

1 **SECTION 1.(a)** Domestic Violence Fatality Prevention and Protection Review
2 Team. – A county may establish a multidisciplinary Domestic Violence Fatality Prevention and
3 Protection Review Team to identify and review domestic violence-related deaths, including
4 homicides and suicides, and facilitate communication among the various agencies and
5 organizations involved in domestic violence cases to prevent future fatalities.

6 **SECTION 1.(b)** Definitions. – The following definitions apply in this act:

- 7 (1) Domestic violence fatality. – The death of a person, 18 years of age or older,
8 that is the result of an act of domestic violence as defined in G.S. 50B-1.
9 (2) Review Team. – The Domestic Violence Fatality Prevention and Protection
10 Review Team.

11 **SECTION 1.(c)** Composition. – The Review Team shall consist of a lead agency,
12 Community Support Services of Charlotte, North Carolina, and representatives of public and
13 nonpublic agencies in the community that provide services to victims or families of domestic
14 violence, including:

- 15 (1) A representative from a domestic violence victim's service group.
16 (2) An attorney from the local district attorney's office.
17 (3) Local law enforcement personnel.
18 (4) A representative from the local medical examiner's office.
19 (5) A representative from the local department of social services.
20 (6) A representative from the local health department.
21 (7) A representative from an area mental health authority.
22 (8) A representative from the local public schools.
23 (9) A representative from a health care system.
24 (10) Local medic or emergency services personnel.
25 (11) A survivor of domestic violence.

26 **SECTION 1.(d)** Powers and Duties of the Review Team. – The Review Team shall
27 meet at least four times each year. To accomplish the purposes of this act, the Review Team
28 shall:

- 29 (1) Study the incidences and causes of death by domestic violence-related
30 behavior in the community. The study shall include an analysis of all
31 community, private, and public agency involvement with the decedent and
32 family members prior to death.
33 (2) Develop a system for multidisciplinary review of domestic violence-related
34 deaths.
35 (3) Examine the laws, rules, and policies relating to confidentiality.
36 (4) Access information that affects the agencies that provide intervention
37 services to determine whether those laws, rules, and policies inappropriately
38 impede the exchange of information necessary to protect victims of domestic
39 violence and recommend any necessary changes.
40 (5) Perform any other studies, evaluations, or determinations the Review Team
41 considers necessary to carry out its mandate.
42 (6) Make recommendations for system improvements and needed resources
43 where gaps and deficiencies may exist.
44 (7) In addition to any other duties outlined in this act, the lead agency shall
45 develop a written plan outlining standard operating procedures for the
46 following:
47 a. Appointing Review Team members and a chair.
48 b. Establishing other Review Team duties and responsibilities.
49 c. Establishing terms of service for Review Team members.
50 d. Establishing the procedure for filling vacancies.
51 e. Maintaining confidentiality policies consistent with applicable laws.

- 1 f. Training Review Team members.
- 2 g. Establishing a meeting schedule.
- 3 h. Maintaining a record of official meetings, including minutes and
- 4 those in attendance.
- 5 i. Establishing a process to initiate case review.
- 6 j. Reporting annually to the local board of county commissioners and
- 7 the Governor's Crime Commission.

8 **SECTION 1.(e)** Access to Records. – The Review Team, during its existence, shall
9 have access to all medical records, hospital records, and records maintained by the county or
10 any local agency as necessary to carry out the purposes of this act, including police
11 investigations data, medical examiner investigative data, health records, mental health records,
12 and social services records. Any member of the Review Team may share relevant information
13 in an official Review Team meeting only.

14 **SECTION 1.(f)** Limitation on Access. – Notwithstanding any provision in the law
15 that allows the Review Team to access records, no member of the Review Team shall be
16 authorized to review a domestic violence fatality case while the case is under investigation by
17 any law enforcement agency, or if an action is pending in any criminal or civil court in the
18 State, except as provided in this section. A Review Team member may review and have access
19 to records in a domestic violence fatality case only if:

- 20 (1) A district attorney has given written approval for access due to the
- 21 completion of the investigation or court proceedings; or
- 22 (2) A district attorney has given written approval for access, stating that access
- 23 by the Review Team will not have any negative or adverse effects on the
- 24 investigation or completion of a pending case.

25 **SECTION 1.(g)** Confidentiality; Immunity. – All otherwise confidential
26 information and records acquired by the Review Team, during its existence and in the exercise
27 of its duties, shall: (i) be confidential; (ii) not be subject to discovery or introduction into
28 evidence in any proceedings; and (iii) only be disclosed as necessary to carry out the purposes
29 of the Review Team. No member of the Review Team or any person who attends a meeting of
30 the Review Team may testify in any proceeding about what transpired at a particular meeting,
31 information presented at the meeting, or opinions formed by a person as a result of the meeting.
32 This section shall not prohibit a person from testifying in a civil or criminal action about
33 matters within that person's independent knowledge.

34 Each member of the Review Team and any invited participants shall sign a
35 statement indicating an understanding of and adherence to confidentiality requirements,
36 including the possible civil or criminal consequences of any breach of confidentiality.

37 Persons disclosing or providing information or records pursuant to this act are not
38 criminally or civilly liable for disclosing or providing the information. Review Team members
39 are immune from claims of liability, and confidential information gathered pursuant to this act
40 is not subject to subpoena or discovery.

41 Access to criminal investigative reports and criminal intelligence information of
42 public law enforcement agencies and confidential information in the possession of the Review
43 Team shall be governed by G.S. 132-1.4. Nothing herein shall be deemed to require the
44 disclosure or release of any information in the possession of a district attorney.

45 Meetings of the Review Team are not subject to the provisions of Article 33C of
46 Chapter 143 of the General Statutes. However, the Review Team may hold periodic public
47 meetings to discuss, in a general manner not revealing confidential information, the findings of
48 its reviews and its recommendations for preventive actions. Minutes of all public meetings shall
49 be kept in compliance with Article 33C of Chapter 143 of the General Statutes. Any minutes or
50 any other information generated during any closed session of a public meeting shall be sealed
51 from public inspection.

1 **SECTION 2.** A Review Team established by a county pursuant to this act shall
2 terminate upon the earlier of its filing its final report, or June 15, 2014.

3 **SECTION 3.** Each Review Team established pursuant to this act shall issue an
4 interim report to the local board of county commissioners, the North Carolina Domestic
5 Violence Commission, and the Governor's Crime Commission summarizing its findings and
6 activities by June 15, 2011, and a final report with recommendations for action by June 15,
7 2014. The reports shall not identify the specific cases or case reviews that led to the individual
8 Review Team's findings and recommendations.

9 **SECTION 4.** This act shall not be construed to obligate the General Assembly to
10 appropriate funds to implement the provisions of this act.

11 **SECTION 5.** This act applies to Mecklenburg County only.

12 **SECTION 6.** This act is effective when it becomes law.