

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 810*

Short Title: Domestic Violence Fatality Review Team. (Local)

Sponsors: Representatives Alexander; Boyd-McIntyre, Cunningham, Earle, Easterling, Gulley, Harrington, Insko, Jarrell, McMahan, Rayfield, Saunders, Wainwright, and C. Wilson.

Referred to: Local Government I.

March 26, 2001

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC
3 VIOLENCE FATALITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Domestic Violence Fatality Review Team. – A county may
6 establish a multidisciplinary domestic violence fatality review team to identify and
7 review domestic violence related deaths, including homicides and suicides, and to
8 facilitate communication among the various agencies and organizations involved in
9 domestic violence cases to prevent future fatalities.

10 **SECTION 1.(b)** Definitions. -- The following definitions apply in this act:

11 (1) Domestic violence fatality. – The death of a person that is the result of
12 an act of domestic violence as defined in G.S. 50B-1.

13 (2) Review Team. – The Domestic Violence Fatality Review Team.

14 **SECTION 1.(c)** Composition. -- The Review Team shall consist of a lead
15 agency, selected by the local board of county commissioners and responsible for
16 organizing the review process, and any of the following members:

17 (1) A representative from a battered women's shelter.

18 (2) A representative from a victim's services group.

19 (3) An attorney from the local district attorney's office.

20 (4) Law enforcement personnel from the local police department and the
21 county sheriff's department.

22 (5) An administrative representative from county management.

23 (6) A representative from local probation services.

24 (7) A local district court judge.

25 (8) A county medical examiner.

26 (9) A local attorney who represents victims of domestic violence.

- 1 (10) A magistrate.
- 2 (11) A representative from the local housing authority.
- 3 (12) A medical doctor with experience in treating domestic violence
- 4 victims.
- 5 (13) A county clerk of court.
- 6 (14) A representative from the local department of social services.
- 7 (15) A representative from an area higher education institution.
- 8 (16) A representative from a local administrative school unit.
- 9 (17) A mental health professional.
- 10 (18) A representative from the local department of public health.
- 11 (19) A city council member.
- 12 (20) A representative from an emergency services provider.
- 13 (21) A survivor of domestic violence.
- 14 (22) A county commissioner.
- 15 (23) A representative of a children's advocacy group.
- 16 (24) A local clergyman.
- 17 (25) An administrative representative from the local YWCA.
- 18 (26) A representative from the local animal control services.
- 19 (27) An administrative representative from the local Salvation Army.
- 20 (28) A volunteer from a community agency or organization.
- 21 (29) Representatives from the general public.

22 Once the lead agency identifies the members that shall constitute the Review Team, the
23 lead agency shall contact the individuals, agencies, or organizations to establish member
24 assignments.

25 **SECTION 1.(d)** Powers and duties of lead agency. -- To accomplish the
26 purposes of this act, the lead agency shall:

- 27 (1) Ensure the development of written operating procedures to govern the
- 28 Review Team.
- 29 (2) Maintain records of and establish procedures for conducting team
- 30 meetings, including scheduling meetings, notifying team members of
- 31 the meetings, locating meeting places, preparing agendas, and
- 32 recording meeting minutes.
- 33 (3) Designate cases for review.
- 34 (4) Maintain records and data collected by team members related to
- 35 domestic violence fatalities in the county.
- 36 (5) Provide structured training and education for team members on
- 37 domestic violence related topics.
- 38 (6) Compile and submit reports of Review Team activities as required by
- 39 the Governor's Commission on Domestic Violence.

40 **SECTION 1.(e)** Responsibilities of Review Team. -- The Review Team
41 shall:

- 42 (1) Assist the lead agency in developing the written operating procedures
- 43 that shall govern the Review Team.

- 1 (2) Identify methods to collect, analyze, and maintain data related to
2 domestic violence fatalities in the county.
- 3 (3) Develop an understanding of the causes and effects of domestic
4 violence and a familiarity with the services currently available in the
5 community that address domestic violence issues.
- 6 (4) Identify areas where local government, law enforcement agencies,
7 medical and mental health providers, and other local advocacy
8 agencies may increase victim safety, increase public awareness, and
9 provide the public with education and training in domestic violence
10 related issues.
- 11 (5) Recommend action to the appropriate agencies for the prevention of
12 future domestic violence fatalities.

13 **SECTION 1.(f)** Responsibilities of team members. -- Individual team
14 members are responsible for reviewing the facts and circumstances of fatalities that
15 occur as a result of domestic violence. The team member shall review domestic violence
16 fatalities of victims who were 18 years of age or older and all relevant historical data of
17 the victim during the course of the victim's intimate relationship with the perpetrator of
18 the crime. After reviewing a case, the team member shall share his or her findings with
19 other team members to enable the Review Team to recommend the appropriate action to
20 the local agencies or organizations. However, no member of the Review Team shall
21 review a domestic violence fatality case while the case is under investigation by law
22 enforcement personnel or an action is pending in criminal or civil court. A team
23 member may review a domestic violence fatality case only after a local district attorney
24 has signed off on the case ensuring that any investigation or court action involving the
25 case has been completed.

26 **SECTION 1.(g)** Access to records. -- The Review Team, during its
27 existence, shall have access to all medical records, hospital records, and records
28 maintained by the county or any local agency as necessary to carry out the purposes of
29 this act, including police investigations data, medical examiner investigative data, health
30 records, mental health records, and social services records. The Review Team shall not,
31 as part of the reviews authorized under this act, contact, question, or interview the
32 parent of the victim or any other family member of the victim whose record is being
33 reviewed.

34 **SECTION 1.(h)** Meetings. -- The Review Team may hold periodic public
35 meetings to discuss, in a general manner without revealing confidential information
36 about victims and their families, the findings of their reviews and their
37 recommendations for preventive actions. Minutes of all public meetings, excluding
38 those of executive sessions, shall be kept in compliance with Article 33C of Chapter
39 143 of the General Statutes. Any minutes or any other information generated during any
40 closed session shall be sealed from public inspection.

41 **SECTION 1.(i)** Confidentiality; Immunity. -- All otherwise confidential
42 information and records acquired by the Review Team, during its existence and in the
43 exercise of its duties, shall: (i) be confidential; (ii) not be subject to discovery or
44 introduction into evidence in any proceedings; and (iii) only be disclosed as necessary

1 to carry out the purposes of the Review Team. No member of the Review Team, nor any
2 person who attends a meeting of the Review Team, may testify in any proceeding about
3 what transpired at the meeting, about information presented at the meeting, or about
4 opinions formed by the person as a result of the meeting. However, this section shall
5 not prohibit a person from testifying in a civil or criminal action about matters within
6 that person's independent knowledge.

7 Each member of the Review Team and any invited participants shall sign a
8 statement indicating an understanding of and adherence to confidentiality requirements,
9 including the possible civil or criminal consequences of any breach of confidentiality.

10 **SECTION 2.** Counties establishing review teams pursuant to this act shall
11 operate for a period of five years from the date this act becomes effective.

12 **SECTION 3.** Each Review Team established pursuant to this act shall issue
13 an interim report to the Governor's Commission on Domestic Violence summarizing its
14 findings and activities by June 15, 2003, and a final report with recommendations for
15 action by June 15, 2006. The reports shall not identify the specific cases or case reviews
16 that led to the individual Review Team's findings and recommendations.

17 **SECTION 4.** This act shall not be construed to obligate the General
18 Assembly to appropriate funds to implement the provisions of this act.

19 **SECTION 5.** This act applies to Mecklenburg County and one rural county
20 with a population of 75,000 or less, to be selected by the Governor's Commission on
21 Domestic Violence, only.

22 **SECTION 6.** This act is effective when it becomes law.