



**House
Legislative
Analysis
Section**

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**DOMESTIC VIOLENCE DEATH
REVIEW TEAM**

**House Bill 5280 (Substitute H-2)
First Analysis (10-31-01)**

**Sponsor: Rep. Gene DeRossett
Committee: Criminal Justice**

THE APPARENT PROBLEM:

In 1999, at least 100 people were murdered as a result of domestic violence. Further, deaths go beyond just that of the targeted victim of abuse. Often there are collateral deaths of children, relatives, and friends who either were protecting the victim or simply happened to be present when the violence escalated. Many feel that in order to reduce or eliminate deaths related to domestic violence, it is important to research and study cases in which domestic violence turns fatal or near fatal. Information gleaned from such research could then be used to determine more effective intervention programs and policies. The expressed goal of the governor's Domestic Violence Homicide Prevention Task Force is to eliminate homicides associated with domestic violence. To that end, the task force has recommended legislation to allow the formation of state or county death review teams for domestic violence homicides. The legislation is part of a multi-bill, comprehensive revision of state laws addressing issues related to domestic violence.

THE CONTENT OF THE BILL:

House Bill 5280 would amend Public Act 389 of 1978 (MCL 400.1511), the domestic violence act, to allow the state or a county to establish an interagency domestic violence death review team. Two or more counties could establish a single review team. The team would review fatal and near-fatal incidents of domestic violence, including suicide. Events leading up to the incident, available community resources, current laws and policies, actions taken by the agencies and individuals related to the incident and the parties, and any other relevant information could be reviewed by the team. The purpose of the teams would be to learn how to prevent domestic violence homicides and suicides by improving the response of individuals and agencies to domestic violence.

The bill would allow teams to determine their own structures, the number and type of incidents to review, and to make recommendations as to how

incidents of domestic violence could be prevented. A team could include, but would not be limited to, an individual trained in forensic pathology, a health care professional with training and experience in domestic violence abuse, a medical examiner, an individual trained or educated with experience in criminology, a prosecuting attorney, a representative of a domestic violence shelter that was receiving funding from the Domestic Violence Prevention and Treatment Board, a representative from a battered woman's advocacy organization, or a law enforcement officer.

Information and records acquired or created by a team under the bill would be confidential and not subject to disclosure under the Freedom of Information Act, subpoena, discovery, or introduction into evidence in civil or criminal proceedings (though information or records otherwise available from other sources would not be exempt from those processes solely because a review team had reviewed them). Team members could not disclose information and records utilized by the team, nor disclose the business conducted at a meeting. Further, team members or persons attending or presenting information at a review meeting could not be questioned in a civil or criminal proceeding regarding information presented in or opinions formed as a result of the meeting, though information obtained independently would not be subject to this prohibition. Team meetings would be closed to the public if the team were reviewing individual cases. Personal identifying information would not be disclosed during a public meeting or in a report that is available to the public. A violation of the bill's confidentiality provisions would be a misdemeanor.

An annual report of a team's aggregate findings, recommendations, and steps taken to implement those recommendations would have to be prepared and presented to the Michigan Domestic Violence Prevention and Treatment Board. No personally identifying information could be contained in the report.

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Team members and certain persons acting in an official capacity would be immune from monetary liability or actions against them for acting within the scope of their duties, except for actions in bad faith, with malicious purpose, or in a manner exhibiting willful disregard of civil rights, safety, or property.

Subject to available funding, the Michigan Domestic Violence Prevention and Treatment Board could develop a protocol for the review teams to follow, develop a form for use by review teams to report aggregate findings and recommendations, develop and provide training for teams, and prepare a report summarizing the findings and recommendations of the review teams (which would go to the governor, the Senate, and the House of Representatives) and could make recommendations to reduce and eradicate the incidence of domestic violence.

FISCAL IMPLICATIONS:

The bill would have no direct fiscal impact on the state or local units of government. (10-30-01)

ARGUMENTS:

For:

By scrutinizing incidents of domestic violence fatalities, more effective measures and programs to reduce such incidents could be identified. Fatality review teams could pinpoint holes in the current delivery system for domestic violence resources, loopholes in laws, and other factors that make domestic violence one of the leading causes of homicides. In addition, the teams could study the impact of domestic violence on suicide rates. This bill would provide a relatively low cost means of affecting a very serious issue. Measures implemented as a result of the review teams could result in lives saved, psychological trauma to children averted, and possibly lower incarceration rates (due to less recidivism) if effective intervention programs for batterers can be developed.

POSITIONS:

The Office of the Governor supports the bill. (10-30-01)

The Prosecuting Attorneys Association of Michigan (PAAM) supports the concept of the bill. (10-30-01)

The Michigan Coalition Against Domestic and Sexual Violence is in strong support of the concept of the bill. (10-30-01)

The National Organization for Women/Michigan has no position at this time, as there has not been an opportunity to review the bill as amended. (10-30-01)

The Michigan Advocacy Project does not have a position at this time as it has not had an opportunity to review the bill as amended. (10-30-01)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.