INTERIM STUDY HSP 11-101: A Study to Explore Practices and Tools Aimed at Reducing Domestic Violence Deaths in the State
Human Services Committee
Representative Pam Peterson, Chair
Representative Mike Sanders, Vice Chair

Date: October 11, 2011
Time: 1 pm
Location: State Capitol, Room 412-C

Agenda

I. Introduction & Welcome: Representatives Peterson & Sanders

II. Overview: Domestic Violence Deaths in Oklahoma
Jeff Smith, District Attorney, District 16
Chair, Domestic Violence Fatality Review Board

III. Role of Systems Education

Legal/Judicial

The Honorable Judge Richard Kirby
Associate Judge, Oklahoma County Juvenile Court:

The Honorable Judge Candace Blalock, (ret.)
Former District Judge for Cleveland & Garvin Counties

Cindy Hodges Cunningham, Director, Legal Services, DVIS, Tulsa, Oklahoma

Melissa Blanton, JD, Executive Director
YWCA, Enid, Oklahoma

Mental & Physical Health & Law Enforcement Study

Janet Wilson, PhD, RN
Associate Professor, University of Oklahoma, Health Services Center, College of Nursing

Children

Jackie Steyn, Chief Programs and Compliance Officer
YWCA, Oklahoma City; Member, DV PARB

Amanda McReynolds Doran, Executive Director
Domestic Violence Program of North Central Oklahoma
Ponca City

IV. Impact of System Failures: Snapshot of a Domestic Violence Death

Barbara Burk,
Mother of Diane Dye

DeWayne Burk, Deputy Fire Chief
Lawton, Oklahoma
Brother of Diane Dye

Frank V. Jensen, City Attorney
Lawton, Oklahoma

911 Tape-Death of Diane Dye

V. Summary of Preliminary Recommendations
*References will be available on website

Materials available on the Website:

Annual Reports from the Domestic Violence Fatality Review Board
The Green Book: Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice
Judicial Bench Cards from the National Council of Juvenile & Family Court Judges
Adverse Childhood Experience (ACE) Study

OKLAHOMA DOMESTIC VIOLENCE FATALITY REVIEW BOARD

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Mission

The mission of the Oklahoma Domestic Violence Related Fatality Review Board is to reduce the number of domestic violence related deaths in Oklahoma. The Board will perform multi-disciplinary case reviews of statistical data and information derived from disciplines with jurisdiction and/or direct involvement with the case to develop recommendations to improve policies, procedures and practices within the systems involved and between agencies that protect and serve victims of domestic abuse.

Purpose

The Domestic Violence Related Fatality Review Board shall have the power and duty to:

1. Coordinate and integrate state and local efforts to address domestic violence related fatalities and create a body of information to prevent domestic violence related deaths;
2. Collect, analyze and interpret state and local data on domestic violence related deaths;
3. Develop a state and local database on domestic violence related deaths;
4. Improve the ability to provide protective services to victims of domestic violence who may be living in a dangerous environment;
5. Improve policies, procedures and practices within the agencies that serve victims of domestic violence; and,
6. Enter into agreements with other state, local or private entities as necessary to carry out the duties of the Domestic Violence Related Fatality Review Board including, but not limited to, conducting joint reviews with the Child Death Review Board on domestic violence cases involving child death or child near-death incidents.

OKLAHOMA DOMESTIC VIOLENCE FATALITY REVIEW BOARD

As of January 2011, the DVFRB had reviewed 341 of 1,007 domestic violence homicide incidents that occurred from 1998 to 2010. The 341 homicide incidents include 372 victims and 378 perpetrators.

Fast Facts*

- There were 80 domestic violence homicide cases in 2009, resulting in the death of 87 victims and 15 perpetrators
- 55% of all victims are female, 75% of intimate partner (IP) homicide victims are female
- 71% of all perpetrators are male, 75% of intimate partner homicide perpetrators are male
- 52% were current or former intimate partners
- 45% of intimate partner homicide victims were in the process of leaving the perpetrator
- 18% of intimate partner homicide relationships began when the victim was 17 or younger
- 58% of the homicides were committed with a firearm, 23% of firearm deaths are committed by perpetrators who are federally prohibited from possessing a firearm
- 58% of cases are witnessed by another person
- 33% are witnessed by children
- A Victim Protection Order existed in 19% of the cases, 24% of IP cases

Intimate Partner Red Flags:

- There is evidence of prior domestic violence in 77% of IP cases
- 49% of perpetrators made death threats against the victim prior to the homicide
- 43% of perpetrators exhibited morbid jealousy
- 27% of perpetrators attempted/threatened suicide prior to the death event
- In 26% of the homes where children were present, there was evidence of physical child abuse
- 26% of perpetrators had been violent toward the victim in a public setting where others witnessed the violence
- 15% of perpetrators told somebody besides the victim that they were going to kill the victim
- 39% of victims had children with the perpetrator and in 1/3 of those cases, custody was an issue between the victim and perpetrator
- 44% of victims had children with a former partner
- 33% of intimate partner homicides are murder/suicides

*Statistics provided by the Oklahoma Domestic Violence Fatality Review Board, October 10, 2011

OKLAHOMA DOMESTIC VIOLENCE FATALITY REVIEW BOARD

2010 RECOMMENDATIONS

Oklahoma Domestic Violence Fatality Review Board

- Fully fund legislated mandates of the DVFRB with state appropriations.
- Work with other organizations/agencies to see what systemic changes could be implemented without legislation

Courts

- Mandate continuing domestic violence training for all judges, at a minimum, judges who might ever preside over a domestic violence or family court. The training should include, at a minimum, the importance of lethality assessment, safety for victims and children, and the significance of protective orders.
- Train all family law attorneys and the family court on post-traumatic stress disorder and mental health.

Department of Corrections

- Train Parole and Probation (P&P) officers on usage of domestic violence danger assessment tools and protocols to assess referral needs for perpetrators and their victims.
- Document and report all incidents of domestic violence reported to probation and parole officers.

Department of Human Services

- Establish policies and protocols to effectively assess and respond to domestic violence in the home.
- Strictly follow the joint response protocol for responding to children on a homicide scene established for the Department of Human Services and all law enforcement agencies.

District Attorneys

- Modify Oklahoma statute to make second and subsequent violation of an Order of Protection a felony.
- Increase the penalty range for Domestic Assault & Battery –After Former Felony Conviction.

Domestic Violence Advocates

- Make connections for victims when there is not space available in a domestic violence program. Do not just pass out numbers to victims when the program does not have space.
- Research new venues for providing effective public awareness of resources available (i.e., SAFELINE number) for those who witness domestic violence or stalking, but are unsure who to report to or how to help victim.

Education

- Mandate healthy relationship education in intermediate and middle schools and provide comprehensive education programs on teen dating violence.
- Report any form of suspected child abuse to DHS at minimum, and law enforcement as well. This should particularly be done when suspected abuse is perpetrated by school staff. Self investigations leave children exposed and vulnerable to further abuse.

Health Care

- Using the National Consensus Guidelines on Identifying and Responding to Domestic Violence Victimization in Health Care Settings (http://www.futureswithoutviolence.org/userfiles/file/Consensus.pdf), educate/train all healthcare providers in:
  - Traumatic nature of domestic violence & post-traumatic stress disorder
  - Oklahoma's domestic violence reporting law
  - Assessment of domestic violence
  - Referral to appropriate services for care
  - Documentation in the medical record

Juvenile Justice

- Initiate education about domestic violence/healthy relationships within all juvenile facilities.

Law Enforcement

- Conduct forensic interviews, regardless of age, for all child witnesses. Even teenage witnesses need the benefit of trauma informed care.
- Strictly follow the joint response protocol for responding to children on a homicide scene established for the Department of Human Services and all law enforcement agencies.

All Systems

- All systems should be involved to some degree in the prevention of domestic violence before it occurs (e.g., healthy relationship education in classrooms, anticipatory guidance for health care providers, services to young children impacted by family violence).
- Always document domestic violence incidences in order to establish a paper trail, especially law enforcement, medical, and social service agencies. These written records should be made even if no follow-up is requested/required.
- Focus on children in domestic violence cases. This can include counseling, forensic interviews, on scene help, offering resources, joint investigations, etc.
- Conduct realistic media campaigns exposing domestic violence.

INTERIM STUDY HSP 1101: A Study to Explore Practices and Tools aimed at Reducing Domestic Violence Deaths in the State

Presenter: The Honorable Judge Richard Kirby, Associate Judge
Oklahoma County Juvenile Court, Tel: (405)713-6759, e-mail: Richard.Kirby@oscn.net

Title: Domestic Violence Post-Adjudication Review Board and Lessons Learned

I Overview of the Domestic Violence Post-Adjudication Review Board (DV PARB)

A. History of the DV PARB – why is this initiative important?

B. **29%** of all deprived petitions in Oklahoma County 2010-2011 included domestic violence as an issue.

II Findings of the DV PARB During the First Year

A. The Oklahoma State Department of Human Services (OKDHS) often refers victims and perpetrators of domestic violence to programs that are not certified by the Oklahoma Office of the Attorney General (OAG). When referrals are made to non-certified programs, children and their non-offending parents are not guaranteed to be provided with services that are safe and effective or that are provided by personnel trained in the often dangerous and complex issues for families with overlapping child maltreatment and domestic violence cases.

B. OKDHS assessments, findings and Individualized Service Plans (ISP's) reflect a lack of understanding of the dynamics of domestic violence, safety risks, safety planning and referral for appropriate services. This results in children and non-offending parents being placed in potentially unsafe circumstances. PARB case reviews reveal an absence of OKDHS protocols and practice guidelines for working with child protection cases involving domestic violence.

III Recommendations

A. OKDHS should only refer victims and perpetrators of domestic violence to OAG certified agencies for domestic violence-specific services to ensure safety and best practices for families.

B. Based on findings from the DV PARB, and based on best practice recommendations[1] and principles[2] from the Greenbook, OKDHS should institute mandatory training for OKDHS Child Welfare Workers **and Supervisors**, to include an overview of the dynamics of domestic violence, the role of child welfare in responding to domestic violence cases, how domestic violence impacts the safety of adult and child victims, dangerousness assessment and domestic violence safety planning.
[**Note:** OUHSC-OKDHS Child Welfare Training Program currently requires Domestic Violence Training for Level II child welfare workers but should extend this requirement for new workers during Core training and for child welfare supervisors]

C. Since training alone does not change practice, OKDHS should develop policies, protocols and best practice guidelines for child welfare workers to enhance safe and effective intervention with families experiencing domestic violence.
[**Update:** A task group has recently formed to meet this recommendation].

In Conclusion

Education for judges, lawyers, therapists, DHS workers and Law Enforcement on the issue of domestic violence is crucial to our responsibility to protect the best interests of the children placed in state custody and will prevent deaths through such education and practice.

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[1] **Greenbook Recommendation 18.** Child protection services should develop screening and assessment procedures, information systems, case monitoring protocols, and staff training to identify and respond to domestic violence and to promote family safety.

[2] **Greenbook Principle X.** Child protection workers should develop service plans and referrals that focus on the safety, stability, and well-being of all victims of family violence and that hold domestic violence perpetrators accountable.

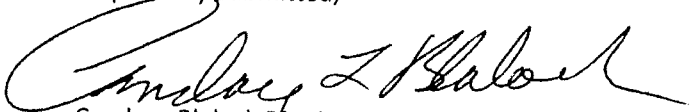
LEGISLATIVE INTERIM STUDY ON DOMESTIC VIOLENCE FATALITIES

During my tenure as chief judge in two rural counties, I noticed an increasing number of complaints on judges in domestic violence cases. Finally, after completing a domestic violence capital homicide, I decided to assign all such cases to myself. I started a domestic violence court and also conducted the weekly protective order dockets in both counties. These cases immediately became my most problematic; the allegations were often alarming, detailing extreme cruelty and specific threats of death with weapons. I began to routinely order additional courtroom security for everyone's safety. For some victims who failed to appear at the hearing I requested safety checks because their initial applications described such imminent danger. The victims who did appear at the hearings had various backgrounds and expectations. Many were intimidated by the courtroom setting and some were terrified at the prospect of being in the same room with their abuser. The petitioners were often reluctant accusers, ambivalent in demeanor; they would greatly minimize the sometimes horrific allegations they previously described in vivid detail. Many victims could not make eye contact or utter more than one or two word sentences in the brief time allotted for testimony. This type of courtroom behavior makes it difficult for judges to determine credibility. Nonetheless, the litigants expect the judge to grasp the situation and to protect and vindicate with the correct ruling.

However, the judge does not view his or her role as a "protector" but simply as a finder of fact in implementing the provisions of the law. The judge has to make very consequential decisions with little time and limited information available. In most protective order hearings the parties appear without counsel. Often, no forensic or physical evidence is submitted and seldom neutral witnesses available. Both parties may appear angry, volatile, and reluctant to answer questions. Many times child custody issues complicate the picture. The victim may be reliving the trauma and simply cannot go on. What is the appropriate action of the court in this situation..... recess, a continuance or a dismissal? An incorrect choice may have fatal consequences. Other difficult questions arise, such as whether to allow a defense attorney, in a protective order hearing, to cross exam a vulnerable rape victim who appears pro se. There is little in the traditional judicial curriculum to prepare judges for these kinds of situations.

Domestic violence has become a very specialized field with a body of knowledge exclusive to its discipline. Professionals and others who practice in this field are perplexed to find that judges may be lacking in proficiency in understanding the concepts and dynamics of power and control. It is imperative that this specialized learning takes place. Lives and futures are at stake. Therefore, I respectfully request that the legislature implement the recommendations of the Oklahoma Domestic Violence Fatality Review Board, regarding judicial education and training.

Respectfully Submitted,



Candace Blalock District Judge (ret)

Oklahoma Statutes Citationized

Title 10A. Children and Juvenile Code

Article 1 - Oklahoma Children's Code

Article Chapter 8 - Miscellaneous Provisions

Section 1-8-101 - Education and Training Requirements - Judicial Personnel and District Attorneys

Cite as: O.S. §, ___

A. 1. The Supreme Court is required to establish by rule, education and training requirements for judges, associate judges, special judges, and referees who have juvenile docket responsibility. Rules shall include, but not be limited to, education and training relating to juvenile law, child abuse and neglect, foster care and out-of-home placement, domestic violence, behavioral health treatment, and other similar topics.

2. All judges having juvenile docket responsibility shall attend at least twelve (12) hours of training in such courses each calendar year relating to the topics described in paragraph 1 of this subsection.

3. The Administrative Director of the Courts shall be responsible for developing and administering procedures and rules for such courses for judicial personnel, including monitoring the attendance of judicial personnel at such training.

B. 1. Any district attorney, assistant district attorney, public defender, assistant public defender, attorney employed by or under contract with the Oklahoma Indigent Defense System, court-appointed or retained attorney, or attorney employed by or under contract with a district court whose duties include juvenile docket responsibility shall complete at least six (6) hours of education and training annually in courses relating to the topics described in paragraph 1 of subsection A of this section. These education and training requirements may be accomplished through a collaborative effort between the judiciary and others with juvenile docket responsibilities.

2. Each judicial district shall be responsible for developing and administering procedures and rules for such courses for attorneys identified in this subsection whose duties routinely include juvenile court docket responsibilities. The chief judge of each judicial district, or any designee judge with juvenile docket responsibilities, shall carry out this mandate within one (1) year of the effective date of this legislation.

Historical Data

Added by Laws 1989, HB 1414, c. 269, § 2, eff. November 1, 1989; Amended by Laws 1994, HB 2640, c. 290, § 47, eff. July 1, 1994; Amended by Laws 1995, HB 1993, c. 353, § 19, eff. November 1, 1995; Amended by Laws 1996, HB 2053, c. 200, § 2, eff. November 1, 1996; Amended by Laws 1997, HB 1927, c. 386, § 15, eff. June 10, 1997 (superseded document available); Amended by Laws 2004, HB 1734, c. 415, § 3, emerg. eff. June 4, 2004 (superseded document available); Amended by Laws 2009, HB 2028, c. 233, § 8, emerg. eff. May 21, 2009 (superseded document available); Renumbered from 10 O.S. § 1211 by Laws 2009, HB 2028, c. 233, § 287, emerg. eff. May 21, 2009.

INTERIM STUDY HSP 1101: A Study to Explore Practices and Tools Aimed at Reducing Domestic Violence Deaths in the State

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Topic: Domestic Violence Education for the Legal Professional

National statistics show that one in four women will be a victim of domestic violence in her lifetime. Currently, Oklahoma is ranked 11th in the nation in the number of women killed by men. Oklahoma has ranked as high as 4th. The Oklahoma legislature has taken steps to help protect and improve the lives of victims of domestic violence and their children. There is more that can be done.

The American Bar Association takes the position that screening clients for domestic violence is required for ethical representation. In order to screen for domestic violence, an attorney must have some basic understanding of domestic violence. Ideally, this would be a subject covered in all ABA approved law schools. However, it is not.

The good news is that Domestic Violence education/training is currently available from many resources. We are fortunate that in Oklahoma training is available through the Attorney General's Partnership Conference, the Oklahoma Coalition Against Domestic Violence and Sexual Assault Conference, the OBA Family Law Section and other sources. All of the available education and training is currently elective for attorneys and judges.

The Oklahoma legislature has recognized the importance of protecting victims of domestic violence and their children through legislation in Title 10 (children's statutes), Title 21 (criminal statutes) and Title 43 (family law). The laws are on the books, however, the individuals charged with implementing the laws (judges and lawyers) are not required to have any training or education about domestic violence. If these individuals do not have the education to inform the implementation of these laws, the laws can not serve their true purpose.

In an effort to protect children, this legislature has made training mandatory for judges and lawyers in child abuse cases, Title 10A O. S. Section 1-8-101 (B). This would be a perfect vehicle to add a domestic violence training track for judges and attorneys in family law. CASA volunteers in juvenile court are required to have training in core domestic violence issues pursuant to 10A O.S. Section 1-8-102 (A).

The Oklahoma legislature has done the groundwork. You have made it clear throughout our statutes that victims of domestic violence and their children are to be protected. The next step is to keep this philosophy moving forward through seminars and conferences to train and educate the judges and lawyers who serve Oklahomans every day in divorce cases, protective order cases, criminal cases and juvenile cases.

Simply put, domestic violence education for attorneys and judges is a matter of safety; safety for the client and safety for attorneys, judges and their staffs. If an attorney does not understand the dynamics of domestic violence, it puts both the attorney and the client at risk.

Something as simple as trying to contact a victim of domestic violence by telephone can become a mine field for an attorney who has no understanding of domestic violence. Without adequate education, the attorney may not be aware that leaving a message on voice mail which the batterer has access to, could place the client at increased risk of physical violence. However, with education, the attorney becomes aware of steps they can take to contact their client while keeping the client, and themselves, safe.

For example, we know that a victim of domestic violence is at the greatest risk when they try to leave. Seeking legal representation or filing protective order crucial steps toward independence. It threatens the batterer's sense of power and control-which can lead to an escalation of violence and place both attorney and client in danger. This increased level of danger is reflected in the deaths which occur after pleadings have been filed or when a court is about to render a decision.

If an attorney is familiar with the Jacqueline Campbell Danger Assessment, they are able to ask specific questions and realize the significance of the answers. By knowing the questions to ask and the significance of the responses, the attorney can provide a general assessment of the risk the client may be facing and provide resources for the client.

Recognizing the risks a client faces can also assist the attorney in helping the client put together a safety plan. Often, victims of domestic violence do not recognize the danger they are in and having a third party assess and discuss danger with them gives them a reality check. Then, the attorney can take the opportunity to discuss the actions the client can take to help keep herself, and her children, safe. This same information allows the attorney to assess the danger they and their staff may face and take similar actions.

From personal experience I can tell you that victims of domestic violence are often reluctant to seek out counseling or other support services. The attorney may be the only resource the client has. If the attorney does not have a basic understanding of the dynamics of domestic violence, signs will be missed, questions won't be asked, and lives will be at risk.

Lastly, providing domestic violence education to attorneys gives them access to the resources in their community to support the client. Victims of domestic violence can be frustrating to deal with and supportive counseling and education can help both counsel and client.

Domestic violence education for attorneys helps them provide ethical representation, avoid malpractice, be aware of risk factors and keep their clients, as well as themselves, safe.

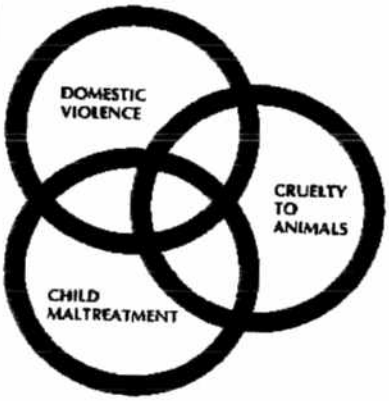
Domestic violence education for judges will inform the questions asked and decisions made in family law, protective order, criminal and juvenile cases. Victims of domestic violence and their children will be protected.

Family Violence and Animal Abuse

More than 48% of Americans consider their animals as "companions" and almost 50% consider them as "members of the family". *(American Veterinary Medical Association, 2007)* A correlation between animal abuse, family violence and other forms of community violence has been established. When animals in a home are abused or neglected, it is a warning sign that others in the household may not be safe. *(Mary Lou Randour & Howard Davidson, A Common Bond: Maltreated Children and Animals in the Home, 3; American Humane Association 2008)*

Facts

- Twelve independent surveys have reported that between 18 percent and 48 percent of battered women have delayed their decision to leave their batterer, or have returned to their batterer, out of fear for the welfare of their pets or livestock. (Frank Ascione, 2007)
- 71 - 85% of women entering domestic violence shelters reported that their partner had threatened, injured or killed the family pet. (Ascione, Weber & Wood, 1997)
- In a nationwide study more than 71% of battered women reported their abusers had harmed, killed or threatened animals, and 32% reported their children had harmed or killed animals. (Frank Ascione, 1997)
- Research has shown that 62 - 76% of animal cruelty in the home occurs in front of children. (Edelson et al., 2003)
- Children often intervene to protect their mothers and pets from being battered. Some children may even allow themselves to be victimized to save their pets from being harmed or killed. (Edelson et al., 2003)
- In a Texas study, batterers who harm animals were found to be more dangerous and to use more forms of violence and controlling behaviors than batterers who do not abuse pets. (Simmons & Lehmann, 2007)
- Children exposed to domestic violence were found to be three times more likely to be cruel to animals than children in nonviolent households. (Currie, 2006)



Implications

⇒ *Abusers are allowed to maintain control over victims, expanding the landscape of terror in which victims live.*

⇒ *Victims are prevented from leaving abusive situations out of fear of what might happen to their pets.*

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Oklahoma State Department of Health

Intimate Partner Violence and Health Care

In many cases, health care providers are the first responders treating abuse. Assessment and referral for abuse is critical for the health and safety of patients.

Physical injuries from intimate partner violence include facial fractures, dental injuries, bruises, strains, neurological injuries, and concussions. Women may hide how the injuries occurred.

Health consequences that can result from abuse include physical disability, post-traumatic stress symptoms, anxiety and depression, suicide, alcohol and drug abuse, and eating disorders.

- Survey data collected in Oklahoma during 2009 estimated that 21% of non-institutionalized adult women and 10% of adult men had been physically assaulted by an intimate partner at some time in their lifetime (*Behavioral Risk Factor Surveillance System*).
- Data collected on intimate partner violence injuries in 2002 estimates that for every woman of child bearing age killed in an IPV homicide in Oklahoma, more than 100 women are treated in hospitals for IPV injuries and more than 1,000 women are assaulted and injured who do not receive treatment for their injuries. For 2009, that translates to more than 26,000 women injured *(Oklahoma Intimate Partner Violence Surveillance System)*.
- During 2009, there were 33 intimate partner homicide incidents in Oklahoma resulting in 48 deaths. Nine of these incidents were homicide-suicides, 2 of the incidents were multiple homicides, and 22 were single-victim single-offender incidents. All total, 33 intimate partner victims, 6 bystanders, and 9 perpetrators who committed suicide died in these incidents *(National Violent Death Reporting System, Oklahoma)*.
- Intervention and referrals are available through the health care system to address not only the physical injuries but also the emotional harm that comes with verbal and emotional abuse.
- The longer the abuse goes on, the more serious the effects. Routine assessment by health care providers is important because it may take several visits for patients to feel secure enough to disclose their abuse.
- Health care providers can help patients who are abused through assessment and referral. Training is available on screening and talking to patients about abuse, knowing how to recognize signs of abuse and abusive injuries, documentation in the medical record, and referring patients to the appropriate services for care.

The Oklahoma Domestic Violence Lethality Assessment Protocol (OK-LAP)

Sponsor: National Institute of Justice (#2008-WG-BX-0002)

Janet Sullivan Wilson, PhD, RN, University of Oklahoma Health Sciences Center, College of Nursing (janet-wilson@ouhsc.edu), Associate Professor; Sheryll Brown, Epidemiologist, Oklahoma State Department of Health (sherylls@health.ok.gov), Jacqueline Campbell, PhD, RN, FAAN, Professor, Johns Hopkins University, Department of Nursing (jcampbel@son.jhmi.edu), Jill Messing, PhD, MSW, Assistant Professor, Arizona State University, Department of Social Work (Jill.Messing@asu.edu).

Problem: Intimate partner (IP) homicides account for approximately 10% of all homicides in the U.S. (BJS, 2001-2005)

- IP homicides accounted for 16% of all homicides in Oklahoma (OKVDRS, 2004-2007)
  - 134 Oklahomans
    - 120 intimate partners
    - 14 bystanders
  - 28% homicide suicide , 5% multiple homicides, 67% single-victim single-offender
  - 73% females, 27% males
  - In approx. 70% of cases when a woman is murdered by a current or former IP there was a history of prior domestic violence (DV)
  - Oklahoma = #11 in the country for IP homicides

To Decrease Oklahoma IP Homicides:

- The Oklahoma Lethality Assessment Protocol (OK LAP) = new, first responder intervention and protocol at the DV scene for police officers to:
  - Separate perpetrator and victim
  - Use 11-item Lethality Assessment to determine if victim is at high risk for homicide
  - Call collaborating DV shelter/crisis center
  - Put victim on phone for crisis center to do immediate, short safety planning
  - If victim refuses, officer gets on phone and gets safety tips from crisis center to tell victim
  - Document results on police report
- Why?
  - Calling police is the most frequent action taken by victims seeking help for DV
  - Victims are 6X more likely to reach out to police than to DV service providers
  - Most common police intervention = is arrest and police generally do not connect victim to DV services at the DV scene
- 7 Oklahoma Police Departments + DV service providers in their area are currently participating in the OK-LAP research: Oklahoma City, Tulsa, Broken Arrow, El Reno, Stillwater, Tahlequah, Cherokee Nation Marshall Service
- Significance:
  - if the data supports that the LAP decreases DV violence, death, then this will be the first evidence based DV police/social service practice in the country
  - Native Americans are disproportionately affected by DV, so study will evaluate if this intervention might be used in Native American communities

DOMESTIC VIOLENCE LETHALITY SCREEN FOR FIRST RESPONDERS

Officer:	Date:	Case #:
Victim:	Offender:	

☐ ***Check here if victim did not answer any of the questions.***

► ***A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.***

1. Has he/she ever used a weapon against you or threatened you with a weapon?	☐Yes	☐No	☐Not Ans.
2. Has he/she threatened to kill you or your children?	☐Yes	☐No	☐Not Ans.
3. Do you think he/she might try to kill you?	☐Yes	☐No	☐Not Ans.

► ***Negative responses to Questions #1-3, but positive responses to at least four of Questions #4-11, trigger the protocol referral.***

4. Does he/she have a gun or can he/she get one easily?	☐Yes	☐No	☐Not Ans.
5. Has he/she ever tried to choke you?	☐Yes	☐No	☐Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	☐Yes	☐No	☐Not Ans.
7. Have you left him/her or separated after living together or being married?	☐Yes	☐No	☐Not Ans.
8. Is he/she unemployed?	☐Yes	☐No	☐Not Ans.
9. Has he/she ever tried to kill himself/herself?	☐Yes	☐No	☐Not Ans.
10. Do you have a child that he/she knows is not his/hers?	☐Yes	☐No	☐Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	☐Yes	☐No	☐Not Ans.

► ***An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.***

Is there anything else that worries you about your safety? (*If "yes"*) What worries you?

Check one: ☐ **Victim screened in according to the protocol**
☐ **Victim screened in based on the belief of officer**
☐ **Victim did not screen in**

If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the hotline counselor? ☐ **Yes** ☐ **No**

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen. Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

MNADV 08/2005

INTERIM STUDY HSP 1101: A Study to Explore Practices and Tools aimed at Reducing Domestic Violence Deaths in the State

Presenter: Jacqueline Steyn, Chief Programs and Compliance Officer, YWCA Oklahoma City
Domestic Violence Post Adjudication Review Board (DV PARB) Member
Tel: (405) 948-1770 e-mail: jsteyn@ywcaokc.org

Title: Training and Best Practices For Professional Therapists

I) IMPACT OF DOMESTIC VIOLENCE ON CHILDREN

A. Overlap between domestic violence and child maltreatment
B. Safety and risk considerations for children and victims
C. The role of the mental health and substance abuse professional

II) ISSUES

High prevalence of domestic violence in Oklahoma

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Domestic violence victimization is traumatizing for victims and children and can result in depression, anxiety, post-traumatic stress and substance abuse.

⬇

Leads to a high representation of domestic violence victims and children in mental health (MH), substance abuse (SA), marriage and family therapist (MFT) and social work caseloads.

⬇

There is a lack of appropriate domestic violence training in graduate program curricula and there are no domestic violence education requirements for licensure or for ongoing continuing education in domestic violence.

⬇

Absence of appropriate training creates significant safety risks for victims and children impacted by domestic violence.

- **1999 - Greenbook** recommendations: Cross-training for all professionals working with families experiencing domestic violence, specifically that "community agencies providing families in the child protection services caseload should have procedures in place to screen every family member privately and confidentially for domestic violence and to provide help to them, including safety planning and meeting basic needs
- **2005 -Governor's and Attorney General's Blue Ribbon Task Force on Mental Health, Substance Abuse, and Domestic Violence** recommendations: Training should be provided to marriage counselors as a condition of licensure and the State of Oklahoma should establish minimum standards of mandated training for all who provide services to Oklahomans impacted by mental health, substance abuse, or domestic violence and sexual assault issues.
- **2005 – 2008 - Oklahoma Domestic Violence Fatality Review Board** recommendations in 2005, 2006, 2007, and 2008: Implement training for Mental Health and Substance Abuse Professionals in Oklahoma. In 2006, the recommendation was to make this training mandatory.
- **2011 - DV PARB** recommendations: mandatory training/education for mental health and substance abuse professionals as well as marriage and family therapists, social workers and psychologists.

III RECOMMENDATIONS

A. Implement Mandatory Training for Psychologists, Social Workers, and Mental Health and Substance Abuse providers in the following core areas: dynamics of victimization and perpetration, danger and lethality screening, basic safety planning and referral for domestic violence services and other available community resources.

Amanda McReynolds Doran, Executive Director
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I. Can domestic violence fatalities be prevented?
- Education is the most effective method of domestic violence prevention
- Promising practices in domestic violence prevention are already in place in some communities and they are creating change.

II. Laura Miller's Story
- At the age of 28, Laura fled an abusive relationship, seeking safety in Oklahoma
- Her husband found her and attempted to murder her in front of their three young daughters
- Laura has since recovered and is now speaking out to prevent violence. She is an advocate for prevention through education for preteens and teens.

III. Prevention work with teens
- Must focus on primary prevention – before violence occurs we must reduce factors that put people at risk of perpetration and increase factors that protect people from perpetrating
- Must address all levels of influence to create lasting changes in beliefs and behavior
  1. Individual
  2. Relationships
  3. Community
  4. Society
- Must reach children ages 11 – 17 as adolescence is the time when teens learn how to make decisions about relationships, and what they learn during this time guides what they believe throughout their lifetime
- Must reach children before they are in an abusive relationship. 1 in 4 teens reports having been in an abusive relationship during their teenage years, and victimization during these years can be a precursor for victimization as an adult
- Must emphasize high contact/exposure in a concentrated time and reinforce key messages over time.

IV. Effective approaches exist and are being implemented
  1. Expect Respect
     a. 90 minute sessions weekly for 24 weeks
     b. Teens become peer leaders and host an awareness event
     c. School policy changes
  2. Programs in Tulsa, Stillwater, Miami, and OKC are already implementing prevention programs and finding success.

Barbara Burk
Comanche County Treasurer
315 SW 5th ST, Room 300
Lawton, Oklahoma 73501
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My daughter, Barbara Diane Dye, filed for a divorce from her abusive husband on July 8, 2010. She had told my husband and I that, Raymond, her husband, would never let her leave him and he would most certainly come after her with the intent to kill her. The day Raymond was to be served the divorce papers, she went to the Comanche County Court Clerk's office and applied for an Emergency Protective Order, which was granted by Comanche County Judge Ken Harris. This protective order was served on Raymond shortly after the divorce papers were served. Ray immediately called Diane and told her he would come after her and kill her. Eleven days later on July 19, 2010, he did exactly what he said he would do. My daughter lay murdered in a bank parking lot in Elgin, Oklahoma.

Diane was a professional woman having a career as a school teacher for twenty years. She was also a coach and a personal fitness trainer. She owned businesses in Elgin with her husband. They had two children, Dustin, age 23, and Morgan, age 18. They also had a two year old granddaughter, Khloe.

Diane tried to protect herself with what the law provided, a protective order. I was with her the day she applied for it and witnessed her in a total state of fear and panic. She could barely fill out the paperwork for looking at the door of the clerk's office in fear that someone would come in that recognized her and would tell Ray she was there. The court clerk's office has a liaison for the Battered Women's Shelter working there and she is supposed to assist individuals in the protective order process. Her assistance consisted of showing us to the judge's chambers. Our meeting with Judge Harris resulted in him granting the emergency order and setting the court hearing for twenty-one days later on July 29th, 2010. The judge's demeanor concerning my daughter's application was very callous and unprofessional in my opinion as his first words to her were, "Are you doing this to make sure you get your divorce?"

Diane also had to file a report with our County Sheriff's office prior to filing for the protective order. She had to report she had been threatened but had to refrain from pressing charges in order to keep her actions from being known by her husband. This was brought to the attention of the media after her death by a Sheriff's employee as an attempt to make it appear as though she didn't do all she could have done to protect herself.

My family including Diane reported to law enforcement consistently our concern for the arsenal of weapons my son-in-law possessed and always had available no matter where he was at any time. I assumed our Sheriff had done the research on the legality of Ray being able to carry his weapons but found out after the murder, no research had been done. The sheriff's concern lay mainly with what my husband, Larry, might do to Ray as opposed to what Ray had promised to do to my daughter. This misguided concern resulted in no contact by the sheriff with Ray in any manner. No report was made to the Elgin Police Department about the protective order by the sheriff's department which raises the question of why this information would not be shared by the county law enforcement departments.

Diane had reported violations of the protective order as to what Ray had done to the sheriff's deputies, such as calling and texting her numerous times and taking her personal things from their home. Their response was that they could pick him up but he would just bond out and be walking out the door before they could complete the paperwork. She perceived this to mean it was just too much trouble for them. If they had contacted Ray or arrested him for the violations, they might have realized we were dealing with a very unstable person who was very capable of carrying out his threats.

My daughter used what is provided by our laws to seek protection for her life but unfortunately as one of our county judges so bluntly stated, " It's just a piece of paper, it won't stop a bullet".

Barbara Burk, Mother of Barbara Diane Burk Dye

SPEAKING POINTS – DEWAYNE BURK

I. INTRODUCTION

A. Contact Information –

Dewayne Burk
1335 NW Ash Avenue
Lawton, OK 73507
(580) 704-3060

B. Occupation –

Lawton Fire Department - 19 years, 10 months
Rank: Company Officer – from 2000 to 2005
Deputy Fire Chief - August 2005 to present
CLEET certified Peace Officer

C. Relationship to Raymond Dye and Diane Burk Dye

Brother of Diane
Brother-in-Law of Raymond
Occupational supervisor and co-worker of Raymond (Lawton Fire Department)

II. Brief history of who Raymond was prior to the murder of Diane Burk Dye

A. School Days - repeatedly in trouble, bully, habitual thief, saw himself as a rebel.
B. Attempted suicide as a teenager while dating Diane after she attempted to end the relationship.
C. Sexually assaulted Diane when she was sixteen in what is commonly call a date-rape. While suspected for some time, this was learned only after Diane had decided to leave Raymond.
D. Reportedly had numerous extramarital affairs which along with continued abuse led Diane to finally file for divorce.
E. Professionally – Lawton Firefighter, multiple disciplinary issues, terminated for cheating on a promotional exam and later reinstated by an arbitrator, suspended, reprimanded numerous times, and demoted just prior to the murder of Diane.
F. Contempt for authority, always tried to circumvent the rules, laws, etc...
G. Very demanding with a violent nature.
H. Raymond was very strict in limiting the amount of contact Diane had with her family, often forcing her to leave family get-togethers (if they even attended).

III. Brief history of who Diane was prior to her murder.

A. School Days – straight 'A' student, teacher's pet, never in trouble, very respectful, caring individual, outstanding athlete in multiple sports, Christian girl

B. Professionally – School Teacher/coach at Elgin Public Schools, fitness trainer, well respected

IV. Raymond's actions before the murder of Diane

A. Following numerous disciplinary issues, Raymond was demoted in April 2010 for posting derogatory comments about the Lawton Fire Department on the internet.
   1. Diane indicated that Raymond believed that she and I had conspired to try and get him fired because of their marital problems. However, it was only after his demotion, did I learn about the seriousness of their marital problems.
   2. On July 7, 2010 I asked Diane if I should be concerned about Raymond and her response was that "you should be very concerned." She indicated that he was unstable and would attempt to harm me if given the opportunity.

B. According to reports from Diane, Ray had threatened her numerous times stating that he was going to kill her which prompted Diane to file for a protective order when she filed for her divorce.
   1. On one occasion we learned from one of her friends that Ray had **held Diane hostage at gunpoint in their home with his pistol to her forehead** while he contemplated murdering her.
   2. Told Diane that he would kill her and make it look like a suicide via drug overdose.
   3. On another occasion she reported that she was awakened by Raymond when he grabbed her by the hair and told her "**you know I am going to kill you.**"
   4. After being served divorce papers on July 8, 2011, Raymond reportedly called her and told her that she had crossed the line just like her brother and that we were going to pay. Specifically he told her that he was going to pull her out of the gym by her hair and shoot and kill her.

C. Detained four (4) teenage boys at gunpoint while he had a "Protective Order" against him. His son disarmed him and reported that he was pacing, sobbing, and contemplating suicide by stating that he had lost everything.

V. Signs/indications of Raymond's intentions.

A. Verbalized multiple threats of homicidal intentions.
B. Cleaned his locker out at his place of employment.
C. Co-workers voiced concerns indicating Raymond was unstable.
D. Very confrontational.
E. Began dividing up his property. (i.e. purchased a new Harley Davidson and gave it to his son, bought his daughter a brand new car)
F. Attempted to pre-arrange bail money ($25K); contacted his workout partner to tell him where he had hid it so he could get him out of jail.
G. Stalked Diane and attempted to lure her to him by utilizing their daughter.
H. Based on telephone records taken from Raymond's phone, he received a call from his workout partner while he was in Lawton, OK and within 28 minutes he had

returned back to Elgin, retrieved two weapons and murdered Diane. In addition we heard reports that a man matching his work out partner's appearance was seen in the grocery store adjacent to the murder scene. Although speculative, this gives the appearance that he had employed his friend to help stalk Diane's whereabouts and report to him.

I. At the time of the murder, there were multiple reports that Ray was attempting to force Diane in his vehicle. We believe that Ray's intention was to carry out his threat of killing her and staging it as a suicide. This was evidenced by the state we found the home in. (i.e. a large amount of prescription drugs placed by the bed, and pictures arranged in a circle to give the appearance that Diane was distraught and suicidal)

VI. Protective measures taken by family of Diane.

A. Encouraged her to file for protective order.
B. Provided a place for her to stay, both in and out of state.
C. Hid her car.
D. Personally contacted the Sherriff in his office and asked for his protection.
E. Purchased her a different cell phone.
F. Accompanied her to retrieve her personal belongings from her home.
G. Kept someone with her until the date of her murder.

At the time of my sister's murder she was 40 years old. She was the mother of two children, Dustin and Morgan. She was the only daughter to two loving parents and as such my only sister – "my little sister." Diane was a beautiful, young, caring, intelligent professional woman who was looked up to by not only her students, but also by her peers.

In retrospect, at the young age of 16 years old, Diane obviously made a mistake in getting involved with such a callous, sociopathic individual like Raymond Dye. And for reasons we can only speculate to know, Diane either chose or was forced to endure 23 years of marriage to her eventual murderer. I cannot and will not pretend to know nor do I want to know the fear she experienced at the time of her death. However, I can honestly say that when that day came, I know she fought valiantly with everything she had and yet it was still not enough. She played by the rules, followed the law, and did exactly as she was told by those that she sought to help protect her! And though it is too late to save my sister, it is not too late to make a difference and hopefully provide better protection for the next person who finds themselves in Diane's situation.

Finally, while it is has been difficult for my family and me to sit here and talk about what happened to my little sister. The truth is, I have gone over and over everything that led up to that fateful day, numerous times, trying to make peace with what happened. I've went to counseling, spoke with law enforcement officers, attorneys, read my sister's personal notes documenting the horror she endured throughout her relationship, viewed the bank video, and even listened to the 911 tapes. Out of all that, there is one thing that stands out to me which

will probably haunt me forever; and that is a single statement made during the initial 911 call as the lady attempted to describe in detail what she was witnessing. I'm confident that the lady who made that call had no idea of the impact her statement would make on me, and as such her statement will forever be with me. Not a day goes by that I don't continually ask myself if I could have done more to help my sister! For those of you wondering what that statement was:

> . . . as Diane fought with Raymond, in the moments just prior to being gunned down, the caller stated that she was screaming and that "NOBODY'S HELPING HER."

I know that it is not realistic to believe that we will be able to prevent every situation that can lead to what happened to my sister. Domestic violence is a serious problem and although it does not always rise to the level of murder, we need to make sure that those charged with protecting our citizens are armed with the knowledge and authority to make a difference. This can only be achieved through education and training. By requiring all disciplines, from the local police officers to the judges that issue protective orders, to be better informed, I believe they will be better armed to really make a difference. So I ask each of you, are we going to stand by and watch or are we going to HELP?

LAWTON CITY ATTORNEY'S OFFICE
FRANK JENSEN – CITY ATTORNEY
MINCIE VANHOOZER- SENIOR LEGAL ASSISTANT
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I. City of Lawton's Response to Threat of Harm

A. Lawton Police Department Response
B. Lawton Prosecutor's Response

II. Oklahoma vs. Foreign Protective Orders (22 O.S. § 60.9)

A. Oklahoma Protective Order – may make warrantless arrest for violation
B. Foreign Protective Order – shall make warrantless arrest for violation

III. Deadline to Schedule Full Hearing (22 O.S. § 60.4)

A. Court shall hold full hearing on Petition within 20 days
B. Shorten deadline to no more than 14 days

IV. Notice of Victims Rights (22 O.S. § 60.15)

A. Domestic abuse, rape, forcible sodomy and stalking victims required to receive written notice of rights from investigating officer
B. Victims of Protective Order violations don't receive similar notice from investigating officer

V. Factors to be Considered in Determining Bond or Other Conditions of Release (22 O.S. § 1105)

A. Bond
B. No Bond

VI. Safety Inventory Upon Issuance of final Protective Order

A. Search
B. Inventory

INTERIM STUDY HSP 11-101: A Study to Explore Practices and Tools Aimed at Reducing Domestic Violence Deaths in the State
Human Services Committee
Representative Pam Peterson, Chair
Representative Mike Sanders, Vice Chair

PRELIMINARY RECOMMENDATIONS OF PRESENTERS

- Utilize existing best practice models in domestic violence and child maltreatment cases, incorporating into DHS protocols specific domestic violence policies/rules.

- Educate the judiciary and lawyers involved in domestic violence matters as to domestic violence dynamics, lethality, exiting laws, ethics and best safety practices on an annual basis--similar to existing requirements for judges and attorneys dealing with child abuse and CASA requirements.

- Recognize the correlation between domestic violence, child maltreatment and animal cruelty as unsafe placements for children when these conditions exist.

- Encourage utilization of safe dating and educational tools in schools and/or a healthy relationships curriculum, targeting pre-teens and teens.

- Require acknowledged domestic violence protocol in child maltreatment cases statewide (The Green Book).

- Educate the medical and mental health professions by requiring continuing requirements in specific areas of domestic violence, including but not limited to the dynamics of domestic violence; safety planning, lethality assessment, trauma focused cognitive behavioral therapies (TFCBT), appropriate Domestic Violence Inventories (DVI).

- Allow safety inspections by court order after entry of final protective order and a finding of imminent harm to the victim.

- Shorten the time within which to have a hearing on a permanent protective order

- Access to effective advocate assistance at the courthouse when filing for an Order of Protection: i.e., the SAFELINE phone number to call for support and safety planning; effective assistance in filling out the form