

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 626
Judiciary I Committee Substitute Adopted 4/25/01
House Committee Substitute Favorable 5/16/01**

Short Title: Domestic Violence Fatality Review Team.

(Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT ESTABLISHING A PILOT PROGRAM TO REVIEW DOMESTIC
VIOLENCE FATALITIES.

The General Assembly of North Carolina enacts:

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

SECTION 1.(b) Definitions. – The following definitions apply in this act:

- (1) Domestic violence fatality. – The death of a person that is the result of an act of domestic violence as defined in G.S. 50B-1.
- (2) Review team. – The Domestic Violence Fatality Review Team.

SECTION 1.(c) Composition. – The Review Team shall consist of a lead agency, selected by the local board of county commissioners, and no more than 10 members, representing:

- (1) A representative from a victim's services group.
- (2) An attorney from the local district attorney's office.
- (3) Local law enforcement personnel.
- (4) A local elected official.
- (5) A local attorney who represents victims of domestic violence.
- (6) A local attorney who represents alleged perpetrators of domestic violence.
- (7) A magistrate.
- (8) A representative from an emergency services provider.
- (9) A survivor of domestic violence.
- (10) A representative of a local human services agency.

1 **SECTION 1.(d)** Powers and Duties of Lead Agency. – To accomplish the
2 purposes of this act, the lead agency shall:

- 3 (1) Contact the individuals, agencies, or organizations to establish member
4 assignments.
- 5 (2) Ensure the development of written operating procedures to govern the
6 Review Team.
- 7 (3) Maintain records of and establish procedures for conducting team
8 meetings, including scheduling meetings, notifying team members of
9 the meetings, locating meeting places, preparing agendas, and
10 recording meeting minutes.
- 11 (4) Designate cases for review.
- 12 (5) Collect, distribute, and maintain records and data used by team
13 members related to domestic violence fatalities in the county.
- 14 (6) Distribute case records to team members, after redacting all identifying
15 information from the records and data.
- 16 (7) Provide structured training and education for team members on
17 domestic violence related topics.
- 18 (8) Compile and submit reports of Review Team activities as required by
19 the Governor's Commission on Domestic Violence.

20 **SECTION 1.(e)** Responsibilities of Review Team. – The Review Team
21 shall:

- 22 (1) Assist the lead agency in developing the written operating procedures
23 that shall govern the Review Team.
- 24 (2) Identify methods to collect, analyze, and maintain data related to
25 domestic violence fatalities in the county.
- 26 (3) Develop an understanding of the causes and effects of domestic
27 violence and a familiarity with the services currently available in the
28 community that address domestic violence issues.
- 29 (4) Identify areas where local government, law enforcement agencies,
30 medical and mental health providers, and other local advocacy
31 agencies may increase victim safety, increase public awareness, and
32 provide the public with education and training in domestic violence
33 related issues.
- 34 (5) Recommend action to the appropriate agencies for the prevention of
35 future domestic violence fatalities.

36 **SECTION 1.(f)** Responsibilities of Team Members. – Individual team
37 members are responsible for reviewing the facts and circumstances of fatalities that
38 occur as a result of domestic violence. The team member shall review domestic violence
39 fatalities of victims who were 18 years of age or older and all relevant historical data of
40 the victim during the course of the victim's intimate relationship with the perpetrator of
41 the crime. After reviewing a case, the team member shall share his or her findings with
42 other team members to enable the Review Team to recommend the appropriate action to

1 the local agencies or organizations. However, no member of the Review Team shall
2 review a domestic violence fatality case while the case is under investigation by law
3 enforcement personnel or an action is pending in criminal or civil court. A team
4 member may review a domestic violence fatality case only after a local district attorney
5 has signed off on the case ensuring that any investigation or court action involving the
6 case has been completed.

7 **SECTION 1.(g)** Access to Records. – The Review Team, during its
8 existence, shall have access to all medical records, hospital records, and records
9 maintained by the county or any local agency as necessary to carry out the purposes of
10 this act, including police investigations data, medical examiner investigative data, health
11 records, mental health records, and social services records. All of these records shall be
12 released to the lead agency, who shall redact all identifying information from the
13 records before distributing copies to the team members. The lead agency shall maintain
14 one complete set of un-redacted records in each case file. The Review Team shall not,
15 as part of the reviews authorized under this act, contact, question, or interview the
16 parent of the victim or the alleged perpetrator or any other family member of the victim
17 or alleged perpetrator whose record is being reviewed.

18 **SECTION 1.(h)** Meetings. – Meetings of the Review Team are not subject
19 to the provisions of Article 33 of Chapter 143 of the General Statutes. However, the
20 Review Team may hold periodic public meetings to discuss, in a general manner
21 without revealing confidential information about victims and their families, the findings
22 of their reviews and their recommendations for preventive actions. Minutes of all public
23 meetings, excluding those of executive sessions, shall be kept in compliance with
24 Article 33C of Chapter 143 of the General Statutes. Any minutes or any other
25 information generated during any closed session shall be sealed from public inspection.

26 **SECTION 1.(i)** Confidentiality; Immunity. – All otherwise confidential
27 information and records acquired by the Review Team, during its existence and in the
28 exercise of its duties, shall: (i) be confidential; (ii) not be subject to discovery or
29 introduction into evidence in any proceedings; and (iii) only be disclosed as necessary
30 to carry out the purposes of the Review Team. This section shall not prohibit a person
31 from testifying in a civil or criminal action about matters within that person's
32 independent knowledge.

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

36 Access to criminal investigative reports and criminal intelligence information
37 of public law enforcement agencies and confidential information in the possession of
38 the Review Team shall be governed by G.S. 132-1.4 and Section 1(g) of this act
39 respectively. Nothing herein shall be deemed to require the disclosure or release of any
40 information in the possession of a district attorney.

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

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

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

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

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