

# SENATE BILL REPORT

## SB 6337

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As Reported By Senate Committee On:  
Human Services & Corrections, February 1, 2000  
Ways & Means, February 8, 2000

**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:** Senators Hargrove, Long, Sheahan, Costa, Winsley and Oke; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/28/2000, 2/1/2000 [DPS-WM, DNPS].

Ways & Means: 2/3/2000, 2/8/2000 [DPS (HSC), DNP].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 6337 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Long and Patterson.

**Minority Report:** Do not pass substitute.

Signed by Senators Stevens and Zarelli.

**Staff:** Fara Daun (786-7459)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6337 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fraser, Honeyford, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley and Wojahn.

**Minority Report:** Do not pass.

Signed by Senators Fairley, Kohl-Welles and Zarelli.

**Staff:** Bryon Moore (786-7726)

**Background:** Under current law, corrections personnel in the Department of Corrections (DOC) have no authority to arrest or detain a person suspected of carrying on illegal activity within a DOC facility. They also have no ability to share information related to terrorist

group or gang affiliation with law enforcement investigation and intelligence units. Information about affiliations with crime involved groups is important for an accurate risk assessment both within the facility and for public safety when an offender is released to supervision in the community.

**Summary of Substitute Bill:** The Secretary of the Department of Corrections (DOC) may appoint special deputies and grant commissions for limited authority Washington peace officers.

Special deputies, as an incidental part of their regular DOC employment, have the authority to arrest and detain persons found to be breaking the law in state correctional facilities. Immediately following an arrest, the superintendent of the facility must notify the sheriff or police chief of the arrest and the nature of the charges. The superintendent must request the sheriff or police chief to take custody of the person unless the person is an inmate. The secretary must establish working agreements to implement this with the chief law enforcement officers of the jurisdictions in which state correctional facilities are located.

The secretary may establish a criminal intelligence unit within DOC for the purpose of sharing organized crime information with the Washington State Patrol Organized Crime Investigations Unit and other law enforcement agencies and cooperating in criminal investigations. The members of the criminal intelligence unit will be limited authority Washington peace officers; however, they do not have arrest authority.

If DOC uses information from the criminal intelligence unit to impose or modify a condition of supervision or impose a sanction for violation of a condition of supervision, DOC must notify the offender of the existence and use of the criminal intelligence unit information. The offender may review and contest the accuracy of the information. DOC may redact the information to protect the integrity of an ongoing criminal investigation or to protect any person's life or property. If, however, DOC redacts the information to such an extent that the offender cannot reasonably ascertain or contest the accuracy of the information, DOC cannot use the information to impose or modify a condition of supervision or to impose a sanction.

Persons commissioned or appointed under this act are not eligible for the Law Enforcement Officers' and Fire Fighters' Retirement System.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The bill addresses two needs: the need to be able to do more than request a person committing a crime to wait for the sheriff to come and arrest him or her, and the need to work with law enforcement and share criminal intelligence information. This need arises because when a person involved in a criminal enterprise is incarcerated, that enterprise continues to operate and right now DOC does not have the tools to prevent the offender from

directing or continuing that enterprise. Law enforcement needs to have DOC participating in the sharing of criminal intelligence. DOC needs the ability to commission persons to address the issue of their inability to arrest. To ask each facility to have a sheriff or policeman at each facility during all visiting hours would have a substantial fiscal impact. To have 24-hour coverage by law enforcement officers would cost approximately \$257,000 per year, per institution. To appoint special deputies to do this as an incidental part of their regular duties has no fiscal impact except for training in arrest laws and procedures.

**Testimony Against:** None.

**Testified:** PRO: Joseph Lehman, Secretary, DOC; Annette Sandberg, Chief, Washington State Patrol; Larry Erickson, Washington Association of Sheriffs and Police Chiefs.