
SENATE BILL 6161

State of Washington

58th Legislature

2004 Regular Session

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

Read first time 01/14/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to general authority Washington law enforcement
2 agencies adopting policies addressing domestic violence committed by
3 general authority Washington peace officers; amending RCW 10.99.020;
4 adding a new section to chapter 10.99 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature reaffirms its determination
7 to reduce the incident rate of domestic violence. The legislature
8 finds it is appropriate to help reduce the incident rate of domestic
9 violence by addressing the need for improved coordination and
10 accountability among general authority Washington law enforcement
11 agencies and general authority Washington peace officers when reports
12 of domestic violence are made and the alleged perpetrator is a general
13 authority Washington peace officer. The legislature finds that
14 coordination and accountability will be improved if general authority
15 Washington law enforcement agencies adopt policies that meet statewide
16 minimum requirements for training, reporting, interagency cooperation,
17 investigation, and collaboration with groups serving victims of
18 domestic violence. The legislature intends to provide maximum
19 flexibility to general authority Washington law enforcement agencies,

1 consistent with the purposes of this act, in their efforts to improve
2 coordination and accountability when incidents of domestic violence
3 committed by general authority Washington peace officers are reported.

4 **Sec. 2.** RCW 10.99.020 and 2000 c 119 s 5 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Agency" means a general authority Washington law enforcement
9 agency as defined in RCW 10.93.020.

10 (2) "Association" means the Washington state association of
11 sheriffs and police chiefs.

12 (3) "Family or household members" means spouses, former spouses,
13 persons who have a child in common regardless of whether they have been
14 married or have lived together at any time, adult persons related by
15 blood or marriage, adult persons who are presently residing together or
16 who have resided together in the past, persons sixteen years of age or
17 older who are presently residing together or who have resided together
18 in the past and who have or have had a dating relationship, persons
19 sixteen years of age or older with whom a person sixteen years of age
20 or older has or has had a dating relationship, and persons who have a
21 biological or legal parent-child relationship, including stepparents
22 and stepchildren and grandparents and grandchildren.

23 ~~((+2))~~ (4) "Dating relationship" has the same meaning as in RCW
24 26.50.010.

25 ~~((+3))~~ (5) "Domestic violence" includes but is not limited to any
26 of the following crimes when committed by one family or household
27 member against another:

- 28 (a) Assault in the first degree (RCW 9A.36.011);
- 29 (b) Assault in the second degree (RCW 9A.36.021);
- 30 (c) Assault in the third degree (RCW 9A.36.031);
- 31 (d) Assault in the fourth degree (RCW 9A.36.041);
- 32 (e) Drive-by shooting (RCW 9A.36.045);
- 33 (f) Reckless endangerment (RCW 9A.36.050);
- 34 (g) Coercion (RCW 9A.36.070);
- 35 (h) Burglary in the first degree (RCW 9A.52.020);
- 36 (i) Burglary in the second degree (RCW 9A.52.030);
- 37 (j) Criminal trespass in the first degree (RCW 9A.52.070);

- 1 (k) Criminal trespass in the second degree (RCW 9A.52.080);
- 2 (l) Malicious mischief in the first degree (RCW 9A.48.070);
- 3 (m) Malicious mischief in the second degree (RCW 9A.48.080);
- 4 (n) Malicious mischief in the third degree (RCW 9A.48.090);
- 5 (o) Kidnapping in the first degree (RCW 9A.40.020);
- 6 (p) Kidnapping in the second degree (RCW 9A.40.030);
- 7 (q) Unlawful imprisonment (RCW 9A.40.040);
- 8 (r) Violation of the provisions of a restraining order, no-contact
- 9 order, or protection order restraining or enjoining the person or
- 10 restraining the person from going onto the grounds of or entering a
- 11 residence, workplace, school, or day care, or prohibiting the person
- 12 from knowingly coming within, or knowingly remaining within, a
- 13 specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300,
- 14 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070,
- 15 26.50.130, 26.52.070, or 74.34.145);
- 16 (s) Rape in the first degree (RCW 9A.44.040);
- 17 (t) Rape in the second degree (RCW 9A.44.050);
- 18 (u) Residential burglary (RCW 9A.52.025);
- 19 (v) Stalking (RCW 9A.46.110); and
- 20 (w) Interference with the reporting of domestic violence (RCW
- 21 9A.36.150).
- 22 (~~(4)~~) (6) "Employee" means any person currently employed with an
- 23 agency.
- 24 (7) "Sworn employee" means a general authority Washington peace
- 25 officer as defined in RCW 10.93.020.
- 26 (8) "Victim" means a family or household member who has been
- 27 subjected to domestic violence.

28 NEW SECTION. Sec. 3. A new section is added to chapter 10.99 RCW
29 to read as follows:

- 30 (1) By December 1, 2004, the association shall develop a written
- 31 model policy on domestic violence committed or alleged to have been
- 32 committed by sworn employees of agencies. In developing the policy,
- 33 the association shall convene a work group consisting of
- 34 representatives from the following entities and professions:
- 35 (a) Statewide organizations representing state and local
- 36 enforcement officers;

1 (b) A statewide organization providing training and education for
2 agencies having the primary responsibility of serving victims of
3 domestic violence with emergency shelter and other services; and

4 (c) Any other organization or profession the association determines
5 to be appropriate.

6 (2) Members of the work group shall serve without compensation.

7 (3) The model policy shall, at a minimum, meet the following
8 standards:

9 (a) Provide prehire screening procedures that include determining
10 whether an applicant for a general authority Washington peace officer
11 position has committed or was accused of committing an act of domestic
12 violence, is currently being investigated for an allegation of child
13 abuse or neglect or has previously been investigated for founded
14 allegations of child abuse or neglect, or is currently or has
15 previously been subject to any order under RCW 26.44.063, chapter
16 10.14, 10.99, or 26.50 RCW, or any equivalent order issued by another
17 state or tribal court;

18 (b) Provide for the mandatory, immediate response to acts or
19 allegations of domestic violence committed by a sworn employee of an
20 agency;

21 (c) Provide for the mandatory, immediate reporting by employees
22 when an employee becomes aware of an allegation of domestic violence
23 committed by a sworn employee of the agency employing the sworn
24 employee;

25 (d) Provide procedures to address reporting by an employee who is
26 the victim of domestic violence committed by a sworn employee of an
27 agency;

28 (e) Provide for the mandatory, immediate self-reporting by a sworn
29 employee to his or her employing agency when an agency in any
30 jurisdiction has responded to a domestic violence call in which the
31 sworn employee committed or is alleged to have committed an act of
32 domestic violence;

33 (f) Provide for the mandatory, immediate self-reporting by a sworn
34 employee to his or her employing agency if the employee is currently
35 being investigated for an allegation of child abuse or neglect or has
36 previously been investigated for founded allegations of child abuse or
37 neglect, or is currently or has previously been subject to any order

1 under RCW 26.44.063, chapter 10.14, 10.99, or 26.50 RCW, or any
2 equivalent order issued by another state or tribal court;

3 (g) Provide for the performance of separate and impartial
4 administrative and criminal investigations of acts or allegations of
5 domestic violence committed by a sworn employee of an agency;

6 (h) Provide for appropriate action to be taken during an
7 administrative or criminal investigation of acts or allegations of
8 domestic violence committed by a sworn employee of an agency. The
9 policy shall provide procedures to address, in a manner consistent with
10 applicable law and the agency's ability to maintain public safety
11 within its jurisdiction, whether to relieve the sworn employee of
12 agency-issued weapons and other agency-issued property and whether to
13 suspend the sworn employee's power of arrest or other police powers
14 pending resolution of any investigation;

15 (i) Provide for prompt and appropriate discipline or sanctions in
16 response to acts of domestic violence and internal administrative
17 findings related to allegations of domestic violence committed by a
18 sworn employee of an agency;

19 (j) Provide that, when there has been an allegation of domestic
20 violence committed by a sworn employee, the agency immediately make
21 available to the alleged victim the following information:

22 (i) The agency's written policy on domestic violence committed by
23 sworn employees;

24 (ii) Information about public and private nonprofit domestic
25 violence advocates and services; and

26 (iii) Information regarding relevant confidentiality policies
27 related to the victim's information;

28 (k) Provide procedures for the timely response, consistent with
29 chapter 42.17 RCW, to an alleged victim's inquiries into the status of
30 the administrative investigation and the procedures the agency will
31 follow in an investigation of domestic violence committed by a sworn
32 employee;

33 (l) Provide procedures requiring an agency to immediately notify
34 the employing agency of a sworn employee when the notifying agency
35 becomes aware of acts or allegations of domestic violence committed, or
36 alleged to have been committed, by the sworn employee within the
37 jurisdiction of the notifying agency; and

1 (m) Provide procedures for agencies to access and share domestic
2 violence training within their jurisdiction and with other
3 jurisdictions.

4 (4) By June 1, 2005, every agency shall adopt and implement a
5 written policy on domestic violence committed by sworn employees of the
6 agency that meet the minimum requirements specified in this section.
7 In lieu of developing its own policy, the agency may adopt the model
8 policy developed by the association under this section. In developing
9 its own policy, or before adopting the model policy, the agency shall
10 consult with public and private nonprofit domestic violence advocates
11 and any other organizations and professions the agency finds
12 appropriate.

13 (5)(a) Except as provided in this section, not later than June 30,
14 2006, every sworn employee of an agency shall be trained by the agency
15 on the agency's policy required under this section.

16 (b) Sworn employees hired by an agency on or after March 1, 2006,
17 shall, within six months of beginning employment, be trained by the
18 agency on the agency's policy required under this section.

19 (6)(a) By June 1, 2005, every agency shall provide a copy of its
20 policy developed under this section to the association and shall
21 provide a statement notifying the association of whether the agency has
22 complied with the training required under this section. The copy and
23 statement shall be provided in electronic format unless the agency is
24 unable to do so. The agency shall provide the association with any
25 revisions to the policy upon adoption.

26 (b) The association shall maintain a copy of each agency's policy
27 and shall provide to the governor and legislature not later than
28 January 1, 2006, a list of those agencies that have not developed and
29 submitted policies and those agencies that have not stated their
30 compliance with the training required under this section.

31 (c) The association shall, upon request and within its resources,
32 provide technical assistance to agencies in developing their policies.

33 NEW SECTION. **Sec. 4.** The code reviser shall correct any cross-
34 references to RCW 10.99.020 that are changed by this act.

--- END ---