
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2588

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Tokuda, D. Sommers, Kagi, Boldt, Kenney, Dickerson, Ogden, Veloria, Haigh, Santos, Romero, O'Brien, Edwards, Constantine, Rockefeller, Miloscia and McIntire)

Read first time 02/07/2000. Referred to Committee on .

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

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 social and health
8 services.

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 biennial 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) Local health department staff;

8 (g) Child protective services workers;

9 (h) Community corrections professionals;

10 (i) Perpetrator treatment program provider; and

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

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

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

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

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

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

35 (2) The regional review panels shall have access to information and
36 records regarding the domestic violence victims and perpetrators under
37 review 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; the courts; and employers.
3 The coordinating entity and the regional review panels shall maintain
4 the confidentiality of such information to the extent required by any
5 applicable law.

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

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

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

32 NEW SECTION. **Sec. 7.** (1) A biennial state-wide report shall be
33 issued by the coordinating entity in December of even-numbered years
34 containing recommendations on policy changes that would improve program
35 performance, and issues identified through the work of the regional
36 panels. Copies of this report shall be distributed to the house of

1 representatives children and family services and criminal justice and
2 corrections committees and the senate human services and corrections
3 committee and to those agencies involved in the regional domestic
4 violence fatality review panels.

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

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

11 NEW SECTION. **Sec. 9.** If specific funding for the purposes of this
12 act, referencing this act by bill or chapter number, is not provided by
13 June 30, 2000, in the omnibus appropriations act, this act is null and
14 void.

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