

SENATE BILL REPORT

SB 6421

As Reported By Senate Committee On:
Judiciary, February 4, 2000
Ways & Means, February 8, 2000

Title: An act relating to domestic violence fatality reviews.

Brief Description: Creating domestic violence fatality review panels.

Sponsors: Senators Costa, Sheahan, Kohl-Welles, Long, Hargrove, Winsley and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/2/2000, 2/4/2000 [DPS].

Ways & Means: 2/7/2000, 2/8/2000 [DPS (JUD)].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6421 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6421 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Kline, Kohl-Welles, Long, McDonald, Rasmussen, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

Staff: Bryon Moore (786-7726)

Background: In 1997, the state of Washington received funding from the Violence Against Women Act to create a model and procedures for a statewide domestic violence (DV) fatality review. The grant is administered through the Office of Crime Victims Advocacy in the Department of Community, Trade, and Economic Development. A model for use in our state was developed and three pilot review panels began reviewing deaths in early 1998. Since then, panels have performed in-depth reviews of over 25 cases, many involving multiple homicides. A database to track information has been implemented, making statistical analysis possible. The project is funded through the year 2000.

The mission of the DV fatality review project is to increase safety for victims and accountability for perpetrators by identifying gaps in services and recommending policies,

services, and resources to fill those gaps. The project also seeks to identify trends and patterns in DV related fatalities.

Summary of Substitute Bill: Subject to the availability of funds, the Department of Social and Health Services must contract with an entity with expertise in DV policy and education to coordinate review of DV fatalities. The coordinating entity is authorized to convene regional review panels, provide training and assistance to the review panels, compile information and issue annual reports with recommendations. In addition, a protocol is established regarding the identification of DV related fatalities and which cases to review, the formation of the review panels, data collection, and preservation of confidentiality. Private citizens may request a review of a death by submitting a written request to the coordinating entity within two years of the death.

The regional fatality review panels include medical personnel, coroners or medical examiners, prosecuting attorneys, domestic violence shelter service staff and battered women's advocates, law enforcement, county health department staff, CPS workers, community corrections professionals, perpetrator treatment program providers, and judges or their representatives.

An oral or written communication or document shared within or produced by a DV fatality review panel related to a DV fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or document between a third party and a DV fatality review panel is confidential and not subject to disclosure or discoverable by a third party. The review panels have access to employer records, information held by batterer's treatment providers, dental care providers, hospitals, medical and mental health providers, pathologists, coroners, attorneys, state and local governments, and the courts. The coordinating entity and the review panels must maintain the confidentiality of such information.

Representatives of the coordinating entity and review panels are immune from civil or criminal liability if acting in good faith, without malice, and within the parameters of the law and protocols. The coordinating entity issues an annual statewide report containing recommendations and issues identified through the work of the regional review panels.

Substitute Bill Compared to Original Bill: Subject to the availability of funds, the Department of Social and Health Services rather than the Department of Community, Trade, and Economic Development will contract with an entity with expertise in DV policy and education to coordinate review of DV fatalities.

Appropriation: None.

Fiscal Note: Requested on January 31, 2000

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: When abusers become homicidal, they will also kill children, law enforcement, and others. The goal of this legislation is prevention. Each domestic violence fatality will be looked at to obtain a picture of how the community responded to the domestic

violence. A data base will be created so that warning signs can be identified. Hopefully, profiles of people who would be likely to kill can be generated over time.

Testimony Against: None.

Testified: Mary Pontarolo, Margaret Hobart, Washington State Coalition Against Domestic Violence; Craig Roberts, Pierce County Superior Court Clerk's Office; Cheryl Kemp, Franciscan Health Systems.