

Arizona

41-198. Fatal or near fatal domestic violence review teams; duties; membership; report; confidentiality; violation; classification; definitions

A. A political subdivision of this state or a combination of political subdivisions may establish a fatal or near fatal domestic violence review team to:

1. Examine fatal or near fatal incidents of domestic violence to better understand the dynamics of these fatalities or near fatalities.
2. Report to the office of the attorney general its findings and recommendations as to how fatal or near fatal incidents of domestic violence may be prevented and how the system can be improved. The report shall not contain any information that identifies individuals in specific incidents of domestic violence related fatalities or near fatalities.
3. Determine the number and type of incidents it wishes to review.

B. A review team shall not review a fatal or near fatal incident of domestic violence until a criminal investigation or proceeding connected with the fatality or near fatality is completed.

C. A review team shall designate one of its members to serve as chairperson. The chairperson shall call meetings as necessary and is responsible for submitting the report prescribed in subsection A, paragraph 2 of this section.

D. All information and records acquired by a review team are confidential and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding or disciplinary action. Information that is otherwise available from other sources is not immune from subpoena, discovery or introduction into evidence through those sources solely because they were presented to or reviewed by a review team.

E. A member of a review team or any person who presents information to a review team shall not be questioned in any civil or criminal proceeding or disciplinary action regarding the information presented. This subsection does not prevent a person from testifying regarding information obtained independently of the review team or as to public information.

F. Review team meetings are closed to the public and are not subject to title 38, chapter 3, article 3.1 if the review team is reviewing a fatal or near fatal incident of domestic violence case. All other review team meetings are open to the public.

G. The political subdivision shall establish the membership of a review team. Each review team may be comprised of the following:

1. A representative from a county or municipal law enforcement agency.
2. A representative of a county or municipal court.
3. A representative of a county or municipal prosecutor's office.
4. A representative of a local domestic violence prevention program.
5. A victim of domestic violence.
6. A representative of a county or state public health agency.
7. A representative of the office of the county medical examiner.
8. If child protective services received a report on any person residing with the victim before the fatal or near fatal incident of domestic violence, a representative of child protective services who serves the area covered by the review team for

the duration of the review of that fatality or near fatality.

9. A representative of a statewide domestic violence coalition.

H. The office of the attorney general shall receive the reports of the review teams and distribute copies of them to the president of the senate, the speaker of the house of representatives, the governor, the peace officer standards and training board, the state domestic violence coalition and the chief justice of the supreme court, on or before January 31 of each year. Copies shall also be provided to the secretary of state.

I. When a review team concludes a fatal or near fatal incident of domestic violence review, the review team shall return all information and records concerning the victim and the family to the agency that provided the information or, if directed by that agency, shall destroy that information.

J. A person who violates the confidentiality requirements of this section is guilty of a class 2 misdemeanor.

K. For the purposes of this section:

1. "Domestic violence" has the same meaning prescribed in section 13-3601.

2. "Fatal incident of domestic violence" means a homicide or suicide that is committed by a party to the domestic violence and not committed by an on-duty police officer acting within the scope of employment.

3. "Near fatal incident of domestic violence" means an assault that is committed by a party to the domestic violence where the victim suffered life threatening injuries.

4. "Political subdivision" means a county, city or town.