

HOUSE BILL REPORT

HB 1828

As Reported By House Committee On:
State Government

Title: An act relating to the office of crime victims' advocacy.

Brief Description: Creating the office of crime victims' advocacy.

Sponsors: Representatives H. Myers, Ballasiotes, Anderson, Rayburn, Karahalios, Riley, Johanson, Springer, King, Campbell, Morris, Pruitt and Padden.

Brief History:

Reported by House Committee on:
State Government, March 2, 1993, DP.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: In response to a series of particularly violent crimes in the late 1980s, the governor created the Task Force on Community Protection. The task force was directed to identify flaws in state law regarding sexual and other violent offenders, and to recommend changes to address these flaws. The task force formally submitted its recommendations to the governor in December 1989.

During the 1990 session, the Legislature passed a measure which included many of the task force's recommendations and created two grant programs to be administered by the Department of Community Development (DCD). One grant program was established to enhance community-based treatment services for victims of sex offenders. The other program was established to enhance sexual assault prevention programs across the state.

The 1990 legislation also called for creation of an Office of Crime Victims' Advocacy within the Office of the Governor. The governor vetoed this portion of the

legislation and instead established, by executive order, an Office of Crime Victims' Advocacy within DCD. One of the tasks assigned to the new office by the governor's executive order was administration of the two new grant programs.

Summary of Bill: The Office of Crime Victims' Advocacy is established in statute as an office within DCD. The broad purpose assigned to the office is to provide a focus within state government on the rights of, and services for, victims of crime. Specific duties are assigned to the office to meet this broader purpose.

A crime victims' "ombuds" is created within the Office of Crime Victims' Advocacy. The ombuds has the authority to investigate complaints related to crime victims' rights and opportunities. The ombuds may also act as a liaison between agencies in the criminal justice system, victim services providers, and crime victims themselves. The ombuds may request and be given access to information pertaining to a complaint. If the ombuds finds that a complaint is substantiated, the ombuds may recommend action to the appropriate authority. The ombuds' recommendation is not binding, although the authority is to inform the ombuds within a reasonable time period whether action was taken and, if not, why not.

The director of DCD is to appoint an executive administrator for the Office of Crime Victims' Advocacy. The executive administrator post is designated as an exempt position.

The existing language in statute describing the grant programs is modified to allow funding for programs which offer prevention services to persons at risk of becoming victims of sex offenders.

Records maintained by the Office of Crime Victims' Advocacy are not subject to discovery in a judicial proceeding unless the court has reviewed the records and has entered an order stating that the records are discoverable. Members of the office may not be compelled to testify in court except for certain purposes. The office's records are exempt from the public inspection and copying requirements of the public disclosure statutes.

Fiscal Note: Available.

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

Testimony For: This office has provided invaluable services to crime victims. Local victim assistance offices are fragmented and vary as to the level of services offered.

This office brings the local services together and fills the gaps. The rural communities need this office. The office gives local communities the flexibility they need. The office acts as a liaison for crimes that occur in counties other than the one the victim resides in. The office is always there for information and technical assistance. The local fiscal impact is not zero, it is an actual benefit. The office handles problems that come up in local jurisdictions due to the insensitivity of the authorities or personality conflicts. The office finds services for victims, saving local agencies time and resources.

The sexual assault treatment grants served 20,000 victims last year, 50 percent of them children. When a child becomes the victim of a brutal crime, the family goes into shock for an indefinite period of time. The child and the family need someone to help them through the traumatic criminal justice process. They also need counseling, not just immediately after the crime but also for the flashbacks these children suffer years after the crime. This office provides the needed funding.

The St. Peter Child Sexual Assault Program was funded by the office. Since April 1990, this program has offered its advocacy services to 1,200 sexual assault victims in Thurston, Mason, Lewis, Grays Harbor, and Pacific counties, conducted 400 medical evaluations, and offered support services to over 200 parents.

Testimony Against: None.

Witnesses: Representative Ida Ballasiotes (pro); Donna DeLeno, Washington Coalition of Sexual Assault Programs (pro); Ruth Berry (pro); Mary Harrop, (pro); Melissa Allen, St. Peters Hospital Child Sexual Assault Center (pro); Helen Harlow, Tennis Shoe Brigade (pro); Craig Donaldson, Washington Coalition of Crime Victims' Advocacy and Snohomish County Prosecuting Attorney (pro); and Mary Pontavolo, Washington State Coalition Against Domestic Violence (pro).