

# MAINE STATE LEGISLATURE

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**SECOND REPORT OF THE HOMICIDE REVIEW PANEL**

*Maine Commission on Domestic Abuse*

*Report to the Judiciary Committee - January 1, 2000*

By law effective October 1, 1997, the Legislature charged the Maine Domestic Abuse Commission (hereinafter "commission") with the task of establishing a homicide review panel (hereinafter "panel") to "review the deaths of persons who are killed by family or household members." The legislation mandated that the panel "recommend to state and local agencies methods of improving the system for protecting persons from domestic abuse including modifications of laws, rules, policies and procedures following completion of adjudication. The panel was further mandated "to collect and compile data related to domestic abuse." 19A M.R.S.A. §4014.

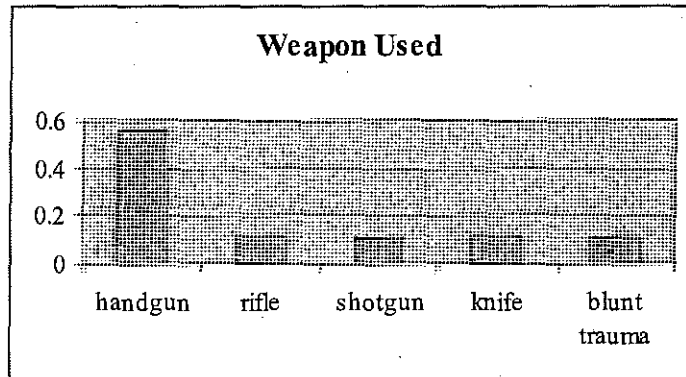
In its first report to the Legislature in January of 1999 the panel reported that it had reviewed an insufficient number of cases to make any credible findings or recommendations and made one recommendation to the Legislature - to fund staff to support the panel. A bill to provide for a staff person for the Commission and panel was proposed and the Legislature ultimately passed legislation creating a clerical position. The law creating that position was subsequently vetoed by the Governor. The absence of staff continues to limit the number of cases and the level of review that the panel can accomplish.

The panel has reviewed nine cases to date.

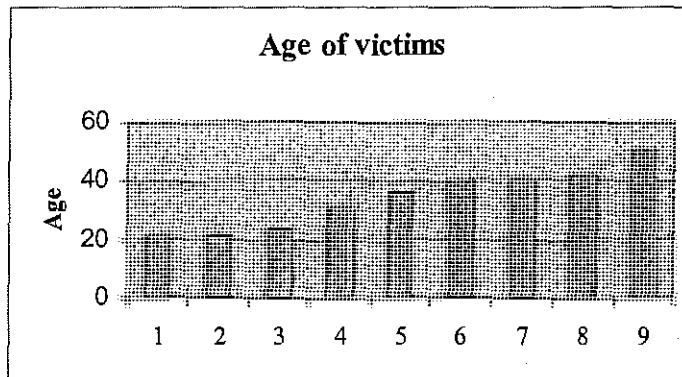
Five of the cases reviewed occurred in 1998 or 1999, the remaining four occurred between 1992 and 1996. Because the panel does not have the ability to review all cases occurring within a certain time frame, cases were selected to assure some diversity of geography, circumstances and included those cases that a committee consisting of an Assistant Attorney General within the homicide unit, the Medical Examiner's office and the chair of the commission selected as being most representative. Additionally, one criterion was that the case was completed, either that there was no prosecution (as in cases where the perpetrator committed suicide) or that a trial or plea and sentencing had occurred. One case included three victims, a woman and her two children who were killed by her husband and father of the children. Although it is important to acknowledge that the children were also victims, the homicides are reported as one case for purposes of data collection.

In seven of the nine cases, the murder weapon was a gun - in one case a rifle, another a shotgun and in five cases a handgun. In one case, the victim was stabbed and in one case, the

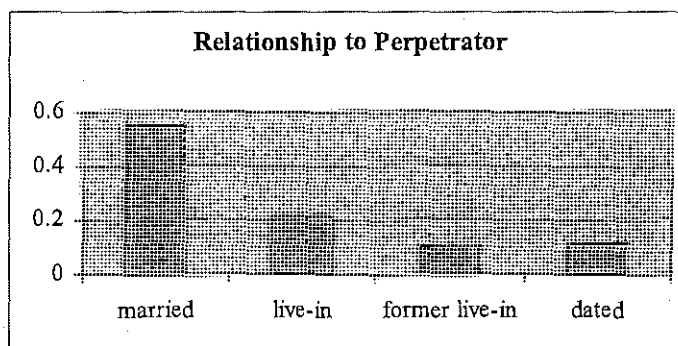
cause of death was blunt injury to the face with aspiration of blood and fracture of the hyoid bone and larynx.



The victims (excluding the two children, a 5-year-old girl and a 2-year-old boy) ranged in age from 21 to 51 and were all female.



Five victims were married to the perpetrator at the time of the homicide - three of these had recently separated and two others had discussed and planned a separation in the immediate future. Two victims were living in a romantic relationship with the perpetrator at the time of the homicide. One victim had lived with the perpetrator in the past but had been separated for several months. One victim had dated the perpetrator but had never lived with him.



There is a range of length of each of the relationships with the shortest being 4 years and the longest being 22 years. All of the perpetrators are men. Six of the perpetrators committed suicide and died subsequent to the homicide. Three perpetrators were prosecuted and convicted and the dispositions are as follows:

- Plea to manslaughter - sentenced to 12 years with 6 years probation
- Plea to manslaughter - sentenced to 40 years
- Convicted of murder and aggravated assault - sentenced to 50 years

### **CHILDREN**

It is important to pay particular attention to the children affected by domestic violence homicides. As noted previously, two children, a 5-year-old girl and a 2-year-old boy were murdered with their mother, shot in the chest by their father. In another case, two children, ages 1 and 2 were in the home when their mother was killed. It is believed that the 2 year old girl may have witnessed her mother after the homicide because she will not allow people to lie down with their eyes closed. In one case, the estranged father saw his 9-year-old daughter to the school bus before murdering her mother. In two cases, the children found the bodies of the victims. In two cases, the victims had no minor children and in one case, the victim had no children.

### **USE OF SERVICES/INTERVENTIONS**

In only two of the nine cases, the victims had contacted the domestic violence program, which is part of the Maine Coalition to End Domestic Violence. In one case, we were aware of a referral made by a mental health provider but there is no identified contact with the program.

### **MEDICAL/MENTAL HEALTH INTERVENTIONS**

In four of the nine cases, the panel obtained medical or Emergency Room records that indicated an opportunity to screen for domestic violence and an opportunity to intervene or refer to services. In two cases, the victims had numerous visits to the ER for injuries that were related to the abuse being perpetrated. In two other cases, the perpetrator was seen in the hospital with an incident that can now be seen as a "red flag" for domestic abuse and could have been screened. In six of the nine cases one or both of the parties had or were receiving some mental health counseling.

## **POLICE INTERVENTION**

In three of the nine cases, there had been no prior contact with the police. In four cases, the police had been called to the home for a domestic violence incident with the victim. Two cases involved reported assaults to children or stepchildren. One case involved an extensive police and court record, including several convictions for assault on the victim. The perpetrator was previously convicted of three counts of theft, three counts of burglary, manslaughter, five previous assaults (most involving the same victim), four counts of revocation of probation. Two charges of assault and criminal trespass were filed two months before the homicide and were pending at the time of the crime. Sentences for previous assaults ranged from 90 days with all but 9 days suspended for the first offense to 9 months for the fifth charge one year before the homicide. Within the period between those two assault convictions, the perpetrator's probation was revoked four times.

In one case, it was reported that the police were called to the home on several occasions but there was no indication of any action by police and in fact, no records were available for review.

## **PROTECTION FROM ABUSE**

In two cases the victims had filed and obtained a temporary order of Protection. In one case, the PFA order was dismissed because the victim failed to appear at the final hearing. In the other case, the order had lapsed before the homicide.

## **PUBLIC AWARENESS**

As the panel reviewed these cases, it was instructive to note the number of cases where, with hindsight, people were not surprised by the events. In two cases, all of the professionals involved realized that the danger was there but felt helpless to do anything. In several cases, family and friends either describe controlling and abusive behavior or noted fears expressed by the victim. In two cases, people were aware of death threats made by the perpetrator to the victim.

## RECOMMENDATIONS:

- 1) The panel continues to recommend that the Legislature fund a staff position. The time required to review cases, contact witnesses, follow-up to obtain records from courts, hospitals, mental health providers, law enforcement officials and to report to the panel and to the legislature requires the service of a half-time professional with knowledge of domestic violence issues and the skills required to fulfill these tasks. This position is more than a clerical position and the panel will continue to be hampered in its efforts until this position is funded.
- 2) In several cases, there were people who suspected abuse or knew of tensions or conflicts but were not aware of the abuse. In still other cases family, friends and co-workers who encouraged separation wondered if they could have done something different. A public awareness campaign describing the signs of abuse with suggestions as to how to support someone who is in an abusive relationship along with suggestions for resources and safety planning for someone who is about to leave an abusive relationship. In only two of the nine cases reviewed had the victim contacted the battered women's project in her area. In one other case the victim had received information about the program but had not made contact. Public awareness should include information about programs that provide support to victims of domestic abuse.
- 3) A coordinated community response is essential. Police, prosecutors, judges and probation officers must be provided with information about prior incidents of abuse in order to hold abusers accountable for their actions. Other critical aspects of this response include training for police officers and prosecutors to reflect the need to pursue domestic abuse cases in the absence of a cooperative victim. Training on the use of 911 tapes and hearsay exceptions as well as improved evidence collection and interviewing techniques should continue to be provided statewide. A focus on sentencing practices in cases of domestic abuse cases should be addressed by the courts. Finally, a coordinated community response must include prevention efforts such as school based programs teaching young people about the nature of abuse and the value of healthy relationships.
- 4) In many cases, the parties had come to the attention of hospital personnel, school officials and mental health providers. Training for these individuals on the dynamics of

domestic abuse, on appropriate and inappropriate interventions and on services that are available in the community are critical for those people who see victims of domestic abuse every day.