

## **EXECUTIVE ORDER 96-01**

### **PROVIDING FOR THE TRANSFER OF CRIMINAL AND MAJOR ADMINISTRATIVE INVESTIGATIONS INVOLVING DSHS EMPLOYEES TO THE STATE PATROL**

**WHEREAS**, State government must be fair and impartial in all matters and must treat its employees with the utmost respect and fairness; and

**WHEREAS**, in sensitive matters involving allegations of state employee misconduct or criminal behavior, the citizens of the state must be assured that a thorough and impartial investigation will be conducted and, where appropriate, disciplinary action or criminal prosecution will follow the findings of that investigation; and

**WHEREAS**, we must avoid even the appearance of unfairness in this process; and

**WHEREAS**, current employee investigations at the Department of Social and Health Services (DSHS) are conducted by an internal unit and there is a risk that these investigations may not appear to be completely fair due to the chance of conflict of interest or undue influence on the investigation; and

**WHEREAS**, the citizens of the State of Washington are entitled to know that DSHS employees are subject to impartial investigations by officers trained to distinguish between administrative and criminal matters and to develop cases for successful prosecution, and whose primary responsibilities are to conduct investigations of employee wrongdoing,

**NOW, THEREFORE, I**, Mike Lowry, Governor of the state of Washington, by virtue of the authority invested in me, order and direct as follows:

1. Effective today, DSHS - Office of Special Investigations (OSI) will no longer conduct all criminal and major administrative investigations involving DSHS employees. This consists of all employee investigations previously conducted by OSI - Special Investigations Unit. The Special Investigations Unit of OSI will be eliminated.

2. The Washington State Patrol (WSP) and DSHS will enter into an interagency agreement for criminal and major administrative investigations that involve DSHS employees. The criteria for cases to be transferred to the WSP will be as follows:

A. All alleged criminal cases constituting a violation deemed to be a gross misdemeanor or felony.

B. All major administrative investigations consisting of allegations of willful or wanton disregard for DSHS policies and procedures which would include but not be limited to the following: gross failure to perform essential job duties, failure to conform to law which would constitute a gross misdemeanor, allegations of abuse of position and any other cases deemed necessary by the Secretary of DSHS in consultation with the Chief of WSP.

3. Specific protocols for the referral of cases from DSHS to the WSP will be developed by the WSP in conjunction with management from DSHS. Once the protocols have been established the WSP will provide training to DSHS staff regarding their implementation.

4. All pending employee investigation cases in the Special Investigations Unit will be . immediately transferred to the WSP for completion. This order excludes the activities of the Illegal Income Investigation (III) Team pending completion of its work.

5. In addition, DSHS staff will provide training to WSP investigators regarding unique issues relating to DSHS employees, clients, programs, policies or guidelines that might assist WSP in conducting both criminal and administrative investigations.

6. The investigations outlined above will be funded from the Department of Social and Health Services, OSI-Special Investigations Unit budget.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 5th day of January A.D., Nineteen hundred and ninety-six.

Mike Lowry  
Governor of Washington

**BY THE GOVERNOR:**

Secretary of State

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