

Senate Bill 1047

Sponsored by COMMITTEE ON RULES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates authority for fatality review teams to review records related to domestic violence fatalities for purpose of preventing future fatalities.

A BILL FOR AN ACT

1 Relating to establishment of multidisciplinary teams to study domestic violence fatalities.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. As used in sections 2 and 3 of this 2005 Act, "domestic violence fatality"**
4 **means a fatality in which:**

5 (1) **The deceased was the victim of a homicide committed by a current or former spouse,**
6 **fiance, fiancée or dating partner;**

7 (2) **The deceased was the victim of a suicide, and was the victim of previous acts of do-**
8 **mestic violence committed by the current or former spouse, fiance, fiancée or dating partner**
9 **of the deceased;**

10 (3) **The deceased was the perpetrator of the homicide of a current or former spouse,**
11 **fiance, fiancée or dating partner and the perpetrator was also the victim of a suicide;**

12 (4) **The deceased was the perpetrator of the homicide of a current or former spouse,**
13 **fiance, fiancée or dating partner and the perpetrator was also the victim of a homicide re-**
14 **lated to the domestic homicide incident;**

15 (5) **The deceased was a child of either a homicide victim or a perpetrator identified in this**
16 **section;**

17 (6) **The deceased was a current or former spouse, fiance, fiancée or dating partner of the**
18 **current or former spouse, fiance, fiancée or dating partner of the perpetrator;**

19 (7) **The deceased was a law enforcement officer, an emergency medical technician or a**
20 **volunteer or employee of an agency responding to a domestic violence incident;**

21 (8) **The deceased was a family member of the perpetrator, other than a family member**
22 **identified elsewhere in this section, and was the victim of a homicide committed by the**
23 **perpetrator;**

24 (9) **The deceased was the perpetrator of the homicide of a family member, other than a**
25 **family member identified elsewhere in this section; or**

26 (10) **The deceased was a person not otherwise described in this section and was the victim**
27 **of a homicide related to domestic violence.**

28 **SECTION 2. (1) A local domestic violence coordinating council recognized by this state**
29 **or by a county may establish a multidisciplinary domestic violence fatality review team to**
30 **assist local organizations and agencies in identifying, investigating and reviewing domestic**
31

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 violence fatalities. When no local domestic violence coordinating council exists, a similar
2 interdisciplinary group may establish the fatality review team.

3 (2) The purpose of a fatality review team is to investigate and prevent domestic violence
4 fatalities by:

5 (a) Improving communication between public and private organizations and agencies;

6 (b) Determining the number of domestic violence fatalities occurring in the team's
7 county and the factors associated with those fatalities;

8 (c) Identifying ways in which community response might have intervened to prevent a
9 fatality;

10 (d) Providing accurate information about domestic violence to the community; and

11 (e) Generating recommendations for improving community response to and prevention
12 of domestic violence.

13 (3) A fatality review team shall include but is not limited to:

14 (a) Domestic violence program service staff or other battered women's advocates;

15 (b) Medical personnel with expertise in the field of domestic violence;

16 (c) Local health department staff;

17 (d) Prosecuting attorneys;

18 (e) City attorneys or county counsel;

19 (f) Law enforcement personnel;

20 (g) Civil legal services attorneys;

21 (h) Child protective services workers;

22 (i) Community corrections professionals;

23 (j) Judges, court administrators or their representatives;

24 (k) Perpetrator treatment providers;

25 (L) Criminal defense attorneys; and

26 (m) Coroners, medical examiners or other experts in the field of forensic pathology, if
27 available.

28 (4) Other service providers with expertise in domestic violence victims' issues may also
29 be included in a fatality review team on an ad hoc basis and may participate as full members
30 of the team for a particular review. These persons may include but are not limited to:

31 (a) Individuals with particular expertise helpful to the team; and

32 (b) Representatives of organizations or agencies that had contact with or provided ser-
33 vices to the homicide victim or to the perpetrator.

34 (5) Before conducting an investigation, a fatality review team shall adopt a written pro-
35 tocol for review of domestic violence fatalities. The protocol must be designed to facilitate
36 communication among organizations and agencies involved in domestic violence cases so that
37 incidents of domestic violence and domestic violence fatalities are identified and prevented.
38 The protocol shall define procedures for case review and preservation of confidentiality, and
39 shall identify team members.

40 (6) Consistent with recommendations provided by the statewide interdisciplinary team
41 under section 3 of this 2005 Act, a local fatality review team shall provide the statewide team
42 with information regarding domestic violence fatalities.

43 (7) To ensure consistent and uniform results, fatality review teams may collect and
44 summarize data to show the statistical occurrence of domestic violence fatalities in the
45 team's county.

1 **(8) Each organization or agency represented on a fatality review team may share with**
2 **other members of the team information concerning the victim who is the subject of the re-**
3 **view. Any information shared between team members is confidential.**

4 **(9) An individual who is a member of an organization or agency that is represented on a**
5 **fatality review team is not required to disclose information. The intent of this section and**
6 **section 3 of this 2005 Act is to allow the voluntary disclosure of information.**

7 **(10) An oral or written communication or a document related to a domestic violence**
8 **fatality review that is shared within or produced by a fatality review team is confidential,**
9 **not subject to disclosure and not discoverable by a third party. An oral or written commu-**
10 **nication or a document provided by a third party to a fatality review team is confidential,**
11 **not subject to disclosure and not discoverable by a third party. All information and records**
12 **acquired by a team in the exercise of its duties are confidential and may be disclosed only**
13 **as necessary to carry out the purposes of the fatality review. However, recommendations of**
14 **a team upon the completion of a review may be disclosed without personal identifiers at the**
15 **discretion of a majority of the members of the team.**

16 **(11) ORS 192.610 to 192.690 do not apply to meetings of a fatality review team.**

17 **(12) Each fatality review team shall develop written agreements signed by member or-**
18 **ganizations and agencies that specify the organizations' and agencies' understanding of and**
19 **agreement with the principles outlined in this section.**

20 **SECTION 3.** **(1) The Department of Human Services may form a statewide interdiscipli-**
21 **nary team to meet twice a year to review domestic violence fatality cases, identify domestic**
22 **violence trends, make recommendations and take actions involving statewide issues.**

23 **(2) The statewide interdisciplinary team may recommend specific cases to a local multi-**
24 **disciplinary domestic violence fatality review team for review under section 2 of this 2005**
25 **Act.**

26 **(3) The statewide interdisciplinary team shall provide recommendations to local fatality**
27 **review teams in the development of protocols. The recommendations must be designed to**
28 **facilitate communication among organizations and agencies involved in domestic violence**
29 **fatality cases so that incidents of domestic violence and fatalities related to domestic vi-**
30 **olence are identified and prevented. The recommendations must include procedures relevant**
31 **for both urban and rural counties.**

32