
**Juvenile Justice & Family Law
Committee**

HB 2392

Brief Description: Requiring law enforcement agencies to adopt policies concerning domestic violence by sworn employees.

Sponsors: Representatives Lantz, Darneille, Carrell, O'Brien, Romero, Lovick, Kenney, Flannigan, Upthegrove, Kagi, Hunt, Rockefeller, McCoy, Dickerson, Haigh, McMahan, Morrell, Bush, Clibborn, Delvin, Campbell, Simpson, G., Ruderman, Jarrett, Chase, Schual-Berke, Hudgins, Kessler, Woods, Moeller, Talcott and McDonald.

Brief Summary of Bill

- Requires all general authority law enforcement agencies to either develop a policy or adopt the model policy written by the Washington Association of Sheriffs and Police Chiefs (WASPC) on domestic violence committed by peace officers.

Hearing Date: 1/21/04

Staff: Trudes Tango Hutcherson (786-7384).

Background:

Law enforcement officers are required by statute to receive a certain amount of training related to handling domestic violence calls. Although many law enforcement agencies have adopted domestic violence policies, there is no statute requiring law enforcement agencies to have policies on domestic violence committed by law enforcement personnel.

"General authority Washington law enforcement agencies" are those local and state law enforcement agencies that have as its primary function the enforcement of the traffic and criminal laws in the state. Agencies that have limited enforcement authority, such as the State Gambling Commission, the Department of Corrections, and the State Liquor Control Board, are not general authority Washington law enforcement agencies.

"Domestic violence" includes, but is not limited to, crimes, such as assault, malicious mischief, and stalking, when committed by one family or household member against another.

Summary of Bill:

By December 1, 2004, the Washington Association of Sheriffs and Police Chiefs (WASPC) must convene a workgroup and develop a state model policy addressing the way in which law enforcement agencies respond to allegations of domestic violence committed by peace officers.

The model policy must provide due process for employees and, at a minimum, provide for the following:

- pre-hire screening procedures reasonably calculated to disclose whether an applicant for a peace officer position: (a) has committed, or based on credible sources, has been accused of committing domestic violence; (b) is currently being investigated for child abuse or neglect or has previously been investigated for founded allegations of child abuse or neglect; and (c) is currently or previously been subject to a restraining, anti-harassment, no-contact, or protection order in any state;
- mandatory and immediate response to allegations of domestic violence committed by a peace officer;
- provisions for giving the officer information on domestic violence treatment programs;
- mandatory and immediate reporting by an agency employee who becomes aware of allegations of domestic violence committed by an officer;
- procedures to address reporting by an agency employee who is the victim of domestic violence committed by an officer;
- mandatory and immediate self-reporting by an officer to his or her agency when any agency has responded to a domestic violence call where the officer is alleged to have committed domestic violence;
- mandatory and immediate self-reporting by an officer to his or her agency if the officer is being investigated for an allegation of child abuse or neglect or is currently or has been subjected to a restraining, anti-harassment, no-contact, or protection order in any state;
- separate and impartial administrative and criminal investigations;
- procedures to address whether to relieve the officer of agency-issued weapons and other agency-issued property and whether to suspend the officer's police powers pending resolution of the investigation;
- appropriate discipline or sanctions when, after an agency investigation, it is determined that an officer committed domestic violence;
- provisions to make available to the alleged victim certain information, including contact information for advocates and the agency's domestic violence policy;
- procedures to respond to an alleged victim's inquiries into the status of the administrative investigation, consistent with the public disclosure and criminal records privacy laws; and
- procedures requiring an agency to notify the officer's employing agency when the notifying agency is aware of allegations of domestic violence committed by the officer in the notifying agency's jurisdiction.

By June 1, 2005, all general authority law enforcement agencies must either adopt the model policy or develop its own policy after consulting with domestic violence advocates. By June 30, 2006, every peace officer of the agency must be trained by the agency on the agency's policy. Those officers hired on or after March 1, 2006 must receive training within six months of employment.

By June 1, 2005, all agencies must provide a copy of their policies to WASPC along with a statement on the agency's compliance with the training requirements. WASPC must maintain copies of the policies and report to the Governor and Legislature by January 1, 2006 on those agencies that have not complied.

Appropriation: None.

Fiscal Note: Available.

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