
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair
2023 - 2024 Regular

Bill No: SB 989 **Hearing Date:** April 16, 2023
Author: Ashby
Version: March 18, 2024
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Domestic violence: deaths*

HISTORY

Source: Alliance for HOPE International

Prior Legislation: SB 863 (Min), Ch. 986, Stats. of 2022
SB 1331 (Jackson), Ch. 137, Stats. of 2018
SB 1230 (Solis), Ch. 710, Stats. 1995

Support: Academy of Forensic Nursing; California District Attorneys Association;
California Sexual Assault Forensic Examiner Association; Forensic Behavioral
Services Inc.; Peace Officers' Research Association of California (PORAC); San
Diego County District Attorney's Office; Training Institute on Strangulation
Prevention; Voices Survivor Advocacy Network; 2 individuals

Opposition: None known

PURPOSE

The purpose of this bill is to:

- 1) Authorize family members to obtain a copy, reproduction or facsimile of a photograph taken of a deceased person in a case where the decedent had a history of domestic violence.*
- 2) Specify that coroners are responsible for inquiring into and determining the circumstances of suicides where the deceased has a history of domestic violence, and authorize coroners to conduct the inquiry in consultation with a board-certified pathologist in such cases.*
- 3) Creates a presumption that a death in cases where there is an identifiable history of domestic violence be presumed suspicious, and requires law enforcement to request an autopsy in such cases where an additional specified condition is present.*
- 4) Authorizes families of decedents in such cases where the investigating agency determines that a death is not a homicide and closes the case to request records of the investigation, as specified, and request an independent review of the case by a second law enforcement agency, if one can be identified.*

Existing law defines domestic violence as abuse perpetrated against any of the following persons:

- A spouse or former spouse.
- A cohabitant or former cohabitant, as defined.
- A person with whom the respondent is having or has had a dating or engagement relationship.
- A person with whom the respondent has had a child, as specified.
- A child of a party or a child who is the subject of an action under the Uniform Parentage Act, as specified.
- Any other person related by consanguinity or affinity within the second degree. (Family Code § 6211.)

Existing law provides that regardless of when it was made, a copy, reproduction, or facsimile of any kind of a photograph, negative, or print, including instant photographs and video recordings, of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy, shall not be made or disseminated except as follows:

- For use in a criminal action or proceeding in this state that relates to the death of that person.
- As a court of this state permits, by order after good cause has been shown and after written notification of the request for the court order has been served, at least five days before the order is made, upon the district attorney of the county in which the post mortem examination or autopsy has been made or caused to be made.
- For use or potential use in a civil action or proceeding in this state that relates to the death of that person, if the coroner receives written authorization from the legal heir or representative of the deceased *or* if a subpoena is issued by a party who is legal heir or representative of the deceased person in a pending civil action. (Code of Civil Procedure, §129, subd. (a), (c).)

Existing law requires that all of the following shall be provided to the coroner in order to verify the identity of the legal heir or representative:

- A declaration under penalty of perjury that the individual is the legal heir or representative of the deceased.
- A valid form of identification.
- A certified death certificate. ((Code of Civil Procedure, §129, subd. (a)(3)(A).))

Existing law provides that the above restriction does not apply to the making or dissemination of a copy, reproduction, or facsimile for use in the field of forensic pathology, in medical or scientific education or research, or by a coroner or any law enforcement agency in the United States for investigative purposes, including identification and identification confirmation. (Code of Civil Procedure, §129, subd. (b).)

This bill provides that in addition to a legal heir or representative, a family member in a case where there is an identifiable history of domestic violence against the deceased may submit written authorization to the coroner to receive a copy, reproduction, facsimile of image or video recording for use or potential use in a civil action or proceeding that relates to the death of that person.

This bill, in order to receive the copy of the image or video, requires the family member to submit to the coroner a declaration under penalty of perjury that they are a family member of the deceased, a valid form of identification, and a certified death certificate.

This bill, for the purposes of the provisions above, defines various terms as follows:

- “Domestic violence” has the same meaning as set forth in Family Code § 6211 (see p.1).
- “Family member” means a parent, sibling, or child of the deceased.

Existing law requires coroners to determine the manner, circumstances and cause of death in the following circumstances:

- Violent, sudden or unusual deaths;
- Unattended deaths;
- When the deceased was not attended by a physician, or registered nurse who is part of a hospice care interdisciplinary team, in the 20 days before death;
- When the death is related to known or suspected self-induced or criminal abortion;
- Known or suspected homicide, suicide or accidental poisoning;
- Deaths suspected as a result of an accident or injury either old or recent;
- Drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or sudden infant death syndrome;
- Deaths in whole or in part occasioned by criminal means;
- Deaths associated with a known or alleged rape or crime against nature;
- Deaths in prison or while under sentence;
- Deaths known or suspected as due to contagious disease and constituting a public hazard;

- Deaths from occupational diseases or occupational hazards;
- Deaths of patients in state mental hospitals operated by the State Department of State Hospitals;
- Deaths of patients in state hospitals serving the developmentally disabled operated by the State Department of Development Services;
- Deaths where a reasonable ground exists to suspect the death was caused by the criminal act of another; and,
- Deaths reported for inquiry by physicians and other persons having knowledge of the death. (Gov. Code, § 27491.)

Existing law requires the coroner or a deputy to sign the certificate of death when they perform a mandatory inquiry. (Gov. Code, § 27491, subd. (a).)

Existing law allows the coroner or medical examiner discretion when determining the extent of the inquiry required to determine the manner, circumstances and cause of death. (Gov. Code, § 27491, subd. (b).)

Existing law provides that in all cases in which a person has died under circumstances that afford a reasonable ground to suspect that the person's death has been occasioned by the act of another by criminal means, the coroner, upon determining that those reasonable grounds exist, shall immediately notify the law enforcement agency having jurisdiction over the criminal investigation, as specified. (Gov. Code, § 27491.1)

Existing law provides that the cause of death appearing on a certificate of death signed by the coroner shall be in conformity with facts ascertained from inquiry, autopsy and other scientific findings, and prohibits the coroner from finally excluding crime, suicide or accident as a cause of death because of lack of evidence. (Gov. Code, § 27491.5.)

Existing law requires the coroner or medical examiner to conduct an autopsy at the request of the surviving spouse or other specified persons when an autopsy has not already been performed. (Gov. Code, § 27520, subd. (a).)

Existing law allows the coroner or medical examiner discretion to conduct an autopsy at the request of the surviving spouse or other specified persons when an autopsy has already been performed. (Gov. Code, § 27520, subd. (b).)

Existing law authorizes counties to establish interagency domestic violence death review teams to assist local agencies in identifying and reviewing domestic violence deaths and near deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. (Pen. Code § 11163.3.)

Existing law states that the content of a death certificate must include, among other things, personal data of the decedent, date of death, place of death, disease or conditions leading directly to death and antecedent causes, accident and injury information, and information regarding pregnancy. (Health & Saf. Code, § 102875.)

Existing law requires a physician and surgeon, physician assistant, funeral director, or other person to notify the coroner when they have knowledge that a death occurred, or if they have charge of a body in which death occurred under any of the following, among others:

- Without medical attendance;
- During continued absence of attending physician and surgeon;
- Where attending physician and surgeon, or physician assistant is unable to state cause of death; and,
- Reasonable suspicion to suspect death was caused by criminal act. (Health & Saf. Code, § 102850.)

Existing law requires an attending physician's certificate be completed within 15 hours of death, or, if a coroner examined the body, within three days after examination of the body. (Health & Saf. Code, § 102800.)

Existing law requires the Commission on Peace Officer Standards and training (POST) to implement a course of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and enforcement, which must include specified topics related to domestic violence. (Pen. Code, § 13519, subs. (a), (c).)

Existing law requires each law enforcement officer below the rank of supervisor who is assigned to patrol duties and would normally respond to domestic violence calls or incidents of domestic violence shall complete, every two years, an updated course of instruction on domestic violence. (Pen. Code, § 13519, subs. (g).)

This bill clarifies that it is the duty of the coroner to investigate suicide, including suicide where the deceased has a history of domestic violence.

This bill provides that if the circumstances surrounding a death known or suspected as due to suicide afford a reasonable basis to suspect that the death was caused by or related to the domestic violence of another, the coroner may conduct the inquiry in consultation with a board-certified forensic pathologist certified by the American Board of Pathology.

This bill provides that an investigation into a death where the decedent has an identifiable history of domestic violence shall be presumed to be a suspicious death case for the purposes of investigation, scene documentation, coroner evaluation, and interviews of witnesses.

This bill requires all personnel investigating a death that is presumed to be suspicious per the above to be trained in the identification and detection of staged crime scene cases, domestic violence, including strangulation assaults, and in working with a multidisciplinary team in the handling of domestic violence cases.

This bill requires family members, including next of kin, parents, siblings, or other close relatives of the decedent, to be interviewed in all such cases prior to any findings being made as to manner and cause of death.

This bill requires law enforcement investigators to request a complete autopsy in a case where there is an identifiable history of domestic violence and any of the following conditions are present:

- The decedent died prematurely or in an untimely manner.
- The scene of the death gives the appearance of death due to suicide or accident.
- One partner wanted to end the relationship.
- There is a history of domestic violence that includes coercive control.
- The decedent is found dead in a home or place of residence.
- The decedent is found by a current or previous partner.
- There is a history of domestic violence that includes strangulation or suffocation.
- The current or previous partner of the decedent, or child of the decedent or the decedent's current or previous partner, is the last to see the decedent alive.
- The partner had control of the scene before law enforcement arrived.
- The body of the decedent has been moved or the scene or other evidence is altered in some way.

This bill provides that during the pendency of the investigation and any review, as specified, family members shall have access to all victim services and support provided in specified sections of the Penal Code.

This bill specifies that in the event that a local law enforcement agency makes a finding that the death is not a homicide and closes the case, family members or their legal counsel shall have the right to request any and all records of the investigation currently available under the California Public Records Act.

This bill authorizes a family member of the decedent to request an independent review of the findings of a local law enforcement agency in a suspicious death case be performed by another law enforcement agency in the county where the death occurred. The second reviewing agency shall be identified at the discretion of the original investigation agency

This bill, in the event the original investigating agency cannot identify an agency to assist with an independent review, authorizes the family may seek out any qualified public or private nonprofit agency authorized by the United States DOJ to train law enforcement professionals on the handling of suspicious death cases.

This bill provides that following a request that a second agency review the original agency's investigation, the original agency shall provide all available information to the independent reviewing agency including all findings and conclusions, for review subject to any required

confidentiality agreement to ensure no records are publicly released without authorization from the local law enforcement agency or by court order.

This bill specifies that it does not require local law enforcement agencies to compromise an existing or open investigation and does not preempt the discretion provided to local law enforcement agencies in the investigation of death cases; it also does not impose any additional liability on a local law enforcement agency for its investigation of existing cases or its investigative conclusions in those cases.

This bill defines the term “partner” for the purposes of its provisions as a spouse, former spouse, cohabitant, former cohabitant, fiancé, someone with whom the decedent had a dating relationship or engagement for marriage, or the parent of the decedent’s child.

This bill defines “identifiable history of domestic violence” for the purposes of its provisions as a history of domestic violence that may be determined by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates a history of domestic violence.

This bill sets forth various legislative findings and declarations.

COMMENTS

1. Need for This Bill

According to the Author:

SB 989 significantly enhances investigation protocols in cases involving domestic violence-related deaths. This bill extends the definition of legal representatives to encompass immediate family members, empowers coroners to inquire into deaths they deem suspicious, and designates such deaths as suspicious until properly investigated - strengthening the gravity and urgency of these cases.

Crime scene tampering and staging, predominantly perpetrated by male offenders against female victims within intimate partner relationships, pose serious challenges for law enforcement and medical examiners. Beyond the harm inflicted on victims and their families, these actions impede the pursuit of justice – with cases incorrectly classified as suicides or accidents often lacking comprehensive autopsies.

SB 989 is a crucial step towards ensuring justice for women impacted by domestic violence-related deaths. This bill equips investigators, coroners, and families with the necessary tools and evidence-based detection measures to identify suspicious cases and ensures that California conducts thorough investigations into suspicious deaths involving histories of domestic violence - establishing a voice to families who have long been silenced.

2. Domestic Violence and Staged Suicide

The 1970s and 1980s saw a growing awareness of the prevalence and severity of domestic violence, particularly intimate partner violence (IPV). This distressing trend led to mounting

calls for major reforms regarding criminal penalties for and law enforcement response to domestic violence incidents. By the early 2000s, while some reforms had taken hold on both a national and local scale, it was clear from data collected on IPV and law enforcement handling of IPV cases that far more sweeping changes were needed in order to adequately address the IPV crisis.¹ Today, IPV remains a significant public health issue that has many individual and societal costs. Recent data suggests that about 1 in 5 homicide victims are killed by an intimate partner, and over half of female homicide victims in the United States are killed by a current or former male intimate partner.²

Another recent study has explored a rare yet appalling phenomenon within the IPV context: staged suicides. According to the authors of that study:

Current criminological analysis fails to recognize homicide cases of women with characteristics typical to women's life experience. This failure helps conceal the fact of their homicide-induced death, rendering these cases 'concealed femicide.' [...] The elusive nature of concealed femicides, which do not display external physiological signs that might suggest a homicidal cause of death (such as cutting/shooting/strangulation wounds), assign them, almost automatically, a non-criminal classification. Unless such deaths are known or suspected to be unnatural, they normally go uninvestigated.³

The study highlights other research showing that the most common victim-offender relationship involving scene staging is an intimate partner relationship, and most staged homicides involve the killing of an intimate partner.⁴ Moreover, in summarizing their data, the authors of the study identify 6 predictive factors that, when present, suggest foul play:

- A premature death when the deceased was in apparent good health.
- Death by suicide.
- Evidence that one of the partners wished to terminate the relationship.
- Prior domestic violence on the part of the deceased's partner.
- The deceased was found dead in her home.
- The deceased was found dead by her current or previous partner.⁵

The sponsor of this bill, the Alliance for HOPE International, has identified four additional risk factors that can predict IPV-related staged suicide scenes:

- A prior history of domestic violence that includes strangulation/suffocation.
- The deceased's partner was the last to see her/him alive.

¹ Townsend, Meg et. al, "Law Enforcement Response to Domestic Violence Calls for Service," ASP Task Order 99-C-008-Task039, published February 1, 2005. [Law Enforcement Response to Domestic Violence Calls for Service \(ojp.gov\)](#)

² "Fast Facts: Preventing Intimate Partner Violence." Centers for Disease Control and Prevention. [Fast Facts: Preventing Intimate Partner Violence |Violence Prevention|Injury Center|CDC](#)

³ Bitton, Yifat and Hava Dayan. "The Perfect Murder": An Exploratory Study of Staged Murder Scenes and Concealed Femicide." *The British Journal of Criminology*, Volume 59, Issue 5, September 2019, Pages 1054–1075. ['The Perfect Murder': An Exploratory Study of Staged Murder Scenes and Concealed Femicide | The British Journal of Criminology | Oxford Academic \(oup.com\)](#)

⁴ *Ibid*, at 1056.

⁵ *Ibid*, at 1067.

- The surviving partner had control of the crime scene.
- The body had been moved or the scene/evidence had been altered in some way.⁶

This research, and the 10 risk factors listed above, provide the backdrop and impetus for this bill.

3. Duties of the Coroner

Under existing law, it is the duty of the county coroner to inquire into and determine the circumstances, manner and cause of deaths that occur within their jurisdiction, including violent, sudden or unusual deaths, unattended deaths, known or suspected homicide, suicide or accidental poisoning, deaths from or related to injury or accident, and death in whole or in part occasioned by criminal means, among others.⁷ Existing law also authorizes the coroner to perform an autopsy upon any victim of sudden, unexpected, or unexplained death or any death known or suspected of resulting from an accident, suicide, or apparent criminal means.⁸ The coroner is required to perform an autopsy if the surviving spouse requests them to do so in writing. If there is no surviving spouse, that right devolves to a surviving parent or child, and subsequently, if there is no surviving parent or child, to the next of kin.⁹

Coroners are also authorized to conduct inquests, or more formal investigations into the cause of a death, of their own volition, and are required to conduct them if requested to do so by the Attorney General, district attorney, sheriff, city prosecutor, city attorney or chief of police in their jurisdiction.¹⁰ Autopsies are usually, but not always, a central component of inquests, if they had not been conducted prior to the commencement of the inquest.

Pursuant to their statutory duties, coroners are responsible for the production and completion of various records and documents regarding a particular death under investigation. Centrally, coroners are generally responsible for signing death certificates, which indicate the manner of death. If an autopsy is performed, existing law requires coroners to take certain photograph and produce specific documentation regarding the procedure.¹¹

This bill contains several provisions related to the duties and responsibilities of coroners, specifically in cases where there is “an identifiable history of domestic violence,” which the bill defines as “a history of domestic violence that may be determined by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates a history of domestic violence.” Specifically, this bill provides that it is the duty of the coroner to inquire into and determine the circumstances, manner, and cause of suicide where the deceased has a history of domestic violence, and authorizes the coroner to inquire into the death in consultation with a board-certified forensic pathologist, if the circumstances surrounding the death reasonably suggest domestic violence. The bill also permits the coroner to perform an autopsy of a decedent upon request by law enforcement where there is an identifiable history of domestic violence and one of the following conditions are present:

⁶ “What are the predictors of staged suicide scenes in domestic violence cases?” Police 1. 23 February 2023. [What are the predictors of staged suicide scenes in domestic violence cases? \(police1.com\)](https://www.police1.com/news/what-are-the-predictors-of-staged-suicide-scenes-in-domestic-violence-cases/)

⁷ Govt. Code §§27491, (a), (b), §§ 27491.2, 27491.5

⁸ Govt. Code §§ 27491.4(c), 27491.43(c).

⁹ Govt. Code §27520.

¹⁰ Govt. Code § 27491.6.

¹¹ Govt. Code §27521(c).

- The decedent died prematurely or in an untimely manner.
- The scene of the death gives the appearance of death due to suicide or accident.
- One partner wanted to end the relationship.
- There is a history of domestic violence that includes coercive control.
- The decedent is found dead in a home or place of residence.
- The decedent is found by a current or previous partner.
- There is a history of domestic violence that includes strangulation or suffocation.
- The current or previous partner of the decedent, or child of the decedent or the decedent's current or previous partner, is the last to see the decedent alive.
- The partner had control of the scene before law enforcement arrived.
- The body of the decedent has been moved or the scene or other evidence is altered in some way.

Another provision of this bill requires coroners, in cases where there is an identifiable history of domestic violence, to produce specified documents upon request by family members. This provision is outside the jurisdiction of this committee and will be analyzed by the Senate Judiciary Committee (see Comment 6).

4. Law Enforcement Investigations and Training Related to Domestic Violence

Existing law provides that the course of basic training offered by the Commission on Peace Officer Standards and Training (POST) and required for all prospective peace officers must include adequate instruction on various topics related to domestic violence. Further, existing law requires each law enforcement officer below the rank of supervisor who is assigned patrol duties and would normally respond to domestic violence calls to complete, every two years, an updated course of instruction on domestic violence.¹² A separate provision of existing law authorizes a county to establish an interagency domestic violence death review team (DVDRT) to assist local agencies in identifying and reviewing domestic violence deaths and near deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic violence cases. In addition, counties may develop a protocol to assist coroners and other parties that perform autopsies on domestic violence victims in the identification of domestic violence, in the determination of whether domestic violence contributed to death or whether domestic violence had occurred prior to death, but was not the actual cause of death, and in the proper written reporting procedures for domestic violence, including the designation of the cause and mode of death.¹³

This bill creates a presumption that an investigation into a death is a “suspicious death case” when the decedent has an identifiable history of domestic violence, and specifies that this presumption shall be operative for the purposes of investigation, scene documentation, coroner evaluation, and interviews of witnesses. In all such cases, the bill mandates that family members and other close relatives of the decedent be interviewed prior to any findings being made as to manner and cause of death. As mentioned previously, in any investigation into a death presumed suspicious under this bill and where one of listed conditions (see prior page) is present, law enforcement is required to request an autopsy. The bill further requires that any personnel investigating a death presumed suspicious per the preceding provision must be trained in the

¹² Penal Code §13519.

¹³ Penal Code §11163.3, (a), (c).

detection of staged crime scenes, strangulation assaults, and working with a multidisciplinary team in handling domestic violence cases.

A separate set of provisions in this bill grants various rights and resources to family members of a decedent who is the subject of an investigation described above. Chiefly, the bill authorizes a family member of the decedent to request an independent review of the findings of a local law enforcement agency in a suspicious death case by another law enforcement agency in the county where the death occurred, to be designated by the original investigating agency. However, if the original agency is unable to identify another agency to assist with the independent review, a secondary law enforcement investigation is not required, and the bill specifies that the family may seek assistance from qualified public or private nonprofit agencies. In addition, the bill grants family members access to all available victims services and support during the pendency of an investigation covered by the bill, and in the event that the investigating agency makes a finding that the death is not a homicide and closes the case, provides family members the right to request any and all available and disclosable records under the California Public Records Act.¹⁴

5. Policy Considerations

As currently drafted, this bill raises several questions about its intended implementation and application, per the following.

“Identifiable History of Domestic Violence”

For the purpose of two separate provisions, the bill defines “identifiable history of domestic violence” as “a history of domestic violence that may be determined by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates a history of domestic violence.” As a preliminary matter, this definition is circular (a history is defined as a history), and the Author and Committee may wish to define the term more accurately given its centrality to the bill. Second, it is presumably not the intent of the bill that it apply to perpetrators *and* victims of domestic violence, yet given the way the phrase “identifiable history of domestic violence” is used throughout, (“in a case where there is an identifiable history of domestic violence” and “where the decedent has an identifiable history of domestic violence”), it could certainly be interpreted that way. The Author and Committee may wish to clarify the intended application of the bill by amending this definition.

Domestic Violence Investigations

The bill also uses the existence of an “identifiable history of domestic violence” as a trigger for the operation of other investigation-related provisions, such as whether a death is presumed suspicious for various purposes and whether law enforcement investigators are required to request that the coroner perform a complete autopsy. However, the bill does not task any entity with making a determination that, in any particular case, there is an identifiable history of domestic violence that would trigger the suspicious death presumption or the autopsy request. Further, it is unclear whether the ‘suspicious death’ presumption is actually necessary to achieve the bill’s objectives. Ostensibly, the broader goal of the bill is to prevent domestic homicides from being ruled as suicides before a thorough investigation (possibly including an autopsy) has been conducted in cases where the decedent has a history of being victimized by domestic violence. Because the bill already requires that law enforcement officials investigating these

¹⁴ Govt. Code §7920.000 et. seq.

cases 1) interview family members prior to making findings as to cause of death and 2) request an autopsy from the coroner, it is unclear how labeling the case “suspicious death” will yield additional critical details that would help avoid a mistaken finding of suicide. The Author and Committee may wish to address these issues.

“Complete Autopsy”

As mentioned previously, the bill requires law enforcement investigators to request a “complete autopsy” where there is an identifiable history of domestic violence and one of several enumerated conditions are present. However, the bill does not define what constitutes a “complete autopsy.” The Author and Committee may wish to define this term via a cross-reference to existing law regarding coroner autopsies. In addition, while it is clear that law enforcement must *request* an autopsy under specified circumstances, it is not clear whether the coroner is required to perform one pursuant to that request.¹⁵

Domestic Violence Training

The bill includes a provision requiring that “all personnel investigating a death that is presumed suspicious” be trained in the identification and detection of staged crime scene cases, domestic violence, including strangulation assaults, and in working with a multidisciplinary team in the handling of domestic violence cases. The scope of this requirement is unclear. That is, to whom does the training requirement apply? In any police investigation involving a suspicious death, it is possible, if not likely, that several non-sworn law enforcement personnel and employees, such as photographers, forensic specialists, evidence technicians, and even the coroner, will be involved in the investigation. Should the training requirement apply to non-sworn personnel and personnel only peripherally involved in the investigation? The Author and Committee may wish to clarify the scope of the training requirement. If the intent is that the requirement only apply to sworn officers, the Author and Committee may wish to amend the provision of existing law relating to domestic violence training for officers through POST to include the topics enumerated in the bill.

6. Committee Amendments

To address the issues identified above, the Author has agreed to amend the bill as follows:

- Remove the “suspicious death” presumption and requires law enforcement officers to do two things prior to making any findings as to the manner and cause of death of a deceased individual:
 - Make a determination as to whether the decedent has an identifiable history of domestic violence.
 - Interview all family members and close friends regarding whether the deceased has been victimized by domestic violence.

¹⁵ Per Government Code § 27491.6 (also referred to in Comment 3 above), coroners are *required* to perform inquests if requested to do so by a chief law enforcement official, but inquests do not necessarily, in practice or by statute, include autopsies.

- Make law enforcement request for an autopsy in cases where there is an identifiable history of domestic violence and one of the enumerated conditions are present permissive rather than mandatory.
- Clarify the training requirement to apply only to sworn officers, and requires that officers investigating a case that falls under the bill be current in their domestic violence training, as specified.
- Amends existing law related to POST's required domestic violence training course to include the following topics: identification and detection of staged crime scenes; working with a multidisciplinary team in handling domestic violence cases; indicators of domestic homicide in suspicious death cases, as specified.
- Redefining "identifiable history of domestic violence" as "demonstrable past incidents of being victimized by domestic violence that may be verified by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates such incidents."
- Other minor technical, clarifying and conforming amendments.

7. Double Referral

This bill is double referred to this committee and the Senate Judiciary Committee, which will analyze provisions of the bill that fall within its jurisdiction, should the bill pass out of this committee.

8. Argument in Support

According to the Training Institute on Strangulation Prevention:

Justice has been defined by Desmond Tutu as three things: telling the truth about injustice, repairing the harm as much as is humanly possible, and changing the conditions that caused the injustice in the first place. SB 989 will provide some amount of justice for victims who have been murdered and for family members of lost loved ones with the HOPE that the truth will be told. The only thing more painful than losing a loved one, is knowing that someone just got away with the murder of your daughter, sister and/or mother. This bill will bring awareness about staged crime scenes, suicides with a history of domestic violence, the factors to consider for a suspicious death and provide more rights to family members of lost loved ones.

SB 989 will not only be the first state legislation to address staged crimes, but it will also become a lifesaving bill. With these legislative improvements and guidance, more professionals will become familiar with the prevalence of suspicious deaths and the signs of a staged crime scene. They will in turn be able to alert death investigators and medical examiners about a suspicious death and educate families of lost loved ones about the necessary steps they can take to ensure all their questions are answered, the truth is discovered and justice is obtained.