

APPENDIX

A. State Domestic Violence Fatality Review Statute

Alaska Statute 18.66.400 Domestic Violence Fatality Review Teams.

- a. The Commissioner of Public Safety may establish Domestic Violence Fatality Review Teams in areas of the state. A municipality may establish a domestic violence fatality review team in a municipality. When the investigation of fatal incidents of domestic violence and incidents of domestic violence involving serious physical injury has been completed or adjudicated by law enforcement or at an earlier appropriate time, a domestic violence fatality review team may review those incidents for the purpose of presenting domestic violence-related fatalities, improving the response of law enforcement and other agencies to domestic violence, and providing consultation and coordination for agencies involved in the prevention and investigation of domestic violence. 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 agencies and persons related to the incident and persons involved in the incident, and other information the team determines to be relevant to the review. Both confidential and other records of a department or agency of the state or a municipality relating to the domestic violence incident may be examined by the domestic violence fatality review team or a member of the team. The domestic violence fatality review team and each member of the team shall preserve the confidentiality of any records examined. In

this subsection, “serious physical injury” has the meaning given in AS 11.81.900.

- b. The membership of a domestic violence fatality review team shall be determined by the Commissioner of Public Safety or the municipality, as appropriate. Membership may include representatives from
 1. law enforcement agencies within the area or municipality;
 2. the district attorney for the area or municipality or municipal prosecutor if created by a municipality;
 3. the office of the Chief Medical Examiner;
 4. the Department of Corrections;
 5. employees of the Department of Health and Social Services who deal with domestic violence;
 6. local agencies and organizations involved with crime victim and domestic violence protection, reporting, and counseling and assistance;
 7. other organizations, departments, and agencies determined to be appropriate.
- c. The Victims’ Advocate under AS 24.65 is an *ex officio* member of each domestic violence fatality review team created under this section and may attend any meeting and review any information available to or considered by a team.
- d. Except for a public report issued by a domestic violence fatality review team that does not contain confidential information, records or other

information collected by a team or any member of a team related to duties under this section is confidential and not subject to public disclosure under AS 40.24.100 and 40.25.110. Meetings of a domestic violence fatality review team are closed to the public and are not subject to the provisions of AS 44.62.310 and 44.62.312.

- e. The determinations, conclusions, and recommendations of a domestic violence fatality review team or its members are not admissible in a civil or criminal proceeding. A member may not be compelled to disclose a determination, conclusion, recommendation, discussion, or thought process through discovery or testimony in a civil or criminal proceeding. Records and information collected by the team are not subject to discovery or subpoena in connection with a civil or criminal proceeding.
- f. Notwithstanding (e) of this section, an employee of a state or a municipal agency may testify in a civil or criminal proceeding concerning cases reviewed by a domestic violence fatality review team even though the agency's records were reviewed by a team and formed the basis of that employee's testimony and the team's report.
- g. A person who serves on a domestic violence fatality review team is not liable for damages or other relief in an action brought by reason of the performance of a duty, function or activity of the team.

B. Definition of "Domestic Violence"

Alaska Statute 18.66.990(3):

. . . “[D]omestic violence” and “crime involving domestic violence” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- (A) a crime against the person under AS 11.41;
- (B) burglary under AS 11.46.300-11.46.310;
- (C) criminal trespass under AS 11.46.320-22.46.330;
- (D) arson or criminally negligent burning under AS 11.46.400-11.46.430;
- (E) criminal mischief under AS 11.46.475-11.46.486;
- (F) terrorist threatening under AS 11.56.807-11.56.810;
- (G) violating a protective order under AS 11.56.740(a)(1); or
- (H) harassment under AS 11.61.120(a)(2)-(4).