

SENATE BILL REPORT

SB 5127

As Passed Senate, March 12, 1999

Title: An act relating to investigations of abuse or neglect.

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.

Brief History:

Committee Activity: Judiciary: 2/3/99, 2/8/99 [DP].
Passed Senate, 3/12/99, 47-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; McCaslin, Costa, Goings, Haugen, Johnson, Long and Roach.

Staff: Lidia Mori (786-7755)

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

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill stems from a report from the Children's Ombudsman's Office regarding role conflicts. It is inappropriate for a law enforcement officer, who is serving in another capacity to the child, to do the investigation also.

Testimony Against: No one.

Testified: Senator Kohl-Welles (pro); Dennis Haugen (pro).

House Amendment(s): 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 CPS 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 (CJTC), law enforcement, DSHS, and prosecutors.

The Washington State Institute for Public Policy will convene a work group to develop state guidelines for the development of child sexual abuse investigations protocols. It will consist of representatives from DSHS, law enforcement, and the prosecuting attorneys association. The work group will 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 will include issues to be addressed within local protocols and will 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.

Each agency that investigates child sexual abuse cases is required to adopt a local protocol based upon the state guidelines. 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.

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 will retain original written records. The written records must, at a minimum, be a near verbatim record of the disclosure interview and it must be produced within 15 calendar days of the disclosure interview, unless waived by management.

There is a null and void clause pertaining to Sections 1 through 7 which includes all of the provisions described above.

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.