

2 **SB 5127 - H AMD 0213 ADOPTED 04/15/99**

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The state of Washington affirms the
8 importance of ensuring that crimes involving child sexual abuse are
9 investigated thoroughly and objectively. Children who have been
10 victims of crime deserve to have those who committed the crimes against
11 them brought to justice. Those who may have been accused should expect
12 that investigative agencies will make every effort to conduct thorough
13 and impartial investigations.

14 The best approach to investigations of child sexual abuse crimes
15 involves a coordinated effort by investigative agencies that minimizes
16 repetitive investigative interviews and improves the quality of the
17 investigations. The legislature intends to improve the training and
18 resources available to individuals who conduct these interviews and to
19 increase the accuracy of risk assessments and determinations of fact
20 associated with interviews.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101 RCW
22 to read as follows:

23 (1) On-going specialized training shall be provided for persons
24 responsible for investigating child sexual abuse. Training
25 participants shall have the opportunity to practice interview skills
26 and receive feedback from instructors.

27 (2) The commission, the department of social and health services,
28 the Washington association of sheriffs and police chiefs, and the
29 Washington association of prosecuting attorneys shall design and
30 implement state-wide training that contains consistent elements for
31 persons engaged in the interviewing of children for child sexual abuse
32 cases, including law enforcement, prosecution, and child protective
33 services.

34 (3) The training shall: (a) Be based on research-based practices
35 and standards; (b) minimize the trauma of all persons who are

1 interviewed during abuse investigations; (c) provide methods of
2 reducing the number of investigative interviews necessary whenever
3 possible; (d) assure, to the extent possible, that investigative
4 interviews are thorough, objective, and complete; (e) recognize needs
5 of special populations, such as persons with developmental
6 disabilities; (f) recognize the nature and consequences of
7 victimization; (g) require investigative interviews to be conducted in
8 a manner most likely to permit the interviewed persons the maximum
9 emotional comfort under the circumstances; (h) address record retention
10 and retrieval; and (i) documentation of investigative interviews.

11 NEW SECTION. **Sec. 3.** The Washington state institute for public
12 policy shall convene a work group to develop state guidelines for the
13 development of child sexual abuse investigations protocols. The work
14 group shall consist of representatives from the department of social
15 and health services, the Washington association of sheriffs and police
16 chiefs, and the Washington association of prosecuting attorneys.

17 The work group shall solicit input from a mental health
18 professional certified under chapter 18.19 RCW, a physician licensed
19 under chapter 18.71 RCW with substantial experience in child sexual
20 abuse examinations, a member of the Washington state bar whose practice
21 is primarily defense-oriented, the attorney general, a superior court
22 judge, a child development specialist, a representative from an agency
23 serving the developmentally disabled, an advanced registered nurse
24 practitioner licensed under chapter 18.79 RCW, a representative from a
25 child serving agency, and a victim's advocate.

26 The work group guidelines shall include issues to be addressed
27 within local protocols adopted pursuant to this act. Those issues
28 shall include multivictim cases, cases involving multiple suspects,
29 information sharing between the department and law enforcement, methods
30 to reduce the number of investigative interviews, and documentation of
31 investigations.

32 The work group guidelines shall be provided as a resource to local
33 agencies in developing local protocols mandated under this act.

34 The guidelines developed by the work group shall be presented to
35 the legislature not later than December 1, 1999.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 26.44 RCW
37 to read as follows:

1 (1) Each agency involved in investigating child sexual abuse shall
2 document its role in handling cases and how it will coordinate with
3 other local agencies or systems and shall adopt a local protocol based
4 on the state guidelines. The department and local law enforcement
5 agencies may include other agencies and systems that are involved with
6 child sexual abuse victims in the multidisciplinary coordination.

7 (2) Each county shall develop a written protocol for handling
8 criminal child sexual abuse investigations. The protocol shall address
9 the coordination of child sexual abuse investigations between the
10 prosecutor's office, law enforcement, the department, local advocacy
11 groups, and any other local agency involved in the criminal
12 investigation of child sexual abuse, including those investigations
13 involving multiple victims and multiple offenders. The protocol shall
14 be developed by the prosecuting attorney with the assistance of the
15 agencies referenced in this subsection.

16 (3) Local protocols under this section shall be adopted and in
17 place by July 1, 2000, and shall be submitted to the legislature prior
18 to that date.

19 **Sec. 5.** RCW 74.14B.010 and 1987 c 503 s 8 are each amended to read
20 as follows:

21 (1) Caseworkers employed in children services shall meet minimum
22 standards established by the department of social and health services.
23 Comprehensive training for caseworkers shall be completed before such
24 caseworkers are assigned to case-carrying responsibilities without
25 direct supervision. Intermittent, part-time, and standby workers shall
26 be subject to the same minimum standards and training.

27 (2) On-going specialized training shall be provided for persons
28 responsible for investigating child sexual abuse. Training
29 participants shall have the opportunity to practice interview skills
30 and receive feedback from instructors.

31 (3) The department, the criminal justice training commission, the
32 Washington association of sheriffs and police chiefs, and the
33 Washington association of prosecuting attorneys shall design and
34 implement state-wide training that contains consistent elements for
35 persons engaged in the interviewing of children, including law
36 enforcement, prosecution, and child protective services.

37 (4) The training shall: (a) Be based on research-based practices
38 and standards; (b) minimize the trauma of all persons who are

1 interviewed during abuse investigations; (c) provide methods of
2 reducing the number of investigative interviews necessary whenever
3 possible; (d) assure, to the extent possible, that investigative
4 interviews are thorough, objective, and complete; (e) recognize needs
5 of special populations, such as persons with developmental
6 disabilities; (f) recognize the nature and consequences of
7 victimization; (g) require investigative interviews to be conducted in
8 a manner most likely to permit the interviewed persons the maximum
9 emotional comfort under the circumstances; (h) address record retention
10 and retrieval; and (i) documentation of investigative interviews.

11 NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW
12 to read as follows:

13 The department shall establish three pilot projects involving child
14 sexual abuse investigations. The projects shall follow written
15 protocols and use different methods and techniques to conduct and
16 preserve interviews with alleged child victims of sexual abuse. The
17 department shall provide the appropriate committees of the senate and
18 house of representatives an interim report by December 15, 1999, and a
19 final report by December 15, 2000. The Washington state institute for
20 public policy shall evaluate the pilot projects and report to the
21 legislature by December 1, 2000.

22 **Sec. 7.** RCW 26.44.035 and 1997 c 386 s 26 are each amended to read
23 as follows:

24 (1) If the department or a law enforcement agency responds to a
25 complaint of alleged child abuse or neglect and discovers that another
26 agency has also responded to the complaint, the agency shall notify the
27 other agency of their presence, and the agencies shall coordinate the
28 investigation and keep each other apprised of progress.

29 (2) The department, each law enforcement agency, each county
30 prosecuting attorney, each city attorney, and each court shall make as
31 soon as practicable a written record and shall maintain records of all
32 incidents of suspected child abuse reported to that person or agency.

33 (3) Every employee of the department who conducts an interview of
34 any person involved in an allegation of abuse or neglect shall retain
35 his or her original written records or notes setting forth the content
36 of the interview unless the notes were entered into the electronic

1 system operated by the department which is designed for storage,
2 retrieval, and preservation of such records.

3 (4) Written records involving child sexual abuse shall, at a
4 minimum, be a near verbatim record for the disclosure interview. The
5 near verbatim record shall be produced within fifteen calendar days of
6 the disclosure interview, unless waived by management on a case-by-case
7 basis.

8 (5) Records kept under this section shall be identifiable by means
9 of an agency code for child abuse.

10 NEW SECTION. Sec. 8. The legislature finds that the parent,
11 guardian, or foster parent of a child who may be the victim of abuse or
12 neglect may become involved in the investigation of the abuse or
13 neglect. The parent, guardian, or foster parent may also be made a
14 party to later court proceedings and be subject to a court-ordered
15 examination by a physician, psychologist, or psychiatrist. It is the
16 intent of the legislature by enacting section 9 of this act to avoid
17 actual or perceived conflicts of interest that may occur when the
18 parent, guardian, or foster parent is also a law enforcement officer
19 and is assigned to conduct the investigation of alleged abuse or
20 neglect concerning the child.

21 NEW SECTION. Sec. 9. A new section is added to chapter 26.44 RCW
22 to read as follows:

23 A law enforcement agency shall not allow a law enforcement officer
24 to participate as an investigator in the investigation of alleged abuse
25 or neglect concerning a child for whom the law enforcement officer is,
26 or has been, a parent, guardian, or foster parent. This section is not
27 intended to limit the authority or duty of a law enforcement officer to
28 report, testify, or be examined as authorized or required by this
29 chapter, or to perform other official duties as a law enforcement
30 officer.

31 NEW SECTION. Sec. 10. If specific funding for the purposes of
32 sections 1 through 7 this act, referencing sections 1 through 7 of this
33 act by bill or chapter number, is not provided by June 30, 1999, in the
34 omnibus appropriations act, sections 1 through 7 this act are null and
35 void."

1 Correct the title.

--- END ---