

HOUSE BILL REPORT

SSB 6161

As Passed House:

March 2, 2004

Title: An act relating to general authority Washington law enforcement agencies adopting policies addressing domestic violence committed or allegedly committed by general authority Washington peace officers.

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

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Regala, McCaslin, Franklin, Brandland, B. Sheldon, Esser, Spanel, Winsley, Rasmussen, Kastama, Kohl-Welles, Shin, Haugen, Keiser, Hargrove, Kline, Doumit, Eide, Fraser, Jacobsen, Benton, Oke, Brown, Murray and McAuliffe).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/19/04, 2/24/04 [DP].

Floor Activity:

Passed House: 3/2/04, 94-0.

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

Staff: Trudes Tango Hutcheson (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 Washington State Gambling Commission, the Department of Corrections, and the Washington 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;
- 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; and
- procedures for agencies to access and share domestic violence training within their jurisdiction and with other jurisdictions.

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 the WASPC along with a statement on the agency's compliance with the training requirements. The 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 (see fiscal note for SHB 2392).

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

Testimony For: The bill passed the Senate unanimously. Many stakeholders, including the Office of the Attorney General, the Tacoma Chief of Police, Washington Council of Police and Sheriffs, and domestic violence advocates support the bill. The bill will give officers more credibility. Officers who use their position to manipulate the law should be sanctioned. The bill allows for the involvement of the domestic violence advocates and the strength of each agency's individual policy will be created at the local level. The community's input in developing those policies is important because the community will know what type of policy will be appropriate for that particular community. Policies will enable police to respond quickly and put the victim first. Currently, there are not many agencies that have policies and there is lack of communication to the victim regarding the procedures the agency will follow after a report is made. The bill makes it easier for victims to come forward and report.

Testimony Against: None.

Persons Testifying: (In support) Senator Regala, prime sponsor; Jeff McCormick; Grace Huang, Washington State Coalition Against Domestic Violence; and Heidi Collins.

Persons Signed In To Testify But Not Testifying: None.