



EARHVD

Equipa de Análise Retrospectiva de
Homicídio em Violência Doméstica

RULES OF PROCEDURE

Domestic Homicide Review

Report Author

Rui do Carmo

Retired Public Prosecutor, Coordinator of
The Domestic Homicide Review Team

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01.

General provisions



CHAPTER

01.

General provisions

Article 1 - Purpose

The purpose of these rules of procedure, as set out in article 14 of Ministerial Order no. 280/2016, of the 26th October (hereinafter, the Ministerial Order), is to define the rules of the Domestic Homicide Review Team (hereinafter, the Team), created by article 4-A of Law no. 112/2009, of 16th September, as amended by Law no. 129/2015, of 3rd September, which establishes the legal regime applicable to the prevention of domestic violence, protection and assistance to its victims (hereinafter, Domestic Violence Law).

Article 2 - Mission, Objectives and Composition

1. The Team's mission and objectives are to carry out a review of situations of homicide occurred in a domestic violence context that have already been object of a final court decision, a dismissed case or not prosecuted; with the aim of drawing conclusions that will allow the implementation of new preventive methodologies in the respective procedures and also recommendations to the public or private entities involved in this area.
2. The composition of the Team is as set out in articles 4-A, number 2 and 3 of the Domestic Violence Law and 7^o of the.

Article 3 - Scope of the cases to be reviewed by the Team

1. The Team will review the cases of deaths occurred in the context of a domestic violence situation, selected in light of the criteria defined in the manual for domestic violence homicide review (hereinafter, the review manual).
2. The review focuses, in the light of the provisions of no. 1 of article 4-A of the Domestic Violence Law, on homicides committed or attempted in that context.



with intent or negligence, covering crimes aggravated by the result of death, whenever the victim:

- a.** Is one of the persons referred to in no. 1 of Article 152 of the Penal Code;
- b.** Cohabits with the defendant;
- c.** Is a relative or relative of one of the persons referred to in no. 1 of article 152 of the Penal Code or maintains or has maintained a relationship of great proximity or mutual aid;
- d.** Depends economically on the defendant;
- e.** Is a descendant, ascendant, adopter or foster child of the defendant;
- f.** Holds, or has held, positions within services, entities or organizations supporting victims of domestic violence, protection of children and young people, health action, education or social intervention in these areas, and the crime was directly or indirectly motivated by the exercise of such positions.



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02.

Competences and Procedures



CHAPTER

02.

Competences and Procedures

Article 4 - Competences of the Team and Team coordinator

1. The competences of the Team are those set out in no. 1 and 6 of article 4-A of the Domestic Violence Law and in article 8 of the Ministerial Order.
2. The coordinator's competences are those defined in article 6 of the Ministerial Order.

Article 5 - Reception and selection of the cases to analyse

The legal orders, sentences or decisions will be received by the Team by email to earhvd@sg.mai.gov.pt or by post to: *Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica, Secretaria-Geral do Ministério da Administração Interna, Rua de S. Mamede n° 23, 1100-533 Lisboa.*

The decisions received will be presented to the coordinator; after analysis, the coordinator will decide, within 10 days, to reject those that clearly do not fall within the scope of the cases to be reviewed by the Team. The coordinator will prepare a draft decision on to review or not the remaining cases, in light of the criteria defined in the review manual, which will be communicated to the other team members by email.

In the analysis draft decision, the coordinator immediately designates the Team member who will be the case manager.

If, within 5 days of the communication of the draft decision, any of its members presents a reasoned opposition, the coordinator shall convene a meeting of the Team to analyse the situation, after which the coordinator shall take the final decision within the same period of time.



Article 6 - Case manager

1. It is the duty of the case manager to proceed with the elimination of the data that allows the identification of the intervening parties in the case, and to collect all relevant documentation and information.
2. It is also the case manager's duty to propose to the coordinator the nomination of non-permanent and occasional members, the necessary technical support and the scheduling of the Team's meeting to review the case, ensure the proper organisation of the file and prepare the final report, under the terms defined in these Rules of Procedure and in the review manual.

Article 7 - Procedure for elimination of identification data

1. The elimination of any data allowing the identification of the intervening parties, as provided for in article 10, number 4 of the Ministerial Order, to be carried out within 15 days counting from the date the manager has access to the case file where the decision was taken, shall include the defendant, the suspect or accused person who has not been constituted as defendant, the victim, witnesses, declarants, experts and professionals involved in the case.
2. Within the same period, the case manager will elaborate a form, whose model will be included in the review manual, with the identity and contacts of those intervening parties in the case, which will be filed under his responsibility separately from the case file; the purpose is the conservation of the necessary information in order to, namely, comply with the provisions in article 13 of the Ministerial Order, being destroyed as soon as the final report is approved.
3. The case file will begin with a copy of the decision received in which the identification of the intervening parties and the coordinator's analysis decision were eliminated.
4. All the original documents together with the documents relating to the issued order by the coordinator will be filed, in chronological sequence of their reception, in a physical or electronic folder, depending on the case, under the responsibility of the Team.



Article 8 - Review methodology

1. The review methodology for the domestic violence homicide will be defined in a Team meeting and ratified by the coordinator, in the light of the most recent technical and scientific knowledge, of the legislation in force, of the institutional and organisational reality, and of the best international experiences.
2. It will be evaluated every two years with the collaboration of academic bodies.



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03.

**Functioning of
the Team**



CHAPTER

03.

Functioning of the Team

Article 9 - Meetings

1. The Team meets in the last week of February each year to consider the Activity Report of the previous year.
2. The Team meets in the last week of November of each year to assess the Activity Plan for the following year.
3. Ordinary meetings will take place at least once a month, as rule on the first Wednesday of each month.
4. Meetings shall be convened by the coordinator, by email, with a minimum of 10 working days' notice. The agenda of the meeting shall be set out in the notice convening the meeting and shall be accompanied by any documents to be analysed.
5. In case of emergency, the coordinator can convene a team meeting at a shorter notice.
6. The meetings will be held at the Team's facilities provided by SGMAI or in another location defined by the coordinator, as convenient depending on the matters to discuss and the actions to initiate.
7. The minutes will be written by all the Team members in turn, according to the order defined in number 2 of article 7 of the Ministerial Order, and will be approved on the following meeting; the project is sent along with the respective summoning, unless the coordinator defines a shorter deadline more suitable to the implementation of the ruling.



Article 10 - Absences, impediments, replacements

1. Those unable to attend the meeting, with acceptable justification, should provide a suitable replacement, named by the entity they represent.
2. An anticipated absence, its justification and naming of the replacement should be communicated to coordinator up to 48 hours prior to the start of the meeting.
3. The justification of unpredictable absences shall be made up to 48 hours after the start of the meeting.
4. The coordinator should indicate in their impediment his/her replacement by a member of the team, along with a justification to the naming entity.
5. The coordinator can propose the well-founded replacement of any member of the Team to the entity they represent, whenever the number of absences or the failure to keep assigned, responsibilities may compromise the effectiveness of such representation or the adequate functioning of the Team.

Article 11 - Decisions

1. The decisions within the scope of the Team shall be ideally made by consensus; when that is not possible, a voting process should be undertaken.
2. If a voting process is undertaken, then a summary of the reasons presented by the voting members unsupportive of the decision shall be stated in the minutes.
3. The coordinator has the casting vote in the case of a tie.

Article 12 - Annual report

The member of the team responsible for the Annual Report project will be nominated at the first meeting of the year.



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04.

**Confidentiality and
public communication
of the information**



CHAPTER

04.

Confidentiality and public communication of the information

Article 13 - Confidentiality

The permanent, non-permanent and eventual members of the Team, their replacements, and all the technical supporting staff, are bound to a duty of confidentiality concerning the information they may have accessed while exercising their roles.

Article 14 - Public communication of the information

The communication of information externally, the dissemination of declarations or recommendations by the Team and the public clarification are the exclusive responsibility of the coordinator, unless delegated or authorized on a case-by-case basis by his decision.



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05.

**Technical and logistic
support and
document
management**



CHAPTER

05.

Technical and logistic support and document management

Article 15 - Technical support

1. The technical support envisaged in number 2, article 9 of the will be ensured by referring to specific cases.
2. The need for technical support will be proposed by the staff managing the case and requested by the coordinator addressing the managing body of the service.

Article 16 - Logistical support

Logistic support concerning staff shops and IT hardware shall be provided by SGMAI.

Article 17 - Document management

1. The documentation concerning the activities of the Team is archived in SGMAI's assigned premises and/or saved in a server from the Internal Security National Network.
2. The access to such documentation is reserved to the members of the Team and those nominated by SGMAI to perform office duties, as well as document management and archive related duties.



3. Restrictions in accessing the information can be decided by the coordinator or by the Team as a whole.



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06.

**Approval, review and
entry into force**

**CHAPTER****06.**

Approval, review and entry into force

Article 18 - Approval and review

1. The rules of procedure are signed off by a majority of the Team members.
2. A review of the rules of procedure may be instigated by the coordinator or by a majority of the members of the Team.

Article 19 - Entry into force

The current regulation entries into force on the following day to its approval in a Team meeting.

Approved in a Team meeting, on the 30th January 2017