

SENATE BILL REPORT

SB 6316

As Reported by Senate Committee On:
Human Services & Corrections, February 4, 2010

Title: An act relating to coordination between local law enforcement and the department of corrections.

Brief Description: Addressing the coordination between local law enforcement and the department of corrections.

Sponsors: Senators Carrell, King, Hewitt, Stevens and Delvin.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/10, 2/04/10 [DPS-WM].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: The Governor convened a work group in late 2009/early 2010 to address how provisions of the law could be strengthened to address the tragedy of four officers killed in the Lakewood shooting. That work group recommended:

- The Department of Corrections (DOC) should explore the utilization of the State Victim Notification System as a tool to make certain DOC is notified when an offender on community custody is released from jail.
- The DOC and local law enforcement should work together to enhance the system that provides an administrative detainer to local law enforcement when they are in contact with an offender who has violated the terms of his or her release.

The Washington Association of Sheriffs and Police Chiefs (WASPC) is required to operate an electronic statewide city and county jail booking and reporting system. The system is intended to serve as a central repository and instant information source for offender information and jail statistical data. As part of the system, WASPC was required to add a statewide automated victim information and notification system to automatically notify a

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registered victim when any offender housed in any Washington State city or county jail or DOC facility is transferred or released or has escaped. This system is commonly referred to as the VINES system.

A community corrections officer may take an offender who has violated the terms of his or her supervision into custody under two circumstances: (1) when the officer has obtained a secretary's warrant for the offender's arrest; or (2) when the officer has reasonable cause to believe the offender has violated the terms of his or her supervision. A secretary's warrant also authorizes law enforcement to arrest an offender. However, if a law enforcement officer has reasonable cause to believe the person has violated the terms of supervision, the officer does not have the authority to arrest the person without a warrant or the presence of a community corrections officer.

The Offender Management Network Information (OMNI) system is a web-based, offender tracking system developed by DOC. OMNI was designed to provide easy access to comprehensive information about an offender's confinement status, rehabilitation programming, treatment, sentencing, movement, discipline, and community supervision.

Summary of Bill (Recommended Substitute): No later than July 1, 2011, WASPC must implement procedures as part of its electronic booking and reporting system to automatically notify DOC when an offender who is being supervised by DOC is booked into a facility, transferred, released, discharged, or escaped.

A police officer may arrest and detain a person being supervised by DOC if the officer has probable cause to believe the person is violating the terms of his or her community custody and the officer has oral or written authorization to detain the person from DOC.

Until June 30, 2012, DOC must provide law enforcement with a 24-hour hotline staffed by a community corrections officer who can authorize the detainment of a supervised person. A person detained by law enforcement is subject to the same proceedings as if the person were arrested by a community corrections officer. WASPC and DOC must inform all law enforcement of the availability of the hotline and existing electronic access to view the community custody status of an offender. DOC must submit a report to the Governor and the Legislature no later than November 1, 2011, on the effectiveness and workability of the hotline. The state, local governments, and their agencies, officers and employees are immune from civil liability for the operation of the hotline and the decision to detain or not to detain an individual.

If specific funding is not provided this act is null and void.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Substitute): A police officer may arrest and detain a person being supervised by DOC if the officer has probable cause to believe the person is violating the terms of his or her community custody and the officer has oral or written authorization to detain the person from DOC. The requirement that DOC provide law enforcement with access to OMNI is removed. Until June 30, 2012, DOC is required to provide law enforcement with a 24-hour hotline staffed by a community corrections officer who can authorize the detainment of a supervised person. WASPC and DOC must inform all

law enforcement of the availability of the hotline and existing electronic access to view the community custody status of an offender. DOC must submit a report to the Governor and the legislature no later than November 1, 2011, on the effectiveness and workability of the hotline. The state, local governments, and their agencies, officers and employees are immune from civil liability for the decision to detain or not to detain an individual.

Appropriation: None.

Fiscal Note: Available on Original Bill. Requested on Substitute Bill on February 4, 2010.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: OTHER: DOC has concerns with the provision giving law enforcement the ability to arrest an offender for violations of community custody. There was robust discussion on this topic in the Governor's work group and some concerns were raised. For example, who pays for detention once an offender is arrested and if DOC subsequently holds a hearing, is the officer required to appear at that hearing? Utilizing DOC's detainer authority may be a better way to address this problem. DOC has a 24-hour warrants desk. If a detainer is lodged by DOC, this would allow law enforcement to arrest the individual and perhaps avoid some of those other issues. The provisions requiring DOC to provide law enforcement with access to OMNI is what drives the fiscal note. There is already much information available to law enforcement via a current system. It is possible that this system already does what the bill is asking. Good things can come from the goals in this bill, but there is still work to be done. WASPC is working hard to give DOC an electronic connection to the electronic booking system. The addition will add 19,000 people to the current system which will increase costs by roughly \$60,000 per year.

Persons Testifying: OTHER: Eldon Vail, Secretary, DOC; Don Pierce, WASPC.