

SENATE BILL REPORT

SB 5776

As Reported by Senate Committee On:
Law & Justice, January 20, 2022

Title: An act relating to creating the criminal justice integrated data system and a violence and death investigation resource center.

Brief Description: Creating the criminal justice integrated data system and a violence and death investigation resource center.

Sponsors: Senators Trudeau, Dhingra, Das, Hasegawa, Keiser, Lovelett, Lovick, Nguyen, Nobles, Randall, Saldaña and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 1/18/22, 1/20/22 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Creates the criminal justice integrated data system to receive and maintain data and information from local governments, state agencies, and nongovernmental entities.
- Designates the Department of Health (DOH) as manager of the data system and makes the data exempt from disclosure.
- Creates a data oversight council with 17 members to approve requests for projects, reports, and analysis from the data system.
- Creates the violence and death investigation resource center within DOH to collect and analyze data, survey medical examiners and coroners for critical needs, develop systems to facilitate data sharing, and develop best practices for death investigations.
- Requires the Washington State Institute for Public Policy to conduct a study on the shortage of forensic pathologists with recommendations to the Legislature by December 1, 2022.

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

- Makes the act null and void if funding is not provided in the budget.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer, Pedersen and Salomon.

Minority Report: That it be referred without recommendation.

Signed by Senators Padden, Ranking Member; McCune, Assistant Ranking Member; Honeyford and Wagoner.

Staff: Tim Ford (786-7423)

Background: Death investigations are conducted by a county coroner or medical examiner.

County Coroner. The county coroner is an elected position whose primary function is death investigations. In a county with a population of 250,000 or more, the county legislative authority may, upon majority vote at an election called by the county legislative authority, adopt a system under which a medical examiner may be appointed to replace the office of the coroner.

The coroner is responsible for making determinations about the cause, manner, and mechanism of death in those cases falling under their jurisdiction. The jurisdiction of the coroner extends to the bodies of all deceased persons who come to their death in a variety of circumstances set forth in statute, including:

- suddenly, when in apparent good health without medical attendance within the 36 hours preceding death;
- where circumstances indicate the death was caused by unnatural or unlawful means;
- or
- when death occurs under suspicious circumstances.

Vital Statistics Program at the Department of Health. The Department of Health (DOH) collects and stores all reports of specific vital life events in the state. These vital life events are births, deaths, fetal deaths, marriages, marriage and domestic partnership dissolutions, marriage and domestic partnership annulments, and legal separations. Under current law, DOH retains permanent custody of all vital records in its statewide vital records system. The state registrar of vital statistics oversees the system and is responsible for the system's operations and integrity. The state registrar also develops uniform vital statistics reporting requirements and forms for local registrars across the state.

Summary of Bill (First Substitute): A criminal justice integrated data system is created to receive, store, secure, and maintain data and information from local governments, state agencies and departments, or volunteer nongovernmental entities. The data system will be managed by DOH, and the data is exempt from public disclosure by law and court rules. A data oversight council (council) is created to be convened and chaired by DOH. The 17-member council has the following entities or their representative:

- the Governor;
- the chief justice of the Washington State supreme court;
- the attorney general;
- the director of the Department of Corrections;
- the director of the Department of Children, Youth, and Families;
- the director of the Department of Social and Health Services;
- the director of the Administrative Office of the Courts;
- a representative of the Washington Association of Prosecuting Attorneys;
- a representative of the Washington Association of Sheriffs and Police Chiefs;
- a representative of the Association of Washington Cities;
- a representative of the Washington State Association of Counties;
- a representative of the Office of Crime Victims Advocacy;
- a representative from the Washington State Institute for Public Policy;
- a representative from the Office of Public Defense or a defense representative;
- a representative from the Harborview Injury Prevention and Research Center;
- a representative from the Washington Association of Coroners and Medical Examiners; and
- a representative from the Washington State Association of County Clerks.

The council has authority to approve requests for projects, reports, and data analyses generated from the criminal justice integrated data system.

A violence and death investigation resource center (resource center) is created within DOH.

The resource center must:

- collect and analyze vital statistics on violence and deaths in the state to identify localized and statewide trends;
- survey medical examiners and coroners in the state to identify the critical needs of the offices;
- develop systems to facilitate information and data sharing between medical examiner and coroner offices; and
- develop best practices for death investigations in the state.

A forensic pathologist or former forensic pathologist must serve as the director of the resource center. The resource center shall submit an annual report to the Legislature detailing the center's work, including trends in violence and deaths from the previous year, and providing recommendations to support medical examiner and coroner offices and improve death investigations in the state.

The director of the resource center, nominated by DOH, shall serve as a member of the Washington State forensic investigations council.

The Washington State Institute for Public Policy must conduct a study on the shortage of forensic pathologists and submit their recommendations to the Legislature by December 1, 2022.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Adds a representative from the Washington Association of Coroners and Medical Examiners to the Data Oversight Council.
- Permits the director of the Death Investigative Resource Center to be a former forensic pathologist as an alternative.
- Requires the Washington State Institute for Public Policy to conduct a study on the shortage of forensic pathologists with recommendations to the Legislature by December 1, 2022.
- Adds a representative from the Washington Association of County Clerks.
- Makes data exempt from disclosure pursuant to court rules.
- Replaces language “memorandum of understanding” with “data sharing agreement.”
- Establishes multiple effective dates.
- Makes the act null and void if funding is not provided in the budget.

Appropriation: None.

Fiscal Note: Requested on January 17, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This legislation can identify where people need support to stop cycles of injury and violence. Without partnerships between the criminal legal system and public health, problems can escalate and lead to violent death. We need the robust sharing of information between entities interfacing with the population to look for creative solutions. We can shape better policy, track information, and provide a resource for medical examiners and coroners. This is based on systems that are already working in other states.

Safety and justice deserve better data. This is the people's data. During the pandemic there has been a surge in death. There is no easy way to count deaths because it is fragmented and siloed. This will add a vital resource for our state's medical and legal death investigations.

OTHER: A medical examiner or coroner and county clerk member should both be added. A study should be added by the Association of Medical Examiners, Coroners, and Clerks on the shortage of forensic pathologists. The data system needs full funding. There is no limitation on data required to be shared with the Department of Health. Law enforcement data includes many confidential information like active investigations, names of witnesses, confidential informants, and undercover agents. If shared with a non-criminal justice agency the Federal Bureau of Investigation or the Department of Justice might revoke access to their criminal justice information services. We don't have a centralized court system or data system. The resource center needs to communicate with all the systems. What does contribute mean? Is it voluntary? There is a backlog in the criminal system and with staffing.

Persons Testifying: PRO: Senator Yasmin Trudeau, Prime Sponsor; Hayley Thompson, WACME; David Martin, Chair, Domestic Violence Unit King County Prosecuting Attorney.

OTHER: Timothy Grisham, WASHINGTON ASSOCIATION OF COUNTY OFFICIALS; James McMahan, WA Assoc Sheriffs & Police Chiefs; Juliana Roe, Washington State Association of Counties; Russell Brown, WA Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: No one.