

HOUSE BILL REPORT

ESB 5573

As Passed House - Amended:

April 9, 2019

Title: An act relating to domestic violence and traumatic brain injury.

Brief Description: Concerning traumatic brain injuries in domestic violence cases.

Sponsors: Senators Warnick, Hunt, Fortunato, Takko, Zeiger, Wilson, C., Hasegawa, Walsh, Schoesler, McCoy, Honeyford, Rolfes, Sheldon, Lias, Darneille, Keiser, Nguyen, Saldaña, Van De Wege and Wilson, L.

Brief History:

Committee Activity:

Public Safety: 3/18/19, 3/26/19 [DPA].

Floor Activity:

Passed House - Amended: 4/9/19, 97-0.

Brief Summary of Engrossed Bill (As Amended by House)

- Requires the Department of Social and Health Services (DSHS) to work with specified partners in developing recommendations to improve the statewide response to traumatic brain injuries (TBIs) suffered by domestic violence survivors.
- Requires the DSHS, in collaboration with the Washington Traumatic Brain Injury Strategic Partnership Advisory Council, to develop a statewide website for victims of domestic violence with information regarding TBI.
- Requires the Criminal Justice Training Commission's curriculum on domestic violence to include curriculum focused on understanding the risks of TBI posed by domestic violence.
- Encourages officers responding to a domestic violence incident to inform victims that information related to TBI can be found on the statewide website created in the bill.

HOUSE COMMITTEE ON PUBLIC SAFETY

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass as amended. Signed by 10 members: Representatives Goodman, Chair; Davis, Vice Chair; Klippert, Ranking Minority Member; Sutherland, Assistant Ranking Minority Member; Appleton, Graham, Lovick, Orwall, Pellicciotti and Pettigrew.

Staff: Omeara Harrington (786-7136).

Background:

Law Enforcement Training and Response to Domestic Violence.

The Criminal Justice Training Commission (CJTC) provides basic law enforcement training through the Basic Law Enforcement Academy (BLEA). The BLEA consists of a 720-hour program covering a wide variety of subjects. The basic law enforcement curriculum must include at least 20 hours of basic training instruction on law enforcement response to domestic violence. In addition, the CJTC must maintain an in-service training program to familiarize law enforcement officers with domestic violence laws.

Officers responding to domestic violence calls must advise victims of all reasonable means to prevent further abuse, including advising as to available shelters or other local services and giving immediate notice of legal rights and remedies available. As part of providing the required notice, the officer must give the victim a standardized statement detailing victim rights.

Law enforcement agencies must make and maintain written records of all reported incidents of domestic violence, which are in turn submitted to the Washington Association of Sheriffs and Police Chiefs (WASPC). The WASPC produces an annual report on crime in Washington, which must include the total number of domestic violence offenses and the number of offenses attributed to certain listed crimes.

Washington Traumatic Brain Injury Strategic Partnership Advisory Council.

The Washington Traumatic Brain Injury Strategic Partnership Advisory Council (TBI Advisory Council) was established in 2007 to advise the Governor, the Legislature, and the Department of Social and Health Services (DSHS) on issues related to TBI. Represented on the TBI Advisory Council are: tribes; TBI nonprofits; medical professionals; social workers and others with experience working with adults and children with TBI; rehabilitation specialists; individuals and family members of individuals with TBI; members of the public with experience in the causes of TBI; and government agencies. The TBI Advisory Council is responsible for collaborating with the DSHS to develop and revise a comprehensive statewide plan to address the needs of individuals with TBI, among other duties.

Summary of Amended Bill:

The DSHS, in consultation with the TBI Advisory Council, at least one representative of a community-based domestic violence program, and one medical professional with experience treating survivors of domestic violence, must develop recommendations to improve the statewide response to TBI suffered by domestic violence survivors. In developing recommendations, the DSHS may consider the creation of an educational handout regarding TBI for distribution to victims of domestic violence. The DSHS, in consultation with the

TBI Advisory Council, must establish and recommend or develop content for a statewide website for victims of domestic violence. The website must include:

- an explanation of the potential for domestic abuse to lead to TBI;
- information on recognizing cognitive, behavioral, and physical symptoms of TBI, and potential impacts to a person's emotional well-being and mental health;
- a self-screening tool for TBI; and
- recommendations for persons with TBI to address or cope with the injury.

The DSHS must update the website and the educational handout, if created, on a periodic basis.

The domestic violence component of the basic law enforcement curriculum must include curriculum focused on understanding the risks of TBI posed by domestic violence. Officers responding to a domestic violence incident are encouraged to inform victims that information on TBI can be found on the statewide website developed by the DSHS and the TBI Advisory Council.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Many people do not realize they have sustained a TBI due to domestic violence. People know about head injury issues associated with boxing and football, but some women in domestic violence situations are hit repeatedly, over the course of years, with no protection from a helmet. Domestic violence victims represent a segment of the TBI population that is not participating in support groups. They are not accessing help because they often do not know they have an injury. Also, some of the symptoms of TBI, particularly symptoms seen with the types of head injuries associated with domestic violence abuse, exacerbate issues with decisionmaking and other factors that can make it hard to leave an abusive situation. This bill is a first step toward TBI recognition. Like so many other injuries and illnesses, catching these injuries early and treating them is crucial. Any assistance that can be provided to help law enforcement recognize there may be an issue and let victims know is a good thing.

(Opposed) None.

Persons Testifying: Senator Warnick, prime sponsor; Mike Hoover and Daniella Clark, Traumatic Brain Injury Advocates.

Persons Signed In To Testify But Not Testifying: None.