

HOUSE BILL REPORT

HB 1182

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to missing persons.

Brief Description: Modifying missing persons provisions.

Sponsors: Representatives Ericks, O'Brien, Lovick, Armstrong, Ormsby, McDonald, Haler, Simpson and Wallace.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/22/07, 2/1/07 [DPS].

Brief Summary of Substitute Bill

- Requires the Criminal Justice Training Commission to provide training on the implementation and use of missing persons protocols to law enforcement officers with the least disruption.
- Eliminates the mandate requiring the Washington Association of Sheriffs and Police Chiefs to remove information from the missing persons website on overdue persons who subsequently reappear.
- Authorizes local law enforcement officers to submit collected deoxyribonucleic acid (DNA) samples of a missing person to any appropriate laboratory instead of the Washington State Patrol Crime Laboratory in their jurisdiction or the Federal Bureau of Investigation.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Yvonne Walker (786-7841).

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.

Background:

The Washington State Patrol (WSP) operates a Missing Children Clearinghouse that assists in local law enforcement efforts in locating missing children. Generally, after a report is taken regarding a missing child, local law enforcement agencies must file an official missing person report and enter biographical information into the state's missing person computerized network within 12 hours.

In 2006, the Legislature enacted legislation that required the Washington Association of Sheriffs and Police Chiefs (WASPC) to create and maintain a statewide public website for the posting of relevant information regarding both missing adults and children. In addition, the act requires the Washington Association of County Officials to convene a group of various entities to study ways and develop protocols to improve the reporting and investigation of missing persons.

Training.

Training Modules for use of Missing Persons Protocols: In 2006, 2SHB 2805 was enacted that required the Washington State Forensic Investigations Council, in cooperation with the Washington Association of Coroners and Medical Examiners, and other agencies, to develop training modules for the implementation and use of missing persons protocols. Funds provided in the state's Death Investigations Account may be used for developing the training modules. The training modules provide training through classes and media that train and educate small police departments or those at remote locations with the least disruption. The modules include but are not limited to such items as the reporting process, the use of forms and protocols, the effective use of resources, the collection and importance of evidence and preservation of biological evidence, and risk assessments of the individuals reported missing.

Basic Law Enforcement Training: Basic law enforcement officer training is generally required of all law enforcement officers, with the exception of volunteers, and reserve officers employed in Washington. The training consists of a 720-hour program covering a wide variety of subjects, including constitutional and criminal law and procedures, criminal investigation, firearms training, and communication and writing skills. All law enforcement personnel hired, transferred, or promoted, are required to complete the core training requirements within six months unless the employee receives a waiver from the Criminal Justice Training Commission (Commission).

Missing Persons Website.

The WASPC maintains a statewide public website for the posting of relevant information concerning persons reported missing in Washington. The website contains but is not limited to, the missing person's name, physical description, photograph, and other relevant information. The website allows citizens to broadly disseminate information regarding missing persons for at least 30 days. However, due to the large number of reports received on persons who are overdue and subsequently appear, the information must be removed from the website after 30 days, unless persons filing the report have notified local law enforcement that the person is still missing.

Local law enforcement agencies must file an official missing persons report and enter biographical information into the WSP missing persons computerized network within 12 hours after they have received notice of a missing person's report. The WSP is required to maintain an interface system with local law enforcement and the WASPC missing persons website, the toll-free 24-hour hotline, and national and other statewide missing persons systems and clearinghouses.

Filing Reports and DNA Collection.

When a person reported missing has not been found within 30 days of the report, or at any time the investigating agency suspects criminal activity to be the basis of the victim being missing, the investigating agency must: (1) file a report; (2) initiate collection of deoxyribonucleic acid (DNA) samples from the known missing person; and (3) ask the missing person's family or next of kin to give consent to request the person's dental records.

Biological samples taken for an investigation must be forwarded to the Federal Bureau of Investigation (FBI) and to the WSP Crime Laboratory as soon as possible. The investigating agency must then submit the collected DNA samples for nuclear DNA testing to the WSP Crime Laboratory in their jurisdiction, the DNA samples for mitochondrial DNA testing to the FBI, and the dental records to the WSP Missing and Unidentified Persons Unit. In cases where criminal activity is suspected, the WSP must conduct nuclear DNA typing for entry into the state's missing person's DNA database as soon as possible.

The WSP Crime Laboratory must provide guidance to agencies regarding where samples should be sent and conduct nuclear DNA testing of the biological samples where appropriate. In the event additional testing is required, the mitochondrial DNA testing must be conducted through the FBI. However, priority for testing must be given to active criminal cases. If substantial delays in testing occur or federal testing is no longer available, the Legislature should provide funding to implement mitochondrial technology in Washington.

Summary of Substitute Bill:

Training.

Training Modules for use of Missing Persons Protocols: The Commission must make the training on the implementation and use of missing persons protocols available to small law enforcement agencies or those located in remote locations with the least disruption.

Missing Persons Website.

The mandate requiring the WASPC to remove information from the missing persons website on overdue persons who subsequently reappear is eliminated. In addition, local law enforcement agencies filing official missing persons reports must enter the biographical information into the state's missing persons computerized network without delay (instead of within 12 hours) after they have received notice of a missing person's report.

Filing Reports and DNA Collection.

Local law enforcement officers may submit any collected DNA samples of a missing person to the appropriate laboratory (instead of the WSP Crime Laboratory in their jurisdiction or the FBI). In cases where criminal activity is suspected, the requirement for the WSP to conduct nuclear DNA typing for entry into the state's missing person's DNA database as soon as possible is eliminated.

The WSP Crime Laboratory must continue to provide guidance to agencies regarding where samples should be sent. However, the requirements mandating the WSP to conduct nuclear DNA testing of the biological samples and for the mitochondrial DNA testing to be conducted through the FBI are eliminated. In addition, active criminal cases are no longer required to be a priority for testing. If substantial delays in testing occur or federal testing is no longer available, a request will be made to the Legislature to provide funding to implement mitochondrial technology in Washington.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that the required law enforcement officer training on the implementation and use of missing persons protocols does not have to take place at the Commission as part of the basic law enforcement academy, but instead the Commission must make the training available to small departments or those at remote locations with the least disruption.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This is a clean up bill to SHB 2805, the missing persons bill enacted last year, and based upon developments that have occurred since then.

The missing persons website is still under construction. Once the WSP has completed their interface, most of the missing persons information will be automatic and as a result it will eliminate much of the manual data entry currently being done by various entities within the WSP.

It was suggested that an amendment be made to the bill so that the missing person training does not have to be part of the basic law enforcement academy at the Commission. This will give the Commission more flexibility on how to provide training to law enforcement officers throughout the state.

The advances in technology over the last several years has helped law enforcement agencies to solve cases faster than they could have in the past.

(Opposed) None.

Persons Testifying: Representative Ericks, prime sponsor; Greg Sandstrom, Kitsap County Coroner; Debbie Wilke, Washington Association of County Officials; and Mary Miller, Families and Friends of Missing Persons.

Persons Signed In To Testify But Not Testifying: None.