

District of Columbia

DC ST § 16-1051

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Division II. Judiciary and Judicial Procedure

Title 16. Particular Actions, Proceedings and Matters.

☞ [Chapter 10](#). Proceedings Regarding Intrafamily Offenses.

☞ [Subchapter V](#). Domestic Violence Fatality Review Board.

➡ **§ 16-1051. Definitions.**

For purposes of this subchapter, the term:

(1) “Board” means the Domestic Violence Fatality Review Board.

(2) “District” means the District of Columbia.

(3) “Domestic violence fatality” means:

(A) A homicide under any of the following circumstances:

(i) The alleged perpetrator and victim resided together at any time;

(ii) The alleged perpetrator and victim have a child in common;

(iii) The alleged perpetrator and victim were married, divorced, separated, or had a romantic relationship, not necessarily including a sexual relationship;

(iv) The alleged perpetrator is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the victim;

(v) The alleged perpetrator had been stalking the victim;

(vi) The victim filed a petition for a protective order against the alleged perpetrator at any time;

(vii) The victim resided in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a person who experienced or was threatened with domestic violence by the alleged perpetrator;
or

(viii) The victim or the perpetrator was or is a child, parent, sibling, grandparent, aunt, uncle, or cousin of a person in a relationship that is described within this

subsection.

(B) A suicide of an individual where there were implications that the individual was the victim of domestic violence prior to his or her suicide, including the following circumstances:

(i) The victim had applied for or received a protection order within the 2-year period preceding the suicide;

(ii) The victim had undergone counseling or treatment as a result of being the victim of domestic violence within the 2-year period preceding the suicide; or

(iii) The victim had reported to the police that he or she had been the victim of domestic violence within the 2-year period preceding the suicide.

(4) "Protection order" means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

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§ 16-1052. Establishment and purpose.

(a) There is established, as part of the District of Columbia government, a Domestic Violence Fatality Review Board. Facilities and other administrative support may be provided in a specific department or through the Board, as determined by the Mayor.

(b) The purpose of the Board is to prevent domestic violence fatalities by improving the response of individuals, the community, and government agencies

to domestic violence.

(c) The Board shall:

(1) Identify and characterize the scope and nature of domestic violence fatalities in the District of Columbia;

(2) Describe and record any trends, data, or patterns that are observed surrounding domestic violence fatalities;

(3) Examine past events and circumstances surrounding domestic violence fatalities by reviewing records and other pertinent documents of public and private agencies responsible for investigating deaths or treating victims;

(4) Develop and revise, as necessary, operating rules and procedures for review of domestic violence fatalities, including identification of cases to be reviewed, coordination among the agencies and professionals involved, and improvement of the identification, data collection, and record keeping of the causes of domestic violence fatalities;

(5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic violence;

(6) Recommend components for prevention and education programs; and

(7) Recommend training to improve the identification and investigation of domestic violence fatalities.

(d) The Board shall prepare an annual report of findings, recommendations, and steps taken to implement recommendations. The report shall not contain information identifying any victim of domestic violence, or the victim's family members, or an alleged or suspected perpetrator of abuse upon a victim. The annual report shall be submitted to the public, the Mayor, and the Council on July 1 of each year, and shall be presented to the Council at a public hearing.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(a) of Domestic Violence Fatality Review Board Emergency Act of 2010 (D.C. Act 18-366, April 5, 2010, 57

DCR 3168).

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

DC CODE § 16-1052

Current through July 8, 2012.

➡ **§ 16-1053. Composition of the Board; procedural requirements.**

(a) The Mayor shall appoint one representative from each of the following District agencies:

- (1) Metropolitan Police Department;
- (2) Office of the Chief Medical Examiner;
- (3) Office of the Corporation Counsel;
- (4) Department of Corrections;
- (5) Fire and Emergency Medical Services Department;
- (6) Addiction Prevention and Recovery Administration;
- (7) Department of Health;
- (8) Child and Family Services Agency; and
- (9) Mayor's Commission on Violence Against Women.

(b) The Mayor shall appoint, or request the designation of, members from federal, judicial, and private agencies or entities with expertise in domestic violence, to include one representative from each of the following:

- (1) Superior Court of the District of Columbia;
- (2) Office of the United States Attorney for the District of Columbia;
- (3) District of Columbia hospitals;
- (4) University legal clinics;

(5) Domestic violence shelters; and

(6) Domestic violence advocacy organizations.

(c) The Mayor, with the advice and consent of the Council, shall appoint 8 community representatives, none of whom shall be employees of the District of Columbia.

(d) Governmental appointees shall serve at the will of the Mayor, or of the federal or judicial body designating their availability for appointment. Community representatives shall serve for 3-year terms.

(e) Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(f) The Board shall select a Chairman according to rules set forth by the Board.

(g) The Board shall establish quorum and other procedural requirements as it considers necessary.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320; Mar. 13, 2004, D.C. Law 15-105, § 54(a), 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105, in the section name line, validated a previously made technical correction.

§ 16-1054. Access to information.

(a) Notwithstanding any other provision of law, immediately upon the request of the Board and as necessary to carry out the Board's purpose and duties, the Board shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to:

(1) All information and records of any District of Columbia agency, or their contractors, including, but not limited to, birth and death certificates, law enforcement investigation data, unexpurgated juvenile and adult criminal records, mental retardation and developmental disabilities records, autopsy reports, parole and probation information and records, school records, and information

records of social services, housing, and health agencies that provided services to the victim, the victim's family, or an alleged perpetrator of domestic violence which led to the death of the victim;

(2) All information and records of any private health-care providers located in the District of Columbia, including providers of mental health services who provided services to the deceased victim, the deceased victim's family, or the alleged perpetrator of domestic violence which led to the death of the victim;

(3) All information and records of any private child welfare agency, educational facility or institution, or child care provider doing business in the District of Columbia who provided services to the victim, the victim's immediate family, or the alleged perpetrator of domestic violence which led to the death of the victim; and

(4) Information made confidential by §§ 4-1302.03, 4-1303.06, 7-219, 7-1203.02, 7-1305.12, 16-2331, 16-2332, 16-2333, 16-2335, and 31-3426.

(b) The Board shall have the authority to seek information from entities and agencies outside the District of Columbia by any legal means.

(c) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation or prosecution.

(d) If information or records are withheld under subsection (c) of this section, a report on the status of the investigation shall be submitted to the Board by the investigating authority every 3 months until the earliest of the following events occurs:

(1) The investigation is concluded;

(2) The investigating authority determines that providing the information will no longer compromise the investigation; or

(3) The information or records are provided to the Board.

(e) All records and information obtained by the Board pursuant to subsections (a) and (b) of this section pertaining to the deceased victim or any other individual shall be destroyed immediately following the preparation of the Board's annual report. All additional information concerning a review, except statistical data, shall be destroyed by the Board one year after publication of the Board's annual report.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320; Mar. 13, 2004, D.C. Law 15-105, § 10(b), 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105, in subsec. (a)(4), validated a previously made technical correction.

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

For Law 15-105, see notes following § 16-1005.

DC CODE § 16-1054

Current through July 8, 2012.

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➡ § 16-1055. Subpoena power.

(a) When necessary for the discharge of its duties, the Board shall have the authority to issue subpoenas to compel witnesses to appear and testify and to produce books, papers, correspondence, memoranda, documents, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or his or her designated agent, not less than 5 business days before the date the witness must appear or the documents must be produced, by one of the following methods, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the Board from among the staff of the Board or any of the offices or organizations represented on the Board; provided, that the special process server is not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the Board.

(c) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not less than 8 business days before the date the witness must appear or the documents must be produced.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Board may report that fact to the Superior Court of the District of Columbia and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

DC CODE § 16-1055

Current through July 8, 2012.

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END OF DOCUMENT

➡ § 16-1056. Confidentiality of information and proceedings; penalty for unlawful disclosure of information.

(a) Except as provided in this section, information and records obtained or created by the Board are confidential and not subject to civil discovery or to disclosure pursuant to subchapter II of Chapter 5 of Title 2.

(b) Information and records presented to the Board for review shall not be immune from subpoena, discovery, or prohibited from being introduced into evidence solely because they were presented to or reviewed by the Board if the information and records have been obtained through other sources.

(c) Information required to be reported under §§ 4-1321.02 and 4-1321.03 shall be disclosed by the Board to the Child and Family Services Agency.

(d) An individual who appears before or participates in the Board's review of domestic violence cases shall sign a confidentiality agreement acknowledging that any information provided to the Board is confidential.

(e) Board meetings are closed to the public and are not subject to § 1-207.42.

(f) Information identifying a victim of domestic violence or that person's family members, or an alleged perpetrator of abuse upon the victim, shall not be disclosed in any report that is available to the public.

(g)(1) Whoever discloses, receives, makes use of, or knowingly permits the use of information concerning a victim or other person in violation of this section shall be subject to a fine of not more than \$1,000.

(2) Violations of this section shall be prosecuted by the Office of the Corporation Counsel in the name of the District of Columbia.

(3) Subject to appropriation for this purpose, any fines collected pursuant to this section shall be used by the Board to fund its activities.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

DC CODE § 16-1056

Current through July 8, 2012.

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➡ **§ 16-1057. Immunity.**

(a) Any health-care provider or any other person or institution providing information to the Board pursuant to this subchapter shall have immunity from liability, administrative, civil, or criminal, that might otherwise be incurred or imposed with respect to the disclosure of information.

(b) If acting in good faith, without malice, and within the parameters of the protocols established by this subchapter, representatives of the Board are immune from civil liability for an activity related to reviews of domestic violence fatalities.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

DC CODE § 16-1057

Current through July 8, 2012.

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➡ **§ 16-1058. Rules.**

The Mayor shall issue rules implementing the provisions of this subchapter. The rules shall require that a subordinate agency director to whom a recommendation is directed by the Board shall respond in writing within 30 days of the issuance of the report containing the recommendations.

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

DC CODE § 16-1058

Current through July 8, 2012.

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➡ § 16-1059. Sunset. [Repealed]

CREDIT(S)

(Apr. 11, 2003, D.C. Law 14-296, § 2(c), 50 DCR 320; Sept. 24, 2010, D.C. Law 18-223, § 3032, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Temporary Amendments of Section

Section 1402 of D.C. Law 18-222 substituted the number “10” for the number “7”.

Section 2002(b) of D.C. Law 18-222 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 2(b) of Domestic Violence Fatality Review Board Emergency Act of 2010 (D.C. Act 18-366, April 5, 2010, 57 DCR 3168).

For temporary (90 day) amendment of section, see § 1402 of Fiscal Year 2010 Balanced Budget Support Emergency Act of 2010 (D.C. Act 18-450, June 28, 2010, 57 DCR 5635).

For temporary (90 day) amendment of section, see § 1402 of Fiscal Year 2010 Balanced Budget Support Congressional Review Emergency Act of 2010 (D.C. Act 18-531, August 6, 2010, 57 DCR 8109).

For temporary (90 day) repeal of section, see § 3032 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For Law 14-296, see notes following § 16-1041.

Law 18-223, the “Fiscal Year 2011 Budget Support Act of 2010”, was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Miscellaneous Notes

Short title: Section 3031 of D.C. Law 18-223 provided that subtitle D of title III of the act may be cited as the “Domestic Violence Fatality Review Board Act of 2010”.

DC CODE § 16-1059

Current through July 8, 2012.

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