

SENATE BILL REPORT

2SHB 1692

As Reported By Senate Committee On:
Judiciary, April 2, 1999

Title: An act relating to investigations involving children as witnesses and victims.

Brief Description: Providing special training for those who interview child witnesses and victims.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kagi, Tokuda, Boldt, Edmonds, Dickerson, Talcott, Kastama, Lovick, Wood, Kenney, Schual-Berke, Eickmeyer, Ogden, Santos, Mitchell, Bush and Stensen).

Brief History: Passed House 3/12/99, 96-0.

Committee Activity: Judiciary: 3/26/99, 4/2/99 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, McCaslin and Thibaudeau.

Staff: Penny Nerup (786-7484)

Background: Following its recent study of interviewing techniques used to obtain testimony from child victims or witnesses of sexual abuse, the Office of the Family and Children's Ombudsman suggests that changes concerning those interviews be added to current law in order to ensure the accuracy, credibility and reliability of those interviews and to improve the quality of child abuse investigations and record keeping.

The ombudsman's report recommends improvements in documenting interviews, in providing specialized and ongoing training in effective interviewing techniques for child protective services (CPS) staff and for law enforcement, and in establishing collaborative protocols between CPS and other agencies involved in child abuse investigations.

Summary of Amended Bill: Various provisions are created to guide investigators from agencies, law enforcement, prosecution, and local advocacy groups who investigate and/or interview child victims of alleged sexual abuse.

TRAINING: Law enforcement, prosecution, and CPS workers who investigate allegations of child sexual abuse are provided with specialized training in interviewing children who may be victims of sexual abuse. This training is designed and implemented by the Criminal Justice Training Commission (CJTC), law enforcement, the Department of Social and Health Services (DSHS), and prosecutors so that the training has consistent elements for all persons who conduct these interviews.

PROTOCOLS: The Washington Institute for Public Policy must convene an interdisciplinary group to develop model protocols for investigating, interviewing, and recording interviews for sexual abuse cases. Each agency that investigates child sexual abuse cases is required to adopt a local protocol based upon the state standard. The prosecuting attorney of each county is required to develop a written protocol which addresses the coordination of investigations between effected agencies, law enforcement, and advocacy groups. Local protocols must be adopted and in place by July 1, 2000.

PILOT PROJECTS: Three pilot projects are established by DSHS that use different methods and techniques to conduct and preserve interviews with alleged child victims of sexual abuse. DSHS is to provide an interim report by December 15, 1999, and a final report by December 15, 2000.

RECORDS: Written records must, at a minimum, be near verbatim during the disclosure interview. This record must be produced within 15 calendar days of the disclosure interview, unless waived by management.

This bill contains a null and void clause if not funded by June 30, 1999.

Amended Bill Compared to Second Substitute Bill: The specific membership of the group convened by the Washington Institute for Public Policy to develop model written protocols for establishing multi-disciplinary investigations of child sexual abuse is identified. The protocols developed by this group are required to establish a minimum standard for investigations and interviewing techniques at the local level. The term "near verbatim record" must be defined by the group.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is the compilation of the efforts of many persons throughout the state and took a long time getting here. This bill supports training for interviewers and mandates minimum standards for interviews. This should be helpful to small jurisdictions because they will be provided with guidelines for minimum standards when investigating and interviewing child victims. There are six advantages to having protocols: (1) it allows all disciplines to agree on an approach; (2) it keeps good practices from leaving when good people leave; (3) it provides a good training tool; (4) it promotes consistent use of the best practices; (5) it helps victims because they know what happens next; and (6) it provides a needs assessment for communities. This bill takes four positive steps: (1) it recognizes the need for specific and on-going training; (2) it provides statewide protocols with core content; (3) it provides assessment through the pilot projects; and (4) by defining a "near verbatim" record, it will show what needs to be asked and what needs to be disclosed, not just superficial areas.

Testimony Against: This legislation is an insult and not enough. The purpose is laudable but the accused is not represented on the team. Additionally, there is no bare outline of the protocols and no specifics regarding the pilot project. These interviews should be audio-

taped and the null and void clause removed because this legislation must be funded. There is a good model for this legislation in Portland which is run out of a hospital. A defense attorney should be added to the team. Complete video tapes of the interview should be used.

Testified: PRO: Representative Ruth Kagi, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys, WAPA; Kathy Goater, WAPA, Ione George, WAPA; Suzanne Brown, WCSAP; Lonnie Johns-Brown, WASW; Seth Dawson, Children's Alliance, Common Ground for Children; Michael Bagley, Washington Association of Sheriffs and Police Chiefs, WACOPS; Bill Sellars, The Arc of Washington; Donna Christensen, Catholic Community Services; CON: Kathleen Swan; Mike Petco. NEUTRAL: Rosalyn Oreskovich, Children's Administration, Department of Social and Health Services.