

HOUSE BILL REPORT

HB 2512

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to criminal investigations and information gathering within department of corrections facilities.

Brief Description: Creating a criminal investigations unit within the department of corrections.

Sponsors: Representatives Ballasiotes, Lovick, O'Brien, Haigh and Hurst; by request of Department of Corrections.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/28/00, 2/4/00 [DPS].

Brief Summary of Substitute Bill

- Creates a criminal investigations unit in the Department of Corrections (DOC).

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Mark Friendshuh (786-7291).

Background:

The DOC employees have the authority of peace officers to detect or apprehend violators of the laws only while acting in the supervision and transportation of prisoners or in the apprehension of escaped prisoners. They have no statutory authority to perform an arrest or detain a non-prisoner suspected of committing a

crime. Statutory restrictions also prevent some police intelligence units from sharing information with the DOC.

Summary of Substitute Bill:

A criminal investigations unit is created in the DOC. The DOC secretary must grant to investigators the authority to act as peace officers, giving them the power to arrest and detain persons in state correctional institutions.

The criminal investigations unit is authorized to receive and share information with other criminal justice agencies, and is specifically authorized to receive information from the state organized crime intelligence unit. The investigations unit also has the mandate to cooperate with other agencies in investigations and in enforcement of criminal laws.

Investigators are not qualified by this bill to participate in the law enforcement officers' and fire fighters' retirement system.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that commission as an investigator under this bill does not qualify a person for the law enforcement officers' and fire fighters' retirement system.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: The DOC needs the authority to detain persons suspected of crimes. Currently they are authorized to ask visitors to consent to a search, but even if they find something, they can't hold the person. The DOC can call the sheriff, but the person can just leave and the DOC loses the evidence. There were 44 cases where contraband was found in the past year.

The DOC also needs to be able to share information with other agencies. Organized criminal actions don't stop when a person comes to prison, so the DOC needs to be able to communicate with other police intelligence agencies to facilitate stopping such actions. The information sharing system would require about six to ten people who would have limited power. The DOC also needs the facilities for secure communication.

Testimony Against: None.

Testified: Larry Erickson, Washington Association of Sheriffs and Police Chiefs; Chief Annette Sandberg, Washington State Patrol; and Joseph D. Lehman, Department of Corrections.