

Executive

5.46 Executive Order - No. 46: Establishing the commission on domestic violence fatalities.

WHEREAS, domestic violence is a pervasive problem in American society and in New York State;

WHEREAS, domestic violence devastates its victims and threatens the health of children and families;

WHEREAS, domestic violence imposes staggering costs on society associated with legal and medical expenses, law enforcement, social services, the courts, and lost productivity; and

WHEREAS, it is estimated that 200 women die each year in New York State as a result of domestic violence;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby establish the Commission on Domestic Violence Fatalities with the following membership, responsibilities and powers:

I. MEMBERSHIP

1. The Commission shall be comprised of 14 members, who shall be: Jeanine Pirro, Westchester County District Attorney, who shall be the Chairperson; Judge Juanita Bing Newton, Carol Johnston, Executive Director of the Office for the Prevention of Domestic Violence, and John Timoney, each of whom shall be Vice Chairpersons; Brain Wing, Acting Commissioner, Department of Social Services; Susan M. Barbour, Deputy Attorney General; Judge Marjorie Fields; Charles Houper, Sheriff, Chemung County; Raymond Crawford, Nassau County Police Department; Vernon Geberth; Charlotte Watson; Sherry Frohman; Dr. Jane A. Petrow; and Dr. Johathan Arden.

2. The members of the Commission shall receive no compensation but shall be entitled to reimbursement for any necessary expenses incurred in connection with the performance of their duties. Service on the Commission shall not constitute public employment for purposes of disqualification from holding public office or employment.

II. RESPONSIBILITIES

The Commission shall investigate select domestic violence fatalities to determine whether the deaths were associated with any deficiencies in the social services system, law enforcement, the courts, or any other public or private entity. The Office for the Prevention of Domestic Violence shall assist the Commission to identify cases for review, after consulting with law enforcement agencies, District Attorney's offices, and other entities and individuals interested in the prevention of domestic violence. No fatality may be reviewed if there is an on-going investigation or prosecution, unless the law enforcement agency or prosecutor having jurisdiction over the case certifies that the Commission's review will not impede the investigation or prosecution.

III. REPORT

The Commission shall prepare a written report to the Governor by January 1, 1998. The report shall: (i) recommend new prevention and protective strategies, guidelines and legislation, to the extent appropriate, to reduce the prevalence of domestic violence; (ii) recommend appropriate measures to improve the management, supervision and provision of services to victims of domestic violence and their families; and (iii) assess whether a Fatality Review Board to examine domestic violence fatalities should be created permanently by legislation. The report shall focus upon systemic problems.

IV. POWERS

1. Pursuant to subdivision eight of section sixty-three of the Executive Law, I hereby direct the Attorney General to inquire into the matters set forth in Paragraph II of this Order, which I find involve public peace, public safety and public justice. I request that the Attorney General do so by appointing one or more of the above named Commissioners as Deputy Attorneys General and delegating to such Deputy Attorneys General authority to exercise the investigative powers that are provided for in an investigation pursuant to such section upon a majority vote of the Commission and with the approval of the Chairperson. Pursuant to section six of the Executive Law, I hereby give and grant to the Commissioners all the power and authority to examine and investigate the management and affairs of any department, board, bureau or commission of the state with respect to the matters set forth in Paragraph II of this Order that may be given or granted to persons appointed by me under authority of section six of the Executive Law; provided, however, that the issuance of subpoenas shall require a majority vote of the Commission and the approval of the Chairperson.

2. The Office for the Prevention of Domestic Violence shall provide staff to the Commission, including but not limited to a counsel, investigators and secretarial support.

3. Every department, board, bureau and commission of the State shall provide assistance and cooperation to the Commission.

Signed: George E. Pataki

Dated: October 1, 1996