

“DON’T MIND YOUR OWN BUSINESS”
(6/6/2012)

SECOND INTERIM REPORT OF THE MECKLENBURG DOMESTIC VIOLENCE
FATALITY PREVENTION AND PROTECTION REVIEW TEAM TO THE
MECKLENBURG COUNTY COMMISSIONERS, THE NORTH CAROLINA
DOMESTIC VIOLENCE COMMISSION, AND THE GOVERNOR’S CRIME
COMMISSION

I. INTRODUCTION

During its second year the Mecklenburg Domestic Violence Fatality Prevention and Protection Review Team (DVFRT) reviewed the deaths of one man and three women, all at the hands of a spouse or intimate partner. These deaths occurred between 2006 and 2009. In two of these cases a DV protective order (50B) had been issued. In a third case the murderer successfully completed a batterer intervention program in 2001 and had no further DV charges-- until he shot and killed his girlfriend in 2009. In all of these cases family and/or friends were aware of the violence in the home. These fatalities demonstrate that keeping victims safe is not a one time or a one intervention undertaking. It requires an on-going commitment from friends, family and advocates to strategically knit a safety net of law enforcement, judicial, and human services providers.

This report highlights the themes and patterns observed in the second year’s reviews and the patterns seen among the eight cases reviewed since the Team’s inception. The report also highlights the progress made on the recommendations in the first report issued in June 2011: “If You Leave Me I Will Kill You”.

II. BACKGROUND

The legislation (“the Act”) creating the Mecklenburg Domestic Violence Fatality Prevention and Protection Review Team was enacted June 1, 2009 as a pilot project. The Act refers to the eighty-one domestic violence-related homicides in North Carolina in 2008, of which eleven were in Mecklenburg. In 2009 there were seven; in 2010, nine; in 2011, four.

The Act calls for the creation of a multidisciplinary team to identify and review DV related deaths, including homicides and suicides, and facilitate communication among the organizations involved in DV cases to prevent future fatalities. It named Mecklenburg Community Support Services as the lead agency and required other key public and private agencies, including the District Attorney’s office, Law Enforcement and the Departments of Social Services and Mental Health, to appoint representatives. The Act also required appointment of DV survivors to the Team.

The Act directs the DVFRT to issue an interim report to the Mecklenburg Board of County Commissioners, the North Carolina Domestic Violence Commission and the Governor’s Crime Commission by June 15, 2011 and a final report with recommendations for action by June 15, 2014. The Act also provides for reporting annually to the local board of county commissioners and the Governor’s Crime

Commission. The Team developed this second year interim report as a means to share its findings and inform stakeholders of progress to date.

III. ONGOING THEMES

Firearms

Three of the eight deaths reviewed over the two years were caused by gunshot wounds; two by strangulation; one by asphyxia (smothering), one by beating and another by exsanguination from a stabbing wound. For North Carolina as a whole, firearms accounted for the majority of DV homicides in 2008, 2009 and 2010, according to the North Carolina Coalition Against Domestic Violence.

Substance Abuse

In seven of the eight cases, there was a history of excessive alcohol and/ or illegal drug consumption and/or sale by one or more of the parties involved. In five of the eight there was alcohol/drug involvement on the day of the murder.

Jealousy, Rage and Perceived Loss of Control Over Victim

In all of the eight cases an intimate partner was killed when the killer perceived loss of control over the victim. These included instances: when the victim chose to leave, found another partner, or behaved in a manner that the murderer viewed as disrespectful.

Families and Friends were Aware of the Domestic Violence

In all of the eight cases family and/or friends were aware that there was emotional and/or physical violence between the partners. In a few of these situations there was awareness that the violence could escalate and imperil the life of the victim. In others, the violence was not distinguishable from other violence in the home and community and, as a result, little attention was paid.

IV. RECOMMENDATIONS

Name the Violence, Condemn It, and Raise Awareness about the Lethality Risk

In all cases reviewed family and friends were aware of the violence in the home. In one case, after the victim's death, friends, acquaintances and family members noted that the murderer had "cut" the victim before. In another case the victim had been cautioned by a family member to "cease slapping her boyfriend on the head". The acts of physical violence did not stand out or sound an alarm, probably because violence was commonplace in the lives of these individuals. In a third case, a close family member (and DV survivor) explained that the victim felt shame about being a DV victim. The survivor called for raised awareness and changed attitudes so that DV victims are no longer embarrassed to seek help. She suggested rallying the community behind zero tolerance for DV and presented Mothers Against Drunk Driving as an example of a movement that has altered community norms and increased accountability for violators.

The Team recommends an on-going public awareness campaign that helps diverse audiences to: a) understand the signs and symptoms of Domestic Violence, b) learn that

resources are available to help victims to exit their abusive situations, and c) points out the dire consequences of ignoring or turning a blind eye to the abuse.

Last year the Team called attention to North Carolina General Statute 7B-301 that mandates reporting by “any person or institution who has cause to suspect that any juvenile is abused, neglected or dependent as defined by G.S. 7B-101”. DV exposure is widely considered an “environment injurious to the juvenile’s welfare” which provides grounds for DSS to consider whether the child is at risk of abuse or neglect. Key to helping these children is helping the non-offending parent (the DV victim) as well.

This year the Team also recommends on-going efforts to increase awareness of the detrimental effects on children of exposure to DV. Recommendations include: (a) Increase awareness of the harmful impacts of DV on child observers through Charlotte Mecklenburg Schools’ Parent University, (b) increase awareness of the REACH Program and Teen Dating Violence (TDV) Programs (TDV is a psycho-educational counseling program for teenage victims of dating violence. The REACH Program is a psycho-educational counseling program for teens ages 13-17 who have been child witnesses of domestic violence but have now begun demonstrating at risk behaviors.), and (c) continue to support Charlotte Mecklenburg Schools’ anti-bullying and anti-violence initiatives and promotion of healthy relationships.

Enhance DV Safety Planning for Victims and Children

Children were in the home in two of the four cases reviewed. When there is Child Protective Services (CPS) involvement, the Team recommends that CPS strengthen DV safety planning at case initiation and as circumstances change throughout the case, including increased communications with law enforcement and Probation regarding 50B violations. CPS should also explore ways to impress upon the offending parent that s/he must abide by the terms of the 50B order to have any visitation with her/his child/children.

Increase Frequency/Focus of Probation Contacts

In one case reviewed there was no evidence of constructive contacts between Probation Officers and either the victim or perpetrator, both of whom were on probation at one time or another. Opportunities to re-direct and counsel the probationers toward employment and education opportunities were missed. The Team realizes that there have been changes in organization, policy, and procedures at Probation during the past couple of years, and there may be systems now in place that address the missed opportunities. The Team recommends that the Probation Department continue close monitoring of persons convicted of DV crimes, such as ensuring participation in batterer intervention programs when court ordered.

Promote Development of Workplace Policies Regarding DV

In one of the cases the victim’s workplace supervisor was aware of the DV situation, and a safety plan had been developed by the victim. Notification of the safety concerns was limited to the immediate supervisor. It is unclear if the Employee Assistance Program or

any other supports were offered to enhance protection. A Protective Order was in place. None of these interventions was sufficient to keep the victim safe.

The Team recommends that employers have a policy that creates a supportive work environment where employees feel they may seek assistance with domestic violence issues. Many resources are available to assist employers to develop sound policies. Charlotte-Mecklenburg Schools, which has a predominantly female work force, is currently in the process of developing a policy. Even though it cannot guarantee safety, a policy may help to reduce the isolation often felt by DV victims, helps victims to be connected to useful resources, and reduces the likelihood that a victim will be repeatedly stalked or harassed on the job.

Magistrate's Office Needs to Provide Privacy to Plaintiffs

During evenings and weekends DV victims who are seeking protective orders must go to the Magistrate's Office. Protective orders are frequently sought during evenings and weekends because that is the time frame during which many DV incidents occur. Given the current configuration of the Magistrate's office space, the person seeking protection must stand at a glass window and provide information to the Magistrate, without benefit of privacy regardless of who else may be in line. This may prove embarrassing and is potentially dangerous.

Members of the Team have met with the representatives from the Magistrate's Office and the Sheriff's Office. The Team has recommended that they carve out some private office space, secure for persons seeking protection, so that victims of DV, and others who require privacy, are given the support they need during this difficult process. To date, no progress has been reported.

Faith Community Leaders Require On-going DV Education

In one case both the victim and her murderer attended church with some regularity. There is no evidence that either party ever informed anyone at the church about the DV occurring in the home. It was noted by family that the victim was raised to keep family matters private—"what goes on in the home stays in the home" is a rule in many families.

The Domestic Violence Advocacy Council, a coalition of local service providers, has a sub-committee that is focused on outreach to houses of worship. The Team supports the ongoing work of the sub-committee to encourage faith leaders to spread the message that DV is unacceptable, and to educate the leaders so that they are able to respond effectively to congregants who disclose.

Supervised Visitation and Exchange

In one of the cases visitation and exchange of a young child was an on-going point of contention between the partners. The victim and murderer continued to have contact after the issuance of the 50B order because the father wanted to see his son, who was living with his mother. This created an unsafe situation for the mother and child. The murder occurred during one of these visitations.

The Team recommends that Mecklenburg County seek funding to implement supervised visitation for households where child visitation is included in the 50B order. There is an estimated annual demand of 300 families for the service, including Family Court cases. The Team is aware that Mecklenburg County Community Support Services, in partnership with United Family Services, Inc., the 26th Judicial Court District, the Latin American Coalition, Legal Services of Southern Piedmont, Legal Aid of North Carolina, The Children and Family Services Center, The Council for Children's Rights, the Mecklenburg Department of Social Services, and the Charlotte-Mecklenburg Police Department submitted a competitive grant proposal to the United States Department of Justice for a Supervised Visitation and Exchange Center in March 2012. The Team is optimistic that it will be funded; if the grant application is unsuccessful, the Team recommends that other funding sources be pursued.

Additional Need for Victim Advocates

Two of the cases involved protective orders (50Bs). It appears that victims may be better protected if more time and attention are spent in thinking through the specifics of the relief sought in the orders.

The Team recommends that a Victim Advocate be available on evenings and weekends to assist persons requesting protective orders at the Magistrate's Office. Evening service was available for a number of years, but the position was eliminated in 2009 due to tight budgets. The Magistrate or Judge cannot grant relief that was not requested in the order. It is therefore important that the victim think through the types of relief that may be needed to keep her (and her children) safe. For example, she may need to consider: whether the defendant has weapons that should be confiscated, who should be awarded use of a shared vehicle, and designation of a safe location for the exchange of children with the non-custodial parent. It is difficult to think clearly about these issues when one has just been the victim of violence.

In some cases the victim seeks a 50B consent order rather than go to trial. The victim may or may not understand that a consent order is like a plea bargain in that the only terms that can be included in the order are ones that have been agreed to by both parties. In these circumstances a victim advocate is invaluable in helping to think through the issues and thoroughly fill out the forms.

Improved Law Enforcement Response to 50B violations

In one case the perpetrator twice violated the 50B order, and the victim reported the violations to the police, but he was not arrested. The Team discussed current Charlotte-Mecklenburg Police Department (CMPD) practice, which is that the complainant is advised to go to the Magistrate's Office to file a complaint and seek an arrest warrant. This practice puts significant responsibility and pressure on the victim and may result in delayed issuance of the warrant if the victim is unable to get to the Magistrate's Office. In this case the perpetrator had removed the tags from the victim's car (the 50B order awarded the car to her), so she was without any transportation. She was offered none by the police officer who came out and saw the tag-less car.

Generally North Carolina law allows the warrantless arrest of persons suspected with misdemeanors only if the law enforcement officer witnessed the crime. However, N.C. G. S. 50B-4(B)(1) provides that a law enforcement officer shall arrest if s/he has probable cause to believe a person has violated a court order [under Chapter 50B] which excludes the person from the victim's residence or enjoins the person from harassing or interfering with the victim. The following recommendation is consistent with that statutory mandate.

The Team recommends that all of the police departments in the County develop, train, and adhere to a policy making it mandatory that a police officer will seek a warrant immediately when there is probable cause that the suspect has violated a 50B order. It should also be policy that police officers consistently offer to transport the complainant in 50B violation cases to the Magistrate's office and appear before the magistrate with the complainant when there is probable cause.

The Team further recommends that CMPD consider the merits of making contact with the perpetrator in DV complaints. This recommendation emerged from the DVFRT's discussion of a study conducted in England titled Arresting Evidence: Domestic Violence and Repeat Victimization. The study describes a tiered series of interventions that "enabled chronic repeat offenders to be identified, individually assessed and, over the year of the project, for their numbers to be reduced".

Inadequate Time for Hearing 50B Cases

The Team has requested that the Chief District Court Judge Lisa Bell consider options for relieving some of the crowding on the docket in Court 4110, such as moving the 50C cases out of that courtroom to allow the presiding judge to give more attention to the 50Bs, which are more likely to involve emergencies and children. Judge Bell, along with lead DV Judge Ty Hands, has initiated a practice of opening a second courtroom on days when the 4110 docket is very heavy, using an unassigned judge to hear the overload cases. At a recent meeting of the DV judges it appeared that this system, while not a perfect solution, seems to be working fairly well. Other ideas are being discussed among the judges and other 4110 court personnel.

Explore Improvements to Batterer Intervention Programs

In one case the murderer completed a court-ordered batterer intervention program, New options for Violent Actions (NOVA) in 2001 and had no subsequent arrests for DV until he murdered his partner in 2009. Significant changes have been made to the NOVA curriculum and program design since 2001.

The Team recommends that NOVA work with other organizations in the DV continuum to explore:

- other program designs that address trauma
- compliance rates with the various sentences given to perpetrators
- recidivism rates for program graduates

Address Co-occurring Issues

Mental health and/or substance abuse were issues in at least three of the four cases reviewed. In one case both the victim and the murderer had been consuming large amounts of alcohol immediately before the murderer fired his weapon multiple times at close range. The Team recommends that agencies in the DV continuum intentionally explore ways to share information, particularly for repeat offenders. The Team also supports early identification and treatment of Charlotte-Mecklenburg school children with behavioral problems.

Restrict Access to Illegal Weapons

Two of the four cases involved murders with hand guns. In one of the two the murderer made a quick phone call and acquired the illegal weapon at a carwash near his home for a few hundred dollars. The Team supports initiatives that reduce the availability of illegal weapons in the Mecklenburg community.

V. ACCOMPLISHMENTS

During this past year the Mecklenburg DV community has implemented a number of recommendations contained in the Team's first annual report.

Increase DV Training for Law Enforcement Officers

The District Attorney's Office and Charlotte-Mecklenburg Police Department have jointly developed a strategy for providing increased training to the 1700 officers. The strategy employs a three tier approach. The first level is to provide additional training for the DV detectives and the DV liaisons from each of the 13 CMPD districts. The DV detectives will conduct roll call trainings to answer questions that patrol officers may have related to DV cases. The second level is training of the CMPD training officers. (Every rookie officer is assigned to a training officer). The third level is to provide additional training through CMPD's online training modules.

On February 10, 2012 one of the Assistant District Attorneys who serves on the Team provided training for the detectives and liaisons. The topics were: Introduction to the newly formed District Attorney's DV Team, building stronger DV cases, dual arrests, strangulation, and additional charges to consider. The DV detectives have also completed a series of roll call trainings in their respective divisions. Level two is on hold until after the Democratic National Convention in September. For the third level, some, but not all, of the materials have been developed. Progress will resume after September.

Implement Lethality Assessments

The Charlotte Mecklenburg Police Department and CSS, in collaboration with other community partners, applied for and were selected to be trained and to implement the Lethality Assessment Program – Maryland Model (LAP), under a technical assistance award by the Office on Violence Against Women, U.S. Department of Justice. The Maryland Network Against Domestic Violence, the technical assistance provider, trained the trainers in our community in late May 2012. The trainers will train front line responders over the next several months. It is anticipated that the lethality assessments will increase the number of high danger victims seeking services by approximately 23%.

Increase DV Screenings Among Health Care Providers

Initial conversations have been held regarding making Intimate Partner Violence screening mandatory at all Carolinas Health Care System-affiliated physician offices.

Presbyterian Hospital continues to educate Novant Physician Practices on the benefits of screening patients for domestic violence and through Project Safe provides onsite staff training and a resource line to support medical staff in helping patients impacted by DV.

Increase Public Awareness about the statutory mandate for reporting to Child Protective Services when a juvenile has been exposed to DV.

The Mecklenburg Community Support Services Women's Commission Division applied for and received a grant from the Justice initiatives to run a public awareness campaign in partnership with WAXN-TV on the effects of DV on children. This will include the effects on children that are observers of the abuse as well as effects on teenagers that find themselves in abusive (and sometimes violent) teen dating relationships. The current plan calls for airing public service announcements in October 2012 (DV Awareness Month), February 2013 (Teen Dating Violence Awareness Month) and April 2013 (Child Abuse Awareness Month).

Continue to educate staff and the public about the lethality of domestic violence situations.

The North Carolina Council for Women and Domestic Violence Commission have partnered with other individuals and entities to initiate private fund-raising to pilot a public awareness campaign in Iredell and Mecklenburg counties, to begin in 2013. The campaign will be titled: "Say eNOugh to Violence." Information about the campaign is available at <http://enoughviolence.com/>.

Educate prosecutors to seek out defendants' military records (when applicable) to strengthen DV cases—both homicide and non-homicide.

This information has been shared with the homicide team at the District Attorney's Office; the team will be developing procedures regarding how and when to obtain the records in particular cases.

Strengthened Relationships

In addition to the implementation of recommendations made in Year One, the Team is pleased that the intensive case reviews continue to strengthen the working relationships among the participating agencies. The benefits were recently apparent in the speedy resolution of an issue involving protective orders; its resolution demonstrated that commitment to victim safety was paramount in the eyes of the Team members. According to Team Member District Court Judge Ronald L. Chapman, "my sense is this helps victims in a very tangible way. It would not have happened if he (Sheriff's Office representative Captain Dan Johnson) and I weren't serving on the Team."

The commitment of the Team is reflective of our community's desire to end domestic violence and of the recognition that it will take each of us to truly make safe homes and community a reality.

APPENDICES

- A-1 Session Law 2009 -52
- A-2 DV Protective Order Request Form
- A-3 List of Team Members