
Public Safety Committee

HB 1571

Brief Description: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

Sponsors: Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby.

Brief Summary of Bill

- Requires a county coroner or medical examiner with jurisdiction over the remains of a deceased indigenous person to make certain efforts to contact family members and affected tribes of the deceased and provide an opportunity for family and affected tribes to conduct spiritual practices or ceremonies, subject to certain limitations.
- Requires a county coroner or medical examiner with jurisdiction over the remains of a deceased indigenous person to make certain efforts to contact the deceased person's family and facilitate return of the remains prior to entrusting the remains to a funeral home.
- Requires the Criminal Justice Training Commission to provide training to law enforcement officers and county coroners in tribal sovereignty, customs, culture, traditions, and spirituality.
- Requires the Washington State Patrol to establish a Red Thunder Alert designation as a part of its Endangered Missing Person Advisory plan.
- Requires the Department of Commerce's Office of Crime Victims Advocacy to establish two grant programs related to services and resources for indigenous survivors of human trafficking.
- Requires a sheriff, chief of police, county coroner or medical examiner, or other law enforcement authority investigating a missing indigenous

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person under certain circumstance to search the Jail Booking and Reporting System for the missing person and register to be notified if the missing person is later booked into jail.

Hearing Date: 1/14/22

Staff: Corey Patton (786-7388).

Background:

County Coroners and Medical Examiners.

Every county in Washington has a coroner or medical examiner to investigate deaths, conduct inquests, order autopsies, and to determine cause of death in certain cases. The coroner or medical examiner has jurisdiction of bodies of all deceased persons who come to their death through a variety of circumstances. They may authorize an autopsy or postmortem in any case in which the coroner or medical examiner has jurisdiction over the body. Records of the autopsies or postmortems are confidential and may only be released to those parties authorized by statute.

Whenever a person dies within a county without making prior plans for the disposition of his or her body, and there is no other person willing to provide for the disposition of the body, the county coroner must cause such body to be entrusted to a funeral home in the county where the body is found.

Criminal Justice Training Commissions.

The Criminal Justice Training Commission provides training and educational programs to law enforcement, corrections officers, and other public safety professionals in Washington. This includes hosting the Basic Law Enforcement Academy and the Corrections Officer Academy, as well as advanced training.

Endangered Missing Person Advisory (EMPA).

The America's Missing Broadcast Emergency Response (AMBER) Alert system is a system in which broadcasters, cable systems, and law enforcement agencies voluntarily cooperate to assist in finding abducted children. The Washington State Patrol (WSP) is the lead agency for the AMBER Alert plan in Washington. An AMBER Alert may be activated directly by a local law enforcement agency that has either an approved local AMBER Alert plan or a mutual aid agreement with an agency that has an approved plan or directly by the WSP if the local law enforcement agency does not have an approved plan.

The WSP is also responsible for operating a Missing Children and Endangered Person (MCEP) Clearinghouse. The MCEP Clearinghouse involves the voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, and cable and satellite systems to enhance the public's ability to assist in recovering

endangered missing persons who do not qualify for inclusion in an AMBER Alert. In an instance where a missing person does not qualify for an alert under the AMBER Alert system, an Endangered Missing Person Advisory (EMPA) alert may be activated. Washington's EMPA plan includes a Silver Alert designation to assist in the recovery of missing endangered persons age 60 or older.

Office of Crime Victims Advocacy.

The Department of Commerce's Office of Crime Victims Advocacy advocates on behalf of victims obtaining services and resources, administers grant funding for community programs working with victims of crimes, assists communities in planning and implementing services for crime victims, and advises local and state government agencies of practices, policies, and priorities which impact crime victims.

Jail Booking and Reporting System (JBRS).

The Jail Booking and Reporting System (JBRS) is an electronic central repository and information source for statewide city and county jail booking information. The JBRS contains descriptive information of each offender booked into jail, such as the offender's name, vital statistics, address, and mugshot, along with other information. The JBRS is capable of communicating electronically with every city and county jail and criminal justice agency in Washington state.

Summary of Bill:

County Coroners and Medical Examiners.

County coroners or medical examiners with jurisdiction over the human remains of an indigenous person must cooperate with law enforcement to attempt to identify and contact family members and any affected tribes prior to disturbance of the remains, except as necessary to preserve evidence for an ongoing criminal investigation. The attempt to make contact must include an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons within 10 days of the coroner or medical examiner receiving jurisdiction over the remains.

The coroner or medical examiner is required to allow a family member or tribal representative to visit the remains for the purpose of conducting spiritual practices or ceremonies in accordance with the indigenous person's passing. A family member or representative's activities may not interfere with or jeopardize an ongoing criminal investigation. The lead investigator from the law enforcement agency of jurisdiction and the coroner or medical examiner must provide the family member or representative with a list of conduct the family member or representative is prohibited from doing when interacting with the remains, including an explanation of why the conduct is prohibited.

The coroner or medical examiner must also make reasonable efforts to contact family members of the deceased prior to entrusting the body to a funeral home, including an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons within 10 days

of the coroner or medical examiner receiving jurisdiction over the remains. Upon a family member's written request, the coroner or medical examiner must provide an estimated timeframe for returning the body to the family, unless doing so would jeopardize an ongoing criminal investigation.

Criminal Justice Training Commission.

The Criminal Justice Training Commission must collaborate with the two liaisons for missing and murdered indigenous persons to provide training to law enforcement officers and county coroners in tribal sovereignty, customs, culture, traditions, and spirituality.

Endangered Missing Person Advisory.

The Washington State Patrol (WSP) must establish a Red Thunder Alert designation as a part of its Endangered Missing Person Advisory plan, for voluntary cooperation between local, state, tribal, and other law enforcement agencies, state government agencies, radio and television stations, cable and satellite systems, and social media pages and sites to enhance the public's ability to assist in recovery efforts.

"Red Thunder Alert" means the designated title of a missing endangered person advisory that will be used on a variable message sign and text of the highway advisory radio message when used as part of an activated advisory to assist in the recovery of a missing indigenous person.

Grant Program - Wraparound Services for Indigenous Survivors of Trafficking.

Subject to the availability of funding, the Office of Crime Victims Advocacy (OCVA) must establish a competitive grant program to award funding to an eligible public agency, nonprofit community group, or nonprofit treatment provider to establish a pilot project providing wraparound services to indigenous survivors of trafficking by September 1, 2022.

The grant recipient must use the grant funds to develop or maintain a center capable of providing wraparound services to at least 50 indigenous persons who are survivors of trafficking, including:

- short-term and long-term shelter;
- food;
- nonemergency health care;
- mental health counseling and treatment;
- substance abuse prevention, assessment, and treatment;
- case management and care coordination;
- education and special education services;
- vocational training;
- legal services, protection, and advocacy; and
- transportation.

The grant recipient must provide a report to the Department of Commerce (Commerce) on the results of the pilot project by October 1, 2023. Commerce must provide a report on the pilot project to the Governor and appropriate committees of the Legislature by December 1, 2023.

The grant program expires January 1, 2024.

Grant Program - Services and Resources for Indigenous Survivors of Trafficking.

Subject to the availability of funding, the OCVA must award grant funding to local agencies, nonprofit community groups, and nonprofit treatment providers to increase the visibility and accessibility of services and resources for indigenous survivors of trafficking by September 1, 2022.

The OCVA must award 10 grants to eligible applicant: five to applicants in cities west of the crest of the Cascade mountains, and five to applicants in cities east of the crest of the Cascade mountains. Grant recipients shall collaborate with the two liaisons for missing and murdered indigenous persons to develop a campaign to increase the visibility and accessibility of services and resources for indigenous persons who are survivors of human trafficking, including:

- development of methods to help convey information discreetly and effectively, such as through the use of easily recognizable logos and symbols;
- increased signage for relevant antitrafficking hotlines in frequently visited areas, such as truck stops, gas stations, and hotels; and
- increased online promotion.

Grant recipients must provide a report to Commerce on the results of their campaigns by October 1, 2023. Commerce must provide a report on the pilot project to the Governor and appropriate committees of the Legislature by December 1, 2023. The grant program expires January 1, 2024.

Jail Booking and Reporting System.

When an indigenous person has been reported missing for over 30 days or an investigating agency suspects criminal activity to be the basis of the person being missing, the sheriff, chief of police, county coroner or medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person must, in cooperation with the regional liaison for missing and murdered indigenous persons, search the Jail Booking and Reporting System for the missing person and register to be notified if the missing person is later booked into jail.

Appropriation: None.

Fiscal Note: Requested on January 6, 2022.

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