

HOUSE BILL REPORT

HB 2958

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to missing person reports.

Brief Description: Ordering a study of missing person reports.

Sponsors: Representatives O'Brien, Carrell, Morrell, Lantz, Lovick and Rockefeller.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/4/04, 2/6/04 [DP].

Brief Summary of Bill

- Requires the Washington Association of Sheriffs and Police Chiefs (WASPC) to study the state's current practice of taking missing person reports by law enforcement agencies.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Yvonne Walker (786-7841).

Background:

In 1985, the Legislature passed legislation that established the Missing Children Clearinghouse. It required the Washington State Patrol (WSP) to establish a missing children clearinghouse which included the maintenance and operation of a toll-free 24-hour telephone hotline. The clearinghouse distributes information to local law enforcement agencies, school districts, the Department of Social and Health Services, and the general public regarding missing children (under the age of 18 years old). The information includes: pictures, bulletins, training sessions, reports, and biographical materials that assist in local law enforcement efforts in locating missing children. The WSP also maintains a regularly updated computerized link with national and other

statewide missing person systems and clearinghouses.

Generally, after a report is taken regarding a missing child, local law enforcement agencies must file an official missing person report and enter biographical information into the state's missing person computerized network within 12 hours.

There is no statutory requirement for law enforcement agencies to timely file a missing persons report for a person over the age of 18 years old and enter such information into a statewide database.

Summary of Bill:

The Legislature finds that federal and state statutes require local law enforcement agencies to immediately take missing person reports for children and then file and enter that information into the state missing person computerized network. However, there is no such consistent policy or requirement for cases involving missing adults. The Legislature believes that, at a minimum, a written or electronic report should be initiated for all reports of missing persons made to law enforcement agencies across the state.

The WASPC must study the state's current practice of taking missing person reports by law enforcement agencies. The study must identify:

- The feasibility and costs to local law enforcement agencies for taking telephonic recordings of missing person reports;
- Ways to eliminate waiting periods for law enforcement officers to take a report;
- Ways to track and enter information from such reports into a state database;
- Ways to more rapidly identify human remains;
- Ways for more rapid prosecution of those convicted of harming or kidnapping a missing person;
- What is currently in state and federal statutes regarding how to handle missing person reports;
- Whether local law enforcement agencies show any consistency of compliance to current statutes; and
- Recommendations on how to improve how missing persons are reported, how missing reports are handled, how missing persons are identified, and how human remains of missing persons are both identified and handled.

The study must be submitted to the Governor and Legislature by December 1, 2004.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This was brought to attention by a series of articles in the Seattle Post Intelligencer that focused on a number of problems with the computer system and other recording systems that track missing persons. For example, some agencies will not take a report if the person has not been gone for more than 48 hours. Other agencies will not take a report, if the person making the report, is not related to the missing person, and still some agencies will not take a report if the missing person is not from their jurisdiction.

Situations regarding persons missing over the age of 18 is troublesome. Unless there is strong evidence that foul play has occurred, many police agencies do not even take a report or investigate the disappearance. Within Washington, there is no uniform protocol that law enforcement is required to follow, and therefore practices vary from jurisdiction to jurisdiction. There are no consistencies among law enforcement agencies in complying with current statutes.

When a missing person report is not entered into the HITS database when a family attempts to make a missing persons report, and the body is eventually found, much valuable time is lost. Many of these cases remain unsolved.

Many officers feel that it is a pain to take a missing person report because a high percentage of those persons reported missing usually show up within a few hours or days. Police often feel that their time should be focused on more real crimes that are taking place in the community.

Currently, the Office of the Attorney General (AG) is looking at this issue and will provide a report by the end of this year. In this bill the WASPC has been asked to look at best practice standards on how to take missing reports. A bill will be introduced next session after both the AG and the WASPC studies are complete to clearly identify the issues that need to be fixed in the system around the state. In addition, the WASPC has already started to look at this issue and plans to do a presentation to all sheriffs and police chiefs in May. There will be a cost associated with having the WASPC do this particular study.

The newspapers are happy that the Legislature is trying to rectify this problem about missing person reports.

Testimony Against: None.

Persons Testifying: Representative O'Brien, prime sponsor; Jenny Wieland, Executive Director, Families and Friends of Missing Persons and Violent Crime Victims; Mike Harum, Chelan County Sheriff; and Rowland Thompson, Allied Daily Newspapers for Seattle Post Intelligencer.

Persons Signed In To Testify But Not Testifying: None.