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SENATE BILL 6421

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State of Washington

56th Legislature

2000 Regular Session

By Senators Costa, Sheahan, Kohl-Welles, Long, Hargrove, Winsley and Rasmussen

Read first time 01/14/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to domestic violence fatality reviews; and adding  
2 a new chapter to Title 43 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7 (1) "Department" means the department of community, trade, and  
8 economic development.

9 (2) "Domestic violence fatality" means a homicide or suicide under  
10 any of the following circumstances:

11 (a) The alleged perpetrator and victim resided together at any  
12 time;

13 (b) The alleged perpetrator and victim have a child in common;

14 (c) The alleged perpetrator and victim were married, divorced,  
15 separated, or had a dating relationship;

16 (d) The alleged perpetrator had been stalking the victim;

17 (e) The homicide victim lived in the same household, was present at  
18 the workplace of, was in proximity of, or was related by blood or

1 affinity to a victim who experienced or was threatened with domestic  
2 abuse by the alleged perpetrator;

3 (f) The victim or perpetrator was a child of a person in a  
4 relationship that is described within this subsection; or

5 (g) The domestic violence fatality review panel decides that the  
6 death falls within the parameters of its mission.

7 This subsection should be interpreted broadly to give the domestic  
8 violence fatality review panels discretion to review fatalities that  
9 have occurred both directly and peripherally to domestic relationships.

10 NEW SECTION. **Sec. 2.** (1) Subject to the availability of state  
11 funds, the department shall contract with an entity with expertise in  
12 domestic violence policy and education and with a state-wide  
13 perspective to coordinate review of domestic violence fatalities. The  
14 coordinating entity shall be authorized to:

15 (a) Convene regional review panels;

16 (b) Gather information for use of regional review panels;

17 (c) Provide training and technical assistance to regional review  
18 panels;

19 (d) Compile information and issue annual reports with  
20 recommendations; and

21 (e) Establish a protocol that may be used as a guideline for  
22 identifying domestic violence related fatalities, forming review  
23 panels, convening reviews, and selecting which cases to review. The  
24 coordinating entity may also establish protocols for data collection  
25 and preservation of confidentiality.

26 (2)(a) The coordinating entity may convene a regional domestic  
27 violence fatality review panel to review any domestic violence  
28 fatality.

29 (b) Private citizens may request a review of a particular death by  
30 submitting a written request to the coordinating entity within two  
31 years of the death. Of these, the appropriate regional review panel  
32 may review those cases which fit the criteria set forth in the protocol  
33 for the project.

34 NEW SECTION. **Sec. 3.** (1) Regional domestic violence fatality  
35 review panels shall include but not be limited to:

36 (a) Medical personnel with expertise in domestic violence abuse;

1 (b) Coroners or medical examiners or others experienced in the  
2 field of forensic pathology, if available;

3 (c) County prosecuting attorneys and municipal attorneys;

4 (d) Domestic violence shelter service staff and battered women's  
5 advocates;

6 (e) Law enforcement personnel;

7 (f) County health department staff who deal with domestic violence  
8 victims' health issues;

9 (g) Child protective services workers;

10 (h) Community corrections professionals;

11 (i) Perpetrator treatment program provider; and

12 (j) Judges, court administrators, and/or their representatives.

13 (2) Regional domestic violence fatality review panels may also  
14 invite other relevant persons to serve on an ad hoc basis and  
15 participate as full members of the review team for a particular review.  
16 These persons may include, but are not limited to:

17 (a) Individuals with particular expertise helpful to the regional  
18 review panel;

19 (b) Representatives of organizations or agencies that had contact  
20 with or provided services to the homicide victim or to the alleged  
21 perpetrator.

22 (3) The regional review panels shall make periodic reports to the  
23 coordinating entity and shall make a final report to the coordinating  
24 entity with regard to every fatality that is reviewed.

25 NEW SECTION. **Sec. 4.** (1) An oral or written communication or a  
26 document shared within or produced by a regional domestic violence  
27 fatality review panel related to a domestic violence fatality review is  
28 confidential and not subject to disclosure or discoverable by a third  
29 party. An oral or written communication or a document provided by a  
30 third party to a regional domestic violence fatality review panel, or  
31 between a third party and a regional domestic violence fatality review  
32 panel is confidential and not subject to disclosure or discovery by a  
33 third party. Notwithstanding the foregoing, recommendations from the  
34 regional domestic violence fatality review panel and the coordinating  
35 entity generally may be disclosed minus personal identifiers.

36 (2) The regional review panels shall have access to information and  
37 records held by batterer's treatment providers; dental care providers;  
38 hospitals, medical providers, and pathologists; coroners and medical

1 examiners; mental health providers; defense attorneys and other  
2 lawyers; the state and local governments; and the courts. The regional  
3 review panels shall have access to employer records for both the victim  
4 and the perpetrator. The coordinating entity and the regional review  
5 panels shall maintain the confidentiality of such information to the  
6 extent required by any applicable law.

7 (3) The regional review panels shall review, when determined to be  
8 appropriate, guardian ad litem reports, parenting evaluations, and  
9 victim impact statements; probation information; mental health  
10 evaluations done for court; presentence interviews and reports, and any  
11 recommendations made regarding bail and release on own recognizance;  
12 child protection services, welfare, and other information held by the  
13 department of social and health services; any law enforcement incident  
14 documentation, such as incident reports, dispatch records, victim,  
15 witness, and suspect statements, and any supplemental reports, probable  
16 cause statements, and 911 call taker's reports; corrections and  
17 postsentence supervision reports; and any other information determined  
18 to be relevant to the review.

19 NEW SECTION. **Sec. 5.** If acting in good faith, without malice, and  
20 within the parameters of this chapter and the protocols established,  
21 representatives of the coordinating entity and the regional domestic  
22 violence fatality review panels are immune from civil or criminal  
23 liability for an activity related to reviews of particular fatalities.

24 NEW SECTION. **Sec. 6.** Within available funds, data regarding each  
25 domestic violence fatality review shall be collected on standard forms  
26 created by the coordinating entity. Data collected on reviewed  
27 fatalities shall be compiled and analyzed for the purposes of  
28 identifying points at which the system response to domestic violence  
29 could be improved and identifying patterns in domestic violence  
30 fatalities.

31 NEW SECTION. **Sec. 7.** (1) An annual state-wide report shall be  
32 issued by the coordinating entity in December containing  
33 recommendations and issues identified through the work of the regional  
34 panels. Copies of this report shall be distributed to public officials  
35 in the state who deal with domestic violence issues and to those

1 agencies involved in the regional domestic violence fatality review  
2 panels.

3 (2) The annual report in December 2010 shall contain a  
4 recommendation as to whether or not the domestic violence review  
5 process provided for in this chapter should continue or be terminated  
6 by the legislature.

7 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute  
8 a new chapter in Title 43 RCW.

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