
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4036.1/16

ATTY/TYPIST: KT:lel

BRIEF DESCRIPTION: Requesting that the rules committee issue subpoenas.

1 **Substitute Resolution by the Senate Committee**
2 **on 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 office has hired two
13 investigators to look into the matter. However, questions have arisen
14 as to the scope and transparency of the investigation. The governor's
15 office has also declined to make the investigators available to
16 answer questions before the law and justice committee regarding
17 issues of legislative interest, or to agree to make the full
18 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
21 this matter including submitting a public records request and

1 requesting that witnesses testify at committee hearings to questions
2 provided in advance. The department of corrections has returned the
3 public records request and witnesses either declined the committee's
4 invitation or declined to answer the questions as requested; and

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

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

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

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

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

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