

# SENATE BILL REPORT

## SB 5810

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As Amended by House, April 11, 2013

**Title:** An act relating to exemption of information contained in the department of corrections' security threat group database.

**Brief Description:** Allowing the department of corrections to exempt information contained in the internal database on security threat group data from dissemination under the public records act.

**Sponsors:** Senators Darneille, Carrell and Shin; by request of Department of Corrections.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/22/13, 2/19/13 [DP].

Passed Senate: 3/05/13, 49-0.

Passed House: 4/11/13, 97-0.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Carrell, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove, Harper and Padden.

**Staff:** Shani Bauer (786-7468)

**Background:** The Special Investigations Services Unit (SISU) of the Department of Corrections (DOC) collects, evaluates, collates, and analyzes data and special investigative information concerning the existence, activities, and operation of security threat groups, drugs, and violence within DOC facilities. SISU gathers intelligence and trains other correctional officers on offenders and possible gang affiliation.

The Security Threat Group (STG) at DOC is a system to identify and monitor the movement and activities of offenders and offender groups who pose a potential threat to the security or safety of employees, contract staff, volunteers, visitors, other offenders, criminal justice partners, and the community. The Headquarters STG maintains a centralized database which contains specific information pertaining to offenders who pose a security threat. Access to the STG database is restricted to authorized DOC employees. Authorized field employees have access to the database to add documentation or validation information concerning an offender. All other DOC employees have access to limited information from the database.

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*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.*

Upon request, an agency must make its public records available for public inspection and copying unless the records fall within a specific statutory exemption. The current list of exemptions does not include information contained in DOC's STG database.

**Summary of Bill:** SISU may collect, evaluate, collate, and analyze data and specific investigative information concerning security threat groups, drugs, and violence within DOC facilities and the participants involved. The STG database is established as a centralized database within DOC to store compiled data. The database may only be used to store information directly related to an offender's STG affiliation or affiliations and activities. The STG database and all its contents are confidential and exempt from public disclosure under RCW 42.56.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Within correctional facilities, 23 percent of the population is affiliated with gangs. Further, 48 percent of the 23 percent are responsible for all violence that occurs in the facilities. DOC maintains the STG to track groups of offenders and to separate offenders from gang members to allow them to live in peace and help reintegrate into the general population. Some offenders are trying to figure out where the gang members are located and are submitting public disclosure requests to determine that information. Under current law, this information is not exempt from public disclosure and this bill would protect it from being disclosed.

**Persons Testifying:** PRO: Dan Pacholke, DOC.

**House Amendment(s):**

- Removes the requirement that DOC maintain STG data in a centralized database that must be used to maintain the safety and security of offenders, staff, facilities, and the public.
- Removes the provision establishing that the STG database is confidential.
- Limits the Public Records Act exemption for STG information, exempting only information that: could lead to the identification of a person's STG status, affiliation, or activities; reveals specific security threats associated with STGs; or identifies the number of STG members, affiliates, or associates.
- Establishes a cross-reference by listing the exemption along with other Public Records Act exemptions for investigative, law enforcement, and crime victim information.