was struggling to pay rent. She had a new boyfriend, and although she was ambivalent about the relationship, she did not think that she could leave him and still afford to support her family. It wasn't clear whether he was abusive, but it was clear that if he had been, her options to leave him were just as limited by her lack of economic resources as they had been with her husband.

When victims received public assistance, they were not routinely informed about domestic violence resources. Victims in at least fifteen reviewed cases received benefits through the Washington State Department of Social and Health Services (DSHS), including food stamps, WIC (Women, Infants, and Children nutrition program), and TANF (Temporary Assistance for Needy Families). Review panels saw victims' contacts with DSHS as important opportunities to receive information about domestic violence resources, advocacy, and safety planning. DSHS policy directs workers to screen participants in WorkFirst (Washington's TANF program) for domestic violence to determine if they should be exempted from certain WorkFirst requirements. However, other DSHS programs do not

screen for domestic violence, and not all WorkFirst participants determine that it is in their interest to reveal whether they have been victims of abuse. The dual threats of poverty and violence that many victims face make it difficult to escape abuse. Because these threats are so entwined, it is especially important to provide information about domestic violence resources to people receiving public benefits. Many victims in reviewed cases needed these economic services to attain safety. At the same time, referral to resources for domestic violence advocacy and safety planning is critical. Without planning for victims' safety, economic support was not sufficient to address abusers' attempts to sabotage their stability.

Steps Forward

- **Funders and domestic violence programs:** Increase emphasis on services and strategies that support long-term economic stability and well-being beyond temporary, emergency needs.
- **Funders:** Support and replicate innovative local programs that involve domestic violence advocates, landlords, and housing authorities collaborating to create permanent affordable housing specifically for domestic violence victims. Contact WSCADV to learn about model programs.
- **Domestic violence programs:** Offer training about domestic violence and relevant state laws protecting domestic violence victims' housing rights to local landlords, property managers, and housing authorities.
- **Domestic violence advocates:** Learn about and advocate for victims to obtain the full range of services and exemptions for domestic violence victims in economic assistance programs.
- **Employers:** Develop policies to help employees who are domestic violence victims safely maintain their employment.
- **Banks and lending institutions:** Work with domestic violence advocates to develop programs that offer victims opportunities to rebuild their credit.
- **DSHS:** Routinely offer information about domestic violence advocacy and safety planning to everyone who receives services from DSHS.

11 Develop state and local strategies to promote healthy relationships and prevent dating and domestic violence.

Reviews of domestic violence homicides and suicides often included information about both victims and abusers years, even decades, before the fatality. In some cases, panels could clearly identify conditions that made victims vulnerable to abuse or factors that contributed to abusers' violence. And in virtually every case, victims' and abusers' communities did not have the tools or resources to change those conditions.

This report lays out goals to improve the response in Washington State to domestic violence. Movement toward these goals will increase victims' safety and choices. But even an excellent response to domestic violence after it has occurred

is not enough to end abuse and cannot fully restore the harm done to victims and communities. **Fatality Review panels in every county have called for focused efforts to prevent abuse before it begins.** As violence continues and escalates, victims' choices narrow. By the time a homicide occurs, options for effective intervention are slim.

Current services and interventions for domestic violence focus on responding to a crisis. Very few organized efforts exist to change abusers' behavior or support victims' choices before that crisis point. In moving toward preventing domestic violence, it may be useful to think about how each intervention or service for victims could be made relevant to someone not yet in crisis. For example, for the victim who calls a crisis line and needs immediate shelter: What would she have needed six months ago, before she had to flee her home? What would she have needed five years ago so that she would have more options today? And what is in place to meet those needs?

Review panels have pointed to widespread social conditions that allow abuse to thrive: lack of information and role models for young people to develop and sustain healthy relationships; tolerance of men's entitlement to control their families; social norms and violence that threaten women's control of their sexual and reproductive health; economic conditions that keep victims trapped with abusers; weak criminal sanctions for perpetrators of abuse; and institutional oppression of people of color and immigrants that limits victims' options and gives abusers tools of control.

Everyone can play a role in identifying and working to change the conditions that foster and sustain abuse and creating the conditions that would sustain healthy, respectful, and accountable relationships.

Steps Forward

- **Schools:** Create school environments that teach and promote compassion, respect, equality, and nonviolent problem solving through curricula, policies, and school events.
- **Funders and domestic violence programs:** Increase attention and commitment to abuse prevention, support for healthy relationships, and early intervention with victims of domestic violence.
- **Funders and domestic violence programs:** Fund and coordinate efforts statewide to develop and evaluate strategies to prevent domestic violence.

Index of Topics in Fatality Review Reports

This index references topic areas discussed in this report, as well as the five previous Fatality Review reports. Each report is identified by the year in which it was published. All reports are available at www.wscadv.org.

2000 *Honoring Their Lives, Learning from Their Deaths*
 2002 *“Tell the World What Happened to Me”*
 2004 *Every Life Lost Is a Call for Change*
 2006 *If I Had One More Day...*
 2008 *Now That We Know*
 2010 *Up to Us*

Advocacy and Safety Planning

2000: p.40-41, 46
 2002: p.44-46, 72, 76
 2004: p.47-49, 82-83
 2006: p.42-43, 48, 77-78
 2008: p.40-41, 50-51, 64-66
 2010: p.20-22, 36-38

Alcohol and Other Drugs

2000: p.76
 2002: p.53-57
 2004: p.35-36, 47-48
 2006: p.41, 63-66
 2008: p.59-62
 2010: p.25-28

Batterer’s Intervention

2000: p.35-36, 73-76
 2002: p.63-64
 2004: p.63-66
 2006: p.65-66, 74-76
 2008: p.61-62, 82
 2010: p.35, 39-42

Children

2000: p.27-28, 37-38, 51-52
 2002: p.33-34, 72-73
 2004: p.27-28, 58-60
 2006: p.30-31, 56-57
 2008: p.32-33, 54-58
 2010: p.18, 33-38

Community Engagement and Prevention

2000: p.30-31, 33
 2002: p.43-48, 57-58
 2004: p.47, 78-83
 2006: p.36-37, 40-41, 42-46, 51-57, 61
 2008: p.40-42, 46-51
 2010: p.30-32, 46-47

Criminal Legal System

2000: p.34-36, 62-80
 2002: p.33, 46-48, 54-55, 58-73, 76-80, 82
 2004: p.44-47, 66-78
 2006: p.45, 50, 63-65, 67-76, 79
 2008: p.39-40, 42-44, 61-62, 77-86
 2010: p.23-25, 38-44

Economic Issues

2000: p.38-40
 2004: p.55-58, 60
 2006: p.58-62
 2008: p.46-50, 52-54
 2010: p.44-46

Family Law

2000: p.61
 2002: p.73, 77-82
 2004: p.60-62
 2006: p.79-82
 2008: p.71-76
 2010: p.33-36

Firearms

2000: p.28, 57-58, 61, 76-77
 2002: p.32, 49
 2004: p.23-24, 69-70
 2006: p.29, 43-44, 55-56
 2008: p.31, 71-72, 74
 2010: p.16-17, 42-44

Health Care Providers

2000: p.52-56
 2004: p.28
 2006: p.49-50
 2008: p.63-68
 2010: p.26-28

Implementation of Fatality Review Recommendations

2004: p.37-54

Juvenile Justice System

2006: p.50
 2008: p.83-86

Marginalized Communities

2000: p.40-42, 45-51, 56
 2002: p.34-36, 64-66, 74-75, 79-80
 2004: p.48-49, 73-78
 2006: p.54-55, 72-73
 2008: p.37-45
 2010: p.22-25

Mental Health

2000: p.35-36
 2002: p.53-57
 2006: p.35-36, 39-40, 60
 2008: p.66-70, 84
 2010: p.25-28

Protection Orders (Civil Legal)

2000: p.59-62
 2002: p.51-53, 73-78, 80-82
 2004: p.29, 41-44, 60-62
 2006: p.77-79
 2008: p.71-74
 2010: p.24, 36-38

Stalking

2002: p.57-59
 2006: p.53-54
 2008: p.81-82

Suicide

2000: p.26, 28, 31-38, 65, 80
 2002: p.31-32, 49-53
 2004: p.22-23, 46-47
 2006: p.29, 34-41
 2008: p.31, 66-68
 2010: p.16, 25-28

Teens

2000: p.42-45, 55
 2004: p.24-25
 2006: p.47-50
 2008: p.32, 83-86
 2010: p.17, 28-30



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