



NORFOLK COUNTY COMMUNITY SAFETY PARTNERSHIP

DOMESTIC HOMICIDE REVIEW

EXECUTIVE SUMMARY

Into the death of
Kitty in September 2014

Report Author

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The Norfolk County Community Safety Partnership Domestic Homicide Review Panel would like to express their sincere condolences to the family of the victim whose death has brought about this Review. She was a much loved mother, grandmother, sister and daughter, and will be greatly missed. Her loss has also been keenly felt not only by her friends and colleagues but by those she worked to support.

The independent chair and author would like to thank the relatives, friends and colleagues who have made valuable contributes to this Review, and to express her appreciation for the time and thoughtful contributions made by members of the Review Panel.

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EXECUTIVE SUMMARY

1 The Review Process:

1.1 This summary outlines the process undertaken by the Norfolk County Community Safety Partnership Domestic Homicide Review Panel in reviewing the death of a resident in the county.

1.2 Following a Police investigation and criminal trial the victim's estranged husband was found guilty of her murder in April 2015 and sentenced to minimum term of 16 years imprisonment.

1.3 The Review process began on 10 October 2014 when the Community Safety Partnership chair in consultation with the Partnership members made the decision that the circumstances of the case met the requirements to undertake a Domestic Homicide Review. The Home Office was notified of this decision on 28 October 2014 as required by statute. The Review was concluded on 14 July 2015. This is over the statutory guidance timescale to complete a Review due to the criminal proceedings which prevented contact with contributors until those proceedings had concluded. The Review remained confidential until the Community Safety Partnership received approval for publication by the Home Office Quality Assurance Panel.

1.4 Agencies Participating in the Review:

1.5 A total of 12 agencies were contacted for information following notification of the homicide by the Police. 3 responded having had contact with the individuals involved in this Review; 9 had no contact.

1.6 Agencies participating in this Review and the method of their contributions are:

- James Paget University NHS Hospital Trust – chronology
- The Couples GP Practice – Chronology and additional information
- Norfolk Police – brief historical information and incident details.

Family, friends and colleagues have also contributed to this Review.

1.7 To protect their identity and maintain the confidentiality of the victim, perpetrator, and their family members pseudonyms have been used throughout the Review. They are:

The victim: Kitty, age 50 years at the time of her death

The perpetrator: Brian, age 51 years at the time of the homicide

Both Kitty and Brian were of white British ethnicity.

1.8 Neither Brian nor Kitty would have been assessed as a vulnerable adult, or an 'adult at risk' the term which has replaced 'vulnerable adult' under Section 14 of the Care Act 2014. As a consequence they did not require and were not eligible for community services to which a person who is aged 18 years or over may be entitled by reason of mental health or other disability, age or illness, and who is or may be unable to take care of him or herself or unable to protect him or herself from harm or exploitation.

1.9 Purpose and Terms of Reference for the Review:

The purpose of the Review is to:

- Establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and together to safeguard victims;
- Identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result;
- Apply these lessons to service responses including changes to policies and procedures as appropriate; and
- Prevent domestic violence homicide and improve service responses for all domestic violence victims and their children through improved intra and inter-agency working.
- To seek to establish whether the events leading to the homicide could have been predicted or prevented.

This Domestic Homicide Review is not an inquiry into how the victim died or who is culpable. That is a matter for the coroner and the criminal court.

Specific Terms of Reference for the Review:

1. The Review will examine the background to the couple's relationship between 2006 when it is understood the relationship began to change, and the date of the victim's death in September 2014. Any agency with information prior to this date is to provide a summary of their contact to assist with context to the events leading up to the victim's death.
2. To establish whether there is evidence of any actions or behaviours that suggest there was abuse or coercive control within the couple's relationship in the past or since they became estranged, either disclosed to services, family, friends, or colleagues.
3. Services who have had involvement with the victim or perpetrator to confirm whether they have a policy and pathway for dealing with domestic abuse, and whether the practitioners who had contact with them had received training in identifying the symptoms of domestic abuse, its effects, and understood behaviours which constituted high risk,
4. To review the couple's use of services and whether there were indications of any other risk factors.
5. If evidence of domestic abuse is found, examine whether the victim or the perpetrator was given or accessed advice and support, and if not why not.
6. The chair/author of the Review will be responsible for consulting family members and for facilitating the contributions of family, friends and colleagues. This will be undertaken through liaison with the Police Family Liaison Officer and the Victim Support Homicide Team.

1.10 Agency Contact and Information from the Review Process:

- 1.11 Kitty and Brian lived in a town in the county of Norfolk. They had been married for 21 years but for the last 5 years of the relationship the intimacy in the marriage had ceased. This coincided with Brian being taken dangerously ill in 2008 to the extent that he was seen to change; to withdraw into himself; he was 'not the same old Brian' Kitty told a friend. Despite the seriousness of his illness Brian discharged himself from the hospital and follow up appointments took place with his GP. Brian and Kitty were advised by their doctor about the possible ramifications of his sudden illness, including the possibility of both of them experiencing post-traumatic stress disorder. There were no signs at that time, but they were urged to contact the GP if they experienced any 'mood or functional disturbances'. The GP followed up with a call to the hospital Intensive Care Outreach Team and passed on to Brian that there was a follow up clinic to which patients are automatically invited to attend after discharge. Brian did not take up this invitation.
- 1.12 Following Brian's illness they decided to sell the small business they ran in the area, but this was not successful and in approximately 2010-2011 due to loss of trade they decided to close. However, they remained responsible for paying the lease. Kitty, who had always worked in other jobs in addition to the business, held up to three part time jobs following the business closure, one of which was in a care home for adults with special needs. Colleagues report that Kitty's gregarious nature made her very popular with the residents as she would do many fun things with them. Brian had some periods of employment which were usually found and applied for online by Kitty as he had limited computer skills. When not working Brian would stay at home watching television all day.
- 1.13 During the 5 years following Brian's illness the couple appeared to have reached some kind of equilibrium which enabled their relationship to continue despite the lack of intimacy. Kitty did have a long term friendship and then relationship with another man, but they did not meet very frequently and the relationship ended shortly before Kitty's death. Brian had no knowledge of the affair. Kitty had a wide circle of friends and she would visit family members without Brian. Brian's social life was reported to be mainly confined to occasionally socialising as a couple with a small group of friends.
- 1.14 In the Spring of 2014 Kitty went away with a group of women friends to celebrate her 50th birthday. During the holiday Kitty had a small tattoo after which she told her friends that she was worried about Brian's reaction as he did not like them. However, she was not worried enough to prevent her having the tattoo. According to friends when Kitty returned home and Brian found out about the tattoo he threw his dinner in the bin and sulked for some time afterwards. He then told her their relationship was over.
- 1.15 Relatives confirm that Kitty consulted a solicitor concerning a divorce and the splitting of the couple's assets, however due to debts connected with their past business Kitty realised that any remaining assets would be negligible and she did not want to leave Brian with nothing. Kitty told a relative that she planned to do the house up and wait for 2 years for a no fault divorce. As Brian could not afford to live independently they agreed to remain in their home, but live separate lives. Kitty began taking steps to make a new life for herself and to broaden her social networks by joining online dating websites. Brian accessed her tablet computer and on finding her use of these websites asked her to stop which she did for a short time.
- 1.16 During the summer Brian approached Kitty a number of times about reconciliation including sending flowers to her place of work and texting to suggest mediation, but she

did not want this. However, Kitty told her daughter she did not want to convey this via a text message.

- 1.17 During September 2014 Kitty returned to using the dating website. She told a close friend that she did not think Brian knew she was doing this and she added "I don't love him, I haven't loved him for the last 5 years; I'm fed up with living a lie". In a text message to a relative Kitty wrote about her life with Brian and how they had grown apart; she wrote "he's just a grumpy old man that I don't know or love."
- 1.18 At his trial evidence was given that Brian had accessed Kitty's tablet computer and seen that she was using the dating website once more. He continued sending her text messages about a reconciliation.
- 1.19 In late September 2014 Kitty went to spend the evening with a couple nearby. As she walked to their home she spoke to a relative on her phone. When the call ended she noticed a text from Brian and phoned him when she reached her friend's house. Kitty's friend recalled how the call turned into an argument; Brian was asking her where she was and who she was with. He did not believe she was with friends. Kitty passed her phone to her friend's husband to confirm where she was.
- 1.20 Kitty returned home from visiting her friends at around 3am that night. Brian had bolted the door and Kitty had to knock to be let in; it is believed they had an argument. At his trial Brian alleged that they had talked and that Kitty had said that the man she knew died in hospital, and she wished he had died. However, Brian did not mention Kitty saying these words when he was first interviewed by the Police and they were dismissed by the court. Kitty's relatives and friends are adamant that she would never have said such a thing to Brian. Kitty is then thought to have gone to her bedroom where she discovered that Brian had smashed her computer. He had also put her clothes in bin bags and thrown them out of the window into the garden, although whether Kitty realised this is not clear.
- 1.21 Kitty is known to have texted her close friend at 3.20am telling her that Brian had smashed her computer. Her last text at 3.36am was to a man she had contact with through the dating website when she told him about the smashed laptop and that she would get up early to retrieve her tablet from Brian. She asked him what she should do and whether she could call the Police. The man thought she should. Kitty sent a final text message to her daughter at 4.14am. In the message Kitty wrote "meeting friends in Norwich today. If I haven't phoned you by 9 call the Police. I'm not sure what he might be capable of anymore". This text did not arrive.
- 1.22 At 1.37pm the next day Brian called the Police from the local Police station and told the call taker that he had killed his wife. Officers attended and found Kitty dead in her bedroom; she had suffered multiple stab wounds. Evidence from the post mortem showed that the cause of Kitty's death was a stab wound to the heart. Brian was arrested and charged with her murder.
- 1.23 At his trial Brian pleaded not guilty to murder; in his defence he cited 'loss of control'. In April 2015 the jury found him guilty of murder. He was sentenced to a minimum term of 16 years.
- 1.24 The involvement of agencies with Kitty and Brian was very limited and consisted mainly of contact with their GP and a number of hospital appointments. GP records are unremarkable, save for the serious illness which resulted in Brian being admitted to

intensive care in 2008. However, it is worth comment that although the GP who saw them after his serious illness explained the possible side effects which could arise such as personality changes, and urged them to return if this occurred, this offer was never taken up. Nor did Brian access the follow-up clinic for those who had been in intensive care, although it would appear that he did have some changes to his demeanour if not his personality.

- 1.25 Information held by the Police apart from the fatal incident related to their involvement in 2003 when Brian was given a caution for disorderly behaviour linked to an argument with neighbours over parking. In his mid-teens he had a conviction for possession of an offensive weapon, but he had no further offences between these dates. The Police had no record of calls or attendance to domestic abuse incidents.
- 1.26 Reviews are asked to avoid hindsight bias, and the Review has been cognisant of this when reaching its conclusions. However, the Review author believes that learning can be obtained with the benefit of hindsight when examining Brian's actions after the separation in May 2014 and for this reason the following observations have been included. Changes in circumstances that may have brought about an escalation in risk from Brian's behaviour towards Kitty are:
- Sometime after separation Brian found out Kitty was using a dating website. He asked her to stop.
 - He sent her flowers and suggested mediation, but she rejected this.
 - Whilst she is visiting family he texted her and asked for reconciliation; she refused.
 - In September he accessed her computer and found she is using the dating website once more. He became deeply suspicious that when she went out she was meeting someone indicating growing jealousy.
 - He phoned to check where and who she was with when she was spending the evening with the couple who lived nearby; they argued and Kitty proved where she was by handing the phone to her friend's husband disproving his suspicion. Did this humiliate him into a rage because the friends now knew he was acting so jealously?

It must be stressed that the identification of these actions has come about during this Review and no one person had knowledge of all these behaviours to enable them to see Brian's behaviour as concerning, and no specialist domestic abuse agency was involved to identify risk. There is no indication that Kitty was receiving a large number of texts from Brian which would be considered harassment; under Section 1 of the Malicious Communications Act 1998 it is an offence to send an indecent, offensive or threatening letter, electronic communication or other article to another person.

2 Key Issues Arising from the Review:

- 2.1. Neither Kitty nor family and friends considered Brian's behaviour in the months before the fatal incident in the context of domestic abuse or coercive control. Of significance is their separation; research indicates that this is the highest risk time for an offender to commit fatal violence, with the first 3 months after separation and up to a year afterwards being particularly high risk.¹ A greater public awareness of these issues, particularly of the risks associated with separation, could make victims, family, friends

¹ Monkton Smith J, Williams A, Mullane F (2014) *Domestic Abuse, Homicide & Gender, Strategies for Policy and Practice* Palgrave Macmillan, Basingstoke.

and colleagues more aware of potential risks, what to look for, and sources of support. Kitty had a caring family and many supportive friends, but outwardly she was a confident woman with a cheerful disposition with the persona of a woman in control of her life. Reaching out to women who would not imagine themselves being a victim of domestic abuse, or where there was no risk of abuse until separation, needs a different approach to that often taken where women are seen on posters bruised and cowering.

- 2.2. A former colleague interviewed for this Review said they were not aware of any workplace domestic abuse policy, nor was information about support agencies, helplines, or posters displayed in staff rooms or areas. This absence misses an opportunity to reach and support people in their place of work, a location which for most people will be away from their abuser and therefore a safer and easier place from which to access support services. In addition such materials and policies give a positive message to staff that their organisation is domestic abuse aware and will be supportive of staff facing such experiences.
- 2.3. What do we learn from Brian's actions? It would appear that he did not accept that the relationship was over and whilst there are organisations available for people in his situation such as counselling through Relate or through a GP practice, it would appear that Brian was not open to services which could support him through difficulties. He did not access the support offered post his admission to intensive care for example. Nor does it appear that he mentioned the separation to his GP or express feelings of low mood or depression. He is described by those who knew him as not very sociable; he preferred to be at home, thus access to public facing information may not be seen by someone with Brian's disposition. Nevertheless campaigns which highlight and challenge abusive and controlling behaviours by perpetrator's to both alert them to reflect on their behaviour as abusive, and which emphasise how socially unacceptable such behaviour is, are worth contemplating.
- 2.4. It is not unknown for couples who are separating to remain living in the home they have shared during their relationship, be that for economic or other reasons. However, individuals may not be aware of the risks associated with separation, especially were one party may be moving on with their life and the other is regretting the separation. This was the case with Kitty and Brian. Advice needs to be given at an early stage when individuals are seeking legal advice about their options about separation and divorce, but most particularly if they are contemplating remaining in the same home but living apart. Just as there is routine enquiry asking about domestic abuse in maternity services, routine information should be provided about the risks which can following separation to those seeking advice from solicitors.
- 2.5. It was not possible to find out what advice was given to Kitty due to the solicitor's code of ethics. The Solicitor's Regulatory Authority confirms that even though a client may be deceased a solicitor cannot disclose their client's confidential information without the permission of the executor or personal representative, or a court order. However, this would not include legally privileged information such as the advice given to the client. Therefore a DHR would not be able to ascertain what guidance was given to a victim by their solicitor to assist with the Review. In this case no letters to Kitty from her solicitor were discovered by her family to indicate what advice she may have been given.

3 Conclusions:

- 3.1. From the information provided to this Review there was no indication that Kitty was a victim of domestic abuse until the fatal incident. For those with knowledge of domestic abuse and the associated indicators of risk it is possible with hindsight to identify actions taken by Brian which suggest risk was growing in the few months before; repeated attempts to make Kitty change her mind about the separation; accessing her computer in her absence to check her internet history; objecting to her use of dating websites, and on the final evening checking on where she was.
- 3.2. None of the above actions were identified by friends or family as a cause for concern which was understandable as they did not have knowledge about domestic abuse, and those that knew of one or two of the different actions taken by Brian were not in a position to bring them together to form a complete picture. Nor did Kitty herself recognise that she was facing growing risk. It was not until very late on the fateful night that she confided her anxiety that she was not sure what Brian might be capable of when she texted two friends in the early hours. One friend offered an immediate place to stay, and the other advised her to call the Police. Kitty did not appear to think it necessary at that time to take either step. However, it is not unusual for a victim of domestic abuse to minimise her experiences or her concerns, and in this case all evidence suggests that there was no previous abuse to warn Kitty that the argument and Brian's destruction of her computer would escalate into violence.
- 3.3. With the benefit of hindsight it is easy to fall into the trap of believing that if Kitty or friends had called the Police that night there may have been a chance that Brian's actions might have been prevented. However, without prior knowledge or suspicion that domestic abuse may have been taking place, there was no reason for anyone's concerns to be raised to such a level of alarm to make a call to the Police. Therefore based on what was known at the time of Kitty's murder by agencies, family and friends it was not predictable. Nor was her death preventable by anyone other than by Brian himself.
- 3.4. From his actions from mid-summer 2014 it would appear that Brian changed his mind about the decision to separate. He sent flowers to Kitty's workplace and made more than one request for mediation and reconciliation. He did not accept that the relationship was indeed over. At his trial when questioned about the relationship being over he said "that's what she thought not what I thought". It may be that, as is the case with many perpetrators of domestic abuse, for Brian the reason why he committed such a terrible crime was his jealousy, possessiveness, and 'if I can't have her no one else will'. Kitty's daughter believes this to be the case.

4 Recommendations:

- 4.1 Although no agency had any knowledge or information which could have prevented Kitty's murder and no one including Kitty imagined such events could happen does not mean that lessons cannot be learnt and changes made. Therefore the following recommendations have been developed from the information provided, the lessons learnt and Panel discussions during this Review:

National Level:

Recommendation 1:

- 4.2 That the Home Office and the Ministry of Justice work with the Law Society and the legal advice charity Rights of Women to develop information for solicitors to give to clients who are separating from their partners which includes the risks associated with separation, especially if there has been a history of domestic abuse, or ambivalence by one party about the separation, and which includes the additional risk associated with remaining in the same property, but intending to live separate lives.

The Home Office has been asked to report progress on this recommendation by March 2016.

Recommendation 2:

- 4.3 That the chair of the Safety Partnership write to the Solicitor's Regulatory Authority (SRA) director of Regulatory Policy to request that amendments are made to the code of ethics, or that guidance is issued, which will enable solicitor's to assist with information for Domestic Homicide Reviews where their client's death has met the statutory requirement to undertake such a Review under Section 9 of the Domestic Violence, Crime and Victims Act 2004.

A letter was send to the SRA by the Chair of the Community Safety Partnership in August 2015. Progress on the recommendation is to be reported to the Partnership by March 2016.

Local Level:

Recommendation 3:

- 4.4 A previous DHR has made a recommendation concerning public awareness campaigns and the Panel acknowledges the ongoing work currently taking place in Norfolk. However, we would ask that the findings and lessons learnt at paragraph 6.5, 6.6 and 6.7 of the Overview Report (reflected in the recommendation wording) be borne in mind and that the media and messages in future initiatives are designed to reach as wide a section of the community as possible in as many outlets as possible, including where practicable, places of work such as staff notice boards.

- 4.5 The wording of Recommendation 3 is:

That the lessons learnt from this DHR be taken into account within the Norfolk Domestic Abuse Change Programme Communications Plan to include:

a) campaigns aimed at reaching victims, family and friends who would not consider themselves at risk of domestic abuse.

b) campaigns aimed at challenging perpetrator behaviour.

c) distribution and campaign materials and information includes the use of social media, and places of employment for staff notice boards wherever practicable.

Action on this recommendation commenced in February 2015 and work on the various elements is due for completion by September 2016.

- 4.6 The Review Panel wish to reiterate that while the Review has not discovered any systemic failures by any agencies which could be considered to have contributed to this tragic event, the Panel did acknowledge the need for a continued focus, and the importance of, training and development of staff supported by domestic abuse policies, best practice, and learning from DHRs.
- 4.7 The Panel is mindful that previous DHR recommendations have been made concerning dedicated domestic abuse training for GP practice staff and that the Police and Crime Commissioners Office and the Norfolk CCG commissioned Leeway Domestic Violence and Abuse Services to provide this training in 2014-15. The GP practice in this case has confirmed that it has a domestic abuse policy, but staff have only received safeguarding training which contains a small domestic abuse component. The Panel would therefore support the continuation of this domestic abuse training, and that further promotion takes place to urge all practices still to access the training do so. As this training is still available and has been publicised to GPs once more during the time this Review has taken place, and the Norfolk Domestic Abuse Change Programme has a Workforce Capabilities Project to specifically address training and staff culture, no further recommendation will be made in this Review.