

Chapter 446-16 WAC

WASHINGTON STATE IDENTIFICATION SECTION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

446-16-040	Reporting of persons detained in custody. [Order 1, § 446-16-040, filed 2/11/74.] Repealed by 97-05-048, filed 2/18/97, effective 3/21/97. Statutory Authority: Chapters 10.97 and 43.43 RCW.
446-16-050	Report by social and health services on change of parole status—Other changes—Requirements. [Order 1, § 446-16-050, filed 2/11/74.] Repealed by 97-05-048, filed 2/18/97, effective 3/21/97. Statutory Authority: Chapters 10.97 and 43.43 RCW.

WAC 446-16-010 Definitions. For the purposes of these rules, the following words and phrases will have the following meanings:

(1) "Criminal history record information" includes, and will be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal history record information" will not include intelligence, analytical or investigative reports and files.

(2) "Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

(3) "Disposition" means that result which is reached at a determination of criminal proceedings against an individual at any stage in the criminal justice system and resulting in the culmination or final disposal of the criminal charge.

(4) "Section" means the identification and criminal history section of the Washington state patrol.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-010, filed 12/17/09, effective 1/17/10; 97-05-048, § 446-16-010, filed 2/18/97, effective 3/21/97; Order 1, § 446-16-010, filed 2/11/74.]

WAC 446-16-020 Scope of the rules. Criminal offender record information will not be released or inspected except in accordance with RCW 43.43.700 et seq. and these rules.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-020, filed 12/17/09, effective 1/17/10; Order 1, § 446-16-020, filed 2/11/74.]

WAC 446-16-025 Deletion of arrest records. (1) A person desiring the destruction of his or her fingerprints and/or other identifying data, pursuant to RCW 43.43.730,

(12/17/09)

must make his or her request on a form furnished by the section.

(2) The request must be completed, signed by the person whose record is sought to be deleted and his or her signature witnessed. It must include the address of the applicant, the printed name and the address of the witness to the applicant's signature and such other information requested on the application as identifies the applicant and the offense for which the request of deletion is made.

(3) The request must include reasonable proof that the person making the request for deletion is the same person whose fingerprints or other identifying data are sought to be deleted. Such proof must include fingerprints of the applicant if requested by the section.

(4) The request must include the information necessary for the section to determine whether the request is consistent with RCW 10.97.060 including all details pertaining to the decision not to prosecute, dismissal, or acquittal of the offense for which the fingerprints or other identifying data were taken.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-025, filed 12/17/09, effective 1/17/10; 97-05-048, § 446-16-025, filed 2/18/97, effective 3/21/97. Statutory Authority: RCW 10.97.080 and 10.97.090. 92-15-014, § 446-16-025, filed 7/6/92, effective 8/6/92; Order 1, § 446-16-025, filed 2/11/74.]

WAC 446-16-030 Inspection by the subject of their record. (1) Any person desiring to inspect his or her criminal history record information may do so at the central office of the section, during normal business hours, Monday through Friday, except legal holidays.

(2) Any person desiring to inspect his or her criminal history record information must first permit their fingerprints to be taken by the section for identification purposes if requested. The section, in its discretion, may accept other identification in lieu of fingerprints.

(3) A reasonable period of time, not to exceed thirty minutes, will be allowed to each individual to examine his or her criminal history record information.

(4) No person will be allowed to retain or reproduce any criminal history record information except for the purpose of challenging or correcting entries of arrests by submitting law enforcement agencies of the state of Washington. Visual examination only will be permitted of such information unless the individual asserts the belief that their criminal history record information from a submitting law enforcement agency of the state of Washington is inaccurate, incomplete or maintained in violation of the law; and unless they request correction or completion of the information on a form furnished by the section, or requests deletion pursuant to WAC 446-16-025.

(5) If any person who desires to examine his or her own criminal history record information is unable to read or is otherwise unable to examine same because of a physical disabil-

ity, they may designate another person of their own choice to assist them. The person about whom the information pertains must execute, with their mark, a form provided by the section consenting to the inspection of their criminal history record information by another person for the purpose of it being read or otherwise described to them. Such designated person must then be permitted to read or otherwise describe or translate the criminal history record information to the person about whom it pertains.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-030, filed 12/17/09, effective 1/17/10; 01-20-039, § 446-16-030, filed 9/26/01, effective 10/27/01; 97-05-048, § 446-16-030, filed 2/18/97, effective 3/21/97. Statutory Authority: RCW 10.97.080 and 10.97.090. 92-15-014, § 446-16-030, filed 7/6/92, effective 8/6/92; Order 1, § 446-16-030, filed 2/11/74.]

WAC 446-16-060 Disposition reports—When required. In every case where a fingerprint record or other report of the arrest of an individual on criminal charges has been submitted to the section, the agency which makes the final determination of such criminal charges or in whose jurisdiction the final determination is made must report the disposition of such charges to the section.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-060, filed 12/17/09, effective 1/17/10; Order 1, § 446-16-060, filed 2/11/74.]

WAC 446-16-070 Report contents—General. The report of disposition must be made on forms provided by the section or shall be transferred electronically on forms approved by the section. The disposition report must include all arrest details as they appeared on the fingerprint card or arrest record previously forwarded to the section. The state identification number and process control number (PCN) should be indicated on the disposition report if known.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-070, filed 12/17/09, effective 1/17/10. Statutory Authority: Chapter 10.98 RCW as amended by SSB 6535, 1998 regular session. 99-07-051, § 446-16-070, filed 3/15/99, effective 4/15/99. Statutory Authority: Chapters 10.97 and 43.43 RCW. 97-05-048, § 446-16-070, filed 2/18/97, effective 3/21/97; Order 1, § 446-16-070, filed 2/11/74.]

WAC 446-16-080 Report time limitations. All of the information requested on the disposition report must be completed and the report mailed or electronically transferred to the section, within ten days of the date that a disposition becomes effective.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-080, filed 12/17/09, effective 1/17/10. Statutory Authority: Chapter 10.98 RCW as amended by SSB 6535, 1998 regular session. 99-07-051, § 446-16-080, filed 3/15/99, effective 4/15/99. Statutory Authority: Chapters 10.97 and 43.43 RCW. 97-05-048, § 446-16-080, filed 2/18/97, effective 3/21/97. Statutory Authority: RCW 10.97.080 and 10.97.090. 92-15-014, § 446-16-080, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 10.97.090. 91-22-055 (Order 91-007), § 446-16-080, filed 11/1/91, effective 12/2/91; Order 1, § 446-16-080, filed 2/11/74.]

WAC 446-16-090 Law enforcement agencies—Reporting responsibilities. (1) If the disposition of criminal charges is made by the arresting agency, as where the individual is released without charge, the arresting agency shall fill in and complete the disposition report and submit same to the section. If the disposition is known at the time the arrest record or fingerprint card is submitted to the section, this

information should be noted thereon. In this case, it will be unnecessary to forward a disposition report.

(2) In all cases where the arresting agency does not make the final disposition, it shall initiate the preparation of a disposition report by recording the name of the individual arrested, the charges on which he was arrested, the name of the contributor of the arrest or fingerprint record, the process control number, the arrest number and any other information that may identify the individual. At this stage the disposition of charges will be left blank, but the agency will note the action that it has taken, e.g., referred to the prosecutor. The partially completed disposition report must then be included as part of the individual's case file and must be forwarded with other information concerning the charges against the individual to the prosecutor or other agency to which the arresting agency forwards the case.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-090, filed 12/17/09, effective 1/17/10. Statutory Authority: RCW 10.97.080 and 10.97.090. 92-15-014, § 446-16-090, filed 7/6/92, effective 8/6/92; Order 1, § 446-16-090, filed 2/11/74.]

WAC 446-16-100 Prosecutorial agencies—Reporting responsibilities. The prosecutor or county clerk must promptly transmit the completed disposition information to the section if the prosecutor determines not to file charges or the case is not otherwise acted upon by a judicial body. In such cases, the prosecutor or county clerk must mail or transfer the completed disposition report to the section within ten days from the date that it is determined no further judicial action will be taken on the charges.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-100, filed 12/17/09, effective 1/17/10. Statutory Authority: Chapter 10.98 RCW as amended by SSB 6535, 1998 regular session. 99-07-051, § 446-16-100, filed 3/15/99, effective 4/15/99. Statutory Authority: Chapters 10.97 and 43.43 RCW. 97-05-048, § 446-16-100, filed 2/18/97, effective 3/21/97; Order 1, § 446-16-100, filed 2/11/74.]

WAC 446-16-110 Courts—Reporting responsibilities. Where the disposition of criminal charges occurs as a result of action taken by or within the jurisdiction of any court in the state of Washington, the disposition of such charges must be reported to the section pursuant to rules of the supreme court of the state of Washington on forms approved by the supreme court and supplied by the section. However, in a county where the judicial information system or other secure method of electronic transfer of information has been implemented between the court and the section, the court may electronically provide the disposition information to the section.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-110, filed 12/17/09, effective 1/17/10. Statutory Authority: Chapter 10.98 RCW as amended by SSB 6535, 1998 regular session. 99-07-051, § 446-16-110, filed 3/15/99, effective 4/15/99. Statutory Authority: Chapters 10.97 and 43.43 RCW. 97-05-048, § 446-16-110, filed 2/18/97, effective 3/21/97; Order 1, § 446-16-110, filed 2/11/74.]

WAC 446-16-120 Audit of reporting compliance. The "section" will administer a compliance audit procedure at least once annually to insure that all disposition reports have been received and added to the criminal history record information. The identification and criminal history section will identify criminal history record information for which no dis-

position report has been received and has been outstanding for one year or longer since the date of arrest. Each open arrest will be researched for a final disposition by section staff or the criminal justice agency will be furnished with a list of outstanding disposition reports for criminal history record information of persons who were arrested or against whom charges were filed by that agency. Each criminal justice agency will provide the section with a current disposition report or status within sixty days of receipt of notification of open arrest.

[Statutory Authority: Chapters 10.97 and 43.43 RCW. 10-01-109, § 446-16-120, filed 12/17/09, effective 1/17/10; 97-05-048, § 446-16-120, filed 2/18/97, effective 3/21/97; Order 1, § 446-16-120, filed 2/11/74.]