

Chapter 43.103 RCW
WASHINGTON STATE FORENSIC INVESTIGATIONS COUNCIL

Sections

43.103.010	Purposes.
43.103.020	Definitions.
43.103.030	Council created—Powers and duties.
43.103.040	Membership of council—Appointment.
43.103.050	Terms of members—Vacancies.
43.103.060	Qualification for continued membership.
43.103.070	Chair—Quorum—Meetings.
43.103.080	Travel expenses.
43.103.090	Powers.
43.103.100	Sudden infant death syndrome—Training—Protocols.
43.103.110	Training modules for missing persons protocols.
43.103.901	Effective date—1983 1st ex.s. c 16.

Jury source list—Master jury list—Creation—Adoption of rules for implementation of methodology and standards by agencies: RCW 2.36.054 and 2.36.0571.

RCW 43.103.010 Purposes. The purposes of chapter 16, Laws of 1983 1st ex. sess. are declared by the legislature to be as follows:

- (1) To preserve and enhance the state crime laboratory and state toxicology laboratory, which are essential parts of the criminal justice and death investigation systems in the state of Washington;
- (2) To fund the death investigation system and to make related state and local institutions more efficient;
- (3) To provide resources necessary for the performance, by qualified pathologists, of autopsies which are also essential to the criminal justice and death investigation systems of this state and its counties;
- (4) To improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;
- (5) To establish and maintain a dental identification system; and
- (6) To provide flexibility so that any county may establish a county morgue when it serves the public interest. [1999 c 40 s 2; 1995 c 398 s 2; 1983 1st ex.s. c 16 s 1.]

Effective date—1999 c 40: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 40 s 9.]

RCW 43.103.020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Council" means the Washington state forensic investigations council.
- (2) "Crime laboratory" means the Washington state patrol crime laboratory system created in RCW 43.43.670 and under the bureau of forensic laboratory services of the Washington state patrol.

(3) "State toxicology laboratory" means the Washington state toxicology laboratory and under the bureau of forensic laboratory services of the Washington state patrol. [1999 c 40 s 3; 1995 c 398 s 3; 1983 1st ex.s. c 16 s 2.]

Effective date—1999 c 40: See note following RCW 43.103.010.

RCW 43.103.030 Council created—Powers and duties. There is created the Washington state forensic investigations council. The council shall oversee the bureau of forensic laboratory services and, in consultation with the chief of the Washington state patrol or the chief's designee, control the operation and establish policies of the bureau of forensic laboratory services. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

The forensic investigations council shall be responsible for the oversight of any state forensic pathology program authorized by the legislature.

The forensic investigations council shall be actively involved in the preparation of the bureau of forensic laboratory services budget and shall approve the bureau of forensic laboratory services budget prior to its formal submission to the office of financial management pursuant to RCW 43.88.030. [2005 c 166 s 2; 1999 c 40 s 4; 1995 c 398 s 4; 1991 c 176 s 2; 1983 1st ex.s. c 16 s 3.]

Effective date—1999 c 40: See note following RCW 43.103.010.

RCW 43.103.040 Membership of council—Appointment. The council shall consist of thirteen members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; the chief of the state patrol; two members of a county legislative authority; one pathologist who is currently in private practice; two members of a city legislative authority; and one attorney whose practice of law includes significant experience representing clients charged with criminal offenses.

The governor shall appoint members to the council from among the nominees submitted for each position as follows: The Washington association of county officials shall submit two nominees each for the coroner position and the medical examiner position; the Washington state association of counties shall submit two nominees each for the two county legislative authority positions; the association of Washington cities shall submit two nominees each for the two city legislative authority positions; the Washington association of prosecuting attorneys shall submit two nominees each for the county prosecutor-ex officio county coroner and for the county prosecutor position; the Washington association of sheriffs and police chiefs shall submit two nominees each for the county sheriff position and the chief of police position; the Washington association of pathologists shall submit two nominees for the private pathologist position; and the Washington association of criminal defense lawyers and the Washington defender association shall jointly submit two nominees for the criminal defense attorney position, one of whom must actively

manage or have significant experience in managing a public or private criminal defense agency or association, the other must have experience in cases involving DNA or other forensic evidence. [2010 c 143 s 1; 1995 c 398 s 5; 1983 1st ex.s. c 16 s 4.]

RCW 43.103.050 Terms of members—Vacancies. All members of the council are appointed for terms of four years, commencing on July 1 and expiring on June 30. However, of the members appointed to the council, five shall be appointed for two-year terms and six shall be appointed for four-year terms. A person chosen to fill a vacancy created other than by the natural expiration of a member's term shall be nominated and appointed as provided in RCW 43.103.040 for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms. [1995 c 398 s 6; 1983 1st ex.s. c 16 s 5.]

RCW 43.103.060 Qualification for continued membership. Any member of the council shall immediately cease to be a member if he or she ceases to hold the particular office or employment which was the basis of his or her appointment under RCW 43.103.040. [1983 1st ex.s. c 16 s 6.]

RCW 43.103.070 Chair—Quorum—Meetings. The council shall elect a chair and a vice chair from among its members. The chair shall not vote except in case of a tie vote. Seven members of the council shall constitute a quorum. The governor shall summon the council to its first meeting. Otherwise, meetings may be called by the chair and shall be called by him or her upon the written request of five members of the council. Conference calls by telephone are a proper form of meeting. [1995 c 398 s 7; 1983 1st ex.s. c 16 s 7.]

RCW 43.103.080 Travel expenses. (1) Members of the council shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) Attendance at meetings of the council shall constitute performance by a councilmember of the duties of his or her employment or office. [1983 1st ex.s. c 16 s 8.]

RCW 43.103.090 Powers. (1) The council may:

(a) Meet at such times and places as may be designated by a majority vote of the councilmembers or, if a majority cannot agree, by the chair;

(b) Adopt rules governing the council and the conduct of its meetings;

(c) Require reports from the chief of the Washington state patrol on matters pertaining to the bureau of forensic laboratory services;

(d) Authorize the expenditure of up to two hundred fifty thousand dollars per biennium from the council's death investigations account appropriation for the purpose of assisting local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple

jurisdictions. The council shall adopt rules consistent with this subsection for the purposes of authorizing expenditure of the funds;

(e) Authorize the expenditure of up to twenty-five thousand dollars per biennium from the council's death investigations account appropriation for the purpose of assisting local jurisdictions to secure forensic anthropology services or other testing, to determine the identity of human remains upon a showing of financial need. The council shall adopt rules consistent with this subsection for the purposes of authorizing expenditure of the funds;

(f) Authorize expenditures from the council's death investigations account appropriation for the purpose of funding a statewide case management system for coroners and medical examiners. The council shall confer with the state association of coroners and medical examiners in the selection of a statewide system. The council may adopt rules consistent with this subsection for the purposes of authorizing expenditure of the funds;

(g) Do anything, necessary or convenient, which enables the council to perform its duties and to exercise its powers; and

(h) Be actively involved in the preparation of the bureau of forensic laboratory services budget and approve the bureau of forensic laboratory services budget prior to formal submission to the office of financial management pursuant to RCW 43.88.030.

(2) The council shall:

(a) Prescribe qualifications for the position of director of the bureau of forensic laboratory services, after consulting with the chief of the Washington state patrol. The council shall submit to the chief of the Washington state patrol a list containing the names of up to three persons who the council believes meet its qualifications to serve as director of the bureau of forensic laboratory services. Minimum qualifications for the director of the bureau of forensic laboratory services must include successful completion of a background investigation and polygraph examination. If requested by the chief of the Washington state patrol, the forensic investigations council shall submit one additional list of up to three persons who the forensic investigations council believes meet its qualifications. The appointment must be from one of the lists of persons submitted by the forensic investigations council, and the director of the bureau of forensic laboratory services shall report to the office of the chief of the Washington state patrol;

(b) After consulting with the chief of the Washington state patrol and the director of the bureau of forensic laboratory services, the council shall appoint a toxicologist as state toxicologist, who shall report to the director of the bureau of forensic laboratory services. The appointee shall meet the minimum standards for employment with the Washington state patrol including successful completion of a background investigation and polygraph examination;

(c) Establish, after consulting with the chief of the Washington state patrol, the policies, objectives, and priorities of the bureau of forensic laboratory services, to be implemented and administered within constraints established by budgeted resources by the director of the bureau of forensic laboratory services;

(d) Set the salary for the director of the bureau of forensic laboratory services; and

(e) Set the salary for the state toxicologist. [2017 c 146 s 1; 2007 c 200 s 1. Prior: 1999 c 142 s 1; 1999 c 40 s 5; 1995 c 398 s 8; 1983 1st ex.s. c 16 s 9.]

Effective date—1999 c 40: See note following RCW 43.103.010.

RCW 43.103.100 Sudden infant death syndrome—Training—Protocols.

(1) The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

(a) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

(b) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome; and

(c) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

(2) The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS foundation of Washington and the Washington association of county officials.

(3) Basic training for death investigators offered by the Washington association of coroners and medical examiners and the criminal justice training commission shall include a module which specifically addresses the investigations of the sudden unexplained deaths of children under the age of three. The training module shall include a scene investigation protocol endorsed or developed by the council. A similar training curriculum shall be required for city and county law enforcement officers and emergency medical personnel certified by the department of health as part of their basic training through the criminal justice training commission or the department of health emergency medical training certification program.

(4) Each county shall use a protocol that has been endorsed or developed by the council for scene investigations of the sudden unexplained deaths of children under the age of three. The council may utilize guidelines from the center for disease control and other appropriate resources.

(5) The council shall develop a protocol for autopsies of children under the age of three whose deaths are sudden and unexplained. This protocol shall be used by pathologists who are not certified by the American board of pathology in forensic pathology, and who are providing autopsy services to coroners and medical examiners. [2001 c 82 s 1; 1991 c 176 s 6.]

Finding—Declaration—1991 c 176: "The legislature finds and declares that sudden and unexplained child deaths are a leading cause of death for children under age three. The public interest is served by research and study of the potential causes and indications of such unexplained child deaths and the prevention of inaccurate and inappropriate designation of sudden infant death syndrome (SIDS) as a cause of death. The legislature further finds and declares that law enforcement officers, firefighters, emergency medical technicians, and

other first responders in emergency situations are not adequately informed regarding sudden, unexplained death in young children including but not limited to sudden infant death syndrome, its signs and typical history, and as a result may compound the family and child care provider's grief through conveyed suspicions of a criminal act. Coroners, investigators, and prosecuting attorneys are also in need of updated training on the identification of unexplained death in children under the age of three, including but not limited to sudden infant death syndrome awareness and sensitivity and the establishment of a statewide uniform protocol in cases of sudden, unexplained child death." [1991 c 176 s 5.]

RCW 43.103.110 Training modules for missing persons protocols.

The Washington state forensic investigations council, in cooperation with the Washington association of coroners and medical examiners and other interested agencies, shall develop training modules that are essential to the effective implementation and use of missing persons protocols using funds provided in RCW 43.79.445. The training commission shall make the training modules available to small departments or those at remote locations with the least disruption. The modules shall include, but not be limited to: 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 assessment of the individuals reported missing. [2007 c 10 s 2; 2006 c 102 s 3.]

Intent—2007 c 10: "It is the intent of this act to build upon the research and findings of the Washington state missing persons task force, assembled by the state attorney general in 2003, the United States department of justice, and the initiative taken in chapter 102, Laws of 2006, by the legislature to aid in recovery of missing persons and the identification of human remains." [2007 c 10 s 1.]

Finding—Intent—2006 c 102: See note following RCW 36.28A.100.

RCW 43.103.901 Effective date—1983 1st ex.s. c 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983. [1983 1st ex.s. c 16 s 24.]