

Civil Commitment is not the Answer to Idaho's Intimate Partner Violence  
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I didn't know Steve or Annette Donald, but I am very sorry that both of them are dead. This couple's lives were ended prematurely, not due to terrorist plots or gang-related contract killings or even substance abuse excesses. Instead, they died as a result of intimate partner violence that led to a tragic murder/suicide. I have been quoted previously in the Idaho State Journal(12/30/06, "Tragedy Spurs Called to Prevent Area Domestic Violence") As indicating that the Donalds' murder/suicide followed a typical pattern of escalating intimate partner violence. What is scary is how closely the Donald's demographics matched the typical characteristics of murder/suicide in the United States based upon epidemiological research on the issue. Most perpetrators of homicide/suicides in the United States are male and older than those who commit only homicide, and the vast majority of victims are female. While criminal homicides are more commonly reported within lower socio-economic classes, homicide/suicide is predominantly a middle-class phenomenon, and shooting is by far the most common method of committing homicide/suicide. While the intimate partner violence followed a common pattern, and while the epidemiological characteristics of the Donald's was consistent with national trends, what is confusing to the general public is why Idaho's public policy failed to save the Donalds from their plummeting spiral toward death.

As noted in the ISJ 12/30/06 article on the Donalds' deaths, Steve was evaluated twice by mental health professionals prior to his death, once in September following an incident wherein he threatened Annette's life while she was at work and again in October following similar circumstances. It is likely that Steve's evaluation occurred according to Title 66 of the Idaho Code which dictates Idaho's civil commitment procedure for persons who suffer from a mental illness and are thought to be either a danger to themselves, others, or to be gravely disabled. Idaho's civil commitment code is very similar to the majority of laws within other states which provides authority to the state to protect its citizens with mental illness (*parens patriae*) at the same time assuring that they are given full due process prior to being stripped of their liberty and forced into treatment against their will.

When a citizen of Idaho is thought to meet criteria for a mental illness diagnosis and to be a danger to him or herself, or to others, or is believed to be gravely disabled and unable to meet their daily living needs, Title 66 of the Idaho Code allows law enforcement to place them under a protective custody order and to be held for 24 hours for evaluation by a mental health professional. In Idaho we call such individuals "Designated Examiners". If the initial evaluation Following his evaluations in September, 2006, Mr. Donald was placed in protective custody in October, 2006, and again released. Title 66 of the Idaho Code dictates that individuals can be held more than 24 hours if they meet the following criteria: 1) suffers from a mental illness; 2) are in imminent danger to themselves, others or are gravely disabled; and 3) lack the capacity to make informed decisions about their own treatment.

Only if individuals meet all of these criteria can they be remanded to the protective custody of the Department of Health and Welfare by a judge for treatment.

Title 66 is sometimes a very frustrating statute for families in Idaho. For example, individuals who suffer from very severe substance abuse do not meet the commitment criteria under Title 66 because substance abuse is not considered to be a mental illness. Hence, severe substance abusers cannot be civilly committed to treatment against their will unless they also suffer from some type of mental illness such as depression. Depression is sometimes seen in severe substance abusers when they make an attempt on their lives. Short of this, substance abuse, in and of itself, is unlikely to meet civil commitment criteria in Idaho. Other families become frustrated by Title 66 because some individuals who suffer from severe and persistent mental illness are not a particular danger to either themselves or other people. Instead, they simply exhibit flagrant symptoms of severe and persistent mental illness such as delusions/false beliefs (“The TV announcer is talking to me personally through our television set.”) or hallucinations (sensory experiences in the absence of sensory stimulation - “I can taste the poison in the eggs.”). Yet these individuals exhibit no interest or intent to harm themselves or other people but refuse to seek treatment for their severe symptoms. These individuals, like the chronic substance abuser, would not meet Title 66 of the Idaho Code. Given that Mr. Donald was evaluated twice within a relatively short period of time, I surmise that he too failed to meet the requirements of the Idaho commitment code and hence was released. While it was clear that he had acted in a threatening manner and, therefore, one could consider him a potential danger to other people, he could not be civilly committed under the commitment code because he did not meet criteria for a mental illness.

One of the most common disorders in homicide/suicide is depression. Empirical studies where perpetrators of homicide/suicide are compared with individuals who commit suicide, depression is far more common among the homicide/suicide perpetrators. However, even individuals who may be despondent and react to an unacceptable situation in their lives by committing homicide/suicide are not invariably depressed. Indeed, some research indicates that more offenders of homicide/suicide were described as more “normal” than “depressed.” Likewise, research indicates that most offenders involved in homicide/suicide do not suffer from acute psychotic disorder in which they suffer from significant thought disturbance such as the delusions and hallucinations described above. Rather than the result of untreated depression, three-fourths of all murder/suicides in the United States usually involve avarice and jealousy. Typically, a male between the ages of 18 and 60, when a relationship is marked by turmoil or is in the process of dissolving, the loss of the relationship is perceived as intolerable, and the individual kills his partner and himself. Unfortunately, like the chronic substance abuser, or the psychotic person absent of self-destructive or assault tendencies, such dynamics do not meet the criteria for civil commitment under the Idaho Code, nor should they. Civil commitment needs to be reserved for those special circumstances in which persons with severe mental illness are suicidal, homicidal or unable to care for themselves. In intimate partner violence, characteristics of the Donald’s need to be addressed instead by other means within the community such as thorough investigation of domestic violence cases, meaningful penalties and sanctions for offenders, collaboration with advocates to assure victim safety

and welfare and public education and outreach to improve the community's understanding of the grave consequences of partner violence.