

FLORIDA DOMESTIC VIOLENCE FATALITY REVIEW E-NEWSLETTER

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The Department of Children and Families and the Florida Coalition Against Domestic Violence Create Statewide Domestic Violence Fatality Review Team

The Department of Children and Families (DCF) has received an award from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, administered by the Department of Justice, to partner with the Florida Coalition Against Domestic Violence (FCADV) to create a statewide domestic violence fatality review team. The two year grant will enable the statewide team to meet four times to:

- Identify gaps in service delivery to domestic violence victims and identify potential systemic breakdowns.
- Promote training and cross-training to professionals
- Coordinate the activities of agencies involved and share and exchange information.

The team will prepare a comprehensive report at the end of the grant period that contains findings and recommendations relating to domestic violence fatality review. Through this grant, FCADV will also offer two training institutes on fatality review issues, conducted by national and local experts, establish a web page dedicated to fatality review, and distribute an E-Newsletter. The first training institute will be held in the fall of 2008 in South Florida.

The initial meeting of the statewide team was held on May 29, 2008 in Tallahassee, Florida. Representatives of DCF, FCADV, the Department of Corrections, the Office of the Attorney General, the Sheriff's and Police Chiefs Associations, the state attorney, domestic violence centers, batterer's intervention programs, the Office of State Court Administration, the Florida Department of Law Enforcement, and local fatality review teams discussed for three hours the challenges relating to domestic violence fatality review on both the statewide and local levels. The members identified four additional long-term goals for the statewide team during the grant period:

- Develop a tool to collect meaningful statewide data from local fatality review teams relating to domestic violence fatalities and near fatalities
- Establish a statewide fatality review team that will provide technical assistance, standards, and guidance to local fatality review teams, and assist the local teams in obtaining funding to continue their work
- Prepare a final report that identifies trends and provides individual guidance to each stakeholder in the effort to prevent domestic violence fatalities
- Develop a statewide public awareness campaign about domestic violence that targets all ages and cultural backgrounds

Florida's Local Fatality Review Teams

There are currently 15 active, or about to be active local domestic violence fatality review teams in Florida. Representatives from the teams from Miami-Dade, Palm Beach, Polk and Highlands, Duval, and the Third Judicial Circuit (Columbia, Madison, Taylor, Dixie, Lafayette, Hamilton and Suwannee Counties) attended the initial statewide meeting, and reported on their structure and the types of cases they review. The reports from the local teams emphasized the differences in the operations of the various teams, as well as the differences in their funding. For example, the Miami-Dade team is funded by the county, and has full-time staff devoted to domestic violence fatality review. Other teams rely on volunteers from the various agencies to conduct the review.

Teams are currently active in the following counties: Brevard, Broward, Columbia (including Madison, Taylor, Dixie, Lafayette, Hamilton and Suwannee), Duval, Escambia, Lee, Miami-Dade, Orange, Palm Beach, Pasco, Pinellas, Polk (including Highlands), Sarasota (including Manatee and DeSoto). New teams are scheduled to start meeting this year in Hillsborough and Seminole counties.

Local fatality review teams are governed by Chapter 741, Florida Statutes. The statutes define a domestic violence fatality review team, and provide guidance on membership and the types of cases reviewed by the team.

741.316 Domestic violence fatality review teams; definition; membership; duties; report by the Department of Law Enforcement.--

(1) As used in this section, the term "domestic violence fatality review team" means an organization that includes, but is not limited to, representatives from the following agencies or organizations:

- (a) Law enforcement agencies.
- (b) The state attorney.
- (c) The medical examiner.
- (d) Certified domestic violence centers.
- (e) Child protection service providers.
- (f) The office of court administration.
- (g) The clerk of the court.
- (h) Victim services programs.
- (i) Child death review teams.

(j) Members of the business community.

(k) County probation or corrections agencies.

(l) Any other persons who have knowledge regarding domestic violence fatalities, nonlethal incidents of domestic violence, or suicide, including research, policy, law, and other matters connected with fatal incidents.

(m) Other representatives as determined by the review team.

(2) A domestic violence fatality review team may be established at a local, regional, or state level in order to review fatal and near-fatal incidents of domestic violence, related domestic violence matters, and suicides. The review may include a review of events leading up to the domestic violence incident, available community resources, current laws and policies, actions taken by systems and individuals related to the incident and the parties, and any information or action deemed relevant by the team, including a review of public records and records for which public records exemptions are granted. The purpose of the teams is to learn how to prevent domestic violence by intervening early and improving the response of an individual and the system to domestic violence. The structure and activities of a team shall be determined at the local level. The team may determine the number and type of incidents it wishes to review and shall make policy and other recommendations as to how incidents of domestic violence may be prevented.

(3) Each local domestic violence fatality review team shall collect data regarding incidents of domestic violence. The data must be collected in a manner that is consistent statewide and in a form determined by the Department of Law Enforcement. Each team may collect such additional data beyond that which is prescribed in the statewide data collection form as will assist in the team's review. The Department of Law Enforcement shall use the data to prepare an annual report concerning domestic violence fatalities. The report must be submitted by July 1 of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(4) The Governor's Task Force on Domestic Violence shall provide information and technical assistance to local domestic violence fatality review teams.

(5)(a) There may not be any monetary liability on the part of, and a cause of action for damages may not arise against, any member of a domestic violence fatality review team or any person acting as a witness to, incident reporter to, or investigator for a domestic violence fatality review team for any act or proceeding undertaken or performed within the scope of the functions of the team, unless such person acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) This subsection does not affect the provisions of s. [768.28](#).

(6) All information and records acquired by a domestic violence fatality review team are not subject to discovery or introduction into evidence in any civil action or disciplinary proceeding by any department or employing agency if the information or records arose out of matters that are the subject of evaluation and review by the domestic violence fatality review team. However, information, documents, and records otherwise available from other sources are not immune from discovery or introduction into evidence solely because the information, documents, or records were presented to or reviewed by such a team. A person who has attended a meeting of a domestic violence fatality review team may not testify in any civil or disciplinary proceedings as to any records or information produced or presented to the team

during meetings or other activities authorized by this section. This subsection does not preclude any person who testifies before a team or who is a member of a team from testifying as to matters otherwise within his or her knowledge.

- (7) The domestic violence fatality review teams are assigned to the Department of Children and Family Services for administrative purposes.

741.3165 Certain information exempt from disclosure.--

(1)(a) Any information that is confidential or exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution and that is obtained by a domestic violence fatality review team conducting activities as described in s. [741.316](#) shall retain its confidential or exempt status when held by a domestic violence fatality review team.

(b) Any information contained in a record created by a domestic violence fatality review team pursuant to s. [741.316](#) that reveals the identity of a victim of domestic violence or the identity of the children of the victim is confidential and exempt from s. [119.07\(1\)](#) and s. 24(a), Art. I of the State Constitution.

(2) Portions of meetings of any domestic violence fatality review team regarding domestic violence fatalities and their prevention, during which confidential or exempt information, the identity of the victim, or the identity of the children of the victim is discussed, are exempt from s. [286.011](#) and s. 24(b), Art. I of the State Constitution.

(3) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. [119.15](#), and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

RESOURCES

Florida Department of Law Enforcement Domestic Violence Fatality Review Team 2007 Annual Report <http://www.fdle.state.fl.us/>

Florida's Domestic Violence Needs Assessment for 2006-2007, Institute for Family Violence Studies, Florida State University

<http://www.dcf.state.fl.us/domesticviolence/publications/dvna0607final.pdf>

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