

WSR 24-16-115

PERMANENT RULES

FORENSIC INVESTIGATIONS COUNCIL

[Filed August 5, 2024, 12:48 p.m., effective September 5, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To update and clarify the scope and procedures used to authorize funding to local jurisdictions investigating incidents of multiple deaths or seeking forensic anthropology services or other testing.

Citation of Rules Affected by this Order: Amending WAC 218-10-005, 218-10-015, 218-10-020, 218-10-025, and 218-10-030.

Statutory Authority for Adoption: RCW 43.103.090(1).

Adopted under notice filed as WSR 24-11-141 on June 5, 2024 [May 21, 2024].

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 26, 2024.

Mark Nichols
Chair

OTS-5447.1

RULES RELATING TO THE AUTHORIZATION OF FUNDING ASSISTANCE TO LOCAL JURISDICTIONS FOR THE INVESTIGATION OF MULTIPLE DEATHS AND FOR FORENSIC ANTHROPOLOGY AND OTHER TESTING TO IDENTIFY HUMAN REMAINS

AMENDATORY SECTION (Amending WSR 03-22-012, filed 10/24/03, effective 12/1/03)

WAC 218-10-005 Authority. This chapter is adopted pursuant to chapter 142, Washington Laws of 1999, relating to the authority of the forensic investigations council to prescribe rules governing the disbursement of funds to local jurisdictions to assist them in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions and to

secure forensic anthropology services and other testing designed to aid in the identification of human remains upon a showing of financial need.

AMENDATORY SECTION (Amending WSR 03-22-012, filed 10/24/03, effective 12/1/03)

WAC 218-10-015 Definitions. (1) "**Death investigation budget**" shall mean the local jurisdiction's appropriation into the coroner or medical examiner budgets for the determination of cause and manner of death.

(2) "**Forensic anthropology services**" shall mean services to local jurisdictions in an applied area of physical anthropology utilizing the science, methodology, and technology of physical/biological anthropology and related fields to help address medicolegal issues, such as personal identification and circumstances surrounding death.

(3) "**Local jurisdiction**" shall mean a city, town, or county of the state of Washington.

~~((3))~~ (4) "**Multiple deaths involving multiple local jurisdictions**" shall mean that the deaths occurred in two or more geographically distinct local jurisdictions.

~~((4))~~ (5) "**Other testing**" includes, but is not limited to, forensic odontology, forensic genealogy, and other forms of testing that in the judgment of the council may aid in the identification of human remains.

(6) "**Unanticipated**" shall mean an event having a disproportionate fiscal impact, relative to the local jurisdiction's death investigation budget and which cannot be reasonably foreseen in the normal budget process.

AMENDATORY SECTION (Amending WSR 03-22-012, filed 10/24/03, effective 12/1/03)

WAC 218-10-020 Eligibility standards. (1) Only the following investigations, forensic anthropology services, and other testing are eligible for funding assistance:

(a) Investigations of multiple deaths involving unanticipated, extraordinary, and catastrophic events; ~~((e))~~

(b) Investigations of multiple deaths involving multiple local jurisdictions; and

(c) Forensic anthropology services and other testing designed to aid in the identification of human remains.

(2) Funding assistance shall be limited to supplementations of the death investigation budget of a local jurisdiction.

(3) Funding assistance shall not be used to supplant moneys reasonably available from other state or federal sources.

AMENDATORY SECTION (Amending WSR 03-22-012, filed 10/24/03, effective 12/1/03)

WAC 218-10-025 Application process. (1) To qualify for consideration and eligibility for assistance from the state death investigations account, the legislative authority of the local jurisdiction shall:

~~((1))~~ (a) Submit to the forensic investigations council an application on a form approved by the council; ~~(and~~

~~(2))~~ (b) Provide a written statement to the council that includes the following:

(i) The scope and nature of the emergency that requires additional funding;

(ii) The amount of jurisdiction funds available for the investigation;

(iii) The estimated need of supplemental funding from FIC;

(iv) A description of the private, federal, state, or local government resources the jurisdiction has applied to for funding and the amount they anticipate receiving from each source;

(v) Any other information that demonstrates the jurisdiction has a financial need;

(vi) Provide any additional information requested by the forensic investigations council, in order to evaluate the request for assistance.

(2) The request will be promptly reviewed, and the council shall deny, grant, or grant in part the request in writing subject to the availability of FIC funding for the current biennium.

AMENDATORY SECTION (Amending WSR 03-22-012, filed 10/24/03, effective 12/1/03)

WAC 218-10-030 Effective date. ~~((1) This rule shall take effect on December 1, 2003.~~

~~(2))~~ Funding assistance shall be available only for death investigations that commenced after August 1, 2003. Funding assistance shall be available for forensic anthropology services and other testing designed to aid in the identification of human remains regardless of the age of a case.