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<td>Eve Castellanos</td>
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<td>Barbara Krzyczkowska MFT</td>
<td>Cynthia Spencer, Esq.</td>
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<td>Community Psychotherapy Institute</td>
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The Santa Clara County Domestic Violence Death Review Committee, hereinafter referred to the as the DVDRC, was created in October of 1994. The Department of Justice asked the Santa Clara County Domestic Violence Council if they would create a death review committee. The Department of Justice wanted the committee to examine all domestic violence related deaths in order to determine if there were gaps in the system which once discovered could lead to the elimination of future deaths. The Department of Justice also hoped that the committee would be able to present all information garnered from the deaths to the Domestic Violence Council with recommendations for appropriate changes in the system. The Domestic Violence Council could then advise the Board of Supervisors about these needed changes and they could implement them.

In creating the DVDRC, we attempted to bring to the table a cross section of all organizations in Santa Clara County that dealt with domestic violence victims, perpetrators, and their children. Representatives from the District Attorney’s office, Department of Corrections, law enforcement, Coroner’s Office, Pretrial services, Adult Probation, Juvenile Probation, battered women’s advocacy agencies*, therapisits, Adult Protective Services, Social Services, Child Protective Services, San Jose’s Family/Domestic Violence Advisory Board, Asian Pacific Communities Against Domestic Violence, Victim Witness, batterer's intervention programs, Family Court Services, Public Health and the family law bar were all invited and all agreed to participate.

We were very fortunate in this county to get buy-in and cooperation from all the relevant organizations. We were also very comfortable working together because nearly all the involved organizations were already a part of the county’s Domestic Violence Council. We trusted one another not to use discovered information to “finger point” but to do the more constructive work of advocating for system-wide change, which would hopefully save lives.

Every member of the DVDRC signed a confidentiality agreement (attachment A). This agreement requires that all information discussed in committee meetings remain confidential. The signed agreement is kept on file by the committee chair. The only agreed upon public disclosure of cases involves statistics and fact patterns. The names of particular victims and perpetrators are not revealed out of respect for victims, survivors, and their families.

*battered women’s advocacy agencies include Maitri, AACI, The Support Network and Next Door
In 1995 the California Legislature enacted Penal Code section 11163.3, which allowed all California counties to establish domestic violence death review teams. The legislature understood that these teams (Santa Clara County’s being one of the first) have been used successfully to ensure that incidents of domestic violence and abuse are recognized and that agency involvement is reviewed to develop recommendations for policies and protocols for community prevention and intervention initiatives. These teams also help develop initiatives to reduce and eliminate the incidence of domestic violence.

The DVDRC had several discussions on the issue of how a “domestic violence related death” would be defined. The committee’s consensus was as follows: a “domestic violence related death” is a death where the perpetrator and victim were involved in an intimate relationship, either at the time of death or prior to the death and the conduct of the perpetrator led to the death of the victim or victims. This includes all individuals in (or formally in) intimate partner relationships, whether or not they were married or living together at the time. We look at homicides, homicide/suicides, suicides, blue suicides**, and fatal accident cases. If other family and or community members are also killed by the perpetrator those cases are also reviewed.

**Blue suicides are those situations where an individual threatens to kill police officers and/or others and comes toward the police with a deadly weapon- intending that they respond by shooting him or her.
In 1996 the California legislature expanded Penal Code section 11163.3 (et. seq.) which allowed for the formation of domestic violence death review teams in all California counties. It also deemed all information shared in death review committee meetings as confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations of a domestic violence death review team may be disclosed at the discretion of a majority of the members of the team.

The **DVDRC** produces a final report at the end of each calendar year. This year’s report will cover six (6) identified domestic violence related deaths from 2006. In 2005 there were ten (10) identified cases (see attachment 2 for yearly death statistics). The Santa Clara County District Attorney’s Office filed criminal complaints on 24 homicide cases in 2006. Of the six (6) domestic violence related deaths in 2006, five of them were homicides and one was a suicide.

The Santa Clara County District Attorney’s Office issued 3204 criminal domestic violence complaints in 2006 (2784 misdemeanors and 420 felonies). Our domestic violence criminal courts issued protective orders on every criminal case. All of the police agencies in Santa Clara County (including those on university and college campuses) adhere to a law enforcement protocol, which recognizes domestic violence as a crime and contains a “pro arrest policy.” A “pro arrest policy” means where probable cause exists to believe the perpetrator committed an act of domestic violence an arrest shall be effectuated by the responding law enforcement officer. The protocol is reviewed and updated yearly.

Women’s shelters, domestic violence organizations, batterer treatment groups, and other professionals also deal with domestic violence on a daily basis in this county. They explain the law and provide needed assistance for victims, their children, and perpetrators. They also offer counseling in an effort to help these families build lives without violence. These agencies see more victims than even law enforcement does because not all victims call the police when they are being abused.

It is our belief that Santa Clara County’s policies and procedures around domestic violence helped decrease the number of domestic violence related deaths. Although there were six (6) such deaths in 2006, we did not lose a single person in the five thousand four hundred and thirty three (5433) cases (issued and non-issued) that were referred to the District Attorney’s office for prosecution. We believe this clearly shows that the policies of this county and the educational efforts around domestic violence have helped decrease the number of fatal incidents.

Tragically, we lost one child this year in a domestic violence incident. We lost two children and one unborn child in 2005. The committee continues to stress to the public that when deadly domestic violence occurs, no one is safe, even the most vulnerable ones in our homes; our children. We also noted that four children were left this year without one or both parents because of these deadly acts or their resulting incarceration. These children’s lives will be forever changed.

Domestic violence related death did not take the life of a single elder member of our community again this year. This is the second time this has happened since the inception of the committee in 1994. We continued to work together to come up with solutions which
would solve the problems of elder domestic violence. The biggest change, which started in 2004, was the coming together of agencies that deal with elders and discussing problem domestic violence cases. We were able to come up with workable solutions that held elder batterers accountable and protected elder victims. It seems to be working because for two years in a row we have not had a senior listed among the dead.

There is more good news in this year’s report. We did not have a single female perpetrator this year. We did not lose anyone from our same sex community and no one from the African American or immigrant communities***. We lost one child of Hispanic/Asian ethnicity and no other members of the Asian community. This is a great reduction in deaths for the Asian community, which for a number of years represented over one half of the domestic violence related deaths in Santa Clara County. The numbers started coming down in 2004 and continue to drop. We were also pleased that there were no victims in these numbers who had a restraining order. Our hard work seems to be paying off.

Our investigation into these cases clearly shows that nearly everyone around these victims was aware of serious problems in the relationship but did not intervene. Domestic violence does not get better on its own. There must be professional intervention and communities must commit to ending it.

When anyone suspects that domestic violence is being perpetrated against a victim, they must act. Calling 911 or seeking professional assistance could save a life. Domestic violence happens everywhere in our community, no one is safe. When a life is lost many people beyond the victim’s immediate family are adversely affected for a lifetime. When school age children die, all the children, parents and teachers in that school suffer and don’t forget the tragedy that has occurred. We must increase our vigilance in order to protect the lives of children, adults, and seniors in our community.

“Speak up – Save lives” – was the message chosen by the DVDRC in 2002. We decided in 2003 to retain the message and in 2003 it was also adopted by the City of San José Family/Domestic Violence Advisory Board and was used in a public campaign. The committee has decided to permanently retain this message. It is still very important and it succinctly states what we must all do in our fight to end domestic violence.

It is everyone’s responsibility to pay attention to what’s happening in their community and speak out (e.g. call 911, call domestic violence hotlines) in order to stop the violence and protect victims. We could not have said it any clearer.

SPEAK UP – SAVE LIVES

***The DVDRC defines immigrant as a person who has been in the United States for 10 years or less—it does not look at legal status.
The reviewed cases breakdown as follows:

I. TYPES OF DEATH

1. 6 deaths from 2006 (4 homicides, 1 homicide/suicide)

II. POLICE AGENCIES INVOLVED

1. 4 deaths from San José Police Department (2 homicides, 1 homicide/suicide)
2. 1 death from Santa Clara Police Department (1 homicide)
3. 1 death from Gilroy Police Department (1 homicide)

III. AGE/RACE/SEX/SUBSTANCE ABUSE/CHILDREN PRESENT

1. Ages For all victims and perpetrators - 2 yrs to 51 years of age
   A. Homicide adult female - average age was 27 years of age
   B. Homicide adult male - average age was 51 years of age
   C. Suicide adult male- 33 years of age (one case)
   D. Homicide child - 2 years of age (one case)

2. Race/Ethnicity
   Hispanic: 3 (1 homicide, 1 homicide/ suicide)
   Caucasian: 2 (2 homicides)
   Asian: 0
   African American: 0
   Bi-Cultural: 1 (1 homicide-Hispanic/Asian)

3. Sex
   Female: 4 (3 homicides, 1 homicide/suicide)
   Male: 2 (1 homicide, 1 homicide/suicide)
4. **Substance Abuse At Time of Incident**  
   2 (alcohol, meth)

5. **Number of Children –Homicide Victims**  
   1 (age 2)

6. **Children Present At Time of Incident**  
   5 (1homicide, 1 homicide/suicide)

7. **Number of children left w/o one or both parents (due to death or resulting incarceration)**  
   7 (4 homicides, 1homicide/ suicide) ages 2-12 (one child has special needs)

8. **Perpetrator’s Gender**  
   5 male (4 homicides, 1 homicide/ suicide)

9. **Manner of Death**  
   2 gun (1 homicide/suicide)  
   1 knife (1 homicide)  
   1 suffocation ( 1 homicide)  
   1 strangulation ( 1 homicide)  
   1 poisoning ( 1 homicide)

10. **Separated/Divorced or discussing either at time of death**  
   6 (4 homicides, 1 homicide/suicide-true in every case this year)

11. **Prior domestic violence contact (police reports)**  
   1 (homicide)

12. **Restraining orders/Do not annoy, harass or strike orders**  
   0

13. **Location of Deaths**  
   5 at home (3 homicides, 1 homicide/suicide)  
   1 in another residence (1 homicide)

14. **Same Gender/Transgender Couples**  
   0

15. **Occupations of those who died**  
   Factory worker  
   Animal control worker  
   County worker

16. **Occupations of those who committed homicide**  
   Day worker  
   Factory worker  
   Apartment manager  
   Unemployed (2)
17. **Type of relationship at time of death**

- 3 dating relationship (3 homicides)
- 2 cohabitant                (1 homicide/suicide, 1 homicide)
- 1 prior cohabitant          (1 homicide)

18. **Length of relationship**

- 1 day to 3 years
  - 1 – three years (1 homicide)
  - 3 – one year       (1 homicide/suicide, 2 homicides)
  - 1 - one day        (1 homicide)

19. **Educational level of perpetrators**

- 3 - High School (3 homicides)

20. **Educational level of victims**

- 1 - College
- 3 - High School

21. **Met and began dating as teens**

- 0

22. **Immigrant victims (less than 10 years in the United States)***

- 0

***The DVDRC defines Immigrant as a person who has been in the United States for 10 years or less—it does not look at legal status.***
IV.  CASE SUMMARIES

CASE 186/187: Homicide/Suicide - The defendant and victim started a dating relationship. The perpetrator thought that the victim was going to be in a long term relationship with him. He was very jealous of her. She began having some doubts about the relationship. She has three very young children. They did not have any children together. The perpetrator shoots and kills her and then kills himself, the children are in the home. The perpetrator is 33 years old, the victim was 29.

CASE 188: Homicide - The victim met a woman and they decide to begin an intimate relationship. The victim does not know that the woman has been stalked by a previous boyfriend. The ex-boyfriend finds out where they are, pushed his way in and murders the victim. The victim was 51 years old.

CASE 189: Homicide – The victim meets the defendant because she is looking for a roommate. She moves in and eventually she and the perpetrator begin an intimate relationship. She discovers in a few months that the perpetrator is a very possessive and controlling person. She plans to leave him. The perpetrator finds out and kills her, she is 24 years old.

CASE 190: Homicide - The perpetrator and victim begin a dating relationship. She decides to break it off. He is not happy with this. He blames her for many things that have gone wrong in his life. He kills her. She is 38 years old.

CASE 191: Homicide – The perpetrator is the father of the victim. He is angry because her mother is planning on leaving him, he kills the victim. She was two years old.
The Santa Clara County Death Review Committee (DVDRC) is a standing committee of the Santa Clara County Domestic Violence Council. The committee has been in existence since 1994. It is one of the oldest domestic violence death review committees in the nation. We have been asked on numerous occasions to present at various conferences and workshops all over the country. In the last year we made over twenty such presentations. We have a standing agenda item which requests reports from those team members who have presented on death review in the preceding month.

Committee members also made themselves available this year for a large number of presentations in the county on the issue of death review. These presentations were made to professional and lay groups. The committee is committed to informing the general public about domestic violence and its deadly consequences.

The committee also worked closely with the The San José City Family/Domestic Violence Advisory Board, The Court Systems Committee, Police Victim Relations Committee, The Executive Committee of the Domestic Violence Council and the Respect Community, and Culture sub-committee of the Greenbook Project.

In 2006 we did not lose one member of our elder community. We did a lot of work this year on the education of seniors around the issue of domestic violence. The committee members from Adult Protective Services, Pretrial Services, Palo Alto Police Department, and the District Attorney’s office also worked closely together on senior domestic violence issues after they were initially reported to the police. Domestic violence in the senior community is taken very seriously and as a result we are convinced that this helped save lives this year. We started this work in 2005 and increased our collaborative work this year.

We have additional good news to impart this year. We did not lose one single person to homicide who had a restraining order or who had a reported ongoing domestic violence case with law enforcement. We are convinced that law enforcement is doing a great job in terms of its response to domestic violence situations and the resulting prosecution of these cases saves lives. We also didn’t lose any members of our same sex, African American or immigrant communities and none of our victims began dating their partner as a teenager.

We will continue to track and study domestic violence related death cases and we are convinced that this work saves members of our community from early and tragic death.
VI. CONCLUSION

In concluding this year’s report it is again glaringly obvious that family members, co-workers, and neighbors are well aware of serious problems in these relationships before the deaths occur and yet did not call law enforcement or any others for intervention. It is the hope of this committee that everyone will start to take notice of what is going on in these relationships and report abuse. The community must educate itself on domestic violence in all its forms and realize it can turn deadly. Concerned community members must also know where to call for help and what they can do to assist victims (see page 18).

Domestic violence homicides at their core are about one individual’s desire to have absolute power and control over their significant other. When they begin to feel that power eroding, they will do whatever they have to in order to regain it; including killing the very person/persons they seek to control. Children, other family members, neighbors, co-workers, and innocent bystanders are all put at risk if they are around when the violence erupts. We must continue to work to educate the public on these issues and help people to understand that reporting domestic violence is helping not hurting and intervention is necessary.

We must also note that this year we had one of the lowest number of domestic violence related deaths since we started compiling the numbers in 1994. This tied with the lowest ever of 6 in 2004. We feel this is due to several reasons:

(1) Reporting of non-lethal domestic violence incidents by the community;
(2) Confiscation of guns at domestic violence incidents by well-trained law enforcement officers;
(3) Arrest and thorough follow-up by well-trained law enforcement officers;
(4) Prosecution by the District Attorney’s office;
(5) Advocacy support for victims and their children by agencies and programs;
(6) Appropriate sentences for perpetrators by Judges and court orders which the Probation Department makes sure are followed;
(7) Counseling for victims, children, and perpetrators;
(8) Community campaigns on domestic violence;
(9) In custody and community intervention programs;
(10) Availability of restraining orders and emergency protective orders;
(11) Increased community awareness;
(12) Collaborations of the county and community based organizations working together on domestic violence issues;
(13) Collaborations between county agencies, for example Adult Protective Services, Pretrial Services, CPS and the District Attorney’s office.
(14) Corporations having workplace violence policies which include early detection, intervention and protection of victims.

We also know that all the members of the agencies represented on the Domestic Violence Death Review Committee take what we learn in every case and apply it to their everyday work. We also spread the word to our co-workers, so everyone begins to understand the issue.

We did lose one child this year to domestic violence related death. We just can’t stress enough how domestic violence is a danger to every member of the family including the most
vulnerable, the children. We must take the initiative and speak out for them. We have a duty to protect them and not ignoring domestic violence is the first way to begin.

We also added a new page to the final report this year. Along with the “red flags” and recommendations we have included a page on common factors we have seen among batterers who kill. It is our hope that those who read this will take these messages to heart and help victims by reporting domestic violence and/or getting victims to professional assistance.

This committee also began the very hard work of looking at “victimology.” It will be a thorough study and analysis of victims and their characteristics. It is hoped that studying the victim’s background and current life circumstances could provide answers to the offender’s characteristics. It is also hoped that such a study would lead to an enhanced ability to better determine the risk of a particular person becoming the victim of deadly domestic violence. We hope to complete a “white paper” on this subject in the coming year and prepare it for dissemination to the public.

The Domestic Violence Death Review Committee hopes that the release of this report will help people begin to recognize domestic violence and intervene before death is the result.

SPEAK UP – SAVE LIVES

Respectfully Submitted: The Domestic Violence Death Review Committee 2006
VII. 2006 SIGNIFICANT FINDINGS (RED FLAGS)

1. Everyone close to the victim and perpetrator knew that something was very wrong in the relationship but did not intervene.
   - They must ask victims if they are fearful of the perpetrator and why?
   - They should always ask if there are deadly weapons in the home.
   - They must seek to safely intervene (assist the victim in calling a woman’s shelter or seeking domestic violence information, call law enforcement, and encourage victims to call law enforcement to remove firearms) in these relationships.
   - They must educate themselves on domestic violence and share that information with everyone they come in contact with, especially family members.

2. Deadly domestic violence has several characteristics, which were evident in many of the six cases we reviewed this year.
   - Prior threats of homicide and/or suicide - 5 cases
   - Victim talked about divorce or separation and the perpetrator could not handle it – 6 cases
   - Kidnapping or prior false imprisonment – 2 cases

3. A handgun was used in the homicide/suicide case, taking two lives. Those individuals possessing guns and using or threatening violence are a clear danger to themselves and everyone around them.

4. Deaths occurred in nearly every jurisdiction in this county and have involved different racial and socioeconomic groups. In fact those individuals from the middle/upper middle and higher economic strata contributed to one-half of the deaths (3). We must be cognizant of the fact that domestic violence is not just a poor person’s problem, it is everyone’s problem. Domestic violence death also does not care how rich or poor you are, everyone is at risk.

5. Children are the most vulnerable in our society. We must act on their behalf. If they express real fear of a parent, we must act. If we see that their living conditions can be dangerous to them, we must act. When children appear vulnerable and in danger of abuse or neglect everyone should report to the Child Abuse Hotline at DFCS.

6. Untreated and inadequately treated mental health issues underlie many of the cases we reviewed last year (4). Federal, state, and local governments must put mental health dollars back into budgets. Our families are suffering from a lack of adequate mental health treatment.
VIII. Characteristics of Batterers who Kill

(This list contains facts we deduced from the deaths we studied. They may not apply in every situation.)

1. Loners - do not have any friends of their own. If they have a friend it is often someone from their childhood, who hasn’t stayed close to them.

2. They will “co-op” the victim’s friends in an attempt to learn more about the victim.

3. They are overly possessive, controlling and jealous. They will try to get all the victim’s friends, family members and co-workers away from the victim.

4. They control all the finances, even if they don’t work.

5. They are often underemployed or recently unemployed.

6. They often have attachment issues, having lost a parent at an early age.

7. Close to the time of death they will begin to unravel - inability to sleep, talking about dying, threatening suicide or homicide, extremely upset about life.

8. They will engage in stalking conduct if the victim tries to leave them.

9. Batterers do not mellow with age. Getting older can ever be more dangerous, especially if the victim is in good health and the batterer is not.

10. Become distraught at the discussion of separation.
IX. RECOMMENDATIONS

We the members of the Santa Clara County Domestic Violence Death Review Committee hereby recommend to the Domestic Violence Council and the community at large the following:

1. The Domestic Violence Council encourages the community at large to stand up and report domestic violence when it is observed.

2. The Domestic Violence Council continues its efforts to educate the public on domestic violence issues, including the release of this report to the public.

3. The Domestic Violence Council increases its efforts to educate our ethnic minorities and immigrant communities on domestic violence.

4. The Domestic Violence Council continues to ensure that all domestic violence-related educational information teach that domestic violence occurs in the elder, disabled, immigrant, gay, lesbian, bi-sexual and transgender communities.

5. The Domestic Violence Council continues to encourage local school districts to develop a curriculum that addresses the issues of domestic violence, dating violence and stalking. It should also help children feel safe in reporting domestic violence by educating teachers and counselors and setting aside a confidential place for children to make the report.

6. The Domestic Violence Council continues to encourage victims of domestic violence to get restraining orders.

7. The Domestic Violence Council continues to promote the education of all workplaces on domestic violence, so those potential victims can be protected.

8. The Domestic Violence Council promotes legislation, which requires all mental health professionals to have domestic violence education.

9. The Domestic Violence Council promotes the spending of mental health dollars on those committing domestic violence that are also suicidal, and requiring mental health professionals to get training on the identification of domestic violence and how to treat it.

10. The Domestic Violence Council continues to encourage the utilization of available monies for mental health and legal services for children exposed to domestic violence.

11. The Domestic Violence Council continues to encourage parents to get parenting classes, which discuss the impact of domestic violence on children.

12. The Domestic Violence Council continues to inform the public that law enforcement at a domestic violence incident (Penal Code section 12028.5) can remove all guns and
keep them for up to 5 days if charges are not filed. The person seeking to get those firearms back must demonstrate compliance with Penal Code section 12021.3 (he/she is deemed eligible to possess a firearm). If charges are filed and the perpetrator is convicted he/she cannot possess a firearm for up to 10 years (Penal Code section 12021). Also if the victim obtains a restraining order (whether or not the perpetrator is filed on or convicted), the restrained person cannot possess a firearm.

The DVDRC recognizes that we have tied the lowest number of domestic violence related deaths this year (6). We started this compilation in 1994. In 2004 we also lost 6 individuals to domestic violence related death. We are convinced this is a clear indication that we must continue to do everything listed above.

SPEAK UP – SAVE LIVES
X.  CRISIS HOTLINES

EMERGENCY POLICE RESPONSE – 911

Asian Women’s Home ................................. (408) 975-2739

Support Network for Battered Women .............. (408) 541-6100
  Spanish ............................................. 1-800-572-2782
  TDD .............................................. (650) 490-7857

Next Door Solutions to Domestic Violence ........... (408) 279-2962

Community Solutions (South County) ............... (408) 683-4118

YWCA Rape Crisis Center ............................ (408) 287-3000

South County Rape Crisis Center .................... (408) 779-2115

Adult Protective Services ......................... 1-800-414-2002

Family Court ......................................... (408) 534-5600

Suicide Crisis Service ............................... (408) 279-3312
  (650) 494-8420 (North County)
  (408) 683-2482 (South County)

Victim Witness Assistance ......................... (408) 295-2656 (8:30 a.m. - 5:00 p.m.)

CONTACT (Hotline for all hotlines) ................. (408) 850-6125

National Domestic Violence Hotline ............... 1-800-799-7233 (SAFE)

Victim Notification System ....................... 1-800-464-3568 (jail program-
  Victims can register and be informed when defendant is to be released)

Charter Legal Services for Children and Youth ...... (408) 522-3800

San Jose State Counseling Services (SJSU students) . (408) 924-9510

Family Court Self Help Center .................... (408) 882-2900

Restraining Order Self Help Center ............... (408) 534-5709
CONFIDENTIALITY AGREEMENT

DOMESTIC VIOLENCE

DEATH REVIEW COMMITTEE

I, as a member of the Domestic Violence Death Review Committee agree to keep confidential all information discussed at the death review meetings. I also agree to return all outside case information received in the meeting involving decedents to the Chairperson of the Death Review Committee upon my resignation from the Committee.

______________                                                          _______________________
Dated         Printed Name

________________________
Signature
Attachment 2: Death Review Log (last 7 years)

2000 - 18 domestic violence related deaths
2001 - 17 domestic violence related deaths
2002 - 18 domestic violence related deaths
2003 - 21 domestic violence related deaths
2004 - 6 domestic violence related deaths
2005 - 10 domestic violence related deaths
2006 - 6 domestic violence related deaths