

SENATE BILL REPORT

HB 1095

As Reported By Senate Committee On:
Judiciary, April 1, 1999

Title: An act relating to law enforcement personnel records and internal affairs files.

Brief Description: Limiting access to law enforcement personnel records and internal affairs files.

Sponsors: Representatives Cairnes, O'Brien, Koster, D. Schmidt, Thomas, Lovick, Schoesler, Dunn, Lambert and Delvin.

Brief History:

Committee Activity: Judiciary: 3/31/99, 4/1/99 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, McCaslin, Roach and Zarelli.

Staff: Penny Nerup (786-7484)

Background: Both statutes and court rules govern the procedures and conduct of a court action, including those determining the types of evidence that are admissible in a case. Courts may restrict the use of particular evidence by requiring an *in camera* review. (An *in camera* review is conducted by the judge in private, usually in chambers.)

Some law enforcement agencies are concerned that documents from agency internal affairs or personnel records are sometime introduced at trial before the jury even when the records have no relevance to the issue at trial.

Summary of Amended Bill: In a civil or criminal action where a party offers as evidence the personnel records or internal affairs file of a law enforcement agency, the court may not allow introduction of these documents into evidence without first inspecting them *in camera*. This requirement does not apply, however, to a record or file that relates to a law enforcement officer who is a party to the action.

Amended Bill Compared to Original Bill: The amended bill adds a new provision that the Public Records Act (RCW 42.17.250 -.348) is not affected by this bill.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: Generally oppose this bill because it is unnecessary. Current case law (*Barfield v. City of Seattle*, 100 Wn.2d 878 (1984)) already requires the court to take *in camera* review of these matters. *In camera* review is always granted by the court when requested.

Testified: CON: Larry Shannon, Washington State Trial Lawyers Association.