

# SENATE BILL REPORT

## SB 6161

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As Reported By Senate Committee On:  
Judiciary, January 16, 2004

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

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

**Sponsors:** 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:** Judiciary: 1/15/04, 1/16/04 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 6161 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

**Staff:** Jinnah Rose-McFadden (786-7421)

**Background:** State peace officers are trained on how to respond to domestic violence emergency calls in the community. However, there is currently no law requiring law enforcement agencies to train officers on how to respond to allegations of domestic violence committed by peace officers. Likewise, while approximately 90 percent of agencies have adopted general policies regarding how community domestic violence complaints are addressed, only a handful of agencies have adopted policies specific to allegations of domestic violence committed by peace officers.

**Summary of Substitute Bill:** By December 1, 2004, a state model policy must be developed addressing the way in which law enforcement agencies respond to allegations of domestic violence committed by sworn employees. The Washington State Association of Sheriffs and Police Chiefs is responsible for developing this model policy, in conjunction with representatives from state and local law enforcement agencies, victims rights organizations, and all other appropriate organizations.

The model policy must provide for the following minimum standards:

- due process be provided to all employees alleged to have committed acts of domestic violence;

- pre-hire screening to determine if an applicant for an employee position: (a) has committed, or been accused of committing, an act of domestic violence, (b) is currently being investigated, or has been investigated, for an allegation of child abuse or neglect, or (c) is currently, or has previously, been subject to a temporary restraining, anti-harassment, no-contact, or protection order in any state;
- mandatory and immediate responses to allegations of domestic violence;
- procedures to address an employee's report that he or she is an alleged victim of domestic violence at the hands of another employee;
- reporting by an employee of knowledge of an allegation of domestic violence;
- self-reporting by an employee when an agency has responded to a domestic violence call in which that employee allegedly committed an act of domestic violence;
- self-reporting by an employee if that employee is currently being, or has been, investigated for allegations of child abuse or neglect;
- self-reporting by an employee if that employee is currently, or has been, subject to a temporary restraining, anti-harassment, no-contact, or protection order;
- performance of a prompt and impartial administrative and criminal investigation of allegations of domestic violence;
- appropriate action to be taken during an investigation, including whether to relieve an employee of agency-issued weapons or suspend an employee's power of arrest;
- prompt and appropriate discipline or sanctions when an investigation determines that an employee has committed an act of domestic violence;
- immediate availability of the following information to an alleged victim of domestic violence by an employee: (a) the agency's domestic violence policy, (b) information about public and private domestic violence advocates and services, and (c) the agency's confidentiality policies related to the victim's information;
- procedures for the timely response to an alleged victim's inquiries into the status of an investigation;
- procedures requiring agencies, in any jurisdiction, to immediately notify an employing agency of an employee's alleged acts of domestic violence;
- procedures allowing agencies to access and share domestic violence training within and across jurisdictions; and
- procedures for referring requesting employees to treatment programs, as well as employees against whom allegation of domestic violence have been brought.

No later than June 1, 2005, every general authority law enforcement agency must adopt and implement the model policy or its own domestic violence policy. Any policy adopted must meet the minimum standards set forth. If an agency develops its own policy, it must first consult with public and private domestic violence advocates and other appropriate organizations.

By June 30, 2006, every sworn employee must receive training on his or her agency's domestic violence policy. Employees hired on or after March 1, 2006, must receive training on his or her agency's domestic violence policy within six months of employment.

By June 1, 2005, every agency must provide a copy of its domestic violence policy and a statement asserting that the agency has complied with the training requirements set forth in this bill to the Washington Association of Sheriffs and Police Chiefs.

The association must maintain a copy of each agency's domestic violence policy. By January 1, 2006, the association must provide a complete list of those agencies that have not adopted policies and/or complied with the training requirements to the Governor and Legislature.

**Substitute Bill Compared to Original Bill:** The definition of "sworn employee" is broadened to include any person appointed chief of police or marshal, as well as any person appointed or elected to carry out the duties of a sheriff's office, in addition to general authority peace officers. It requires that due process be provided to all sworn employees alleged to have committed acts of domestic violence. Referrals to batterer treatment programs must be made available to requesting employees, as well as employees alleged to have committed acts of domestic violence.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** As a result of the Brame tragedy, the Task Force on Officer Involved Domestic Violence was formed, comprised of domestic violence educators, counselors, and advocates, as well as the law enforcement community. It is the intent of this bill to proactively address the issue of officer involved domestic violence through education and training. The bill requires the adoption of a statewide model policy on officer involved domestic violence, as well as individual policies for all state law enforcement agencies. A minimum set of standards is included in the bill and is designed to be instructive, yet flexible. This permits individual agencies to address the specific needs of their community and workforce, while providing a statewide standardized response to domestic violence across jurisdictions. The bill provides a reasonable timeline for the adoption and implementation of policies, and rationally addresses concerns regarding accountability. It is believed that the entire nation is looking to Washington State to address the Brame tragedy, providing an opportunity for Washington to lead the nation in domestic violence policy.

**Testimony Against:** None.

**Testified:** PRO: Senator Debbie Regala; Bill Barsma, Mayor of Tacoma; Debbie Hannula, Peirce County YWCA; Bill Roberts, Clark County Sheriff's Office; Paul Pastor, Pierce County Sheriff; Larry Erickson, Washington State Association of Sheriffs and Police Chiefs; Grace Huang, Washington State Coalition Against Domestic Violence; Bill Hanson, Washington Council of Police and Sheriffs.