

FINAL BILL REPORT

SB 5127

PARTIAL VETO

C 389 L 99

Synopsis as Enacted

Brief Description: Prohibiting law enforcement officers from conducting investigations of abuse or neglect concerning a child for which the officer is a parent, guardian, or foster parent.

Sponsors: Senators Kohl-Welles, Hargrove, Long, Heavey, McCaslin, Stevens, Zarelli, Prentice, Kline, Winsley and Costa.

Senate Committee on Judiciary

House Committee on Judiciary

Background: The occurrence in Wenatchee where a law enforcement officer was allowed to investigate claims of child sexual abuse brought by a child in that officer's foster care has caused concern. Proponents of this bill believe such a situation generates a real or perceived conflict of interest that may damage the results of any investigation.

Summary: Various provisions are created to guide investigators from the Department of Social and Health Services (DSHS), law enforcement, prosecution, and local advocacy groups who investigate and/or interview child victims of alleged sexual abuse. Law enforcement, prosecution, and Child Protective Services workers who investigate allegations of child sexual abuse are provided with on-going specialized training in interviewing children who may be victims of sexual abuse. This training is designed and implemented by the Criminal Justice Training Commission, law enforcement, DSHS, and prosecutors.

The Washington State Institute for Public Policy must convene a work group to develop state guidelines for the development of child sexual abuse investigations protocols. It consists of representatives from DSHS, law enforcement, and the prosecuting attorneys association. The work group must solicit input from a mental health professional, a physician with experience in child sexual abuse examinations, a defense attorney, the Attorney General, a superior court judge, a child development specialist, a representative from an agency serving the developmentally disabled, a nurse practitioner, a representative from a child serving agency and a victim's advocate. The work group guidelines include issues to be addressed within local protocols and include multi-victim cases, cases involving multiple suspects, information sharing between DSHS and law enforcement, methods to reduce the number of investigative interviews and documentation. The state work group is not precluded from identifying other issues that must be addressed within local protocols.

Each agency that investigates child sexual abuse cases must adopt a local protocol based upon the state guidelines. The prosecuting attorney of each county must develop a written protocol which addresses the coordination of investigations between affected agencies, law enforcement, and advocacy groups. Local protocols must be adopted and in place by July 1, 2000.

Three pilot projects are established by DSHS. They will use different methods and techniques to conduct and preserve interviews with alleged child victims of sexual abuse.

Every employee of DSHS who interviews a person involved in an allegation of abuse or neglect retains original written records. The written records must, at a minimum, be a near verbatim record of the disclosure interview and must be produced within 15 calendar days of the disclosure interview, unless waived by management.

A law enforcement officer is prohibited from participating as an investigator of alleged abuse or neglect concerning a child for whom the officer is, or has been, a parent, guardian, or foster parent.

Votes on Final Passage:

Senate	47	0	
House	97	0	(House amended)
Senate	41	3	(Senate concurred)

Effective: July 25, 1999

Partial Veto Summary: That portion of SB 5127 is removed that affirms the importance of ensuring child sexual abuse crimes are investigated thoroughly and objectively, including language emphasizing the need to bring perpetrators of such crimes to justice. Also stricken is the conclusion that the best approach to investigation of child sexual abuse crimes involves a coordinated effort by agencies that minimizes repetitive investigative interviews and improves the quality of the investigations.