

WSR 24-11-141
PROPOSED RULES

FORENSIC INVESTIGATIONS COUNCIL

[Filed May 21, 2024, 3:15 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-03-080.

Title of Rule and Other Identifying Information: Concerning funding assistance to local jurisdictions for the investigation of multiple deaths and for forensic anthropology services and other testing to identify human remains; chapter 218-10 WAC.

Hearing Location(s): On June 28, 2024, at 10:00 a.m., at the Forensic Investigations Council, WSP Crime Lab, 2203 Airport Way South (Building A), Seattle, WA 98134; call 206-262-6020 or 360-918-3135 to be let in. The meeting is also accessible telephonically by calling 253-205-0468.

Date of Intended Adoption: July 26, 2024.

Submit Written Comments to: Mark Nichols, 223 East 4th Street, #11, Port Angeles, WA 98362, email mark.nichols@clallamcountywa.gov, by June 21, 2024.

Assistance for Persons with Disabilities: Contact Mark Nichols, phone 360-417-2301, email mark.nichols@clallamcountywa.gov, by June 21, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rule is being adopted in order to update and clarify funding assistance rules for multiple death investigations.

Reasons Supporting Proposal: Updated clarification is needed for the scope and procedures used to authorize funding to local jurisdictions investigating incidents of multiple deaths or seeking forensic anthropology services or other testing.

Statutory Authority for Adoption: RCW 43.103.090(1).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Forensic investigations council, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Mark Nichols, 223 East 4th Street, #11, Port Angeles, WA, 360-417-2301.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The forensic investigations council is not required to prepare a cost-benefit analysis under RCW 34.05.328 (5) (b) (ii).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

May 21, 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 test-

ing designed to aid in the identification of human remains regardless of the age of a case.