

HOUSE BILL REPORT

HB 1571

As Reported by House Committee On:

Public Safety
Appropriations

Title: An act relating to protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

Brief Description: Concerning protections and services for indigenous persons who are missing, murdered, or survivors of human trafficking.

Sponsors: Representatives Mosbrucker, Dye, Boehnke, Ybarra, Jacobsen, Dent, Walen, Graham, Robertson, Maycumber, Barkis, Caldier, Goodman, Berry, Chambers, Wylie, Corry, Griffey, Walsh, Eslick, Chase, Sutherland and Ormsby.

Brief History:

Committee Activity:

Public Safety: 1/14/22, 1/20/22 [DPS];

Appropriations: 2/3/22, 2/4/22 [DPS(PS)].

Brief Summary of Substitute Bill

- Requires a county coroner or medical examiner with jurisdiction over the remains of a deceased indigenous person to make certain efforts to contact family members and affected tribes of the deceased and provide an opportunity for family and affected tribes to conduct spiritual practices or ceremonies, subject to certain limitations.
- Requires a county coroner or medical examiner with jurisdiction over the remains of a deceased indigenous person to make certain efforts to contact the deceased person's family and facilitate return of the remains prior to entrusting the remains to a funeral home.
- Requires the Department of Commerce's Office of Crime Victims Advocacy to establish two grant programs related to services and resources for indigenous survivors of human trafficking.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- Provides that, upon knowledge from certain authorities that a person in custody or being released from custody at a jail is the subject of a missing person's report, the jail is required to notify the agency of original jurisdiction for the missing person's report.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Goodman, Chair; Johnson, J., Vice Chair; Mosbrucker, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Davis, Graham, Griffey, Hackney, Orwall, Ramos, Simmons, Thai and Young.

Staff: Corey Patton (786-7388).

Background:

County Coroners and Medical Examiners.

Every county in Washington has a coroner or medical examiner to investigate deaths, conduct inquests, order autopsies, and to determine cause of death in certain cases. The coroner or medical examiner has jurisdiction of bodies of all deceased persons who come to their death through a variety of circumstances. They may authorize an autopsy or postmortem in any case in which the coroner or medical examiner has jurisdiction over the body. Records of the autopsies or postmortems are confidential and may only be released to those parties authorized by statute.

Whenever a person dies within a county without making prior plans for the disposition of his or her body, and there is no other person willing to provide for the disposition of the body, the county coroner must cause such body to be entrusted to a funeral home in the county where the body is found.

Office of Crime Victims Advocacy.

The Department of Commerce's Office of Crime Victims Advocacy advocates on behalf of victims obtaining services and resources, administers grant funding for community programs working with victims of crimes, assists communities in planning and implementing services for crime victims, and advises local and state government agencies of practices, policies, and priorities which impact crime victims.

National and State Crime Information Centers.

The National Crime Information Center is a computerized index of criminal justice information, including information about missing persons, available to federal, state, and local law enforcement and other criminal justice agencies. The Washington State Patrol operates the Washington State Crime Information Center, which serves to coordinate crime

information for all law enforcement agencies in Washington state.

Summary of Substitute Bill:

County Coroners and Medical Examiners.

County coroners or medical examiners with jurisdiction over the human remains of an indigenous person must cooperate with law enforcement to attempt to identify and contact family members and any affected tribes prior to disturbance of the remains, except as necessary in the interest of safety or to preserve evidence for an ongoing criminal investigation. The attempt to make contact must include an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons within 10 days of the coroner or medical examiner receiving jurisdiction over the remains.

The coroner or medical examiner is required to allow a family member or tribal representative to visit the remains for the purpose of conducting spiritual practices or ceremonies in accordance with the indigenous person's passing. A family member or representative's activities may not interfere with or jeopardize an ongoing criminal investigation. The lead investigator from the law enforcement agency of jurisdiction and the coroner or medical examiner must provide the family member or representative with a list of conduct the family member or representative is prohibited from doing when interacting with the remains, including an explanation of why the conduct is prohibited.

The coroner or medical examiner must also make reasonable efforts to contact family members of the deceased prior to entrusting the body to a funeral home, including an attempt to facilitate contact through the regional liaison for missing and murdered indigenous persons within 10 days of the coroner or medical examiner receiving jurisdiction over the remains. Upon a family member's written request, the coroner or medical examiner must provide an estimated timeframe for returning the body to the family, unless doing so would jeopardize an ongoing criminal investigation.

Grant Program—Wraparound Services for Indigenous Survivors of Trafficking.

Subject to the availability of funding, the Office of Crime Victims Advocacy (OCVA) must establish a competitive grant program to award funding to an eligible public agency, nonprofit community group, or nonprofit treatment provider to establish a pilot project providing wraparound services to indigenous survivors of trafficking by September 1, 2022.

The grant recipient must use the grant funds to develop or maintain a center capable of providing wraparound services to at least 50 indigenous persons who are survivors of trafficking, including:

- short-term and long-term shelter;
- food;
- nonemergency health care;
- mental health counseling and treatment;

- substance abuse prevention, assessment, and treatment;
- case management and care coordination;
- education and special education services;
- vocational training;
- legal services, protection, and advocacy; and
- transportation.

The grant recipient must provide a report to the Department of Commerce (Commerce) on the results of the pilot project by October 1, 2023. Commerce must provide a report on the pilot project to the Governor and appropriate committees of the Legislature by December 1, 2023. The grant program expires January 1, 2024.

Grant Program—Services and Resources for Indigenous Survivors of Trafficking.

Subject to the availability of funding, the OCVA must award grant funding to local agencies, nonprofit community groups, and nonprofit treatment providers to increase the visibility and accessibility of services and resources for indigenous survivors of trafficking by September 1, 2022.

The OCVA must award 10 grants to eligible applicants: five to applicants in cities west of the crest of the Cascade mountains, and five to applicants in cities east of the crest of the Cascade mountains. Grant recipients shall collaborate with the two liaisons for missing and murdered indigenous persons to develop a campaign to increase the visibility and accessibility of services and resources for indigenous persons who are survivors of human trafficking, including:

- development of methods to help convey information discreetly and effectively, such as through the use of easily recognizable logos and symbols;
- increased signage for relevant antitrafficking hotlines in frequently visited areas, such as truck stops, gas stations, and hotels; and
- increased online promotion.

Grant recipients must provide a report to Commerce on the results of their campaigns by October 1, 2023. Commerce must provide a report on the pilot project to the Governor and appropriate committees of the Legislature by December 1, 2023. The grant program expires January 1, 2024.

Missing Persons in Jail.

Upon knowledge from the National Crime Information Center, the Washington State Crime Information Center, or similar or subsequent authority, that a person who is the subject of a missing person's report is in custody or being released from custody at a jail, the jail must notify the agency of original jurisdiction for the missing person's report.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) eliminates the provision requiring the Washington State Patrol to

create a "Red Thunder Alert" designation as a part of the endangered missing person plan for its statewide clearinghouse; (2) eliminates the provision requiring the Criminal Justice Training Commission to provide training to law enforcement officers and county coroners in tribal sovereignty, customs, culture, traditions, and spirituality; (3) provides that a county coroner and law enforcement may move the human remains of an indigenous person under the coroner's jurisdiction before contacting family members and affected tribes if deemed necessary in the interest of public safety; (4) eliminates the provision requiring a designated authority investigating a missing indigenous person to search the Jail Booking and Reporting System for the missing person and register to be notified if the missing person is later booked into jail; and (5) and provides that, upon knowledge from certain authorities that a person who is the subject of a missing person's report is in custody or being released from custody at a jail, the jail must notify the agency of original jurisdiction for the missing person's report.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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

Staff Summary of Public Testimony:

(In support) The groundwork for this bill has been laid over the past several years. The Legislature previously established two tribal liaison positions that serve in the Washington State Patrol (WSP) and help to connect communities to resources to recover missing indigenous persons. There is a widespread movement across the United States to support additional legislation to aid in recovering missing indigenous persons. It was important to have conversations with affected tribes across Washington state to hear their experiences directly. Families of missing indigenous persons are often left to conduct searches on their own without support. Those communities have experienced many heartbreaking, tragic events that never should have happened. Although work on this bill was started in recognition of missing and murdered indigenous women, the bill is now inclusive of all indigenous persons.

This bill will honor and respect indigenous cultural practices while ensuring that crime scenes remain intact, create an alert system to enable families and communities to find their loved ones faster, facilitate education and awareness on issues impacting indigenous persons, combat human trafficking, and provide comprehensive services to survivors of human trafficking. The missing indigenous person advisory notice could be made more effective if families were able to directly request the advisory notice for their loved ones. Fewer than a dozen missing indigenous persons are reported in the WSP's clearinghouse. Indigenous practices should also be better integrated with mainstream social services, and

the link between commercial sexual exploitation and human trafficking should be clearly highlighted. It is time for Washington to honor its agreements and fulfill its responsibilities to local tribes by bringing missing indigenous persons home.

(Opposed) None.

(Other) The provision related to monitoring jail bookings for missing persons is well-intended, but utilizing the National Crime Information Center and the Washington State Crime Information Center to determine when a missing person enters or leaves custody would be more efficient than only utilizing information from the Jail Booking and Reporting System. The provision that affords families and affected tribes the opportunity to visit the remains of a loved one at the scene of a fatality could be improved by granting discretion to disturb the scene if deemed necessary for safety concerns. Cross-cultural training for law enforcement is imperative, but the WSP's tribal liaisons should not be the only collaborators in developing training. County coroners should remain responsible for contacting the families of deceased persons, rather than shifting responsibility to WSP's tribal liaisons.

Persons Testifying: (In support) Representative Gina Mosbrucker, prime sponsor; Earth-Feather Sovereign and Duane Garvais Lawrence, Missing and Murdered Indigenous Women Washington; Carolyn DeFord, Missing and Murdered Native Americans; and Charlene Tillequots, Yakama Nation Tribal Council.

(Other) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Neil Weaver, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Jessica Van Horne (786-7288).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 1, 2022.

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

Staff Summary of Public Testimony:

(In support) This bill will address the decades-long problem of missing and murdered Indigenous women and people (MMIW). Indigenous women are disproportionately likely to be reported as missing compared to the rest of the state's population. This bill will establish tools for finding missing persons and providing treatment so they can recover from their experiences. Missing persons, especially those who are victims of commercial sexual exploitation, need counseling and other safety net services to recover. In addition, this bill will help families with accessing the remains of their loved ones and improve coordination among law enforcement agencies. In addition to serving reservation residents, help will also be provided to indigenous persons who do not live on reservations or who are members of tribes whose reservations are not located in Washington.

Tribal members advocate for encouraging the state to access a variety of federal resources that are now available to address the MMIW issue. There are other improvements that can be made to solve this issue. Tribal police departments need dedicated investigators for MMIW cases. Tribes need their own resources to tackle the issue. Local law enforcement and nontribal members of tribal police departments also need specialized training. Tribes will assist the other residents of the state in protecting their loved ones. However, they also need help protecting their own missing loved ones.

(Opposed) None.

Persons Testifying: Duane Garvais Lawrence; Earth-Feather Sovereign, Missing and Murdered Indigenous Women Washington; and Charlene Tillequots, Yakama Nation Tribal Council.

Persons Signed In To Testify But Not Testifying: None.