



Legislation Text

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Int. No. 366-A

By Council Member Boyland, The Speaker (Council Member Miller), The Public Advocate (Ms. Gotbaum) and Council Members Baez, Barron, Clarke, Dilan, Foster, Gennaro, Gerson, Gioia, Koppell, Liu, Lopez, Martinez, Monserrate, Nelson, Perkins, Reed, Rivera, Sanders, Seabrook, Stewart, Vann, Weprin, Yassky, Quinn, Brewer, Fidler, Gonzalez, Palma, Recchia, Reyna, Vallone, de Blasio and Jackson

A Local Law to amend the New York city charter, in relation to creating a domestic violence fatality review committee.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that domestic violence is a continuing problem in New York City. The persistent occurrence of such violence, and the fatalities that often result, reveal an urgent need to better understand the various causes of these crimes, as well as the adequacy of victim assistance and prevention services. Accordingly, the Council finds that a committee dedicated to reviewing and analyzing aggregate information regarding domestic violence fatalities that occur in New York City is needed. The examination of such information will enable the committee to analyze data and any patterns that may emerge from an examination of such information, analyze any demographic changes that may occur over time relating to such incidents and formulate recommendations regarding the coordination and improvement of services to victims to ultimately reduce the number of these tragedies.

§2. Section 19 of the New York city charter is amended by adding a new subdivision d to read as follows:

d.1. For purposes of this subdivision, the following terms shall have the following meanings:

(i) "Agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of

which are paid in whole or in part from the city treasury.

(ii) “Domestic violence fatality” shall mean a death of a family or household member, resulting from an act or acts of violence committed by another family or household member, not including acts of self-defense.

(iii) “Family or household member” shall mean the following individuals:

(a) persons related by consanguinity or affinity;

(b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time;

(e) persons not legally married, but currently living together in a family-type relationship; and

(f) persons not legally married, but who have formerly lived together in a family-type relationship.

Such term, as described in (e) and (f) of this subparagraph, therefore includes “common law” marriages, same sex couples, registered domestic partners, different generations of the same family, siblings and in-laws.

(iv) “Perpetrator” shall mean a family or household member who committed an act or acts of violence resulting in a domestic violence fatality.

(v) “Victim” shall mean a family or household member whose death constitutes a domestic violence fatality.

2. There shall be a domestic violence fatality review committee to examine aggregate information relating to domestic violence fatalities in the city of New York. Such committee shall develop recommendations for the consideration of the director of the office to combat domestic violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency. The committee shall be

convened by the director of the office to combat domestic violence, or his or her designee, and shall consist of the director of the office to combat domestic violence, or his or her designee, the commissioner of the police department, or his or her designee, the commissioner of the department of health and mental hygiene, or his or her designee, the commissioner of the department of social services/human resources administration, or his or her designee, the commissioner of the department of homeless services, or his or her designee and the commissioner of the administration for children's services, or his or her designee. The committee shall also consist of two representatives of programs that provide social or legal services to victims of domestic violence and two individuals with personal experience with domestic violence. The director of the office to combat domestic violence, or his or her designee, shall serve as chairperson of the committee. At the discretion of the director of the office to combat domestic violence, the committee may also include a representative of any of the offices of the district attorney of any of the five boroughs and/or a representative of the New York city housing authority. Each member of the committee other than any member serving in an ex officio capacity shall be appointed by the mayor.

(i) The service of each member other than a member serving in an ex officio capacity shall be for a term of two years to commence ninety days after the effective date of the local law that added this subdivision. Any vacancy occurring other than by expiration of term shall be filled by the mayor in the same manner as the original position was filled. A person filling such a vacancy shall serve for the unexpired portion of the term of the member succeeded. New terms shall begin on the next day after the expiration date of the preceding term.

(ii) Members of the committee shall serve without compensation.

(iii) No person shall be ineligible for membership on the committee because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.

(iv) The committee shall meet at least four times a year.

3. The committee's work shall include, but not be limited to, reviewing statistical data relating to domestic violence fatalities; analyzing aggregate information relating to domestic violence fatalities, including, non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; examining any factors indicating a high-risk of involvement in domestic violence fatalities; and developing recommendations for the director of the mayor's office to combat domestic violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency.

4. The committee may request and receive information from any agency as may be necessary to carry out the provisions of this subdivision, in accordance with applicable laws, rules and regulations, including, but not limited to, the exceptions to disclosure of agency records contained in the public officers law. Nothing in this subdivision shall be construed as limiting any right or obligation of agencies pursuant to the public officers law, including the exceptions to disclosure of agency records contained in such law, with respect to access to or disclosure of records or portions thereof. The committee may also request from any private organization providing services to domestic violence victims pursuant to a contract with an agency information necessary to carry out the provisions of this subdivision. To the extent provided by law, the committee shall protect the privacy of all individuals involved in any domestic violence fatality that the committee may receive information on in carrying out the provisions of this subdivision.

5. The committee shall submit to the mayor and to the speaker of the city council, on an annual basis, a report including, but not limited to, the number of domestic violence fatality cases which occurred in the city of New York during the previous year; the number of domestic violence fatality cases reviewed by the committee during the previous year, if any; any non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if

available, religion, ethnicity and employment status; any factors indicating a high risk of involvement in domestic violence fatalities; and recommendations regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency.

§3. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§4. Effective date. This local law shall take effect ninety days after its enactment into law.

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