

SENATE BILL REPORT

SB 5776

As of February 15, 2017

Title: An act relating to publishing offender photographs and enhancing public safety.

Brief Description: Concerning the publication of offender photographs.

Sponsors: Senators Miloscia, O'Ban, Wilson and Pearson.

Brief History:

Committee Activity: Law & Justice: 2/15/17.

Brief Summary of Bill

- Requires the Department of Corrections (DOC) to immediately publish identifying information, including the photograph, of a person when the Secretary of DOC (Secretary) issues a warrant for the person's arrest.
- Requires law enforcement to provide DOC with any booking photograph requested for the purpose of publishing with a Secretary's warrant.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: The Secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The Secretary's warrant authorizes any law enforcement or community corrections officer to arrest the offender and place them in total confinement pending disposition of the alleged violation. DOC currently has over 4000 outstanding Secretary warrants.

Per DOC policy, when a Secretary's warrant has been issued, the offender remains on active supervision with the community custody office for a period of 60 days. During that time, the corrections officer must attempt to locate the offender at the last known residence and through collateral contacts. After 60 days, the case is transferred to inactive status and the offender is listed on the DOC website.

A jail register is open to the public, which includes the name of each person confined in the jail with the time, date, and cause of the confinement; and the time, date, and manner of the

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person's discharge. The records of a person confined in jail are confidential except for certain purposes. Booking photographs may be used by law enforcement to assist in conducting investigations or, if the person has been convicted of a sex offense, may be disseminated as provided by law, including publication on the sex offender registry website.

Summary of Bill: DOC must make identifying information about an offender public immediately upon issuance of a Secretary's warrant for the arrest of the offender. The information must be on the website and must include a recent identifiable photograph of the offender that may be copied and distributed to the public. If DOC does not have a recent photograph, it may use any booking photograph of the offender from another public agency. The information must remain on DOC's website until the offender is arrested.

Upon request, law enforcement must provide any booking photograph to DOC for the purposes of allowing DOC to publish the photograph in connection with an arrest warrant. Booking photographs are not confidential records.

Appropriation: None.

Fiscal Note: Requested on February 10, 2017.

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

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

Staff Summary of Public Testimony: OTHER: DOC has historically posted information on its website for some individuals for whom a Secretary's warrant has been issued. In the course of reviewing its website, DOC discovered it did not have a standard policy for what information was posted. Rather than continuing the practice of only posting some information, DOC posted a searchable database for all persons with a warrant and submitted a work request to automate updating of the list and automated posting of photographs. Automating the list and photos is a significant technological undertaking that will take about four months. In the meantime, DOC is manually uploading photographs and currently has approximately 75 percent of those photographs posted. The language in section 3 stating that offender photographs are not confidential records is a concern. This could be interpreted to make all jail photographs subject to disclosure.

Persons Testifying: OTHER: Alex McBain, Department of Corrections; James McMahan, Washington Association of Sheriffs and Police Chiefs

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