

HOUSE BILL REPORT

SSB 6094

As Reported by House Committee On:
Government Operations & Elections

Title: An act relating to the use of jail data for research purposes in the public interest.

Brief Description: Authorizing the use of jail data for research purposes in the public interest.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove).

Brief History:

Committee Activity:

Government Operations & Elections: 2/19/14, 2/25/14 [DP].

Brief Summary of Substitute Bill

- Allows the records of a person confined in jail to be released to the Washington Association of Sheriffs and Police Chiefs, the Washington State Institute for Public Policy, the Research and Data Analysis Division of the Department of Social and Health Services, higher education institutions of Washington, the Washington State Health Care Authority, the State Auditor's Office, the Caseload Forecast Council, and the Office of Financial Management.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Carlyle, Christian, Manweller, Orwall, Robinson and Van De Wege.

Minority Report: Do not pass. Signed by 3 members: Representatives Taylor, Ranking Minority Member; Young, Assistant Ranking Minority Member; Kretz.

Staff: Amanda Ondrick (786-7296) and Jasmine Vasavada (786-7301).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Each city and county jail located in Washington is required to maintain a jail register, which is open to the public. The law enforcement officer who is charged with being responsible for the operation of the jail must enter, on a timely basis, the name of each person held in confinement, the reason for confinement, when the person was confined, and the time, date, and manner in which the person was discharged. Generally, all other records regarding a person confined in jail are confidential and may only be released to a criminal justice agency or upon the written consent of the person being confined. Law enforcement may use the booking photographs of a person arrested and confined in a jail or prison to assist in conducting criminal investigations.

Summary of Bill:

Records of a person confined in jail may be released to the Washington Association of Sheriffs and Police Chiefs. Records shall also be made available, for the purpose of research within the public interest, to the Washington State Institute for Public Policy, the Research and Data Analysis Division of the Department of Social and Health Services, higher education institutions of Washington, the Washington State Health Care Authority, the State Auditor's Office, the Caseload Forecast Council, and the Office of Financial Management.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Ten years ago, the federal government funded and the state authorized the creation of the Washington State Booking and Reporting System (WSBRS). The WSBRS created interfaces between jail management systems. There are about 52 jails in Washington. The data from the systems are collected in one central repository with links to criminal justice agencies. This is a treasure trove of information and has a multitude of uses. Over the years there have been several requests from entities such as the Department of Social and Health Services and the Forecast Council to use this data for the purposes of research and stopping fraud. Currently, this information cannot be released to them because they are not criminal justice agencies. This bill allows those agencies to gain access to that information for limited purposes.

(In support with amendment(s)) The current practice used to disseminate data to agencies that are not criminal justice agencies is by memorandum of understanding (MOU). The MOU specifically prohibits secondary dissemination of the data and states how long the receiving agency may keep the data, states how they will protect data from accidental release, and confirms that they will destroy the data upon completion of research work. In addition, each

researcher who has contact with the information has to sign a personal statement that the researcher will not share the data. This bill seems to relieve some of the time pressures of the MOU process, but after looking at the bill further, an amendment is needed or the lengthy MOU process will still be necessary. The language of the bill does not address secondary dissemination and who is liable if that data does get released. With the offered amendment, hopefully a difficult situation that happened in the past can be avoided.

(Opposed) None.

Persons Testifying: (In support) Don Pierce, Washington Association of Sheriffs and Police Chiefs.

(In support with amendment(s)) Mike West, King County Department of Adult and Juvenile Detention.

Persons Signed In To Testify But Not Testifying: None.