

HOUSE BILL REPORT

HB 2392

As Reported by House Committee On:
Juvenile Justice & Family Law

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: 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 History:

Committee Activity:

Juvenile Justice & Family Law: 1/21/04, 1/27/04 [DPS].

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: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Lovick and Upthegrove.

Minority Report: Do not pass. Signed by 2 members: Representatives Carrell and Hinkle.

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 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 Substitute 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.

Substitute Bill Compared to Original Bill:

The substitute bill requires agencies to include in their policies procedures for agencies to access and share domestic violence training with other jurisdictions.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (In support) This bill can be the "good" that comes from tragedy. This bill is a community-based product. It is the product of a lot of hard work from a large group of stakeholders that included victims' advocates, law enforcement, citizens, the justices from the Supreme Court, and others. This is designed to address the very unique situations where

officers must investigate their fellow officer for allegations of domestic abuse. This is designed to allow all agencies to write their own policies. Although some agencies have adopted policies, very few agencies in the country have such policies. Washington could lead the nation in this effort to address this issue. This is an opportunity to teach. The bill creates high standards and requires collaboration between law enforcement and citizens. Victim safety was carefully considered when drafting this bill. The bill protects citizens and makes officers accountable. Due process for law enforcement is included. It allows agencies to adopt policies that are tailor made to fit the department. This will provide agencies with written guidelines for reporting incidents and will help to better serve victims. It will help build trust with the citizens as it shows that domestic violence matters will be dealt with efficiently. The bill requires there be community advocates involved in the creation of the policy and will build community confidence in police.

(With concerns) The bill should mandate that the workgroup developing the model policy must include defense attorneys to represent the falsely accused. The rate of domestic violence is decreasing. False allegations can damage an officer's career.

Testimony Against: None.

Persons Testifying: (In support) Representative Lantz, prime sponsor; Debra Hannula, Young Women's Christian Association, Pierce County; Justice Barbara Madsen, Washington Supreme Court; Colleen Wilson, Washington Association of Sheriffs and Police Chiefs; Mayor Bill Baarsma, City of Tacoma; Elaine Rose, Office of the Attorney General; Tom Strickland, Tacoma Police Department; Bill Hanson, Washington State Council of Police and Sheriffs; Don Ramsdell, Tacoma Police Department; Carolyn Drake; Kay Tomlinson, Domestic Abuse Women's Network; Grace Huang, Washington State Coalition Against Domestic Violence; Jeff McCormick; and Lisa Scott, Taking Action Against Bias in the System.

(With concerns) Greg Schmidt, Families First.

Persons Signed In To Testify But Not Testifying: None.