
**State Government Operations &
Accountability Committee**

HB 2472

Brief Description: Creating the department of public safety.

Sponsors: Representatives Campbell and Hunt.

Brief Summary of Bill

- Creates a new state agency, the Department of Public Safety (Department).
- Establishes three bureaus within the Department: the Washington Bureau of Investigation, the Washington State Patrol (WSP), and the Bureau of Fire Protection. Incorporates the current functions and services provided by the existing WSP and Bureau of Fire Protection within the Department.
- Revises the mission of the WSP to focus its functions on traffic law enforcement, collision investigations, motorist assists, enforcement of the commercial vehicle rules, and providing protection for executive branch officers and the legislative building.
- Creates the Public Safety Commission for the purpose of providing effective communication between the Department and the public, and to establish and maintain the Department's accountability and credibility with the public.

Hearing Date: 1/20/06

Staff: Kathryn Leathers (786-7114).

Background:

The citizens of Washington are provided public safety assistance and services through the combined efforts of local and state law enforcement and public safety agencies. The Washington State Patrol (WSP) provides public safety services to the entire state, and is divided into seven bureaus: field operations; fire protection; forensic laboratory services; investigative services; management services; technical services; and office of the chief. The Chief of the WSP is responsible for the appointment of WSP officers, and may remove them for cause, make promotional appointments, determine their compensation, and define their ranks and duties.

The WSP has general law enforcement authority throughout the entire state. "General authority Washington law enforcement agencies" are those local and state law enforcement agencies that

have as its primary function the enforcement of the traffic and criminal laws in the state. Various state agencies are authorized to provide limited law enforcement. Agencies that have limited enforcement authority, such as the State Gambling Commission, the Department of Corrections, and the State Liquor Control Board, are not general authority Washington law enforcement agencies.

The WSP has approximately 1,000 commissioned officers that perform a variety of duties, including but not limited to the policing of the state's highways; the investigation of vehicle accidents and other crimes resulting from traffic stops and investigations; and participation in inter-jurisdictional drug task forces. As it relates to the inter-jurisdictional drug task forces, the WSP works in coordination with Washington Sheriffs and Police Chiefs, as well as the Federal Bureau of Investigation.

Summary of Bill:

The Department of Public Safety (Department) is created for the purpose of establishing a single state criminal justice agency capable of providing comprehensive, integrated, and efficient public safety services. The Public Safety Commission (Commission) is also created, for the purpose of providing effective communication between the Department and the public and also to establish and maintain Department accountability and credibility with the public.

DEPARTMENT STRUCTURE:

The Department is organized into three bureaus: the Washington Bureau of Investigation (WBI), the Washington State Patrol (WSP), and the Bureau of Fire Protection (BFP). All powers, duties, and functions of the WSP are transferred to the Department, and the Department will carry out those functions through the three bureaus.

Washington Bureau of Investigation. The newly formed WBI provides criminal investigative assistance to local law enforcement agencies at their request. The WBI has concurrent jurisdiction to investigate drug crimes, organized crime activities, public misconduct and corruption, and identity theft crimes. In addition, the WBI provides forensic laboratory services to state law enforcement agencies and also maintains the state's criminal justice information system.

The WBI is divided into four divisions in order to carry out these functions:

- The Criminal Investigations Division provides assistance to local law enforcement agencies, when requested, in the investigation of any crime, and has concurrent jurisdiction to investigate crimes relating to organized crime, public misconduct and corruption, and identity theft.
- The Narcotics Investigation Division has jurisdiction to investigate any drug crime, provides investigative assistance to law enforcement agencies, and coordinates and participates in local, state, and federal inter-jurisdictional narcotics task forces.
- The Forensic Laboratory Services Division has the function of providing comprehensive forensic laboratory services to law enforcement agencies throughout the state, including the crime lab and the toxicology lab. This division carries on the

functions of the current forensic laboratory services bureau of the Washington State Patrol.

- The Criminal Justice Information Division (CJID) provides a comprehensive criminal justice information system for the state, including criminal history record information, the automated fingerprint identification system, and law enforcement telecommunications systems. The CJID carries on the functions of the current criminal records division of the WSP.

Washington State Patrol. The mission of the WSP is revised to focus its functions on traffic law enforcement, collision investigations, motorist assists, enforcement of the commercial vehicle rules, and providing protection for executive branch officers and the legislative building.

Bureau of Fire Protection. The current Fire Protection Bureau of the WSP will continue its programs as a bureau of the Department. The BFP will continue to perform its functions of maintaining a comprehensive state policy regarding fire protection services and advising the Director on matters relating to the duties of the Department under law.

The Department is headed by the Director of Public Safety (Director), who is appointed by the Governor with the consent of the Senate. The Director has complete charge and supervisory powers over the Department and all bureaus of the Department. The Director appoints the chief of the WSP and the Director of the WBI, subject to the consent of the Senate. The Director also appoints the Director of Fire Protection to head the BFP.

Public Safety Commission: The purpose of the Public Safety Commission (Commission) is to provide effective communication between the Department and the public, and to establish and maintain Department accountability and credibility with the public. The Commission consists of seven members who are appointed by the Governor with the consent of the Senate. Four members must represent the lay citizenry; one member must be a prosecuting attorney; one member must be a sheriff; and one member must be a police chief.

The Commission has the following powers:

- To hear and investigate any complaint against the Department or its officers and agents, and to make recommendations to the Director of needed disciplinary actions based on a complaint investigation;
- To review and make findings regarding completed internal investigations conducted by the Department; and
- To study and make recommendations to the Director regarding the Department's employment practices and policies or other policies and practices that impact the Department's relationship with and accountability to the public.

EMPLOYMENT PROVISIONS:

Existing employment provisions that apply to the WSP are retained but with the Director, rather than the Chief of the WSP, as the supervisory authority over employment-related issues. In addition, agents of the WBI are included within these provisions, and the same rights and

obligations that currently exist for WSP officers will apply to WBI agents, including civil service law exemptions and collective bargaining rights.

RETIREMENT PROVISIONS:

The Washington State Patrol Retirement System is amended to extend to commissioned agents of the WBI and to designate the Director, rather than the Chief of the WSP, as the person who makes disability determinations. In addition, the retirement system provisions are recodified into a new chapter in Title 41 RCW.

MISCELLANEOUS PROVISIONS:

The existing WSP chapter is reorganized and recodified into the new chapter creating the Department.

Numerous technical corrections are made throughout the code to change "chief" or "Washington State Patrol" references to the "Department" or the "Director."

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.