

ESB 5573 - H COMM AMD
By Committee on Public Safety

ADOPTED 04/09/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 74.31
4 RCW to read as follows:

5 (1) The department, in consultation with the council and at least
6 one representative of a community-based domestic violence program and
7 one medical professional with experience treating survivors of
8 domestic violence, shall develop recommendations to improve the
9 statewide response to traumatic brain injuries suffered by domestic
10 violence survivors. In developing recommendations, the department may
11 consider the creation of an educational handout, to be updated on a
12 periodic basis, regarding traumatic brain injury to be provided to
13 victims of domestic violence. The handout may include the information
14 and screening tool described in subsection (2) of this section.

15 (2)(a) The department, in consultation with the council, shall
16 establish and recommend or develop content for a statewide web site
17 for victims of domestic violence to include:

18 (i) An explanation of the potential for domestic abuse to lead to
19 traumatic brain injury;

20 (ii) Information on recognizing cognitive, behavioral, and
21 physical symptoms of traumatic brain injury as well as potential
22 impacts to a person's emotional well-being and mental health;

23 (iii) A self-screening tool for traumatic brain injury; and

24 (iv) Recommendations for persons with traumatic brain injury to
25 help address or cope with the injury.

26 (b) The department must update the web site created under this
27 subsection on a periodic basis.

28 **Sec. 2.** RCW 10.99.030 and 2016 c 136 s 5 are each amended to
29 read as follows:

30 (1) All training relating to the handling of domestic violence
31 complaints by law enforcement officers shall stress enforcement of

1 criminal laws in domestic situations, availability of community
2 resources, and protection of the victim. Law enforcement agencies and
3 community organizations with expertise in the issue of domestic
4 violence shall cooperate in all aspects of such training.

5 (2) The criminal justice training commission shall implement by
6 January 1, 1997, a course of instruction for the training of law
7 enforcement officers in Washington in the handling of domestic
8 violence complaints. The basic law enforcement curriculum of the
9 criminal justice training commission shall include at least twenty
10 hours of basic training instruction on the law enforcement response
11 to domestic violence. The course of instruction, the learning and
12 performance objectives, and the standards for the training shall be
13 developed by the commission and focus on enforcing the criminal laws,
14 safety of the victim, and holding the perpetrator accountable for the
15 violence. The curriculum shall include training on the extent and
16 prevalence of domestic violence, the importance of criminal justice
17 intervention, techniques for responding to incidents that minimize
18 the likelihood of officer injury and that promote victim safety,
19 investigation and interviewing skills, evidence gathering and report
20 writing, assistance to and services for victims and children,
21 understanding the risks of traumatic brain injury posed by domestic
22 violence, verification and enforcement of court orders, liability,
23 and any additional provisions that are necessary to carry out the
24 intention of this subsection.

25 (3) The criminal justice training commission shall develop and
26 update annually an in-service training program to familiarize law
27 enforcement officers with the domestic violence laws. The program
28 shall include techniques for handling incidents of domestic violence
29 that minimize the likelihood of injury to the officer and that
30 promote the safety of all parties. The commission shall make the
31 training program available to all law enforcement agencies in the
32 state.

33 (4) Development of the training in subsections (2) and (3) of
34 this section shall be conducted in conjunction with agencies having a
35 primary responsibility for serving victims of domestic violence with
36 emergency shelter and other services, and representatives to the
37 statewide organization providing training and education to these
38 organizations and to the general public.

1 (5) The primary duty of peace officers, when responding to a
2 domestic violence situation, is to enforce the laws allegedly
3 violated and to protect the complaining party.

4 (6) (a) When a peace officer responds to a domestic violence call
5 and has probable cause to believe that a crime has been committed,
6 the peace officer shall exercise arrest powers with reference to the
7 criteria in RCW 10.31.100. The officer shall notify the victim of the
8 victim's right to initiate a criminal proceeding in all cases where
9 the officer has not exercised arrest powers or decided to initiate
10 criminal proceedings by citation or otherwise. The parties in such
11 cases shall also be advised of the importance of preserving evidence.

12 (b) A peace officer responding to a domestic violence call shall
13 take a complete offense report including the officer's disposition of
14 the case.

15 (7) When a peace officer responds to a domestic violence
16 call((~~r~~)):

17 (a) The officer shall advise victims of all reasonable means to
18 prevent further abuse, including advising each person of the
19 availability of a shelter or other services in the community, and
20 giving each person immediate notice of the legal rights and remedies
21 available. The notice shall include handing each person a copy of the
22 following statement:

23 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the
24 city or county prosecuting attorney to file a criminal
25 complaint. You also have the right to file a petition in
26 superior, district, or municipal court requesting an order
27 for protection from domestic abuse which could include any of
28 the following: (a) An order restraining your abuser from
29 further acts of abuse; (b) an order directing your abuser to
30 leave your household; (c) an order preventing your abuser
31 from entering your residence, school, business, or place of
32 employment; (d) an order awarding you or the other parent
33 custody of or visitation with your minor child or children;
34 and (e) an order restraining your abuser from molesting or
35 interfering with minor children in your custody. The forms
36 you need to obtain a protection order are available in any
37 municipal, district, or superior court.

38 Information about shelters and alternatives to domestic
39 violence is available from a statewide twenty-four-hour toll-

1 free hotline at (include appropriate phone number). The
2 battered women's shelter and other resources in your area
3 are (include local information)"; and

4 (b) The officer is encouraged to inform victims that information
5 on traumatic brain injury can be found on the statewide web site
6 developed under section 1 of this act.

7 (8) The peace officer may offer, arrange, or facilitate
8 transportation for the victim to a hospital for treatment of injuries
9 or to a place of safety or shelter.

10 (9) The law enforcement agency shall forward the offense report
11 to the appropriate prosecutor within ten days of making such report
12 if there is probable cause to believe that an offense has been
13 committed, unless the case is under active investigation. Upon
14 receiving the offense report, the prosecuting agency may, in its
15 discretion, choose not to file the information as a domestic violence
16 offense, if the offense was committed against a sibling, parent,
17 stepparent, or grandparent.

18 (10) Each law enforcement agency shall make as soon as
19 practicable a written record and shall maintain records of all
20 incidents of domestic violence reported to it.

21 (11) Records kept pursuant to subsections (6) and (10) of this
22 section shall be made identifiable by means of a departmental code
23 for domestic violence.

24 (12) Commencing January 1, 1994, records of incidents of domestic
25 violence shall be submitted, in accordance with procedures described
26 in this subsection, to the Washington association of sheriffs and
27 police chiefs by all law enforcement agencies. The Washington
28 criminal justice training commission shall amend its contract for
29 collection of statewide crime data with the Washington association of
30 sheriffs and police chiefs:

31 (a) To include a table, in the annual report of crime in
32 Washington produced by the Washington association of sheriffs and
33 police chiefs pursuant to the contract, showing the total number of
34 actual offenses and the number and percent of the offenses that are
35 domestic violence incidents for the following crimes: (i) Criminal
36 homicide, with subtotals for murder and nonnegligent homicide and
37 manslaughter by negligence; (ii) forcible rape, with subtotals for
38 rape by force and attempted forcible rape; (iii) robbery, with
39 subtotals for firearm, knife or cutting instrument, or other

1 dangerous weapon, and strongarm robbery; (iv) assault, with subtotals
2 for firearm, knife or cutting instrument, other dangerous weapon,
3 hands, feet, aggravated, and other nonaggravated assaults; (v)
4 burglary, with subtotals for forcible entry, nonforcible unlawful
5 entry, and attempted forcible entry; (vi) larceny theft, except motor
6 vehicle theft; (vii) motor vehicle theft, with subtotals for autos,
7 trucks and buses, and other vehicles; (viii) arson; and (ix)
8 violations of the provisions of a protection order or no-contact
9 order restraining the person from going onto the grounds of or
10 entering a residence, workplace, school, or day care, provided that
11 specific appropriations are subsequently made for the collection and
12 compilation of data regarding violations of protection orders or no-
13 contact orders;

14 (b) To require that the table shall continue to be prepared and
15 contained in the annual report of crime in Washington until that time
16 as comparable or more detailed information about domestic violence
17 incidents is available through the Washington state incident based
18 reporting system and the information is prepared and contained in the
19 annual report of crime in Washington; and

20 (c) To require that, in consultation with interested persons, the
21 Washington association of sheriffs and police chiefs prepare and
22 disseminate procedures to all law enforcement agencies in the state
23 as to how the agencies shall code and report domestic violence
24 incidents to the Washington association of sheriffs and police
25 chiefs."

26 Correct the title.

EFFECT: Encourages, rather than requires, officers responding to a domestic violence incident to inform victims that information on traumatic brain injury may be found on the statewide website created in the bill. Retains all other provisions of the underlying bill.

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