

Oklahoma Statute Authorizing the Domestic Violence Fatality Review Board

Title 22. Criminal Procedure

Section 1601 - Creation of the Domestic Violence Fatality Review Board

Cite as: 22 O.S. § 1601

A. There is hereby created until July 1, 2013, in accordance with the Oklahoma Sunset Law, the Domestic Violence Fatality Review Board within the Oklahoma Criminal Justice Resource Center. The Board shall have the power and duty to:

1. Coordinate and integrate state and local efforts to address fatal domestic violence and create a body of information to prevent domestic violence deaths;
2. Collect, analyze and interpret state and local data on domestic violence deaths;
3. Develop a state and local database on domestic violence deaths;
4. Improve the ability to provide protective services to victims of domestic violence who may be living in a dangerous environment;
5. Improve policies, procedures and practices within the agencies that serve victims of domestic violence; and
6. Enter into agreements with other state, local or private entities as necessary to carry out the duties of the Domestic Violence Fatality Review Board.

B. In carrying out its duties and responsibilities, the Board shall:

1. Promulgate rules establishing criteria for identifying cases involving a domestic violence death subject to specific, in-depth review by the Board;
2. Conduct a specific case review of those cases where the cause of death is or may be related to domestic violence;
3. Establish and maintain statistical information related to domestic violence deaths, including, but not limited to, demographic and medical diagnostic information;
4. Establish procedures for obtaining initial information regarding domestic violence deaths from law enforcement agencies;
5. Review the policies, practices, and procedures of the domestic violence protection and prevention system and make specific recommendations to the entities comprising the domestic violence prevention and protection system for actions necessary for the improvement of the system;
6. Review the extent to which the state domestic violence prevention and protection system is coordinated with law enforcement and the court system and evaluate whether the state is efficiently discharging its domestic violence prevention and protection responsibilities;
7. Request and obtain a copy of all records and reports pertaining to a domestic violence death case of the victim, perpetrator or any other person cohabitating in the domicile at the time of the fatality that is under review, including, but not limited to:
 - a. the medical examiner's report,
 - b. hospital records,
 - c. school records,
 - d. court records,
 - e. prosecutorial records,
 - f. local, state, and federal law enforcement records, including, but not limited to, the Oklahoma State Bureau of Investigation (OSBI),
 - g. fire department records,
 - h. State Department of Health records, including birth certificate records,
 - i. medical and dental records,
 - j. Department of Mental Health and Substance Abuse Services and other mental health records,
 - k. emergency medical service records, and

1. Department of Human Services' files.

Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law. Any person damaged by disclosure of such confidential information by the Board or its members which is not authorized by law may maintain an action for damages, costs and attorney fees pursuant to the Oklahoma Governmental Tort Claims Act;

8. Maintain all confidential information, documents and records in possession of the Board as confidential and not subject to subpoena or discovery in any civil or criminal proceedings; provided, however, information, documents and records otherwise available from other sources shall not be exempt from subpoena or discovery through those sources solely because such information, documents and records were presented to or reviewed by the Board;

9. Conduct reviews of specific cases of domestic violence deaths and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second opinion autopsies;

10. Report, if recommended by a majority vote of the Board, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives any gross neglect of duty by any state officer or state employee, or any problem within the domestic violence prevention and protection system discovered by the Board while performing its duties; and

11. Exercise all incidental powers necessary and proper for the implementation and administration of the Domestic Violence Fatality Review Board.

C. The review and discussion of individual cases of a domestic violence death shall be conducted in executive session. All other business shall be conducted in accordance with the provisions of the Oklahoma Open Meeting Act. All discussions of individual cases and any writings produced by or created for the Board in the course of determining a remedial measure to be recommended by the Board, as the result of a review of an individual case of a domestic violence death, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the domestic violence prevention and protection system which shall be subject to the Oklahoma Open Meeting Act. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act.

D. The Board shall submit an annual statistical report on the incidence and causes of domestic violence deaths in this state for which the Board has completed its review during the past calendar year including its recommendations, if any, to the domestic violence prevention and protection system. The Board shall also prepare and make available to the public, on an annual basis, a report containing a summary of the activities of the Board relating to the review of domestic violence deaths, the extent to which the state domestic violence prevention and protection system is coordinated and an evaluation of whether the state is efficiently discharging its domestic violence prevention and protection responsibilities. The report shall be completed no later than February 1 of the subsequent year.

Title 22. Criminal Procedure

Chapter 28 - Domestic Violence Fatality Review Board

Section 1602 - Members of the Domestic Violence Fatality Review Board

Cite as: 22 O.S. § 1602

A. The Domestic Violence Fatality Review Board shall be composed of eighteen (18) members, or their designees, as follows:

1. Eight of the members shall be:

a. the Chief Medical Examiner,

- b. a designee of the Attorney General. The designee shall be a person assigned to the Victims Services Unit of the Office of the Attorney General,
 - c. the State Commissioner of Health,
 - d. the Director of the Criminal Justice Resource Center,
 - e. the Chief of Injury Prevention Services of the State Department of Health,
 - f. the Director of the Department of Human Services,
 - g. the Director of the Oklahoma State Bureau of Investigation, and
 - h. the Commissioner of the Department of Mental Health and Substance Abuse Services; and
2. Ten of the members shall be appointed by the Attorney General, shall serve for terms of two (2) years and shall be eligible for reappointment. The members shall be persons having training and experience in matters related to domestic violence. The appointed members shall include:
- a. a county sheriff selected from a list of three names submitted by the executive board of the Oklahoma Sheriff's Association,
 - b. a chief of a municipal police department selected from a list of three names submitted by the Oklahoma Association of Chiefs of Police,
 - c. an attorney licensed in this state who is in private practice selected from a list of three names submitted by the Board of Governors of the Oklahoma Bar Association,
 - d. a district attorney selected from a list of three names submitted by the District Attorneys Council,
 - e. a physician selected from a list of three names submitted by the Oklahoma State Medical Association,
 - f. a physician selected from a list of three names submitted by the Oklahoma Osteopathic Association,
 - g. a nurse selected from a list of three names submitted by the Oklahoma Nurses Association,
 - h. two individuals, at least one of whom shall be a survivor of domestic violence, selected from lists of three names submitted by the Oklahoma Coalition Against Domestic Violence and Sexual Assault, and
 - i. a member of the Judiciary selected from a list of three names submitted by the Oklahoma Supreme Court.

B. Every two (2) years the Board shall elect from among its membership a chair and a vice-chair. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the chair. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Oklahoma Criminal Justice Resource Center pursuant to the State Travel Reimbursement Act; provided, that the reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Criminal Justice Resource Center shall provide administrative assistance and services to the Domestic Violence Fatality Review Board.

Title 25. Definitions and General Provisions

Chapter 8 - Public Meetings

Open Meeting Act

Section 307 - Executive Sessions

Cite as: 25 O.S. § 307

A. No public body shall hold executive sessions unless otherwise specifically provided in this section.

B. Executive sessions of public bodies will be permitted only for the purpose of:

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee;
2. Discussing negotiations concerning employees and representatives of employee groups;
3. Discussing the purchase or appraisal of real property;
4. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest;
5. Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or the student's parent, attorney or legal guardian;
6. Discussing matters involving a specific handicapped child;
7. Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law;
8. Engaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act; or
9. Discussing the following:
 - a. the investigation of a plan or scheme to commit an act of terrorism,
 - b. assessments of the vulnerability of government facilities or public improvements to an act of terrorism,
 - c. plans for deterrence or prevention of or protection from an act of terrorism,
 - d. plans for response or remediation after an act of terrorism,
 - e. information technology of the public body but only if the discussion specifically identifies:
 - (1) design or functional schematics that demonstrate the relationship or connections between devices or systems,
 - (2) system configuration information,
 - (3) security monitoring and response equipment placement and configuration,
 - (4) specific location or placement of systems, components or devices,
 - (5) system identification numbers, names, or connecting circuits,
 - (6) business continuity and disaster planning, or response plans, or
 - (7) investigation information directly related to security penetrations or denial of services, or
 - f. the investigation of an act of terrorism that has already been committed.

For the purposes of this subsection, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. The State Banking Board, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;
2. The Oklahoma Industrial Finance Authority, as provided for in Section 854 of Title 74 of the Oklahoma Statutes;
3. The Oklahoma Development Finance Authority, as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes;
4. The Oklahoma Center for the Advancement of Science and Technology, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes;
5. The Oklahoma Savings and Loan Board, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes;

6. The Oklahoma Health Research Committee for purposes of conferring on matters pertaining to research and development of products, if public disclosure of the matter discussed would interfere with the development of patents, copyrights, products, or services;
7. A review committee, as provided for in Section 855 of Title 62 of the Oklahoma Statutes;
8. The Child Death Review Board for purposes of receiving and conferring on matters pertaining to materials declared confidential by law;
9. The Domestic Violence Fatality Review Board as provided in Section 1601 of Title 22 of the Oklahoma Statutes;
10. All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups supported in whole or part by public funds or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business; and
11. The Oklahoma Indigent Defense System Board for purposes of discussing negotiating strategies in connection with making possible counteroffers to offers to contract to provide legal representation to indigent criminal defendants and indigent juveniles in cases for which the System must provide representation pursuant to the provisions of the Indigent Defense System Act.

D. An executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive session.

E. No public body may go into an executive session unless the following procedures are strictly complied with:

1. The proposed executive session is noted on the agenda as provided in Section 311 of this title;
2. The executive session is authorized by a majority vote of a quorum of the members present and the vote is a recorded vote; and
3. Except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, and which are required by state or federal law to be confidential, any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publicly cast and recorded.

F. A willful violation of the provisions of this section shall:

1. Subject each member of the public body to criminal sanctions as provided in Section 314 of this title; and
2. Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.

Title 22. Criminal Procedure

Section 1603 - Data Collection - Number of Victim Protective Orders Issued and Violated

Cite as: 22 O.S. § 1603 (OSCN 2006)

A. If funds are available, the Criminal Justice Resource Center annually shall collect data on the number of victim protective orders issued in each county and the number of violations of victim protective orders in each county.

B. The Center shall provide this information to the Domestic Violence Fatality Review Board and the Administrative Office of the Courts.

Historical Data

Added by Laws 2001, HB 1372, c. 284, § 2, emerg. eff. July 1, 2001; Amended by Laws 2005, SB 236, c. 348, § 17, emerg. eff. July 1, 2005; Amended by Laws 2006, HB 2561, c. 136, § 4, eff. November 1, 2006