
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3902.2/16 2nd draft

ATTY/TYPIST: KT:lel

BRIEF DESCRIPTION: Requesting that the rules committee issue a subpoena.

1 **Resolution by the Senate Committee on**
2 **Law & Justice**

3 WHEREAS, Serious and specific public allegations have been made
4 against the department of corrections regarding the agency's early
5 release error of over three thousand two hundred prisoners over a
6 thirteen-year period from 2002 to 2015; and

7 WHEREAS, These errors have occurred despite the Legislature's
8 significant investment in a vendor overseeing the department of
9 corrections computer system and in providing funding for department
10 of corrections employees responsible for accurate calculation of
11 prisoner sentences; and

12 WHEREAS, The governor has announced that his general counsel has
13 hired two investigators to look into the matter. However, questions
14 have arisen as to the scope and transparency of the investigation.
15 The governor's office has also declined to make the investigators
16 available to answer questions before the law and justice committee
17 regarding issues of legislative interest, or to agree to make the
18 full investigation available to the legislature; and

19 WHEREAS, The members of the committee have made every effort to
20 work through the normal processes to obtain information regarding

1 this matter including submitting a public records request and
2 requesting that witnesses testify at committee hearings to questions
3 provided in advance. The executive has returned the public records
4 request and witnesses either declined the committee's invitation or
5 declined to answer the questions as requested; and

6 WHEREAS, This matter presents significant legislative issues
7 which are directly related to the jurisdiction of the law and justice
8 committee. First, the committee is charged with implementing the
9 statutory provisions related to sentencing and the department of
10 corrections. Moreover, the committee is charged with consideration of
11 the governor's appointment of the department of corrections
12 secretary, which is now pending before it. These matters are directly
13 related to the judgment and fitness of the secretary and whether he
14 may serve as an adequate steward of the public trust. Finally, the
15 committee requires this information because it is germane to future
16 legislation to ensure that errors of this magnitude do not occur
17 again; and

18 WHEREAS, The Washington state Constitution Article II section 1
19 provides that the "legislative authority of the state of Washington
20 shall be vested in the legislature," chapter 44.16 RCW provides for
21 the process of legislative inquiry, and under senate rule 43
22 committees of the legislature may have the powers of subpoena subject
23 to the processes outlined in the rule; and

24 WHEREAS, It is necessary for the development of sound public
25 policy and legislative deliberations that all of the facts pertaining
26 to this matter with the department of corrections be addressed and
27 considered. Therefore to properly fulfill the committee's legislative
28 duties, the committee needs to obtain documents and take witness
29 testimony;

30 NOW, THEREFORE, BE IT RESOLVED, That the Washington state senate
31 committee on rules is requested to issue an initial subpoena for all
32 nonprivileged documents, in electronic or written form, including,
33 but not limited to, communications, reports, memoranda, graphs,
34 charts, photographs, images, or data compilations, prepared by or in
35 the possession of the department of corrections or the office of the
36 governor on or after December 1, 2012, to December 22, 2015, relating
37 to the erroneous early release of inmates arising from sentence
38 calculation errors, or the failure to timely correct those errors,
39 that was the subject of the publicly disclosed statement of the
40 governor on December 22, 2015. The subpoena should allow the

1 department of corrections and the office of the governor to delete
2 the identity of victims contained in all documents.

--- END ---