

FINAL BILL REPORT

2SHB 2805

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Synopsis as Enacted

Brief Description: Expanding provisions relating to missing persons.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ericks, Morrell, Miloscia and Green).

House Committee on Criminal Justice & Corrections

House Committee on Appropriations

Senate Committee on Judiciary

Background:

In 1985, legislation was enacted 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. However, 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.

The Washington State Forensic Investigations Council (Council) is a 12 member committee appointed by the Governor to oversee death investigations as part of the state's criminal justice system. The Council authorizes expenditures from the Council's Death Investigations Account for the purpose of assisting local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions. The Council also oversees the WSP Bureau of Forensic Laboratory Services (Bureau) and actively prepares and approves the Bureau's budget prior to submission to the Office of Financial Management.

The Bureau provides a wide range of forensic science expertise to city, county, and state law enforcement officers, assisting agencies at crime scenes, preparing evidence for trial, and providing expert testimony. The Bureau coordinates the efforts of the State's Breath Alcohol

Test Program, Drug Evaluation and Classification Program, six crime laboratories, the Latent Print Laboratory, and the State Toxicology Laboratory.

Summary:

The Legislature finds that there were over 46,000 reports of persons missing nationwide and over 500 missing persons in the State of Washington. The Legislature intends to build upon the past research and findings to aid in the recovery of missing persons and the identification of human remains.

Protocols. The Washington Association of County Officials (WACO), in consultation with the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington Association of Coroners and Medical Examiners (WACME), the Washington State Forensic Investigations Council (FIC), the WSP, and other interested agencies and individuals, must convene a committee to coordinate the use of the latest technology and science available to improve the: (1) reporting of missing persons, (2) communication within the state and with national databases, (3) dissemination of information to other agencies and the public, and (4) reporting for missing persons and the collection and preservation of evidence.

Protocols established for the investigation of reported missing persons, the identification of human remains, the reporting and the identification of persons missing as the result of major events (i.e., tsunami, earthquake, or terrorism) must be endorsed by the WASPC, the WACO, the WACME, the FIC, and the WSP. These entities must then seek the voluntary adoption of the same protocols by all local law enforcement agencies, coroners, medical examiners, and others charged with locating missing persons or identifying human remains.

Training Modules. The FIC, in cooperation with the WACME, and other interested agencies, must develop training modules that are essential to the effective implementation and use of missing persons protocols. Funds provided in the state's Death Investigations Account may be used for developing the training modules. The training modules must provide training through classes and media that will train and educate small police departments or those at remote locations with the least disruption. The modules must include but are not limited to such items as the reporting process, the use of forms and protocols, the effective use of resources, the collection and importance of evidence and preservation of biological evidence, and risk assessment of the individuals reported missing.

Missing Person Website. The WASPC must create and maintain a statewide public website for the posting of relevant information concerning persons reported missing in Washington. The website must contain, but is not limited to, the missing person's name, physical description, photograph, and other information that is deemed necessary according to the adopted protocols. This website must allow citizens to more broadly disseminate information regarding missing persons for at least 30 days. However, due to the large number of reports received on persons who are overdue and subsequently appear, the information must be removed from the website after 30 days, unless persons filing the report have notified local law enforcement that the person is still missing.

The WSP must establish an interface with local law enforcement and the WASPC missing persons website, the toll-free 24-hour hotline, and national and other statewide missing persons systems or clearinghouses. Local law enforcement agencies must file an official missing persons report and enter biographical information into the state missing persons computerized network within 12 hours after notification of a missing person's report is received.

The establishment of the WASPC public website for missing persons is null and void unless funded in the Omnibus Appropriations Act. In addition, the establishment of the WSP's system that interfaces with national and other statewide missing persons systems and the requirement that local law enforcement file an official missing persons report and enter data into computerized networks within 12 hours after receiving a missing person's report, is null and void unless funded in the Omnibus Appropriations Act.

Filing Reports and DNA Collection. When a person reported missing has not been found within 30 days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the investigating agency must: (1) file a report, (2) initiate collection of DNA samples from the known missing person, and (3) ask the missing person's family or next of kin to give consent to request the person's dental records.

Biological samples taken for an investigation must be forwarded to the FBI and to the WSP Crime Lab as soon as possible. The investigating agency must then submit the collected DNA samples for nuclear DNA testing to the WSP Crime Laboratory in their jurisdiction, the DNA samples for mitochondrial DNA testing to the Federal Bureau of Investigation (FBI), and the dental records to the WSP Missing and Unidentified Persons Unit. In cases where criminal activity is suspected, the WSP must conduct nuclear DNA typing for entry into the state missing person's DNA data base as soon as possible.

The WSP Crime Lab must provide guidance to agencies regarding where samples should be sent and conduct nuclear DNA testing of the biological samples where appropriate. In the event additional testing is required, the mitochondrial DNA testing must be conducted through the FBI. However, priority for testing must be given to active criminal cases. If substantial delays in testing occur or federal testing is no longer available, the Legislature should provide funding to implement mitochondrial technology in Washington.

All descriptive information from missing person's reports and dental data submitted to the WSP Missing Persons and Unidentified Persons Unit must be recorded and maintained by the WSP in the applicable dedicated missing persons databases.

Votes on Final Passage:

House	96	0
Senate	44	0

Effective: June 7, 2006