

HOUSE BILL REPORT

HB 1177

As Reported by House Committee On:

Community Safety, Justice, & Reentry
Appropriations

Title: An act relating to a missing and murdered indigenous women and people cold case investigations unit.

Brief Description: Creating a missing and murdered indigenous women and people cold case investigations unit.

Sponsors: Representatives Lekanoff, Orwall, Reed, Berry, Ramel, Callan, Doglio, Timmons, Walsh, Reeves, Chopp, Duerr, Gregerson, Taylor, Wylie, Stonier, Pollet, Davis, Kloba and Ormsby; by request of Attorney General.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/17/23, 1/26/23 [DPS];

Appropriations: 2/6/23, 2/9/23 [DPS(CSJR)].

Brief Summary of Substitute Bill

- Creates a Missing and Murdered Indigenous Women and People Cold Case Investigations Assistance Unit within the Office of the Attorney General for the purpose of assisting law enforcement agencies with solving cold cases involving missing and murdered indigenous women and people.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

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.

Staff: Corey Patton (786-7388).

Background:

In 2022 the state established the Missing and Murdered Indigenous Women and People Task Force (MMIWP Task Force) in the Office of the Attorney General (AGO) and directed the MMIWP Task Force to review the laws and policies pertaining to missing and murdered indigenous people and develop related recommendations to the Governor and the Legislature.

Summary of Substitute Bill:

The Missing and Murdered Indigenous Women and People Cold Case Investigations Assistance Unit (Unit) is created within the Office of the Attorney General (AGO), subject to appropriation, for the purpose of assisting federal, municipal, county, and tribal law enforcement agencies with solving cold cases involving missing and murdered indigenous women and people. The Unit may proactively offer assistance to a law enforcement agency with primary jurisdiction over a missing or murdered indigenous women or person cold case, but the Unit may not investigate or assist with a criminal investigation except at the request of the law enforcement agency, in which case the assistance must be limited to the content of such request. The Unit must prioritize assistance to jurisdictions that do not have sufficient resources to investigate cold cases. The Unit must include an advocate or case navigator.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) creates a Missing and Murdered Indigenous Women and People Cold Case Investigations Assistance Unit (Unit), rather than a Cold Case Investigations Unit; (2) provides that the Unit may proactively offer assistance to a law enforcement agency with primary jurisdiction over a missing or murdered indigenous women or person cold case; (3) provides that the Unit may not investigate or assist with a criminal investigation unless at the request of the law enforcement agency with primary jurisdiction; (4) eliminates the provision requiring the Unit to work with the Homicide Investigation Tracking System to assist law enforcement agencies; (5) eliminates language describing the primary function of the Unit's advocate or case navigator; (6) specifies in the intent section that most law enforcement agencies in Washington state do not have dedicated cold case units and can benefit from assistance from the Unit, rather than benefit from assistance from the Office of the Attorney General (AGO); and (7) specifies in the intent section that the AGO and Washington State Patrol, rather than only the AGO, have dedicated significant time and resources towards working with families of missing and murdered indigenous women and people to build trust and engagement.

Appropriation: None.

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 Missing and Murdered Indigenous Women and People Task Force (MMIWP Task Force) was unanimous in its decision to recommend the creation of a Cold Case Investigations Unit in the Office of the Attorney General (AGO). The AGO is the highest office of public safety, and the AGO's guidance will trickle down to local and tribal police officers. According to the AGO, there are approximately 2,200 unresolved homicides in the state, and Native American women make up 5 percent of these cases while representing less than 2 percent of the state's population. There are many painful stories about how violence has affected this community. This bill upholds the state's responsibilities with respect to indigenous people and will send a strong message to constituents that these lives matter.

The AGO has a small criminal division and works closely with local law enforcement agencies when they have a conflict or lack of resources. Very few law enforcement agencies have the resources to investigate cold cases. This bill affords the opportunity to assist and communicate with victims and their families, and obtain justice for those who have lost loved ones where justice is overdue.

The Homicide Investigation Tracking System (HITS) can analyze large quantities of information quickly. However, the HITS is underutilized and this bill would create awareness about its benefits to public safety. The HITS has a large amount of experience in investigating these types of crimes.

(Opposed) None.

(Other) The Attorney General is not the state's chief public safety officer. There is only a small division in the AGO that provides a limited law enforcement function. Allowing this new Cold Case Investigations Unit to engage in criminal investigations could do more harm than good. There are some concerns that the bill may negatively affect certain criminal investigations by creating a civilian-led unit. The bill should reflect the recommendations of the MMIWP Task Force.

Persons Testifying: (In support) Representative Debra Lekanoff, prime sponsor; Anna Bean, Puyallup Tribe of Indians; Karen Condon, Confederated Tribes of the Colville Reservation; Bob Ferguson and Annie Forsman-Adams, Washington State Attorney General's Office; and James Schrimpsheer, Washington Fraternal Order of Police.

(Other) James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by 30 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; Berg, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Hansen, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Minority Report: Without recommendation. Signed by 1 member: Representative Chandler.

Staff: Jessica Van Horne (786-7288).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Community Safety, Justice, & Reentry:

No new changes were recommended.

Appropriation: None.

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) There are thousands of unresolved homicides in Washington. Of those cases, 5 percent of the victims are Indigenous, compared to 2 percent of the state's population, and the vast majority of those cases are cold cases. The Missing and Murdered Indigenous Women and People (MMIWP) Task Force has members from law enforcement, tribal officers, prosecutors, and tribal governments across the state. Through the task force and through legislative action over the last several years, the community has built awareness and relationships among governing bodies to address this important topic. The Attorney General's Office (AGO) made the recommendation to form a cold case unit with a focus on MMIWP cases, and the resolution was approved unanimously by the task force. Law enforcement, especially small or tribal law enforcement divisions, often have difficulty

finding the capacity and resources to address cold cases. Many law enforcement agencies have expressed that they would benefit from assistance from the AGO. The AGO has the infrastructure to hit the ground running. A cold case unit would help provide justice and closure for the families of victims of unsolved cases.

(Opposed) None.

Persons Testifying: Representative Debra Lekanoff, prime sponsor; and John Hillman, Washington State Attorney General's Office.

Persons Signed In To Testify But Not Testifying: None.