

House Bill 2927

Sponsored by Representative HOLVEY (Pre-session filed.)

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 statewide interdisciplinary domestic violence fatality review team to compile data, examine trends and patterns of domestic violence fatalities in this state and to recommend strategies, policies and practices. Provides that information and activities of statewide team are confidential. Requires biennial report to Legislative Assembly in even-numbered years. Directs Department of Human Services to provide full-time staff person to statewide team.

Appropriates moneys from General Fund to department for purposes of statewide team.

A BILL FOR AN ACT

1
2 Relating to a statewide interdisciplinary domestic violence fatality review team; creating new pro-
3 visions; amending ORS 418.714 and 418.718; and appropriating money.

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

5 **SECTION 1.** ORS 418.718 is amended to read:

6 418.718. *[(1) The Department of Human Services may form a statewide interdisciplinary team to*
7 *meet twice a year to review domestic violence fatality cases, identify domestic violence trends, make*
8 *recommendations and take actions involving statewide issues.]*

9 *[(2) The statewide interdisciplinary team may recommend specific cases to a local multidisciplinary*
10 *domestic violence fatality review team for review under ORS 418.714.]*

11 *[(3) The statewide interdisciplinary team shall provide recommendations to local fatality review*
12 *teams in the development of protocols. The recommendations must be designed to facilitate communi-*
13 *cation among organizations and agencies involved in domestic violence fatality cases so that incidents*
14 *of domestic violence and fatalities related to domestic violence are identified and prevented. The rec-*
15 *ommendations must include procedures relevant for both urban and rural counties.]*

16 **(1) The Department of Human Services shall form a statewide interdisciplinary domestic**
17 **violence fatality review team. The purpose of the statewide team is to:**

18 **(a) Collect and summarize data to show the statistical occurrence of domestic violence**
19 **fatalities in this state;**

20 **(b) Identify and examine the trends and patterns of domestic violence fatalities in this**
21 **state;**

22 **(c) Recommend statewide strategies, policies, practices and services that would encour-**
23 **age more effective intervention with and collaboration between local and state governing**
24 **bodies and agencies regarding preventing domestic violence fatalities; and**

25 **(d) Make information about domestic violence fatalities in this state that is not confi-**
26 **dential under this section available to the public, service providers, local domestic violence**
27 **coordinating councils, multidisciplinary domestic violence fatality review teams established**
28 **under ORS 418.714, state agencies, policymakers and others identified by the statewide team**
29 **as appropriate and necessary for the purpose and function of the statewide team.**

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 (2) The statewide team shall consist of a minimum of 17 members as follows:

2 (a) The President of the Senate shall appoint one member from among members of the
3 Senate.

4 (b) The Speaker of the House of Representatives shall appoint one member from among
5 members of the House of Representatives.

6 (c) The Chief Justice of the Supreme Court shall appoint one member from the Judicial
7 Department.

8 (d) The Director of the Oregon Health Authority or the director's designee.

9 (e) The Director of Human Services shall appoint a minimum of 13 members as follows:

10 (A) One representative of local domestic violence coordinating councils;

11 (B) One representative of local multidisciplinary domestic violence fatality review teams
12 established under ORS 418.714;

13 (C) One representative of domestic violence program service providers or other advocates
14 for battered women;

15 (D) One representative of medical personnel with expertise in the field of domestic vi-
16 olence;

17 (E) One representative of local health departments;

18 (F) One representative of local district attorneys;

19 (G) One representative of law enforcement personnel;

20 (H) One representative of civil legal services attorneys;

21 (I) One representative of protective services workers;

22 (J) One representative of community corrections professionals;

23 (K) One representative of perpetrator treatment providers;

24 (L) One survivor of domestic violence;

25 (M) One representative of medical examiners or other experts in the field of forensic
26 pathology; and

27 (N) Other individuals as deemed appropriate or necessary by the Director of Human
28 Services.

29 (3) Except as otherwise provided in this subsection, information and activities of the
30 statewide team or members of the statewide team are subject to the following confidentiality
31 restrictions and requirements:

32 (a) Members of the statewide team may share with other members of the statewide team
33 information concerning victims of domestic violence fatalities, but any information shared
34 pursuant to this paragraph is confidential.

35 (b) An oral or written communication or a document related to a domestic violence
36 fatality case review that is shared within or produced by, or provided by a third party to, the
37 statewide team or a member of the statewide team is confidential, not subject to disclosure
38 and not discoverable by a third party.

39 (c) All other information and records acquired or produced by the statewide team in the
40 exercise of its duties are confidential and may be disclosed only as necessary to carry out
41 the purposes of the statewide team.

42 (d) Information that is not confidential under subsection (1)(d) of this section may be
43 disclosed without personal identifiers at the discretion of the statewide team.

44 (e) Information, documents and records otherwise available from other sources are not
45 immune from discovery or introduction into evidence solely because the information, docu-

1 **ments or records were presented to or reviewed by the statewide team.**

2 **(f) ORS 192.610 to 192.690 do not apply to meetings of the statewide team.**

3 **(4) On or before October 1 of each even-numbered year, the statewide team shall report**
 4 **to the appropriate interim committees of the Legislative Assembly with authority over the**
 5 **subject matter of domestic violence regarding the statewide team’s findings, recommen-**
 6 **dations and activities under this section.**

7 **(5) The Department of Human Services shall provide a full-time staff person with exper-**
 8 **tise in domestic violence to assist the statewide team with implementing the provisions of**
 9 **this section.**

10 **(6) The Department of Human Services shall adopt rules to implement the provisions of**
 11 **this section.**

12 **SECTION 2.** ORS 418.714 is amended to read:

13 418.714. (1) A local domestic violence coordinating council recognized by the local public safety
 14 coordinating council or by the governing body of the county may establish a multidisciplinary do-
 15 mestic violence fatality review team to assist local organizations and agencies in identifying and
 16 reviewing domestic violence fatalities. When no local domestic violence coordinating council exists,
 17 a similar interdisciplinary group may establish the fatality review team.

18 (2) The purpose of a fatality review team is to review domestic violence fatalities and make
 19 recommendations to prevent domestic violence fatalities by:

- 20 (a) Improving communication between public and private organizations and agencies;
- 21 (b) Determining the number of domestic violence fatalities occurring in the team’s county and
 22 the factors associated with those fatalities;
- 23 (c) Identifying ways in which community response might have intervened to prevent a fatality;
- 24 (d) Providing accurate information about domestic violence to the community; and
- 25 (e) Generating recommendations for improving community response to and prevention of do-
 26 mestic violence.

27 (3) A fatality review team shall include but is not limited to the following members, if available:

- 28 (a) Domestic violence program service staff or other advocates for battered women;
- 29 (b) Medical personnel with expertise in the field of domestic violence;
- 30 (c) Local health department staff;
- 31 (d) The local district attorney or the district attorney’s designees;
- 32 (e) Law enforcement personnel;
- 33 (f) Civil legal services attorneys;
- 34 (g) Protective services workers;
- 35 (h) Community corrections professionals;
- 36 (i) Judges, court administrators or their representatives;
- 37 (j) Perpetrator treatment providers;
- 38 (k) A survivor of domestic violence; and
- 39 (L) Medical examiners or other experts in the field of forensic pathology.

40 (4) Other individuals may, with the unanimous consent of the team, be included in a fatality
 41 review team on an ad hoc basis. The team, by unanimous consent, may decide the extent to which
 42 the individual may participate as a full member of the team for a particular review.

43 (5) Upon formation and before reviewing its first case, a fatality review team shall adopt a
 44 written protocol for review of domestic violence fatalities. The protocol must be designed to facili-
 45 tate communication among organizations and agencies involved in domestic violence cases so that

1 incidents of domestic violence and domestic violence fatalities are identified and prevented. The
 2 protocol shall define procedures for case review and preservation of confidentiality, and shall iden-
 3 tify team members.

4 (6) [*Consistent with recommendations provided by the statewide interdisciplinary team under ORS*
 5 *418.718,*] A local fatality review team shall provide the [*statewide team*] **statewide interdisciplinary**
 6 **domestic violence fatality review team created under ORS 418.718** with information regarding
 7 domestic violence fatalities.

8 (7) To ensure consistent and uniform results, fatality review teams may collect and summarize
 9 data to show the statistical occurrence of domestic violence fatalities in the team’s county. **The**
 10 **local fatality review team shall provide all data available pursuant to this subsection to the**
 11 **statewide interdisciplinary domestic violence fatality review team created under ORS 418.718.**

12 (8) Each organization or agency represented on a fatality review team may share with other
 13 members of the team information concerning the victim who is the subject of the review. Any in-
 14 formation shared between team members is confidential.

15 (9) An individual who is a member of an organization or agency that is represented on a fatality
 16 review team is not required to disclose information. The intent of this section and ORS 418.718 is
 17 to allow the voluntary disclosure of information.

18 (10) An oral or written communication or a document related to a domestic violence fatality
 19 review that is shared within or produced by a fatality review team is confidential, not subject to
 20 disclosure and not discoverable by a third party. An oral or written communication or a document
 21 provided by a third party to a fatality review team is confidential, not subject to disclosure and not
 22 discoverable by a third party. All information and records acquired by a team in the exercise of its
 23 duties are confidential and may be disclosed only as necessary to carry out the purposes of the
 24 fatality review. However, recommendations of a team upon the completion of a review may be dis-
 25 closed without personal identifiers at the discretion of two-thirds of the members of the team.

26 (11) Information, documents and records otherwise available from other sources are not immune
 27 from discovery or introduction into evidence solely because the information, documents or records
 28 were presented to or reviewed by a fatality review team.

29 (12) ORS 192.610 to 192.690 do not apply to meetings of a fatality review team.

30 (13) Each fatality review team shall develop written agreements signed by member organizations
 31 and agencies that specify the organizations’ and agencies’ understanding of and agreement with the
 32 principles outlined in this section.

33 **SECTION 3. In addition to and not in lieu of any other appropriation, there is appropri-**
 34 **ated to the Department of Human Services, for the biennium beginning July 1, 2011, out of**
 35 **the General Fund, the amount of \$_____ , which may be expended for the purposes of cre-**
 36 **ating the statewide interdisciplinary domestic violence fatality review team pursuant to sec-**
 37 **tion 1 of this 2011 Act and implementing the provisions of section 1 of this 2011 Act.**

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