GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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SENATE BILL 381* State and Local Government Committee Substitute Adopted 3/25/09 House Committee Substitute Favorable 5/21/09

Short Title: Est. DV Fatality Review Team/Mecklenburg Co.

(Local)

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Sponsors: Referred to:

March 4, 2009

1	A BILL TO BE ENTITLED
2	AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND
3	PROTECTION REVIEW TEAM.
4	Whereas, the General Assembly finds that it is the public policy of this State to
5	prevent domestic violence fatalities; and
6	Whereas, the General Assembly further finds that the prevention of these fatalities is
7	a community responsibility, and professionals from disparate disciplines have expertise that can
8	promote the safety and well-being of victims of domestic violence; and
9	Whereas, multidisciplinary reviews of these deaths can lead to a greater
10	understanding of the causes and methods of preventing these deaths; and
11	Whereas, according to the North Carolina Coalition Against Domestic Violence,
12	there were 81 domestic violence-related homicides in the State in 2008; and
13	Whereas, according to the Charlotte Mecklenburg Police Department, there were 11
14	domestic violence-related homicides in Charlotte, North Carolina, in 2008; and
15	Whereas, the Charlotte Mecklenburg area is a leader throughout the State with its
16	innovative domestic violence programming and services, yet there remains a disconnect when
17	it comes to the rate of domestic violence-related homicides; and
18	Whereas, there is a need to increase safety of citizens with one strategy mitigating
19	the effect of abuse by increasing the safety of victims of domestic violence, exploring
20	circumstances from a strengths perspective to allow professionals to gain clarity in the
21	continued needs of the community; and
22	Whereas, precedence has been established in this area as similar statutes are already
23 24	in existence, such as the North Carolina Child Fatality Prevention System, which outlines the
24 25	course of action for a statewide disciplinary team to review child fatalities; and
23 26	Whereas, establishing a Domestic Violence Fatality Prevention and Protection Review Team will be modeled after the North Carolina Child Fatality Prevention Team, with
20 27	potential members representing a cross section of community service providers, including
28	health, mental health, social services, law enforcement, courts, school professionals, and other
28 29	domestic violence service providers; and
30	Whereas, by creating legislation that protects professionals from confidentiality
31	violations in specific cases where domestic violence-related homicides have occurred, the
32	effectiveness of this project will be increased; Now, therefore,
33	The General Assembly of North Carolina enacts:
34	SECTION 1.(a) Domestic Violence Fatality Prevention and Protection Review
35	Team. – A county may establish a multidisciplinary Domestic Violence Fatality Prevention and
36	Protection Review Team to identify and review domestic violence-related deaths, including



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	suicides, and facilitate communication among the various agencie	s and
	volved in domestic violence cases to prevent future fatalities.	
	FION 1.(b) Definitions. – The following definitions apply in this act:	
(1)	Domestic violence fatality. – The death of a person, 18 years of age or	
	that is the result of an act of domestic violence as defined in G.S. 50B-	
(2)	Review Team. – The Domestic Violence Fatality Prevention and Prot	tection
	Review Team.	
	FION 1.(c) Composition. – The Review Team shall consist of a lead a	
	port Services of Charlotte, North Carolina, and representatives of publ	
	ies in the community that provide services to victims or families of do	mestic
violence, includin	•	
(1)	A representative from a domestic violence victim's service group.	
(2)	An attorney from the local district attorney's office.	
(3)	Local law enforcement personnel. A representative from the local medical examiner's office.	
(4) (5)	A representative from the local department of social services.	
(6)	A representative from the local health department.	
(7)	A representative from an area mental health authority.	
(7) (8)	A representative from the local public schools.	
(9)	A representative from a health care system.	
(10)	Local medic or emergency services personnel.	
(10)	A survivor of domestic violence.	
· ,	FION 1.(d) Powers and Duties of the Review Team. – The Review Team	n shall
	ir times each year. To accomplish the purposes of this act, the Review	
shall:		
(1)	Study the incidences and causes of death by domestic violence-	related
	behavior in the community. The study shall include an analysis	of all
	community, private, and public agency involvement with the decede	nt and
	family members prior to death.	
(2)	Develop a system for multidisciplinary review of domestic violence-	related
	deaths.	
(3)	Examine the laws, rules, and policies relating to confidentiality.	
(4)	Access information that affects the agencies that provide interv	
	services to determine whether those laws, rules, and policies inapprop	-
	impede the exchange of information necessary to protect victims of do	mestic
	violence and recommend any necessary changes.	m
(5)	Perform any other studies, evaluations, or determinations the Review	Team
	considers necessary to carry out its mandate.	
(6)	Make recommendations for system improvements and needed res	ources
(7)	where gaps and deficiencies may exist.	, chall
(7)	In addition to any other duties outlined in this act, the lead agency develop a written plan outlining standard operating proceedures f	
	develop a written plan outlining standard operating procedures for following:	or the
	a. Appointing Review Team members and a chair.	
	b. Establishing other Review Team duties and responsibilities.	
	c. Establishing terms of service for Review Team members.	
	e. Lowonshing terms of service for review round memoers.	
	d. Establishing the procedure for filling vacancies	
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	h. Maintaining a record of official meetings, including mathematication in attendance.	inutes and
	i. Establishing a process to initiate case review.	
	j. Reporting annually to the local board of county commiss	ioners and
	the Governor's Crime Commission.	
	SECTION 1.(e) Access to Records. – The Review Team, during its exist	ence, shall
h	have access to all medical records, hospital records, and records maintained by the	county or
a	iny local agency as necessary to carry out the purposes of this act, include	ing police
iı	nvestigations data, medical examiner investigative data, health records, mental heal	th records,
a	nd social services records. Any member of the Review Team may share relevant in	nformation
iı	n an official Review Team meeting only.	
	SECTION 1.(f) Limitation on Access. – Notwithstanding any provision	in the law
tl	hat allows the Review Team to access records, no member of the Review Tear	n shall be
a	uthorized to review a domestic violence fatality case while the case is under invest	tigation by
	my law enforcement agency, or if an action is pending in any criminal or civil co	
	State, except as provided in this section. A Review Team member may review and h	ave access
to	o records in a domestic violence fatality case only if:	
	(1) A district attorney has given written approval for access d	ue to the
	completion of the investigation or court proceedings; or	
	(2) A district attorney has given written approval for access, stating t	
	by the Review Team will not have any negative or adverse effe	ects on the
	investigation or completion of a pending case.	
	SECTION 1.(g) Confidentiality; Immunity. – All otherwise c	
	nformation and records acquired by the Review Team, during its existence and in the	
	of its duties, shall: (i) be confidential; (ii) not be subject to discovery or introdu	
	evidence in any proceedings; and (iii) only be disclosed as necessary to carry out the	
	of the Review Team. No member of the Review Team or any person who attends a	U
	he Review Team may testify in any proceeding about what transpired at a particula	-
	nformation presented at the meeting, or opinions formed by a person as a result of th	
	This section shall not prohibit a person from testifying in a civil or criminal ac	tion about
n	natters within that person's independent knowledge.	
	Each member of the Review Team and any invited participants sh	-
	tatement indicating an understanding of and adherence to confidentiality req	
11	ncluding the possible civil or criminal consequences of any breach of confidentiality	
	Persons disclosing or providing information or records pursuant to this	
	riminally or civilly liable for disclosing or providing the information. Review Tean	
	re immune from claims of liability, and confidential information gathered pursuant	to this act
18	s not subject to subpoena or discovery.	
	Access to criminal investigative reports and criminal intelligence info	
	bublic law enforcement agencies and confidential information in the possession of t	
	feam shall be governed by G.S. 132-1.4. Nothing herein shall be deemed to r	equire the
d	lisclosure or release of any information in the possession of a district attorney.	1 220
~	Meetings of the Review Team are not subject to the provisions of Artic	
	Chapter 143 of the General Statutes. However, the Review Team may hold period	-
	neetings to discuss, in a general manner not revealing confidential information, the	-
	ts reviews and its recommendations for preventive actions. Minutes of all public mee	-
	be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any	
	ny other information generated during any closed session of a public meeting shall	i be sealed
[]	rom public inspection. SECTION 2. A Review Team established by a county pursuant to thi	0 004 ch -1
	SEALITION 2. A REVIEW LEATH ESTADIISTIC DV A COUNTY DUISTIANT TO INI	s act shall

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1	SECTION 3. Each Review Team established pursuant to this act shall issue an
2	interim report to the local board of county commissioners, the North Carolina Domestic
3	Violence Commission, and the Governor's Crime Commission summarizing its findings and
4	activities by June 15, 2011, and a final report with recommendations for action by June 15,
5	2014. The reports shall not identify the specific cases or case reviews that led to the individual
6	Review Team's findings and recommendations.
7	SECTION 4. This act shall not be construed to obligate the General Assembly to
8	appropriate funds to implement the provisions of this act.
9	SECTION 5. This act applies to Mecklenburg County only.
10	SECTION 6. This act is effective when it becomes law.