
SUBSTITUTE SENATE BILL 6337

State of Washington

56th Legislature

2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan, Costa, Winsley and Oke; by request of Department of Corrections)

Read first time 02/03/2000.

1 AN ACT Relating to criminal investigations and information
2 gathering within department of corrections facilities; reenacting and
3 amending RCW 72.09.050; adding new sections to chapter 72.09 RCW;
4 adding a new section to chapter 9.94A RCW; creating a new section; and
5 declaring an emergency.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that there is a need
8 for the department of corrections to strengthen its role with regard to
9 persons who commit offenses and violations. Therefore, the legislature
10 grants the secretary the authority to commission a limited number of
11 employees of the department the right to share criminal intelligence
12 information with law enforcement or to have limited arrest and
13 detention authority.

14 **Sec. 2.** RCW 72.09.050 and 1999 c 309 s 1902 and 1999 c 309 s 924
15 are each reenacted and amended to read as follows:

16 The secretary shall manage the department of corrections and shall
17 be responsible for the administration of adult correctional programs,
18 including but not limited to the operation of all state correctional

1 institutions or facilities used for the confinement of convicted
2 felons. In addition, the secretary shall have broad powers to enter
3 into agreements with any federal agency, or any other state, or any
4 Washington state agency or local government providing for the operation
5 of any correctional facility or program for persons convicted of
6 felonies or misdemeanors or for juvenile offenders. Such agreements
7 for counties with local law and justice councils shall be required in
8 the local law and justice plan pursuant to RCW 72.09.300. The
9 agreements may provide for joint operation or operation by the
10 department of corrections, alone, for by any of the other governmental
11 entities, alone. Beginning February 1, 1999, the secretary may expend
12 funds appropriated for the 1997-1999 biennium to enter into agreements
13 with any local government or private organization in any other state,
14 providing for the operation of any correctional facility or program for
15 persons convicted of felonies. Between July 1, 1999, and June 30,
16 2001, the secretary may expend funds appropriated for the 1999-01
17 biennium to enter into agreements with any local government or private
18 organization in any other state, providing for the operation of any
19 correctional facility or program for persons convicted of felonies.
20 The secretary may employ persons to aid in performing the functions and
21 duties of the department. The secretary may delegate any of his or her
22 functions or duties to department employees, including the authority to
23 certify and maintain custody of records and documents on file with the
24 department. The secretary is authorized to promulgate standards for
25 the department of corrections within appropriation levels authorized by
26 the legislature.

27 The secretary may appoint employees of the department to serve as
28 special deputies as an incidental portion of their customary duties.
29 Special deputies appointed under this section have limited police
30 authority restricted to arrest and detention of persons in state
31 correctional facilities. Appointment and conferral of authority as a
32 special deputy does not qualify the deputies for membership in the law
33 enforcement officers' and fire fighters' retirement system under
34 chapter 41.26 RCW, nor shall it grant tenure of office as a regular
35 peace officer of any law enforcement agency.

36 The secretary may commission limited authority Washington peace
37 officers, as defined in RCW 10.93.020, as members of a criminal
38 intelligence unit for the purpose of sharing criminal intelligence
39 information with other law enforcement agencies. Notwithstanding the

1 provisions of RCW 10.93.020, the grant of a commission as a limited
2 authority Washington peace officer to this unit does not confer the
3 power to arrest or detain any individual nor does it qualify the
4 commissioned person for membership in the law enforcement officers' and
5 fire fighters' retirement system, under chapter 41.26 RCW.

6 Nothing in this section may be construed to prohibit the secretary
7 from granting any other commission he or she may be authorized to grant
8 under any other provision of law.

9 Pursuant to the authority granted in chapter 34.05 RCW, the
10 secretary shall adopt rules providing for inmate restitution when
11 restitution is determined appropriate as a result of a disciplinary
12 action.

13 NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW
14 to read as follows:

15 (1) Persons appointed as special deputies under RCW 72.09.050 shall
16 be limited in their authority as special deputies to arrest and
17 detention of individuals in state correctional facilities, as defined
18 in RCW 9.94.049.

19 (2) Immediately following an arrest and detention the
20 superintendent, or his or her designee, shall:

21 (a) Notify the sheriff or police chief in the jurisdiction in which
22 the state correctional facility is located that a person has been
23 arrested and the nature of the offense for which the person was
24 arrested; and

25 (b) Request the sheriff or police chief to take custody of the
26 arrested person, unless that person is presently an offender confined
27 at the state correctional facility.

28 (3) The secretary shall establish working agreements with the chief
29 law enforcement officer of the jurisdiction in which the state
30 correctional facility is located. The agreements must provide for
31 timely notification to law enforcement and transfer of custody of
32 arrested persons.

33 NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW
34 to read as follows:

35 (1) There is created in the department a criminal intelligence
36 unit.

1 (2) The secretary shall commission the members of this unit and
2 such commission shall be considered that of a limited authority
3 Washington peace officer pursuant to RCW 10.93.020 and, notwithstanding
4 any other provision of law, a person commissioned as a member of the
5 unit shall not have arrest authority.

6 (3) The criminal intelligence unit is authorized to share with
7 other criminal justice agencies criminal history record information and
8 other criminal justice information that can be lawfully disseminated to
9 a criminal justice agency and may receive such information from other
10 criminal justice agencies. The unit is a law enforcement agency
11 authorized to receive investigative and intelligence information for
12 the purposes of RCW 43.43.854 and 43.43.856.

13 (4) The criminal intelligence unit shall:

14 (a) In cooperation with local law enforcement, conduct
15 investigations for the purposes of enforcing criminal laws, conduct
16 intelligence gathering within department facilities, and provide
17 assistance to other criminal justice agencies;

18 (b) Coordinate with other criminal justice agencies in the state
19 concerning violations of the criminal laws within department
20 facilities; and

21 (c) Provide a secure communications network capable of
22 interconnecting all offices and investigators of the unit.

23 (5) In order to maximize the efficiency and effectiveness of state
24 resources, the criminal intelligence unit shall, where feasible, use
25 existing facilities and systems.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW
27 to read as follows:

28 (1) If the department imposes or modifies a condition of community
29 custody, or imposes a sanction under RCW 9.94A.205 that is based, all
30 or in part, on information received from the criminal intelligence
31 unit, the department must inform the offender of the existence and use
32 of the information.

33 (2) The offender shall have the right to review and contest the
34 accuracy of the information used.

35 (3) The department may redact information necessary to protect the
36 integrity of any ongoing criminal investigation or the lives or
37 property of any person. However, if the department redacts the
38 information to the extent that the offender cannot reasonably ascertain

1 or contest the accuracy of the remaining information, the department
2 may not use that information to impose or modify a condition or impose
3 a sanction.

4 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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