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# When Domestic Violence Becomes a Mass Shooting

It happens more often than you think. So why don't we ever talk about it?

by Anna Minard

On Sunday, April 21, around 9:30 p.m., 24-year-old Justine Baez was shot to death by her 27-year-old boyfriend, Dennis Clark III, in their Federal Way apartment. Neighbors began frantically calling 911 as soon as the first shots were fired. "I heard it so clearly, somebody dropped... I heard someone falling," said one woman. "I am so worried about Justine," said another.

Then Clark exited the apartment and made his way down two flights of stairs and into the parking lot, where he came upon Cesar Valdovinos, 23, and Bradley Fischer, 47, "minding their own business," according to a Federal Way police commander speaking to a room full of shell-shocked neighbors a few days later. No one knows precisely what happened in that parking lot, since none of the three men survived. Presumably, Clark was trying to flee the scene. Whatever occurred in the parking lot "delayed the assailant," according to the police commander, Kyle Sumpter. "Unfortunately, it cost those two heroes their lives." Clark "cowardly shot them as they were trying to get away," and then for some reason decided to go back upstairs, "back into his apartment, where Justine lay."

On the 911 tapes, bursts of gunshots go off, sounding like popcorn. As Clark went back upstairs to the apartment, two residents stepped out of their doorways. One was Roland Scobee, 62, known by neighbors as a sort of watchdog for the building; Scobee told the other neighbor to get inside and call 911, and they both retreated back into their apartments. "As far as we know," said Sumpter, "those are Roland's last words." Clark shot down Scobee's door with a shotgun and killed him, too. When Clark stepped back out of Scobee's apartment, he was confronted by the first officers on the scene. "He had two weapons, and he used both," said Sumpter.

In a brief firefight, Clark was shot dead.

At this point, Sumpter said, "We didn't know yet who were victims." Arriving officers knew only of the two bodies in the parking lot, and Clark. "We had to start searching every nook and cranny... During that process, we found Roland. And, eventually, we found Justine." Medics were called, but it was too late. No one could be saved, explained Sumpter, "because of the manner in which the assailant did his ugly work."

A woman being killed by her boyfriend is a horrifying crime, but it's not unusual. Domestic-violence deaths, especially with a gun, are relatively common occurrences—two-thirds of women killed with a firearm in the United States are killed by an intimate partner, according to federal crime statistics. What splashed this story across national news was the death count—a domestic-violence homicide that became a mass shooting.

At the same meeting where Sumpter retold the night's events, a parade of city leaders stepped up to the podium, trying to assure the terrified crowd that the city was safe. Federal Way deputy mayor Jim Ferrell, a longtime King County deputy prosecutor who worked with the late and much beloved King County prosecutor Norm Maleng, spoke. He quoted Maleng as saying that "domestic violence tears at the very fabric of our community," and said Federal Way would "bind the fabric of our community back up." Ferrell also said that in 18 years as a prosecutor, he'd "never seen or heard of witnesses" being taken out like this.

Which was odd, because there have actually been quite a few recent mass shootings on the national news that escalated from domestic-violence situations.

One was Aziz Yazdanpanah, a 56-year-old man in a Dallas, Texas, suburb killing his estranged wife, their kids, and three more relatives—and then himself—on Christmas Day in 2011 while wearing a Santa suit. Another was Radcliffe Haughton, 45, opening fire at the Wisconsin spa where his wife worked in October of 2012, killing her and two other women at the spa, and wounding four others, before killing himself. This past January in Seattle, 33-year-old James Anderson stormed into the Twilight Exit, a cozy dive bar in the Central District, and shot his girlfriend, who was seated at the bar, along with bouncer Greg McCormick, before being killed by police. Both of Anderson's victims were rushed to the hospital and survived.

Mayors Against Illegal Guns, a coalition of mayors from around the country, recently released an analysis of mass shootings since January 2009, shootings in which four or more people were killed with a gun. "There was a noteworthy connection between mass-shooting incidents and domestic or family violence," the report states. That connection? A majority of the mass shootings in the four-year period were domestic-violence related. In 32 of the 56 mass shootings, or 57 percent, the perpetrator "killed a current or former spouse or intimate partner or other family member."

If we as a society have any interest in preventing mass shootings—crimes that seem so senseless, so unpredictable—we have got to look at domestic violence.

Professionals working to stop domestic violence know this well. After a mass shooting makes the news, says Kelly Starr, communications director at the Washington State Coalition Against Domestic Violence (WSCADV), "when you're freaked out and scared, you just want to hole up in your home. But actually, that's the most dangerous place for a lot of people."

Considering its prevalence, "It's basically impossible that you don't know someone who has been affected by domestic violence," Starr continues. "You feel scared and hopeless when you think about stranger danger, but when you have to come to terms with the fact that this is your neighbors and friends... that's hard."

WSCADV runs a domestic-violence fatality review every year, looking at each domestic-violence-related death in our state—including cases that involve the death of people not in the abusive relationship, like family members, coworkers, new partners, and law enforcement—to see how it escalated to the point of homicide.

The domestic-violence fatality review began, she tells me, because advocates working to end domestic violence started noticing something creepy. "Advocates said, 'We've been at this for about 25 years, since we started the [anti-domestic-violence] movement. And we're not seeing the rate of homicide going down.' Rates of other violent crimes were going down, but domestic-violence homicides weren't budging, despite the best efforts of national and local policymakers. So the fatality review was born, in which review panels "put together chronologies of what happened before the homicide. Where were missed opportunities?"

"What we found was it was less about factors x, y, and z, [where] if you add them together, you get homicide," Starr says. "What people were facing were systems."

The system fails people, and it fails them big time.

In her office, Starr points to the most depressing bar graph in history. It's a review of the criminal legal response to 48 cases of domestic violence, part of a comprehensive, multiyear report WSCADV released in 2010. The first line on the graph shows the number of incidents: 157. The line is the length of my pinky finger, almost exactly. The next line, which is less than half the first one, represents the number of arrests after those incidents: 63. Smaller still are "charges filed" (55) and "sentenced" (38). Then the smallest line of all, so short it's barely half my stubby fingernail: "Complied with sentence." The number is seven.

WSCADV comes up with all kinds of solutions to various gaps in victim services and punishment for offenders, many so simple that you want to slap your forehead. "I remember one of the first reviews I did," says Starr. "There was one judge that served two counties. So if you went to get a protection order on the day he wasn't there, you couldn't get one." They went to the judge directly, to see if anything could be done to fix the loophole. "So he said, 'Why don't you just call me? We can do a temporary one over the phone.'"

I ask Starr if they identified a basic pattern in the relationships and situations leading up to the homicides they review, a way to tell which ones will end with bloodshed. "There is not a formula," she says. "There is not a trajectory." Does that mean there are cases where there was no physical abuse in the relationship prior to a murder? "There are several incidences where the first physical violence we saw was the homicide," she affirms.

So what about a pattern to the violence itself? She says that, yes, "there are things that increase lethality risk." The main one: "The presence of guns."

And by no small amount. A 2003 study published in the American Journal of Public Health determined that access to guns increases the risk of intimate partner homicide more than five times. And according to WSCADV's local analysis, in all the domestic-violence homicides from 1997 to 2010, abusers used a firearm in 55 percent of cases—more than all other methods (knives, strangling, beating, fire, poison, drowning) combined.

"So," says Starr, rattling off her statistics, "we know that domestic violence is one of the leading causes of injury to women... When there's a gun around is when it escalates to lethality—you're five times more likely to be killed if there's a gun around... Two out of three women killed by guns in this country are killed by a partner. A majority of mass shootings are domestic-violence related."

So what do we do?

"There isn't one fix," she says. "Domestic violence is a really complex issue. Access to firearms is a complex issue. There isn't one solution that's going to keep everyone safe. But there are a lot of things we can do to improve [safety]." And they're mainly simple, straightforward things, like aligning our state law with federal law by forcing abusers to surrender firearms after a protection order is given. This was an issue discussed in a scathing article in the New York Times this spring, which identified Washington State as a problem state when it comes to not confiscating abusers' weapons or enforcing existing gun laws. That's a whole section of WSCADV's policy recommendations in their overview of 13 years of fatality reviews: "Maximize the use of existing legal means to restrict abusers' access to firearms." Not pass new, more stringent gun-control laws. Enforce the laws we already have.

As the report points out, there's a glaring flaw in Washington State's protection-order system: "With very few, recent exceptions, law-enforcement agencies did not have protocols in place to remove firearms from protective-order respondents or convicted domestic-violence offenders."

In a case they give as an example, "the abuser had been convicted of domestic-violence assault, and the court ordered him not to possess any firearms. Because of his conviction, he was also prohibited by federal law from possessing firearms." The report goes on: "However, the court had no mechanism for enforcing these restrictions or monitoring whether he surrendered his weapons; instead the court relied on him to turn over the guns voluntarily."

In the jurisdiction for this case, which is not specified, the report says if a victim asked law enforcement what to do about getting their abuser to relinquish guns they weren't supposed to have anymore, "the law-enforcement agency would confirm that it is illegal for the offender to have guns but would not make any efforts to remove the weapons."

Unsurprisingly, that was not effective at eliminating the convicted abuser's access to guns in this particular case. "The victim's ex-husband came to her home armed with four firearms and shot and killed her new husband and then himself in front of their 4-year-old child."

In the windowed offices of the King County Courthouse, I'm sitting in between two of the fiercest advocates against domestic violence: Sandra Shanahan, who runs the county's protection-order program, and David Martin, the deputy prosecutor in charge of the domestic-violence unit.

When I tell them I'm looking into the connection between mass shootings and domestic violence, they nod their heads knowingly. And it's not just shootings, they say. "Domestic violence is the single greatest predictor of future violent crime," says Martin, especially if it reaches the felony level. He's citing a risk assessment tool, based on the criminal histories of hundreds of thousands of offenders, that uses an offender's convictions to determine their risk of committing future violence. Someone who has been convicted of felony domestic violence in the past is more likely to commit future violent crime than someone who's been convicted of kidnapping or robbery.

Shanahan mentions high-profile local cases where future violence toward strangers was preceded by domestic-violence charges—like the case of the Cafe Racer shooter, Ian Stawicki. Or the heartbreaking case of Justin Ferrari, the 43-year-old father of two who was shot in the head at a Central District intersection in 2012, apparently by accident. His alleged killer, Andrew Patterson, had been charged with fourth-degree domestic-violence assault and had been ordered not to possess a firearm a month before the shooting.

"A public-health response would be to do everything we can to get these guns out of [these situations]," says Martin.

I ask them what can be done, and the first thing Shanahan mentions is the problem the New York Times identified: "Having state law mirror federal law" when it comes to yanking people's guns after a protection order would be a good start. Right now, she has to be honest with the victims she works with when talking about firearms and protection orders. She has to explain to these victims that here in Washington State, it's basically an "honor system—if he doesn't do it, nothing's going to happen." She says "there is no workable mechanism right now" to make abusers served with protection orders relinquish their guns. Even though it can be a violation of federal law to refuse to surrender weapons, local law enforcement doesn't enforce federal law. She says when she tells victims that, nine times out of ten they don't bother to stipulate in their protection order that their abuser should hand over firearms—after all, it's likely to only enrage the abuser, and no one's got the victim's back.

To be clear, if you're convicted on a criminal domestic-violence charge in King County, the law-enforcement tools are in place to seize your guns. But that's not true in every county. And if you're served with a domestic-violence protection order in civil court, where Shanahan works, those tools are not in place. Federal law says people served with domestic-violence protection orders in civil court should forfeit their firearms, but that's not happening anywhere in Washington State.

"You can't prosecute your way out of domestic violence," Martin says about this gap in state law. "You need to have more tools. And those things should be as potent as the thing you're responding to."

Which is why state representative Roger Goodman (D-Kirkland) introduced House Bill 1840 in Olympia this year, a bill that according to its official summary "requires law enforcement agencies to develop policies and procedures regarding the acceptance, storage, and return of weapons required to be surrendered."

Goodman tells me in an interview over the phone: "In our effort to address the gun-safety issue, a no-brainer is to identify known dangerous people and prevent them from having access to firearms. And people who are ordered by the court to stay away from their victims, and who have been identified by the court as a credible threat, shouldn't be allowed to possess firearms. It's already prohibited under federal law."

So isn't this a no-brainer? Who in the world would oppose this common-sense legislation? The NRA? Nope, not even the NRA—it supports this proposed legislation. "We worked out the language with the NRA," Goodman explains, adding that Washington State's constitution "guarantees the individual right to bear arms to a greater degree" than the Second Amendment. This bill actually goes further than federal law to protect gun owners' rights, requiring both specific language in the protection order regarding a threat of bodily violence or injury and a separate court finding that the person the order is against is a credible threat. "The NRA testified, they said they'd have no objection to the bill with the language we added." Both Martin and Shanahan testified at the bill's hearing in Olympia. Though, honestly, Shanahan says, it would likely "touch very few cases," it's certainly one step in the right direction.

HB 1840 passed the house, 61 to 37. "We had Republican votes," Goodman says. They also had enough votes to pass the bill in the state senate, Goodman believes, but it was never moved out of the rules committee controlled by the power-hungry Republican-led majority caucus in charge of the senate. "The only opponents [of the bill] are those to the right of the NRA," says Goodman.

He continues: "I do think, of all the firearms-related bills that we considered this year, this one is the most reasonable, most appropriate measure to protect people from making what is already an explosive situation into a lethal situation."

But it won't see the light of day this year. "That bill is not on the agenda," Goodman says.

The senators who opposed this bill or prevented it from coming to a vote didn't return calls for comment. I left messages for senate Republican leader Mark Schoesler, senate majority leader Rodney Tom, and even Republican senator Pam Roach, who opposed the bill in committee.

And all that's not even going into the more politically controversial gun-show loophole, which allows people to buy guns from private dealers without going through the background check that would reveal criminal convictions or protection orders to the seller and prohibit the sale. That yawning chasm of a loophole is now subject to a citizen initiative aimed at closing it, since our NRA-fearing state lawmakers have so completely failed to do so.

Domestic-violence cases are complicated, and they won't necessarily be solved by just knocking off one of the points on a checklist of policy recommendations. Martin and Shanahan talk a lot about the difficulty of their work—putting traumatized abuse victims into an adversarial legal system, say, or how often victims recant their testimony out of fear of their partner. Or how the law can be so far behind the times—Washington State only recently amended its third-degree rape and indecent liberties statutes so that the crimes could even be committed by a spouse. (Those laws used to read that actions that otherwise would be criminal were magically rendered legal by the circumstance of being married. Sexual abuse is a very real component of partner abuse. As of only last month, this horrifying oversight has thankfully been rectified.)

Dennis Clark, Justine Baez's killer, had some run-ins with the law relating to domestic-violence incidents in the past. He allegedly shot his high-school girlfriend in the buttocks with a BB gun after she broke up with him, but the charges were dismissed after he turned 18. Another woman more recently called police after Clark terrorized her in her apartment, but she wasn't physically assaulted, so police let it go. In other words, he just slipped through the cracks. And his guns were, by all accounts, perfectly legal for him to own. He's not a poster child for a particular policy or law.

Fortunately, Cheryl Bozarth, executive director of the Domestic Abuse Women's Network (DAWN), has some broader ideas. She says DAWN is heavily engaged in domestic-violence prevention aimed at young people and at men in particular.

"Domestic-violence issues are deeply rooted in culture," she tells me over coffee. "Attempts to solve them on an individual level can only go so far." Which is funny, considering that her organization is first and foremost organized around emergency services to victims—shelter, legal support, counseling. But while they do that emergency work, they also want to "get upstream" on the issue, as she puts it.

So they run prevention programs, from middle- and high-school classes on healthy relationships to community trainings and presentations. This fall, they're also launching a "call to men," a two-and-a-half-year initiative to "train men to speak and teach about... a healthy view of masculinity," says Bozarth.

"Domestic violence is a men's issue," she tells me, laughingly conceding, "If feminists could solve this, we'd have done it." So DAWN will continue to provide services, but they're broadening their focus way, way out into the community.

WSCADV is doing that, too. "I can't tell you how many times people ask me, 'What are the red flags?'" says Kelly Starr. "And I would tell them... 'Why are you waiting till you're worried to have this conversation?'... We have to talk not just about labeling abuse, but what does a healthy relationship look like?"

There is one thing everyone can do, right now, to mitigate this problem, Starr says: Prepare yourself to be someone's ally. In virtually all the cases WSCADV has studied, "the victims told at least one person" about their abuse. But "people aren't turning to all of us with 'domestic violence' in our titles. They're turning to people that are already in their lives." Way more often than they call a hotline, way more often than they go to police, "people turn to their friends, family, and coworkers."

So "a very tangible thing we can do," she says, is be ready to be supportive—and call a domestic-violence organization for advice. You can call a resource hotline for advice about other people's abuse, not just for yourself, she advises. You can call the National Domestic Violence Hotline 24 hours a day at 1-800-799-7233.

"If there's one thing to do, it's that we all start talking about it," says Starr. And not just after people die—we need to get out ahead of it. "It's so illogical to not pay attention to this."

Back in Federal Way, outside the nondescript apartment complex where Justine Baez and Dennis Clark lived, it's one of the first nice days of spring, and kids in bright clothes disembark from school buses on the street out front. It looks normal, until you notice the TV news vans, their spiraling antenna arms sprouting from their roofs, clustered nearby. In the apartment building's parking lot, multiple cars have bullet holes in their windshields. A biohazard cleanup crew has been working hard all day removing all the ruined furniture, cleaning up all the blood, disinfecting multiple scenes. A man rips down and replaces the faux-wood siding that's pockmarked with bullet holes. In another part of the complex, signs warn that the property is protected by a monitored alarm system and a neighborhood watch. The neighborhood-watch sign has the dark silhouette of a cartoon villain inside a red circle with a slash—as if bad guys are always skulking around in the shadows in hats and trench coats.

Under the "Pinewood Village Apartment Homes" sign, a memorial blooms. Candles, white crosses, flowers, Mylar balloons. I talk to a woman named Lisa, who stopped by to bring balloons, one for each of the victims. "Right in my own community," she sighs, telling me she's been crying a lot while watching the news. In almost the same breath, she says that doesn't mean we should "change the Constitution... Do not take away the gun rights." Then she doubles back: "I didn't know there was a way to get a gun without going through a background check," she says, invoking the gun-show loophole without realizing it. "That should be gone."

At the memorial, a white piece of printer paper has photocopies of two pictures of Justine: one of her as a baby, 10 months old, and one of her at 16, a grainy black-and-white picture that will be on newscasts everywhere by that evening.

Beneath the photos is a handwritten note:

Justine,

We miss you so very much. We will always have you in our hearts and love you so much. You were a good person & you didn't deserve what happened to you.

Always,

Your loving family recommended