



# **Domestic Violence Homicide Review**

## Case Analysis and Recommendation Report

Kent County Domestic Violence Community Coordinated Response Team  
March 2022

## A. Introduction

In the fall of 2021, Katlyn (Thebo) Hall approached the Domestic Violence Community Coordinated Response Team (DVCCRT)<sup>1</sup> in hopes that this group could help facilitate a process that would allow systems to better identify and respond to domestic violence, following the domestic violence homicide of her three-year-old son, Dylan Thebo. On August 31, 2021, Derek Thebo, Katlyn's estranged husband, killed their son Dylan in a murder-suicide following a history of domestic violence that had been reported to law enforcement as far back as April 2020.

Immediately preceding Dylan's homicide review, Kent County had experienced six domestic violence homicides in close proximity to one another (2.5 month time period).<sup>2</sup> The increase of fatal and near-fatal incidents of domestic violence in Michigan<sup>3</sup> reinforced the need for a fatality review, despite the lack of precedence for such a practice in Kent County.

Ultimately, Derek is the only one responsible for Dylan's death, and yet, his behaviors leading up to the murder-suicide exhibited many of the hallmarks of lethality that have been widely published since 1985. Systems that interact with victims of domestic violence can have an incredibly high threshold for responding to the lethal nature of an abuser's behaviors and threats; in part because it is not uncommon for systems to hear a high volume of cases that involve physical violence, coercive control and threats of harm. In domestic violence cases, it is critically important that decision makers have the ability to identify and respond to the breadth of tactics that abusers like Derek often use.

We extend our appreciation to Katlyn for the honor of bearing witness to and conducting a homicide review of the tragic death of Dylan. We collectively believe that Kent County systemic actors have a desire to better understand the complex dynamics of domestic violence and lethality and can learn from this tragic homicide. It is our hope that these systems can enact meaningful and lasting change to better protect domestic violence victims, while holding accountable those individuals who choose to harm.

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<sup>1</sup> The Kent County Domestic Violence Coordinated Community Response Team (DVCCRT) is a multidisciplinary team of community partners with the goal of providing an interagency, coordinated response to domestic violence. Formed in 1985, the DVCCRT meets monthly to facilitate discussion, workgroups, community training and system collaboration focused on enhancing Kent County's response and support of domestic violence victims. The Domestic Violence Homicide Review Committee is a subgroup of the larger DVCCRT.

<sup>2</sup> Between July 2021 and September 2021, Jonathan Williams (7/9/21), Dylan Thebo (8/31/21) Marissa Valdez and her unborn child (9/8/21), Ciara Paul (9/16/21), Jacorion White (9/28/22), all died as a result of domestic violence homicide.

<sup>3</sup> Peitzmeier SM, Fedina L, Ashwell L, Herrenkohl TI, Tolman R. Increases in Intimate Partner Violence During COVID-19: Prevalence and Correlates. *Journal of Interpersonal Violence*. December 2021. doi:10.1177/08862605211052586

## **B. Domestic Violence Homicide Review Committee**

### **Tara Aday, MPA**

Co-Chair, Domestic Violence Community Coordinated Response Team (DVCCRT)  
Director of Innovation and Advocacy, Safe Haven Ministries

### **Charlie Campbell, BS, PBD, N.P.**

Legal Advocate & Paralegal, YWCA West Central Michigan

### **Elinor Jordan, JD**

Senior Law and Policy Manager, Michigan Coalition to End Domestic and Sexual Violence (MCEDSV)

### **Sergeant William Marks**

Kent County Sheriff's Department

### **Holly Wilson, LMSW**

Director of Client Services, Safe Haven Ministries  
Secretary, Domestic Violence Coordinated Community Response Team

The following individuals and systemic actors had been consulted with at various stages of the Domestic Violence Homicide Review:

**Christopher Becker**, Kent County Prosecuting Attorney & Co-Chair, DVCCRT

**Lieutenant Ron Gates**, Kent County Sheriff's Department

**Detective Daniel Huey**, Kent County Sheriff's Department

**Captain Jason Kelley**, Kent County Sheriff's Department

**Joanne Lambert**, Kent County Child Welfare Department Specialist, MDHHS

**Megan Lipford**, Staff Attorney, Kent County Friend of the Court

**Honorable Deborah McNabb**, Kent County Presiding Judge of the Family Division

**Tiffany Martinez**, Project Director, Michigan Domestic Violence Prevention and Treatment Board

**Traci Schenkel**, Assistant Friend of the Court, Kent County Friend of the Court

**Savator Selden-Johnson**, Kent County Child Welfare Director, MDHHS

## **C. Purpose of Report**

The purpose of this report is to:

- Highlight the profound impact of domestic violence, specifically focusing on systemic actors involved in domestic violence cases
- Serve as a practical resource for systems to identify and drive positive change across key areas of identification, understanding and responding to domestic violence, as well as perpetrator accountability
- Give a voice to victims of domestic violence by learning from their lived experiences

## **D. Methodology**

The Domestic Violence Homicide Review Committee met for five sessions in addition to facilitating six consultation sessions for a total of 78 participant hours. Meetings occurred between November 17, 2021 and February 9, 2022.

Committee members created the following foundational parameters:

- Review the purpose of the Domestic Violence Homicide Review Committee
- Obtain necessary releases of information
- Establish the parameters of confidentiality and privacy
- Develop an ethical approach to honor the dignity of the individuals who were victimized and involved in this case
- Agree that the spirit of the committee is collaborative and focused on positive change

Currently, Michigan does not have a statute necessitating a domestic violence homicide review. Based on our research and literature review into communities that utilize a domestic violence homicide review, we determined to focus our methodology on:

- Analysis of court transcripts
- Analysis of Personal Protection Order motions
- Analysis of motions related to the divorce case
- Analysis of motions related to the custody case
- Analysis of Friend of the Court files
- Analysis of law enforcement report
- Development of an evidence-based timeline leading up to the homicide, going back at least 12 months
- Creation of dialogue around the systemic actors' response
- Context from legal and educational counsel
- Articulation of trends and developing themes

## E. Key Findings

Based on data collected through the methodology process listed above, the Domestic Violence Homicide Review Committee identifies the following key findings:

- There were observable dynamics of coercive control and high-lethality abuse tactics used during the course of the Thebo relationship, including during the course of this review timeframe.
- Kent County does not have a universal lethality assessment tool that is used to determine the degree of dangerousness that is present in domestic violence cases.
- Katlyn reported that Derek’s behaviors demonstrated high lethality potential to the following systems:
  - Children’s Protective Services
  - Kent County Sheriff Department
  - Family Court
  - Friend of the Court
  - 17th Circuit Court
  - Attorneys
- In Katlyn’s petition seeking a Personal Protection Order against Derek, she highlighted actions by Derek such as:
  - Threats to kill Katlyn, Dylan and Dylan’s half sister (who was not Derek’s child)
  - Details in his threats that included killing Dylan’s half sister last
  - Specific steps Derek communicated about how he could gain quick access to a firearm
  - Specific threats to kill himself after killing Katlyn, her children and her extended family
- Derek had been involuntarily terminated from his employment at the end of 2019 and did not maintain consistent employment after that. During the course of the court proceedings, Kaitlyn expressed concern regarding Derek’s voluntary unemployment.<sup>4</sup>
- Katlyn moved out of the marital home on February 24, 2021 and filed for divorce on March 12, 2021. The most dangerous time for a victim of domestic violence is after the victim has left the relationship and is engaged in the process to remain independent of their abuser.<sup>5</sup>
- Katlyn had obtained a Personal Protection Order against Derek, which had been approved and signed by a judge on March 5, 2021. The Personal Protection Order prohibited Derek from:
  - entering onto the property where Katlyn lived
  - assaulting, attacking, beating, molesting, or wounding Katlyn
  - threatening to kill or physically injure Katlyn
  - interfering with Katlyn at her place of employment

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<sup>4</sup> The strongest sociodemographic risk factor for intimate partner femicide was the abuser’s lack of employment: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/pdf/0931089.pdf>

<sup>5</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1447915/pdf/0931089.pdf>

- purchasing or possessing a firearm
- Removing minor children from Katlyn who has legal custody, except as allowed by custody or parenting-time order provided removal of the children does not violate other conditions of this order
- Interfering with petitioner’s efforts to remove his/her children/personal property from premises solely owned/leased by Katlyn
- Although the Personal Protection Order was granted, it was challenged. In lieu of the Personal Protection Order, the parties were encouraged to enter into a Mutual Restraining Order on March 19, 2021 that required them not to have contact with one another except when it came to matters involving Dylan.
- Following the dismissal of the Personal Protection Order, Derek was able to legally purchase and possess firearms on May 23, 2021 and July 13, 2021, which he used to murder Dylan and kill himself.
- Many of Katlyn’s concerns around safety and the threats Derek made were submitted to the Court in the initial Motion for Temporary Order. Specifically, in January 2021 (less than 9 months from the murder) Derek made a specific threat that he would kill the entire family as well as other family members, that he would save Dylan’s half sister for last, and that Derek had a plan for how to obtain guns.
- During the hearing on April 9, 2021 on the Motion for Temporary Order, Katlyn’s attorney made the Court aware that:
  - There were audio recordings of Derek making the above threats
  - Derek had acknowledged making these threats
  - Derek’s parents were aware of the threats
  - Derek had explained that the threats were “a consistent mindset”
- In the motion for an Order to Show Cause filed on May 13, 2021, several new incidents of concern were highlighted regarding Derek violating the Mutual Restraining Order:
  - April 12, 2021 and May 3, 2021: Derek had sent several texts in violation of the Mutual Restraining Order.
  - May 8, 2021: Derek had caused Dylan to deliver a book for Mother’s Day to his mom (Katlyn). The book stated that Derek wanted to be her “last everything” and referenced a child not in common who was deceased, but whom Derek had prohibited her to discuss with the surviving children and would not allow her to visit the grave during the marriage.
- When the Mutual Restraining Order was violated, it did not hold similar levels of protection and accountability that a Personal Protection Order does.
- Katlyn believed Derek was capable of following through on his threats to kill because of her concerns about his mental health. Throughout the proceedings, Katlyn shared her concerns in regard to Derek’s mental health and his refusal to produce his mental health records to the Court. Derek had asserted privilege around his mental health and therefore this was not able to be considered during the course of divorce and custody proceedings. Additionally, the Friend of the Court did not recommend a psychological evaluation. This particular finding confirms the Domestic Violence Homicide Review Committee’s

understanding that a victim's belief that their abuser is capable of following through on their communicated threats is a significant lethality factor.<sup>6</sup>

- The Court granted a motion for the Friend of the Court order to be entered on a temporary basis on August 13, 2021, granting Derek unsupervised parenting time.
- At the hearing adopting the FOC recommendation, which took place approximately two weeks before Derek murdered Dylan, the Court heard evidence that the primary concern was still Derek's mental instability, insistence on asserting privilege over his mental health records, and that although supervised parenting had gone well for the most part, that Derek was acting in a manner that was upsetting to Dylan at the end of supervised parenting time. The Court specifically highlighted that the supervised parenting time was going well.
- On August 31, 2021, Dylan is murdered and Derek dies as a result of suicide.

## F. Implications and Recommendations

After reviewing the facts that were presented to decision-makers at various junctures of the case, some broad implications emerge that could potentially prevent deaths like Dylan's in the future. This case is different from many that are subject to safety system audits because the family had little to no contact with the criminal legal system.<sup>7</sup> However, across the state, many cases that ended in a fatality have had some contact with civil legal systems.<sup>8</sup> Often these contacts are not carefully examined and the focus is on the criminal response only. Dylan's death provides a window to opportunities for increased safety within the civil legal response to domestic violence.

Upon completion of the domestic violence homicide review, the committee proposes the following recommendations:

### 1.1 Consistent annual training for systemic actors on the understanding of domestic violence lethality factors and the utilization of a shared evidence-based danger assessment tool when making determinations related to domestic violence cases.

1.2 Increased understanding of the presence of domestic violence lethality factors should include the following<sup>9</sup>:

- a. Separation of the parties
- b. Threats of homicide or suicide

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<sup>6</sup> When surveying women who experienced intimate partner violence, women that believed their abuser was capable of killing them experienced a higher likelihood to be killed by their partner than those that did not believe their abuser could kill: <https://www.ojp.gov/pdffiles1/jr000250e.pdf>

<sup>7</sup> Given the breadth of expertise of the Domestic Violence Homicide Review Committee, there is little doubt that contact with police or other criminal legal systems actors would not have changed the response to Dylan's family and would not have prevented his death. It is highly unlikely that any arrest or prosecution would have resulted from any report to police on the behaviors that have been highlighted. This is why the civil legal system's response is so critical.

<sup>8</sup> The relationship of the civil justice system to fatality incidents in domestic violence cases was thoroughly set forth in a 2006 report of the Macomb County Domestic Violence Fatality Review Team after conducting an in-depth review of five homicides that took place in 2005–2006. <https://tinyurl.com/434rr6mm>. One especially tragic example was the murder of Faith Green's family, where a denied PPO and failed divorce filings made her accessible to her husband, who tortured her and killed her children: <https://tinyurl.com/yashbp6f>

<sup>9</sup> Campbell JC, Webster DW, Koziol-McLain J, Block CR, Campbell DW, Curry MA, Gary FA, McFarlane JM, Sachs CJ, Sharps P, Ulrich Y, Wilt SA. Natl. Inst. Justice J. 2003; (250): 14-19

- c. Possession of or access to firearms
- d. Prior use, attempted use, or threatened use of weapons
- e. Stalking behavior
- f. History of domestic violence
- g. Depression or other mental health issues
- h. Employment history
- i. Centrality of the victim; obsessive or desperate attachment to the victim
- j. Children not in common with alleged abuser
- k. Abuse or threats to harm children
- l. Victim believes perpetrator is able to carry out the threats to kill
- m. Fixated on past and/or future partners/relationships
- n. Perpetrator's history of violating court guidelines and orders
- o. History of sexual coercion or sexual violence
- p. Drug or alcohol involvement
- q. Escalated abuse during pregnancy

1.3 Implement consistent training for systemic actors on recognizing the use and effects of coercive control within domestic violence relationships.

When recognizing coercive control and well-established lethality, systemic actors would provide a more protective response in cases involving domestic violence if decision makers and systemic actors received training on tactics of coercive control and lethality indicators. In the case of Dylan's family, nearly every pleading filed put court actors on notice of at least eleven of the well-known lethality factors being present. When allegations are taken seriously – especially when they align with social science research – decision makers would be better positioned to contextualize allegations of domestic violence if they are kept abreast of developing evidence-based trends.

**2.1 Stop any existing practice of encouraging parties to enter into a Mutual Restraining Order in lieu of a Personal Protection Order at the onset of divorce proceedings. Attorneys and Judges who attempt to get a party to forgo their physical safety in order to appear amicable to the Court or to give the perception that necessary communication between parties will be easier, can in fact put victims in increased danger and further reduce perpetrator accountability. The use of a Mutual Restraining Order fails to recognize the primary aggressor and limits law enforcement response as violations are not criminal acts and often exacerbate the problem of domestic violence rather than solve it.<sup>10</sup>**

The use of Mutual Restraining Orders is contrary to the legislative intent that protective orders not be made mutual.<sup>11</sup>

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<sup>10</sup> California Law Review, Andreano, Jacque, The Disproportionate Effect of Mutual Restraining Orders on Same-Sex Domestic Violence Victims, 2020, Vol. 108:1047.

<sup>11</sup> MCL 600.2950(8); see also *Ani v Umeh*, 2014 WL 1800518 (Mich App 2014) (holding a Mutual Restraining Order should be construed as a Personal Protection Order where it dealt with the same subject matter, and that such order shall not be mutual); see also MCL 552.14 (limiting the authority of the family court to enter orders restraining personal liberty outside of the PPO statutory framework).



### **3.1 Continue supervised parenting time until the concerns underlying the supervision are genuinely addressed.**

As the State Court Administrative Office Guidelines for Parenting Time makes clear, “supervision should continue until the parent who perpetrated domestic violence has demonstrated a history of behavioral change reported by multiple sources (for example, a batterer’s intervention program and the victim).”<sup>12</sup> Further, an automatic shift towards unsupervised parenting time (even after certain milestones are met) is “**not recommended when there has been domestic violence or other serious safety concerns for the child or the other parent.**” (bold and underscore in original SCAO recommendations). Courts should use measurable behavior changes, reported by multiple sources, prior to transitioning to unsupervised parenting time.

Supervision should continue until the concerns underlying the supervision are genuinely addressed. It is well established that successful engagement in supervised parenting time alone does not necessarily mean that the parent will be successful in unsupervised parenting time. Particularly, individuals who commit domestic violence are often able to present well during supervised parenting and tend to show high capacity for manipulation.<sup>13</sup>

### **4.1 Implement consistent training for systemic actors on the impact domestic violence has on secondary trauma and compassion fatigue.**

All systemic actors that were involved in Katlyn’s case were purview to some degree of abuse and/or toxic stress. Continued and prolonged exposure to cases involving domestic violence can lead to systemic actors experiencing secondary trauma<sup>14</sup>. Moreover, it is well established that unaddressed secondary trauma leads to decisions that are more likely to rely on heuristics and unhelpful biases.<sup>15</sup> Training for systemic actors should address ways to recognize and mitigate the impacts of secondary trauma.

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<sup>12</sup> Page 32, 36–37 <https://tinyurl.com/2p8tut64>

<sup>13</sup> Page 38 <https://tinyurl.com/2p8tut64>

<sup>14</sup> Secondary traumatic stress is the emotional duress that results when an individual hears about the first hand trauma experiences of another: <https://www.nctsn.org/trauma-informed-care/secondary-traumatic-stress>

<sup>15</sup> See, eg, <https://tinyurl.com/7nf8y756>