

West Virginia Domestic Violence Fatalities Discussion and Recommendations

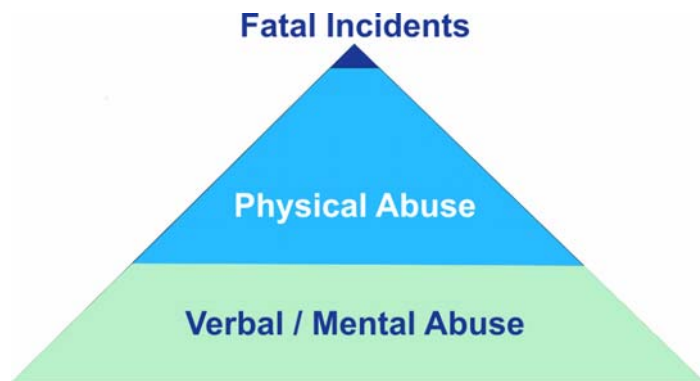
A death at the hand of an intimate partner or family member is a far too frequent occurrence in West Virginia. Domestic violence in any form is unacceptable, whether toward an intimate partner or other family member, adult or child. In West Virginia, domestic violence is a common cause of fatal assault, shattering the lives of the surrounding circle of survivors: people who are our spouses, partners, children, and friends.

There were over 10,000 domestic violence offenses reported to West Virginia law enforcement agencies in 2003; three-fourths of the victims were women. On average, two domestic homicides occur monthly in West Virginia, a disturbing statistic that has not changed over the last three decades (1). Data from the FBI's Supplemental Homicide Report indicate that West Virginia was 12th highest in the nation in 2003 in the rate of domestic homicides among women (2). Domestic violence is, simply put, a plague upon our state, and it should no longer be tolerated.

The West Virginia Domestic Violence Fatality Review Team (DVFRT) was established by the West Virginia Legislature to review circumstances of the deaths of adults significantly associated with, or suspected to have resulted from, domestic violence. This first report to the Governor and the Legislature examines the

39 identified domestic violence related deaths¹ (26 homicides and 13 suicides) that occurred in calendar year 2003, the first year reviewed following the appointment of members by the Governor. We study tragic deaths such as these because for every fatality there are hundreds of nonfatal domestic violence events that take place. Deaths represent only the tip of the iceberg of the problem of domestic violence.

Studying these stories helps illuminate our understanding of the characteristics of domestic violence in general. Those of us who are charged with protecting the health and safety of our citizens can learn how we can work in better ways to respond to domestic violence in our society.



¹ The DVFRT does not claim that these 39 deaths represent all of the domestic violence deaths that occurred in West Virginia in 2003. Improved screening procedures were implemented in 2006 that have facilitated the identification of fatalities that are domestic violence related.

Domestic Violence in the United States. One in 4 women in the United States will experience some form of domestic violence within her lifetime (3). Between 2 and 4 million women are assaulted by a domestic partner every year (4). An estimated 37% of violence-related emergency room visits made by women across the country each year, nearly 4 in 10, are due to domestic violence (5). Nearly 9 million children in the United States witness domestic violence in their homes each year (6). Domestic violence is a leading cause of homelessness in the nation (7). As terrible as these statistics are, they represent only a fraction of the problem; it is estimated that over one-half of domestic violence incidents go unreported.

Domestic Violence Fatality in WV: Violence against Women. In 2003, there were 26 homicides and 13 suicides reviewed by the DVFRT, which included 18 women and 21 men. Women were considerably more likely to be the victim of a domestic violence homicide (17 of 26), while men were more likely to commit suicide (11 of 12), frequently following the commission of a homicide. The Team found the following gender distinctions:

- ▶ Two-thirds (65.4%) of the 26 domestic violence (intimate partner and family violence) homicide victims were female; 35% were male. Twelve (92%) of the 13 persons committing suicide were male; 11 of these were homicide perpetrators. One (8%) person who committed suicide was female.
- ▶ Three-quarters (76.5%) of the victims of intimate partner homicide were women.
- ▶ All of the homicides that were part of a homicide/suicide were women; all of the suicides that occurred as part of a homicide/suicide were men.
- ▶ Perpetrators of domestic violence homicides were overwhelmingly likely to be male: 23 were male and 3 were female. Fifteen (65.2%) of the 23 male perpetrators had a domestic violence history, compared with only 3 (13.0%) of their victims (all male). In contrast, none of the 3 female perpetrators had a prior history of domestic violence, while all 3 of their male victims did.
- ▶ A current or previous domestic violence protective (DVP) order had been filed in 7 (26.9%) of the 26 homicides. All the DVPs were filed against male perpetrators or victims.

Domestic Violence and Suicide. Thirteen (33.3%) of the 39 identified domestic violence deaths reviewed by the DVFRT were suicides. Because criminal investigation findings provide much of the information useful in reviewing these deaths by the DVFRT, and relatively little police investigation of death circumstances is likely if a suicide does not occur as part of a

Public Awareness Recommendation:

The threat of suicide by one party in an antagonistic domestic relationship should be perceived as a potential threat to the other party. If a person is considering taking their own life because of a domestic situation, they may attempt to take the life of the other person also.

The Team advises the public to be aware that all threats of homicide and suicide should be taken seriously. Persons who threaten suicide in domestic violence situations often commit homicide prior to taking their own lives.

homicide/suicide, it is difficult to evaluate the role domestic violence may have played in the death. Because of the mental duress and stress that accompanies a domestic violence situation, the Team assumes that domestic violence was a factor in a far greater number of the 271 adult suicides that occurred in West Virginia in 2003 than the 13 identified and reviewed.

Domestic Violence and Children. Domestic violence not only has mental health consequences for the victim of the violence but for children who are exposed to and witness violence in the home, and who may perceive themselves to be (or frequently are) at risk of being targets of violence as well. Acute and long-term emotional problems can include nightmares, learning disabilities, depression, and aggressive behavior. Numerous studies have shown that children who grow up in violent households are at risk for using violence themselves against partners or spouses.

During the 2003 DVFRT reviews, the Team found that:

▶ Minor children were present at the scene in 11 (39%) of the 28 domestic violence fatality incidents reviewed. In 5 of those incidents, children actually witnessed the deaths.

▶ Looking at the 11 homicide/suicides only, 5 (46%) were committed with children present at the scene, with the children witnessing the events in 2 cases.

▶ At least one homicide occurred in 2003 while the victim was picking up her children during an exchange at the perpetrator's residence. Child custody exchanges can put one or more of the parties involved at risk.

System Recommendation:

The persons/agencies that are responsible for the welfare of the children who are impacted by domestic violence fatalities should assure that these children receive mental health counseling. Funding for these services is available through the Victims Compensation Fund.

Domestic Violence Petitions. Domestic violence petitions (DVPs), or protective orders, had been filed against all 3 of the male victims of intimate partner homicide in which a woman was the perpetrator. Four of the male perpetrators of an intimate partner homicide had either a current or past DVP filed against them.

By law, persons having an active DVP in effect against them are not allowed to be in possession of a firearm. Current police policy is to direct the person to relinquish all firearms in their possession to another individual for the duration of the protective order; however, there is little assurance that there is compliance for several reasons. If the abuser has a concealed weapon permit, there is currently no mechanism in place to inform the issuing agency to cancel that permit. Most police agencies lack the storage space to take possession of the firearms, and liability in case of damage to the gun(s) while in police possession becomes an issue as the weapons are not evidence in a criminal case, and the abuser still has ownership rights. In addition, another person in the

Public Awareness Recommendation:

The public needs to be made aware that it is illegal for a person who has an active DVP against them to possess firearms. Knowingly providing a firearm to such an individual, even that person's own property, may result in criminal or civil action.

System Recommendation:

Police should have access to an active statewide DVP database.

residence may own firearms, allowing access by the abuser. Reportedly, there have been instances where magistrate courts have crossed out the portion of the DVP specifying that the person cannot possess guns, even though this is federal and state law. (Such practices were not documented in any of the 2003 incidents reviewed.)

Substance Abuse. Substance abuse is frequently a factor in domestic violence, reducing inhibitions against socially unacceptable behavior such as

aggression and often providing an "excuse" for the behavior. Alcohol and/or drug use can interfere with the ability of both the abuser and the victim to make safe and rational choices, as well as acting as a coping mechanism for the victim and hindering interventions to change violent responses and behaviors.

▶ Thirteen (46.4%) of the 28 incidents reviewed by the Team involved substance abuse.

▶ Both the perpetrator and victim had histories of alcohol and/or drug abuse in 8 (61.5%) of these 13 incidents, the perpetrator had such a history in 3 (23.1%) incidents and the victim in 2 (15.4%) incidents.

▶ While most of the victims were able to be tested reliably for the consumption of alcohol and use of both illicit and pharmaceutical drugs, the perpetrators' use of alcohol and drugs could only be determined by inference from observed behaviors at the time the offense was committed.

Separation Violence. One of the most dangerous times in a relationship in which there is domestic violence is when the victim of the violence tries to end the relationship. Reviewing the 2003 homicides, the Team found that:

▶ Six (23.1%) of the 26 homicides occurred when an intimate partner had separated from or was in the process of separating from her abuser.

▶ Four (36.4%) of the 11 homicide/suicides occurred following a separation or when the victim was in the process of getting a divorce from the perpetrator.

Data Limitations. The 39 deaths included in this document were those identified by the DVFRT as meeting the definition of domestic violence fatality as set forth in the West Virginia State Code. The DVFRT does not claim that these 39 deaths represent all of the domestic violence deaths that occurred in the state in 2003. Other fatalities were reviewed that had elements of domestic violence identified in the victims' lives but for which it could not be determined that the fatal incident was directly related to that

violence. Those deaths, therefore, were not included in this analysis. Improved screening procedures were implemented in 2006 that have facilitated the identification of fatalities that are domestic violence related. This will be reflected in the increase in domestic violence deaths reviewed from 2006 and beyond.

It is recognized that a study of 39 deaths is a limiting factor in analyzing the nature of fatal domestic violence; however, each life has value. The DVFRT believes that it is important to begin the practice of issuing an annual publication sharing the results of the Team's review process with the people of our state. Moreover, by continuing to collect and publish additional data in the years to come, the DVFRT hopes to be able to discern patterns, factors, and trends in domestic violence fatalities in West Virginia that will provide sound bases on which to build effective social policy. In this way the performance of our public safety and public health agencies that are guided by these policies will be continually improved.

The Scope of This Document. In order to provide a more comprehensive overview of domestic violence fatality in West Virginia, a discussion of the 2003 fatalities that were identified and reviewed by the DVFRT is accompanied by a summary of nonfatal domestic violence incident statistics and selected information on the utilization of the state's domestic violence programs and shelters during that same time period. The data presented in this document were provided by the DVFRT, the West Virginia State Police in *Crime in West Virginia, 2003*, and the West Virginia Coalition Against Domestic Violence.

Although this document addresses only those domestic violence fatalities that occurred in calendar year 2003, the recommendations proposed by the DVFRT are based on the broader review of fatalities that has been ongoing since the Team's establishment.