

STRICKEN AS OF END OF YEAR

Intro. Res. No. 1815-2015
Introduced by Legislator Hahn

Laid on Table 10/6/2015

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW ESTABLISHING A DOMESTIC
VIOLENCE FATALITY ANALYSIS COMMISSION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 6, 2015, a proposed local law entitled, "**A LOCAL LAW ESTABLISHING A DOMESTIC VIOLENCE FATALITY ANALYSIS COMMISSION**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW ESTABLISHING A DOMESTIC VIOLENCE
FATALITY ANALYSIS COMMISSION**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that domestic violence is a serious problem in homes throughout Suffolk County and the nation.

This Legislature also finds and determines that violence often escalates during the course of the relationship between the perpetrator and victim. In some cases, that violence can be fatal.

This Legislature finds that law enforcement and support services must work together to better understand the underlying causes of domestic violence crimes and the efficacy of the local support system for victims.

This Legislature also finds that states, counties and municipalities throughout the United States have established domestic violence fatality review boards to bring government agencies, non-profit organizations and domestic violence survivors together to study domestic violence fatalities and improve the support services available for victims with the goal of reducing domestic violence related homicides.

This Legislature also determines that the County of Suffolk should establish an advisory domestic violence fatality analysis commission to learn from past tragedies with the intent of preventing similar outcomes in the future.

This Legislature concludes that the establishment of a local advisory board charged with the responsibility of developing better statistical information on domestic violence and conducting in-depth reviews of domestic violence related homicides will provide important information that policymakers, law enforcement officials, social services providers, and victim advocates can use to reduce domestic violence related homicides.

Therefore, the purpose of this local law is to establish a Domestic Violence Fatalities Analysis Commission for the County of Suffolk.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning indicated:

“Domestic Violence Fatality” shall mean the death of a family or household member, resulting from an act or acts of violence committed by another family or household member, not including acts of self-defense.

“Family or Household Member” shall mean any of the following individuals:

- a. persons related by consanguinity or affinity;
- b. persons legally married to one another;
- c. persons formerly married to one another regardless of whether they still reside in the same household;
- d. persons who have a child in common regardless of whether such persons have been married or have lived together at any time;
- e. persons not legally married, but who currently live together in a family-type relationship; and
- f. persons not legally married, but who have formerly lived together in a family-type relationship.

“Perpetrator” shall mean a family or household member who commits an act or acts of violence resulting in a domestic violence fatality.

“Victim” shall mean a family or household member whose death constitutes a domestic violence fatality.

Section 3. Domestic Violence Fatality Analysis Commission.

The Suffolk County Domestic Violence Fatality Analysis Commission (“The Commission”) is hereby established to annually:

1. examine aggregate information relating to domestic violence fatalities in the County of Suffolk,
2. conduct in-depth reviews of domestic violence fatalities; and
3. develop recommendations for the coordination and improvement of services for victims of domestic violence, as more fully set forth in this law.

Section 4. Commission Membership, Organization.

A. The Commission shall be comprised of the following nine (9) members:

1. The Medical Examiner, or his or her designee, who shall serve as Chairperson of the Commission;
2. The Commissioner of the Suffolk County Police Department, or his or her designee;

3. The Commissioner of the Department of Health Services, or his or her designee;
 4. The Commissioner of the Department of Social Services, or his or her designee;
 5. The District Attorney, or his or her designee;
 6. The County Attorney, or his or her designee;
 7. A representative of a non-profit organization that provides social or legal services to victims of intimate partner domestic violence, to be appointed by the County Legislature;
 8. A representative of a non-profit organization that provides services to victims of non-intimate partner domestic violence, to be appointed by the County Legislature;
 9. A County Legislator, to be appointed by the Presiding Officer.
- B. Members of the Commission who are not serving in their official capacity as department heads or designees shall be appointed for a term of two (2) years. In the event a vacancy occurs prior to the expiration of a term, the unexpired term shall be filled in the same manner as it was originally filled.
- C. Members of the Commission shall serve without compensation.
- D. The members shall hold their first meeting no later than thirty (30) days after the oaths of office of all members have been filed for the purpose of organization and the election of a vice chairperson and a secretary.
- E. The positions of vice chairperson and secretary shall be elected by the majority of the Commission every two (2) years.
- F. Five members of the Commission shall constitute a quorum to transact the business of the Commission.

Section 4. Data Gathering.

- A. The Commission is charged with obtaining and reviewing data relating to domestic violence fatalities, including non-identifying information with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, as well as religion, ethnicity and employment status, if available.
- B. The Commission shall, from the information gathered, calculate statistics on domestic violence fatalities in Suffolk County, including an analysis by town and police precinct.
- C. The Commission may request and receive information from any County department as may be necessary to perform the data collection and statistical analysis required under this section.

Section 5. Fatality Case Review.

- A. The Commission shall review, on an annual basis, one to three domestic violence fatalities that occurred at least two (2) years prior to review. The Commission shall not review a domestic violence fatality that involves the death of a child for which a fatality report is

required to be issued pursuant to subdivision 5 of Section 20 of the NEW YORK SOCIAL SERVICES LAW. Cases eligible for review must have been adjudicated, received a final judgement and cannot be under investigation by law enforcement.

B. The Commission shall identify potential cases and select which deaths shall be reviewed.

C. The Commission shall work with officials and organizations within the community where the death occurred to gather information on the history of the victim and perpetrator, as well as contacts with government agencies and law enforcement. To the extent consistent with federal law, the Commission shall be provided with, upon request, client-identifiable information and records necessary for the investigation of a domestic violence fatality. Such records shall include, but not be limited to:

1. records maintained by the Department of Social Services, to the extent permitted by law;
2. law enforcement records, except where the provision of such records would interfere with an ongoing investigation, identify a confidential source, or endanger the safety or welfare of an individual;
3. court records;
4. probation and parole records;
5. records from domestic violence residential or non-residential programs;
6. records from any relevant service provider program or organization which provided services to the victim, the victim's family or the perpetrator;
7. all other relevant records in the possession of County or local officials or agencies provided, however, no official or agency shall be required to provide information or records if disclosing such records would violate an attorney-client privilege;

D. Commission members shall review each selected domestic violence fatality to determine a timeline of the events leading up to the fatality, going back as far as records will allow; the agencies and departments which had contact with the victim, the victim's family or the perpetrator prior to the fatality's occurrence; and whether services were offered at any time prior to the fatality. The Commission shall also consider whether other services could have been utilized; if there were legal, institutional (i.e. language, cultural, social) or other barriers to obtaining services for any of the parties involved; and the existence of communication barriers between agencies and departments.

Section 6. Annual Report.

A. The Commission shall annually submit to the County Executive and each member of the County Legislature a report that will include:

1. the number of domestic violence fatality cases which occurred in the County of Suffolk in the previous year;
2. non-identifying data and statistics with respect to victims and perpetrators involved in domestic violence fatalities, including, but not limited to, gender, age, race and familial or other relationship involved. Religion, ethnicity and employment status shall be included, when available;
3. any factors indicating a high risk of involvement in domestic violence fatalities;

4. the number of cases reviewed in depth; and
5. recommendations to improve the coordination and provisions of services for victims of domestic violence, as well as proposed changes and additions to policies, procedures, and practices to reduce the incidence of domestic violence fatalities.

B. The Commission shall present their annual report at a meeting of the Public Safety Committee of the County Legislature.

C. The annual report and presentation shall only include information that is non-identifying and general in nature and its recommendations, if any, shall be advisory only.

Section 7. Records.

A. All records and information obtained that are confidential in nature associated with the collection of non-identifying data pursuant to Section 4 of this law shall be retained by the Office of the Medical Examiner for a period of two (2) years and then destroyed.

B. All records and information obtained for the purposes of fatality case review pursuant to Section 5 of this law that are confidential in nature shall be destroyed immediately following the submission of the Commission's annual report.

Section 8. Confidentiality.

A. The information obtained and discussed by the Commission shall be confidential and shall not be utilized for any purpose not set forth in this law.

B. Commission members and any persons presenting information to further the work of the Commission shall execute a confidentiality agreement to protect the information gathered regarding domestic violence fatalities, the victims and their families.

C. Any information, records received, meetings conducted, or reports or records made and maintained in the review of domestic violence fatalities shall not be available for public inspection, except by court order.

D. Commission members are not liable for damages or other relief in any action brought by reason of the reasonable and good faith performance of a duty, function or activity of the Commission.

Section 9. Exemption from Open Meetings.

The Commission shall be exempt from Section 172-3 of the SUFFOLK COUNTY CODE, which subjects the County's advisory bodies to the open meetings provisions of New York State Public Officers Law.

Section 10. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 11. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 12. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 13. Effective Date.

This law shall take effect January 1, 2016.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: