July 1, 2011 marked the 10-year anniversary of the creation of the Oklahoma Domestic Violence Fatality Review Board. In that time, 52 board members and six staff have reviewed 341 cases. Numbers alone cannot do justice to the tales of human tragedy reviewed by the Board nor the lessons learned as a result. In 10 years of case review, the Board has seen and heard countless stories of victims who have suffered ongoing abuse in silence as well as those who told everyone from their sister to the utility clerk to police officers about the ongoing violence they were enduring. The Board has reviewed cases of victims who did everything the system required to protect themselves, from filing for orders of protection, leaving their abuser and contacting the police, to victims who never had the opportunity to truly acknowledge or even realize the extreme danger in which they lived until it was too late. The Board has reviewed systems that responded in a model of best practices and systems whose response only further endangered the victims with whom they were working. As a result of the information culled from 10 years’ worth of cases, the Board has learned many valuable lessons, made many practical recommendations, commended system players and questioned system action or lack thereof. As a result, the Board has seen systems become more aware and responsive to the needs of victims. The Board has been a driving force behind the implementation of laws that improve the ability of victims and the system to protect and better collaborate at all levels across the state. But even with all of the improvements and achievements,
2001-2011: A Decade of Review

Oklahoma has yet to move out of the top 20 in the number of women murdered by men. Our homicide numbers have fluctuated year to year, but even when there is a decrease in intimate partner homicides, there is an increase in family homicides. If the mission of the Board is to reduce deaths, then there is still much work to be done.

Findings from the DVFRB show that victims are accessing the systems, but there are still systems left to tackle. Victims consistently have contact with law enforcement, the criminal justice system, social services, mental health and medical services, but far too often they do not or will not report the violence in their lives. Findings also show that, except for law enforcement, most providers do not consistently address the domestic violence issues the victim is experiencing. Many of these providers simply do not screen for the violence or ask the correct questions, and therefore never fully realize the plight of the victim before them. Others may be aware of the violence, but then either do nothing with the information or make ineffective referrals due to their lack of awareness of their community resources that handle appropriate referrals.

The most vexing issue that the Board is working to address is that one-third of all homicides are witnessed by a child and yet, there is no system in place to help them. The Board is cognizant of the importance of trauma services and support to these children. They have reviewed at least one case in which the perpetrator witnessed his own mother kill her abuser during his childhood, and then grew up to abuse and ultimately kill his own wife. If we are to reduce deaths, then surely prevention must be part of the plan. Intervention and correction are too late if the next generation already has been exposed and left without the tools to understand and cope. Oklahoma needs to make sure witnesses to violence have the opportunity for appropriate care and services. If not just for their well-being, then for the future of Oklahoma.
Findings from All Identified Domestic Violence Homicides

From 1998 to 2010, 1,000 domestic violence homicide cases have been identified by the DVFRB, representing the death of 1,059 victims. The death toll rises to 1,231 when you count the death of perpetrators related to the death event, either by suicide or law enforcement intervention. While not all of those cases have been reviewed either by staff or by the full DVFRB, staff members code each case so information is available to show some general overall findings from all cases. Firearms represent 52% of the deaths on average, followed by blunt force trauma (21%), cutting/piercing (14%), strangulation (4%), asphyxiation (2%), abusive head trauma (2%), and all other causes of death (6%). Figure 1 highlights the cause of death for each year. Intimate partner (IPV) homicides represent 44% of all of the homicides over the 13-year period for which the DVFRB has data. Family member homicides are the largest group at 45%, followed by triangular (7%) homicides (i.e. a woman’s ex-boyfriend kills her new boyfriend or vice versa), roommates represent 2% of the perpetrators in domestic violence homicides and Good Samaritans (non-involved people who intervene in a domestic violence altercation on behalf of the victim) are the victim in 2% of the domestic violence homicides reviewed by the DVFRB. Figure 2 details the type of death for each year. Furthermore, 15% (145) of all homicide incidents were homicide-suicides, resulting in the deaths of 172 victims and 145 perpetrators. Eighty-eight percent (128) of homicide-suicides are committed with a firearm.
Findings from Reviewed Domestic Violence Homicides

As of January 2011, the DVFRB had reviewed 341 of 1,000 domestic violence homicide incidents that occurred from 1998 to 2010. The 341 homicide incidents included 372 victims and 378 perpetrators. The findings reported below provide the basis for the Board’s annual recommendations.

Table 1 provides demographic characteristics of the victims and perpetrators. The average age of victims was 33 years of age and the average age of perpetrators of domestic violence homicides was 37 years of age. The youngest victim was less than a day old; the eldest 91. The majority of victims were white (69%), followed by Black (21%), Native American (9%), and Asian/Pacific Islander (1%). Five percent of victims were of Hispanic or Latino origin. The youngest perpetrator was 13 years of age; the eldest was 89 years of age. The majority of perpetrators were white (68%), followed by Black (23%), Native American (9%) and Asian (1%). Five percent of perpetrators were of Hispanic or Latino origin. Overall, the majority of homicides were homogeneous; only 39 (12%) were interracial homicides.

Fifty-two percent of all reviewed cases were intimate partner violence homicides (Figure 3). In 55% of the cases, the perpetrator and victim were cohabitating. The average relationship length between the victim and perpetrator was 9.7 years. In 45% of the IPV cases (N=197) the victim was in the process of leaving the perpetrator.

Of the homicides committed by intimate partners, 39% of the victims had children with the perpetrator and 44% had children with a former partner.
Findings from Reviewed Domestic Violence Homicides

Red Flags

The DVFRB also tracks the “red flags” of lethality that have been identified through research in intimate partner relationships. In 49% of the IPV cases the perpetrator had made death threats against the victim; the victim had made death threats against the perpetrator in only 10% of the cases. Morbid jealousy (“If I can’t have you, no one can”) appeared in the behavior and words of 43% of the perpetrators prior to the death event. More than one-quarter (27%) of the perpetrators of intimate partner homicide had attempted or threatened suicide prior to the death event. The percentage of perpetrators threatening or attempting suicide rises to one-third (33%) in intimate partner homicides that resulted in the perpetrator committing suicide after killing his/her partner. In 26% of the homes where the intimate partners had children, there was evidence of child abuse as well. In more than one-quarter (26%) of intimate partner homicides the perpetrator had been violent toward the victim in a public setting where others witnessed the violence. Finally, in 15% of the intimate partner homicides the perpetrator told somebody besides the victim that they were going to kill the victim.

Witnesses

There were witnesses in 58% of the cases reviewed. Adults witnessed the homicide in 47% of the incidents. The number of adult witnesses ranged from one to 18 in any of the cases. Children witnessed 33% of the slayings. In cases with child witnesses, the number of witnesses ranged from one to 30 children.

Firearms

Firearms were used in 58% of the reviewed homicides. The majority of all of the homicides occurred at the victim’s residence (62%), most often in bedrooms (30%) or living rooms (22%).

Prior Convictions

Eighty-one percent of victims and 61% of perpetrators did not have a prior conviction record, while 76% of victims and 52% of perpetrators had never been arrested before. Of those with prior conviction records, the average number of convictions was three for victims; and four for perpetrators. Five percent of perpetrators had a prior conviction for a domestic violence offense.

Protective Orders & Stalking

Orders of Protection (PO) had been utilized in 19% of the reviewed cases. In more than two-thirds (20/30) of the cases where a protective order was active at the time of the homicide, the defendant had violated the PO prior to the homicide. The average number of violations was 2.92 violations per order. Stalking behavior by the perpetrator was documented in 12% of all cases, and 20% of IPV cases.
Findings from Reviewed Domestic Violence Homicides

Law Enforcement

Law enforcement had responded to previous domestic disturbances in at least 28% of the cases; with an average number 2.5 documented responses per case. (This number is likely much higher since it only counts documented responses. If an officer responded, but did not complete a report, it is unaccounted for in this number.)

Others Aware of Domestic Violence

In 61% of the reviewed cases, other people were aware that the violence was occurring. In 55% of those cases, more than one person or entity was aware of the violence. The top four groups who knew the violence was occurring included family members (62%), friends (50%), law enforcement (35%), and VPO/family court (23%). Interestingly, only 2% of victims were documented as having contact with domestic violence advocacy services.

Prosecution

Charges were filed in 68% of the cases and convictions were attained in 88% of those cases. Eleven (5%) were acquitted of the charges (although they admitted to involvement in the events causing the death); nine (4%) were dismissed before conviction; three (1%) are pending warrant; three (1%) died before the completion of prosecution; and three (1%) were found not guilty by reason of insanity. It took an average of one year and three months to complete each case from the date of death to conviction, with a range of 36 days to 8 years and 5 months.

Convictions

Of those convicted, 80% were sentenced to prison; 12% received a split prison and probation sentence; 2% received probation only; 5% were ordered into OJA custody; 1% were sentenced to county jail. The average sentence is 21.4 years, not including those sentenced to life, life without parole or death. Sentences ranged from 8 months to 91 years. Fifty-one were sentenced to life in prison; 46 were sentenced to life without parole; and six were sentenced to death.
Recommendations to Improve System Response to Domestic Violence and Prevent Homicide

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 domestic violence issues, including lethality, 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 the 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.
Recommendations to Improve System Response to Domestic Violence and Prevent Homicide

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 health care 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; and
     • 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 Oklahoma 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.
Every effort was made to be as inclusive as possible on this timeline, however, in all likelihood, there are events important to the development of Oklahoma’s domestic violence response that are missing.
OSBI began reporting domestic violence offenses in the Oklahoma Uniform Crime Reports.

Prior to 1986, assault or assault & battery (A&B) were punishable by imprisonment not exceeding 30 days, or by a fine of not less than $5 or more than $100, or both.

Two domestic violence programs opened in Ardmore and Muskogee.

OSBI began reporting domestic violence offenses in the Oklahoma Uniform Crime Reports.

Shawnee program incorporated starting with a 24-hour crisis line.

21 O.S. 444:
Assault shall be punishable by imprisonment not exceeding 30 days or by a fine not exceeding $500 or both. Assault and battery is not exceeding 90 days or fine not more than $500 or both.


Bartlesville program incorporated

22 O.S. 40.3
(Emergency Order of Protection): Gave peace officers the right to to make an arrest, w/o a warrant, of a person the officer has probable cause to believe has committed an act of domestic abuse w/in the preceding 4 hours.

21 O.S. 644:
Assault shall be punishable by imprisonment not exceeding 30 days or by a fine not exceeding $500 or both. Assault and battery is not exceeding 90 days or fine not more than $500 or both.

LeFlore County program incorporated

OSBI reported 15,099 domestic abuse reports to law enforcement, including 41 domestic violence homicides.

Durant program incorporated

Rogers County program incorporated

OSBI reported 11,961 domestic abuse reports to law enforcement, including 49 domestic violence homicides.

21 O.S. 644: Substituted $1,000 for $500 for potential fine under assault & battery; Added Subsection C which applies to "any person who commits any A&B against a current or former spouse, an individual w/whom the defendant has had a child, or a person living in the same household as the defendant shall be guilty of domestic abuse." Makes this punishable by no more than 1 yr in jail, or fine of no more than $3,000, or both. 2nd or subsequent conviction = felony punishable by no more than 2 yrs imprisonment or fine no more than $5,000. Conviction of domestic abuse requires defendant participate in counseling/treatment.

22 O.S. 60.2 (Protection Order): Added "emancipated minor" and "minor age sixteen (16) or seventeen (17) years" to those who can seek relief; Added "the county in which the defendant resides" as a location where the person seeking relief can file a petition for a PO; Added "present spouse of an ex-spouse" and "biological parents of the same child" as potential relationships between the plaintiff/victim and the defendant; Added "defendant is a resident of the county wherein the petition is filed" as an additional qualifier.

22 O.S. 40.3 (Emergency Order of Protection): Added Subsections C and D: C) When an arrest has been made, but court is not open for business, victim can request an emergency PO; D) The forms used by law enforcement shall be substantially similar to those used under section 60.2

OSBI reported 16,602 domestic abuse reports to law enforcement, including 61 domestic violence homicides.

OSBI reported 18,152 domestic abuse reports to law enforcement, including 37 domestic violence homicides.

OSBI reported 18,621 domestic abuse reports to law enforcement, including 51 domestic violence homicides.

OSBI reported 21,683 domestic abuse reports to law enforcement, including 60 domestic violence homicides.

OSBI reported 15,010 domestic abuse reports to law enforcement, including 60 domestic violence homicides.

OSBI reported 15,552 domestic abuse reports to law enforcement, including 56 domestic violence homicides.

OSBI reported 15,020 domestic abuse reports to law enforcement, including 61 domestic violence homicides.

OSBI reported 21,683 domestic abuse reports to law enforcement, including 56 domestic violence homicides.

OSBI reported 16,602 domestic abuse reports to law enforcement, including 60 domestic violence homicides.

OSBI reported 18,152 domestic abuse reports to law enforcement, including 37 domestic violence homicides.

OSBI reported 18,621 domestic abuse reports to law enforcement, including 51 domestic violence homicides.

OSBI reported 21,683 domestic abuse reports to law enforcement, including 60 domestic violence homicides.


Stigler program began
Any person convicted of domestic abuse committed in presence of child shall be sentenced to no less than 6 months. The fine for a felony violation of this subsection shall not be more than $5,000.

Classifies domestic abuse as sufficient for a felony charge.
OSBI reported 23,687 domestic abuse reports to law enforcement, including 51 domestic violence homicides.

DVFRB reports 61 domestic violence homicide cases, including 63 victims.

22 O.S. 60.14: NEW LAW: Creates the Address Confidentiality Program: which enables state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking...

DVFRB reports 73 domestic violence homicide cases, including 60 victims.

Latino Community Development Agency (OKC) began services for prevention and education case management.

YWCA-OKC, with VAWA funding, initiated a domestic violence and support group program for incarcerated women in three female correctional facilities in Oklahoma.

21 O.S. 644: Added “a former spouse of a present spouse” to the list of parties protected from domestic abuse. Upon conviction, defendant shall be punished” by imprisonment no more than 1 year, or fine no more than $5,000, or both; 2nd conviction - imprisonment no more than 4 years or fine no more than $5,000, or both; Added subsection D - I: D) Domestic abuse against a pregnant woman; E) domestic abuse as described in C resulting in great bodily injury; F) domestic abuse as described in C committed in presence of child; G) defines in presence of child; H) sufficiency for felony charge; I) Strangulation

22 O.S. 60.2 (Protection Order): Inserted "a victim of rape" as a person who may seek relief

DVFRB reports 68 domestic violence homicide cases, including 75 victims.

22 O.S. 1602: New Law creating the DVFRB

DVFRB reports 93 domestic violence homicide cases, including 98 victims.

22 O.S. 40.1 (NOW 21 O.S. 142A-3): Added "and domestic violence" after sexual assault to define victims that the 24-hour phone service was designed for

YWCA-OKC, with VAWA funding, initiated a domestic violence and support group program for incarcerated women in three female correctional facilities in Oklahoma.

22 O.S. 60.2 (Protection Order): Added provision that "if the person seeking relief is a victim of stalking but is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a (PO) with the district court;" Added provisions to address if petition for an action in divorce has been filed; Added provision that if "defendant is a minor child, the petition shall be filed with the court having jurisdiction over juvenile matters"
22 O.S. 40.3 (Emergency Temporary Order of Protection): Inserted "domestic violence, stalking, harassment" following "the victim of"

Marshall County program founded.

Ann Patterson Dooley Family Safety Center established in Tulsa County

22 O.S. 40.3: Added "a designee of the Victims Services Unit of the Office of the AG; Substituted "Attorney General" for the Commissioner of the ODMHSAS for the appointing authority

DVFRB reports 67 domestic violence homicide cases, including 72 victims.

22 O.S. 1602: Added the Director of the Department of Human Services and a member of the Judiciary to the DVFRB

DVFRB reports 83 domestic violence homicide cases, including 83 victims.

OSBI reported 25,893 domestic abuse reports to law enforcement, including 32 domestic violence homicides.

f.a.c.e.s. (Families & Communities Empowered for Safety, Inc) began in Tulsa.

Title 74, Ch 2, Sec 18p-1: Established Victims Services Unit within Attorney General's Office

OSBI reported 24,105 domestic abuse reports to law enforcement, including 47 domestic violence homicides.

22 O.S. 1602: Added the Director of the Department of Human Services and a member of the Judiciary to the DVFRB

DVFRB reports 67 domestic violence homicide cases, including 72 victims.

22 O.S. 1602: Added the Director of the Department of Human Services and a member of the Judiciary to the DVFRB

DVFRB reports 83 domestic violence homicide cases, including 83 victims.

43 O.S. 109.3: NEW LAW: In every case involving custody, guardianship, or visitation with a minor child, the court shall consider the evidence of domestic abuse, stalking, and/ or harassment… If the occurrence of domestic abuse, stalking, or harassment is established by a preponderance of the evidence, there shall be a rebuttable presumption that it is not in the best interest of the child to (be in contact) with the perpetrator.

2005

21 O.S. 644: Increased fine from $3,000 to $5,000 in subsection C; Added (3) Domestic abuse committed in presence of child shall be sentenced to not less than 6 months and (4) 2nd or subsequent conviction shall be a felony; Inserted subsection D which provides that domestic abuse against a pregnant woman with knowledge of the pregnancy is a misdemeanor, that subsequent offense of domestic abuse against a pregnant woman w/ knowledge of pregnancy = felony of 10 years, and that domestic abuse resulting in a miscarriage or injury = felony of 20 years; Substituted "Attorney General" for ODMHSAS

2006

Title 22, ch 19, Sec 1101 : NEW section D) "There shall be a rebuttable presumption that no condition of release would assure the safety of the community if the state shows by clear and convincing evidence that the person was arrested for a violation of Section 741 of Title 21 (kidnapping)

Title 74, Ch 2 Sec 18p-9 NEW LAW: Allows AG to establish system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses…allowed for the creation of VINE (Victim Information and Notification Everyday)

DVFRB reports 83 domestic violence homicide cases, including 83 victims.

DVFRB reports 67 domestic violence homicide cases, including 72 victims.

22 O.S. 58 (Medical Reporting of DV): NEW LAW: Criminally injurious conduct, which appears to be or is reported by victim to be domestic abuse (DA), as defined in section 60.1, or DA by strangulation, DA resulting in great bodily harm, or DA in presence of a child...shall be reported according to standards in subsection B; B) Except as provided for in Section 7104 of Title 10, any physician/nurse shall not be required to report any incident of what appears to be or is reported to be DA...IF: 1) Victim is over 18, and 2) victim-adult is not incapacitated; C) when report is required - when orally or written request made by victim; D) Clear and legible documentation of the incident and injuries; E) Refer victim to DV and Victim Services programs; F) If make a report, must provide copies to law officer making investigation
OSBI reported 23,400 domestic abuse reports to law enforcement, including 56 domestic violence homicides.

22 O.S. 1601: Legislation passed allowing the Child Death Review Board and DVFRB to meet jointly to review cases that overlap.

DVFRB reports 83 domestic violence homicide cases, including 89 victims.

22 O.S. 60.21-.29: NEW LAW: defines Foreign PO, Mutual Foreign PO, State, Tribunal, etc.

DVFRB reports 80 domestic violence homicide cases, including 82 victims.

September 12: First joint case review conducted by the DVFRB and Child Death Review Board.

Title 74, Ch 2, Sec 18p-1: Under C.4, Substituted "Victims of Stalking" for "Persons who commit domestic abuse" to describe who a domestic violence program or sexual assault program offers services to; Added subsection 'D' which states: "As used in this act, 'batterers intervention program' or 'batterers treatment program' means an agency, org, facility, or person who offers, provides or engages in the offering of counseling or intervention services to persons who commit domestic abuse."

22 O.S. 1601: Legislation passed allowing the Child Death Review Board and DVFRB to meet jointly to review cases that overlap.

DVFRB reports 80 domestic violence homicide cases, including 82 victims.

September 12: First joint case review conducted by the DVFRB and Child Death Review Board.

22 O.S. 60.14 (Address Confidentiality Program): Moved ACP to the Office of Attorney General from the Secretary of State. Added D.2: "An adult or minor child who resides with the applicant who also needs to be a program participant in order to ensure the safety of the applicant may apply. Each adult living in the household must complete a separate application. An adult may apply on behalf of a minor;" Added "certified and registered" to the type of mail to be forwarded and added "for no charge;" Added "The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered mail;" Added warning that no employee of state/local agency shall disclose addresses; Added provision to designate state/local agencies to assist persons in applying to program; Added provision for training of application assistants; : I) may enter into agreements with fed government, tribes, other entities to implement this program.

22 O.S. 644: Added this 3rd sentence to subsection E.2.a: "Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court;" Added par 3 which sets a review hearing for no more than 120 days after defendant is set to participate in counseling, again added a sentence which makes unexcused absences evidence of violation of conditions of probation; Added subsection L: "In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions."
OSBI reported 25,189 domestic abuse reports to law enforcement, including 60 domestic violence homicides.

**43 O.S. 110.1:** Added NEW sections: Inserted the phrase, "provided that the parents agree to cooperate and that domestic violence, stalking, or harassing behaviors as defined in Section 109 of this title are not present in the parental relationship" to the policy statement of the state in encouraging parents to maintain the rights and responsibilities of rearing their children; Removed the following sentence: "The burden of proof that such shared parenting would be detrimental to such child shall be upon the parent requesting sole custody and the reason for such determination shall be documented in the court record."

**22 O.S. 1601:** DVFRB moved from the Oklahoma Criminal Justice Resource Center to the Office of Attorney General. Added the Executive Director of the Office of Juvenile Affairs to the DVFRB.

**Title 43, Sec 109:** Added Section I, which states that in any case with a dispute as to custody of a minor child, a determination of DV/stalking/harass raises a rebuttable presumption that any form of custody with the perpetrator is detrimental and not in the best interest of the child; Added section I.2 which defines "domestic violence," "stalking," "harassment;" Added I.3, which states that if a parent is absent or relocates as a result of an act of DV by the other parent, that absence/relocation shall not be a factor weighing against them in determining custody/visitation; Added I.4, which states that safety of the child and the parent who is a victim of DV/stalking is a primary factor; Added I.5, which allows the court to consider the history of the parent causing harm, injury, threats, assault, etc. in determining issues regarding custody/visitation.

**21 O.S. 644:** In the first sentences of subsections C, H, and I, inserted "a former spouse of a present spouse, and substituted "is or was in a dating relationship" for "is in a dating relationship;" Added "for a period of 10 years following the completion of any court imposed probationary term; provided, the person has not, in the meantime been convicted of a misdemeanor involving moral turpitude or a felony" to the sentence which prior to read "Any plea of guilty or finding of guilt for a violation of subsection C, E, F, H or I of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant" under subsection M.

**2009**

**21 O.S. 644:** Added "The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required;" Changed the last sentence of subsection I to read "'strangulation' means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the head."

**DVFRB reports 88 domestic violence homicide cases, including 90 victims.**

**2010**

**43 O.S. 111.4:** Added NEW LAW: Subsection A) A parent who, in good faith and with a reasonable belief supported by fact, determines that the child of that parent is the victim of child abuse or neglect, or suffers from effects of domestic violence, may take necessary actions to protect the child, including refusing to permit visitation; B) In cases in which there is evidence to substantiate suspected or confirmed child abuse or neglect, visitation shall be suspended.

**22 O.S. 60.2 (Protection Order):** Added subsection E which allowed for protection order to extend to pets and other animals.

**OSBI reported 11,961 domestic abuse reports to law enforcement, including 49 domestic violence homicides.**

**DVFRB reports 70 domestic violence homicide cases, including 75 victims.**
2001—2011: A Review of Past Recommendations and Accomplishments

Oklahoma Domestic Violence Fatality Review Board

- **Explore the use of lethality and danger assessments for system professionals.** In 2009, the OK-LAI began testing the use of danger assessment with law enforcement on the scene of a domestic violence incident with immediate contact with victim services and victims.

- **Add a Judicial representative to the Board.** Accomplished in November 2006.

- **Add a Department of Human Services representative to the Board.** Accomplished in November 2006.

- **Support sunset-review legislation in spring 2007 to renew Board authority.** The DVFRB legislation was renewed through 2013.

- **Work with other organizations/agencies to see what systemic changes could be implemented without legislation.** This is an ongoing task that the Board is constantly addressing. Past work has included discussion with homicide units, the Department of Human Services, and domestic violence programs among others.

- **Research firearms access and the enforcement of state and federal firearms laws.** An Oklahoma team attended a Federal Firearm training in September 2006. Upon return the DVFRB, Office of Attorney General and the Eastern, Northern and Western U.S. Attorneys’ Offices partnered to conduct regional trainings across the state over a 3 year period.

- **Established a subcommittee to investigate and suggest a system for crisis response and develop best practices for assisting children on scene who witness and/or survive homicide.** The subcommittee was established by the board in 2006. The work of the subcommittee is ongoing.

**Courts**

- **Title 22 needs to be amended to mirror the Title 21 stalking definition and added into the model order of protection.** Accomplished with legislative change in 2010.

**District Attorneys**

- **Provide Evidence Based Prosecution and Domestic Violence 101 Training to all District Attorneys and Assistant District Attorneys that prosecute domestic violence.** DAC hired a Domestic Violence Resource Prosecutor to assist DA offices across the state in prosecuting misdemeanor DV cases. The DVRP also trained ADA’s across the state in evidence-based prosecution.

- **Increase penalty range for Domestic Assault & Battery –After Former Felony Conviction.** In 2004, the penalty for 2nd and subsequent conviction of domestic assault & batter was increased to no more than 4 years and not more than $5,000 fine, or both. This is an increase from the prior 2 year maximum sentence.

**Domestic Violence Advocates**

- **Public information campaign, i.e., what can communities do when they know “bad activity” is going on? “How can I help my friend/family?”** In 2011, the OCADVSA launched a new public awareness campaign to raise awareness among family and friends of victims of domestic violence and how they can help.
Human & Social Services
- Continue to improve capacity of DHS workers to assess danger to children and other clients by including domestic violence screening and response in operational procedures. A committee has been established to work on designing and implementing new policy and procedures for child abuse cases with a domestic violence component.

Law Enforcement
- Mandate that CLEET formulate and establish an eight hour, mandatory, continuing education curriculum on domestic violence and stalking for all certifying full-time and reserve peace officers. Mandate that all currently certified full-time and reserve peace officers are to complete the training within a four-year time frame. The training should include, at a minimum, the importance of reporting domestic violence incidents, determining the predominant aggressor, evidence based investigation of domestic violence and stalking, and lethality assessment. SB 567 passed in Spring 2011 to create a working group to revise the CLEET basic academy curriculum to meet the standards recommended and develop a plan for including continuing education.
- Develop the capacity to perform danger assessment on all domestic violence calls with attention paid to weapon accessibility or the presence of weapons in the home. The OK-LAI is testing the use of danger assessment with law enforcement on the scene of a domestic violence incident with immediate contact with victim services and victims. Results from this study have the potential to support the use of danger assessments with law enforcement on the scene.

Legal
- Establish/expand laws designed to protect children and victims of violence in family courts in matters of custody and visitation. Revised sections 43 O.S. 109, 43 O.S. 110.1, and 43 O.S. 111.4 to improve protective powers in matters of custody and visitation where domestic violence is a factor.
- Establish a legal presumption against joint legal custody in cases involving domestic violence. In 2006, new law was established under 43 O.S. 109.3. Establishing that in every case involving custody, guardianship, or visitation with a minor child, the court shall consider the evidence of domestic abuse, stalking, and/or harassment... If the occurrence of domestic abuse, stalking, or harassment is established by a preponderance of the evidence, there shall be a rebuttable presumption that it is not in the best interest of the child to (be in contact) with the perpetrator.

All Systems
- Communities across the state should collaborate to develop a coordinated community response to domestic violence. Twenty-seven communities across the state have developed Coordinated Community Response Teams to address domestic violence in their community.
- Develop Family Justice Centers for comprehensive service and support for victims of domestic violence. Centers should be designed to improve victims' access to critical services by housing them in one location. A Family Justice Center opened in Tulsa in 2005.
Certified Domestic Violence Program (30)
Certified Satellite DV Program (13)
Tribal DV Program (12)
Certified Batterer Intervention Program (30)
Coordinated Community Response Team (26)
Tribal CCR Team (1)
Potential CCR Teams (6)

*There may be service locations in Oklahoma the DVFRB was not aware of at the time of this report and are therefore not represented on this map. Services are represented by their county location, not necessarily their exact map location.
Acknowledgements

The members of the Domestic Violence Fatality Review Board and the staff of the Oklahoma Office of Attorney General gratefully acknowledge the time and effort rendered during this project. The outcomes of this project would not have been possible without the gracious cooperation and collaboration of the officials and their staffs acknowledged here:

- Oklahoma State Bureau of Investigation
- Office of the Chief Medical Examiner
- Oklahoma Department of Human Services
- Oklahoma State Department of Health

Many thanks to all of the County Sheriffs, Police Chiefs, District Attorneys, Court Clerks and their staffs who have helped us gather the case materials. We realize many of you already are pushing the boundaries of time and we appreciate your hard work. A special thanks to the Oklahoma Violence Against Women Act Board through the Oklahoma District Attorneys Council. The S.T.O.P. Violence Against Women Act Grant funds this project. Without this support, this project would not be possible.

DVFRB Activities

- The Office of Attorney General (OAG) sought VAWA funds and provided dedicated staff to coordinate an annual Partnership Conference focused on domestic violence, sexual violence and stalking. Board entities that are partners for this conference include the District Attorneys Council, OCADVSA, Oklahoma State Department of Health (OSDH), and the DVFRB.
- Staff member Brandi Woods-Littlejohn presented on the DVFRB in six classes for the Crime Victim and Survivor Services division at Oklahoma State University-Oklahoma City.
- The DVFRB met and jointly reviewed cases twice with the Child Death Review Board.
### 2010 DOMESTIC VIOLENCE FATALITY REVIEW BOARD MEMBERS

<table>
<thead>
<tr>
<th>Office Represented</th>
<th>Member</th>
<th>Designee</th>
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<tr>
<td><strong>Listed Directly In Statute</strong></td>
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<tr>
<td>Chief Medical Examiner</td>
<td>Terri White, M.S.W.</td>
<td>Cherokee Ballard</td>
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<tr>
<td>Commissioner of the Department of Mental Health &amp; Substance Abuse Services</td>
<td>Terry Cline, Ph.D.</td>
<td>Gwen Downing</td>
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<tr>
<td>State Commissioner of Health</td>
<td>Pam Archer, MPA, Chief</td>
<td>Patricia Damron</td>
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<tr>
<td>Chief of Injury Prevention Service, OSDH</td>
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<td>Sherry Brown, MPH</td>
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<tr>
<td>Oklahoma State Bureau of Investigation Director</td>
<td>Stan Florence, Director</td>
<td>Beth Green</td>
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<tr>
<td>Office of the Attorney General</td>
<td>Designee of the Victim Services Unit</td>
<td>Tamatha Mosier (designee)</td>
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<tr>
<td>Oklahoma Department of Human Services</td>
<td>Howard H. Hendrick, Director</td>
<td>Afton Wagner</td>
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<tr>
<td>Office of Juvenile Affairs</td>
<td>Gene Christian, JD</td>
<td>Casey Halford</td>
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<tr>
<td><strong>Appointed by the Attorney General of Oklahoma for two-year terms</strong></td>
<td></td>
<td>Donna Glandon, JD</td>
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<tr>
<td>Oklahoma Sheriffs Association</td>
<td>County Sheriff</td>
<td>Mike Booth, Sheriff</td>
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<tr>
<td>Oklahoma Association of Chiefs of Police</td>
<td>Chief of Police</td>
<td>W. Don Sweger, Chief</td>
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<tr>
<td>Oklahoma Bar Association</td>
<td>Private Attorney</td>
<td>G. Gail Stricklin, J.D.</td>
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<tr>
<td>District Attorneys Council</td>
<td>District Attorney</td>
<td>Jeff Smith, District 16 (Chair)</td>
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<tr>
<td>Oklahoma State Medical Association</td>
<td>Physician</td>
<td>Martina Jelley, M.D.</td>
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<tr>
<td>Oklahoma Osteopathic Association</td>
<td>Physician</td>
<td>Michell Cohn, D.O.</td>
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<tr>
<td>Oklahoma Nurses Association</td>
<td>Nurse</td>
<td>Janet Wilson, Ph.D., RN</td>
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<tr>
<td>Oklahoma Supreme Court</td>
<td>District Judge</td>
<td>Candace Blalock, J.D.</td>
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<tr>
<td>Oklahoma Coalition Against Domestic Violence &amp; Sexual Assault</td>
<td>Domestic Violence Survivor</td>
<td>Lizzie Adams</td>
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<td></td>
<td>Citizen</td>
<td>Shelly Collins</td>
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<td>Marcia Smith, OCADVSA Director</td>
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<td>Shelly Collins (designee)</td>
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<td>Sunshine Gross, C.D.S.V.R.P. (designee)</td>
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Written by:  Brandi Woods-Littlejohn, MCJ, Program Manager
Paige Hoster, Legal Extern

Publication available on the Web: www.oag.ok.gov/vsu

Please go to http://www.oag.ok.gov to review:

- This report
- Enabling Legislation
- The DVFRB Mission, Purpose and Definitions

If you need general information about Domestic Violence, please call:

Oklahoma Coalition Against Domestic Violence and Sexual Assault – (405) 524-0700

The Office of the Attorney General, Victim Services Unit – (405) 521-3921

If you need more information about the Oklahoma Domestic Violence Fatality Review Board, please call:
The Office of the Attorney General – (405) 522-1984

If you are in an emergency situation please dial 9-1-1 immediately.

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