

HOUSE BILL REPORT

2SSB 6316

As Reported by House Committee On: Human Services

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: Senate Committee on Ways & Means (originally sponsored by Senators Carrell, King, Hewitt, Stevens and Delvin).

Brief History:

Committee Activity:

Human Services: 2/17/10, 2/22/10 [DP].

Brief Summary of Second Substitute Bill

- Requires the Washington Association of Sheriffs and Police Chiefs to implement procedures, as part of the city and county jail booking and reporting system, to automatically notify the Department of Corrections (DOC) of the status of an offender.
- Authorizes a law enforcement officer to arrest an offender for a violation of a condition of supervision without a warrant upon oral or written authority from the DOC.
- Requires the DOC to provide law enforcement officers with access to a 24-hour hotline staffed by a community corrections officer who can provide authorization to detain a person who is under supervision of the DOC and in violation of conditions of supervision.
- Provides that state and local governments and their agencies, officers, or employees are immune from civil liability for access to or operation of the 24-hour hotline or for a decision to detain or not to detain an individual.
- Provides that the act is null and void if specific funding, by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

Background:

The Governor convened a work group in late 2009 and early 2010 to address how provisions of the law could be strengthened to address the tragedy of four police officers killed in Lakewood in November 2009. The work group recommended, among other things, that:

- The Department of Corrections (DOC) should explore the utilization of the State Victim Notification System as a tool to make certain that the DOC is notified when an offender in community custody is released from jail.
- The DOC and 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 jail booking and reporting system for city and county jails. The system is intended to serve as a central repository and instant information source for offender and jail statistical data. As part of the system, the WASPC was required to add a statewide automatic victim information and notification system to automatically notify a registered victim when the offender housed in any local jail or DOC facility is transferred, released, or has escaped.

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

Authority to Arrest.

Law Enforcement Officers.

Currently a police officer has the authority to arrest a person without a warrant where the officer has probable cause to believe that:

- the person committed or is committing a felony;
- the person has committed or is committing a misdemeanor or gross misdemeanor involving: physical harm or threats of harm to any person or property; the unlawful taking of property; the use or possession of cannabis; the acquisition, possession, or consumption of alcohol by a person under age 21; or criminal trespass;
- the person has committed the offense of hit and run, reckless driving, driving while under the influence, driving while license suspended or revoked, or negligent driving;

- the person has operated or is operating a vessel in a reckless manner or under the influence of intoxicants;
- the person violated a traffic law or infraction in connection with a car accident;
- the person has committed or is committing an act of indecent exposure;
- the person, within 24 hours of the alleged violation, has interfered with a health care facility; or
- the person illegally possesses or illegally has possessed a firearm or other dangerous weapon on elementary or secondary school premises.

A police officer also has the authority to arrest a person without a warrant under the following conditions:

- the person is committing a misdemeanor or gross misdemeanor in the presence of the officer;
- the person has violated the terms of a no-contact, restraining, or anti-harassment order and the person has notice of the order;
- within the previous four hours, a person age 16 or older is alleged to have assaulted a family or household member, and the officer believes that the assault was felonious, or resulted in bodily injury, or that physical action intended to cause reasonable fear of imminent serious bodily injury or death has occurred; the officer must arrest the person whom the officer believes is the primary physical aggressor; or
- where an officer who has witnessed a traffic infraction has requested another officer detain or arrest a person who is believed to have committed the infraction.

Community Corrections Officers.

A community corrections officer (CCO) may take an offender into custody if he or she has violated the terms of supervision under the DOC as follows: (1) when the CCO has obtained a Secretary's warrant for the offender's arrest; or (2) when the CCO has reasonable cause to believe that the offender has violated the terms of his or her supervision.

A law enforcement officer may arrest an offender under the supervision of the DOC pursuant to a Secretary's warrant. He or she may not arrest an offender for violation of the terms of his or her supervision unless the arrest is permissible under one of the provisions that authorize warrantless arrests.

Summary of Bill:

By July 1, 2011, the WASPC must implement procedures as part of the city and county jail booking and reporting system to automatically notify the DOC when an offender under the supervision of the DOC:

- is booked into a facility;
- is transferred or assigned to another facility;
- is released on temporary leave;
- is discharged; or
- has escaped.

In addition to the existing provisions that authorize warrantless arrest, a law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe that the person, supervised by the DOC, has violated a condition of his or her community custody. The law enforcement officer must obtain oral or written authorization from the DOC.

Subject to funds appropriated, the DOC must provide law enforcement with access to a hotline staffed by a CCO who can provide authorization to detain any person under the supervision of the DOC. The hotline shall be available 24 hours per day, 7 days per week. An arrest by a law enforcement officer for violation of supervision conditions will have the same effect as if a CCO had made the arrest.

The DOC and the WASPC must work cooperatively to inform all Washington law enforcement of the community corrections hotline and the availability of electronic access to view the community custody status of an offender.

The DOC must, no later than November 1, 2011, provide a report to the Governor and the appropriate legislative committees information regarding the implementation of the hotline, including the number of calls and resulting arrests, the type of violations alleged and the disposition, the use of the hotline and electronic information by county, a survey of law enforcement regarding use of the hotline, and an assessment of the workability and continued use of the hotline.

State and local governments and their agencies, officers, or employees are immune from civil liability for damages for the access to or operation of the hotline or any decision to detain or not to detain a person. The requirements regarding the community corrections hotline expire June 30, 2012.

The act is null and void if specific funding for its purpose, by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available for Proposed Substitute Senate Bill 6316.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This is part of the continuing work on re-entry reform. After the Lakewood incident and other assassinations of police officers, when police officers were asked about making the streets safer, they asked for the authority to arrest individuals for violating the community custody conditions. Part of this bill is providing that authority even if the CCO is not in attendance. This is a very valuable tool. We have lost 250 CCOs. The line of CCOs working hand-in-glove with police officers is depleted. This is the wisest use of public funds

to further enhance public safety. We are only supervising the worst of the worst. We don't want to fill up jails with technical violations of community custody but want to address serious violations that would require 30- or 60-day sanctions. The cost is modest in relationship to how many CCOs have been lost. This is something we should have done years ago. The DOC benefits because they were not getting information when someone was released from jail. Police officers get to know everyone out in the streets during the time they are working. Sometimes they witness violations of parole and it is frustrating when a CCO is not present. The hotline will work very well. When asked, the Lakewood police officers identified the authority to arrest as something that they had wanted long before the incident regarding the four Lakewood officers occurred.

(Opposed) None.

Persons Testifying: Senator Carrell, prime sponsor; Anna Aylward, Department of Corrections; and Bill Hanson, Washington Fraternal Order of Police.

Persons Signed In To Testify But Not Testifying: None.