

HOUSE BILL REPORT

SB 5332

As Reported by House Committee On:
Public Safety & Emergency Preparedness
Appropriations

Title: An act relating to creating a statewide automated victim information and notification system.

Brief Description: Creating a statewide automated victim information and notification system.

Sponsors: Senators Roach, Prentice and Rasmussen.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 3/19/07 [DP];

Appropriations: 3/28/07, 3/29/07 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Codifies in statute the Washington Association of Sheriffs and Police Chiefs' current practice of operating a statewide automated Victim Information and Notification (VINE) System within its statewide Central Booking and Reporting System.
- Requires the VINE System to notify a victim whenever an offender transfers to a different facility, is discharged, changes supervision status, escapes, or has an upcoming court date.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Lovick.

Staff: Yvonne Walker (786-7841).

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.

The Washington Association of Sheriffs and Police Chiefs (WASPC) operates a statewide Central Booking and Reporting System. The Central Booking and Reporting System contains the following items:

- each offense for which an arrested individual is being charged;
- descriptive information about each offender such as the offender's name, vital statistics, address, and mugshot;
- date and time an offender is released or transferred from a city or county jail;
- any information about the offender while in jail that could be used to protect criminal justice officials who have future contact with the offender, such as medical conditions and behavior problems; and
- statistical data indicating the current capacity of each jail and the quantity and category of offenses charged.

The objectives of the Jail Booking and Reporting System are to:

- provide detailed information regarding offenders booked into the city and county jails throughout the state;
- provide near real-time access to the jail-booking system;
- provide jail personnel with information on inmates; and
- generate reports containing statistics on the inmate population such as offender bookings, releases, and average length of stay.

During the 2006 legislative session, \$411,000 from the Public Safety and Education Account was appropriated in ESSB 6386 to provide funding for the enactment of a victim information system. The funding provided in Section 216 of that act (Chapter 372 of the Laws of 2006) authorized the WASPC to add a statewide automated Victim Information and Notification (VINE) System to its statewide Central Booking and Reporting System. The VINE System, which became operational on October 9, 2006, automatically notifies a registered victim when various changes occur such as when an offender transfers to another facility, is discharged, changes custody or supervision levels, escapes, becomes noncompliant in certain instances, or has an upcoming court date.

The VINE System allows the victim to be notified via the victim's choice of telephone, letter, or e-mail. The VINE System also provides registered victims with the most recent status report for an offender in any city and county jail, state prison, or sex offender registry, by calling a toll-free telephone number or by accessing the VINE System via the website. All registered persons calling the VINE System have the option of speaking to a live operator to help with the program 365 days of the year, 24 hours a day. The VINE System permits a crime victim to register or update his or her registered information in the VINE System by calling the toll-free telephone number or by accessing the public website.

Information contained in the VINE System is updated frequently to ensure information contained can timely notify a victim when an offender has been released, discharged, or escaped.

The act specified that any locality operating some type of automatic VINE System, as of the effective date of the act, is not required to participate in the WASPCs' system.

Any vendor chosen and contracted by the WASPC to provide a statewide automated victim notification service must have a minimum of 99.95 percent availability and less than an average of 1 percent notification errors as a result of the vendor's technology.

Summary of Bill:

The act codifies in statute the current practice of the WASPC operating a statewide automated VINE System within the agency's Central Booking and Reporting System. The VINE System, originally established in 2006 through funding made available in ESSB 6386 (Chapter 372 of the Laws of 2006), must automatically notify a registered victim when an offender:

- transfers or is assigned to the custody of another agency or facility;
- is given a different security classification;
- is released on leave or discharged;
- has escaped;
- has been served with a protective order that was requested by the victim;
- has an upcoming court event where the victim is entitled to be present, if the court information is made available to the WASPC;
- has an upcoming parole, pardon, or community supervision hearing;
- has a change in parole, probation, or community supervision status or an address change;
- has updated his or her profile information with the state's Sex Offender Registry; or
- has become noncompliant with the state's Sex Offender Registry.

The failure of the statewide automated VINE System to provide notice to the victim does not establish a separate cause of action by the victim against state officials, local officials, law enforcement officers, or any related correctional authorities.

Authorized employees are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated VINE System and the Jail Booking and Reporting System, so long as the release was without gross negligence. The immunity applies to the release of relevant and necessary information to other public officials, public employees, public agencies, and to the general public.

Participation in the VINE System satisfies any obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events so long as: (1) information making offender and case data available is provided on a timely basis to the VINE System; and (2) information a victim submits to register and participate in the VINE System is only used for the sole purpose of victim notification.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill creates a statewide notification system for victims. Last year the creation of the VINE System was predicated upon receiving a federal grant and some additional funding from the state. The policy bill did not get enacted, however, the WASPC did receive both the federal grant and state funding last year to get the VINE System up and running. An appropriation was made and language that was in the policy bill was eventually put into a budget proviso that will expire at the end of this year. The VINE system began in October 2006 and since that time there have been 63,834 searches through this program and 2,195 people have registered to receive notifications.

The underlying policy bill will offer liability protection for the entities that are running the VINE System and it provides confidentiality to victims. The full funding for the program to continue in the next biennium is included in the Governor's budget. This bill will help close the loophole on victims and those involved in incidences to be informed on the status of offenders. It helps people to keep track of offenders for the safety of their family and loved ones.

(Opposed) None.

Persons Testifying: Don Pierce, Washington Association of Sheriffs and Police Chiefs; and Ken Irwin, Yakima County Sheriff.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 32 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist and Walsh.

Staff: Elisabeth Donner (786-7137).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety & Emergency Preparedness:

Language is added to the bill to ensure that the Department of Corrections will not be required to provide data to the Washington Association of Sheriffs and Police Chiefs for the statewide automated Victim Information and Notification System until January 1, 2010.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Between October 2006 and March 25, 2007, there were 11,641 hits on the website, 2,306 registrants for notification, and 1,559 notifications sent. The system is working and has public demand. Many people are appreciative of what the state has done with the statewide notification system. A few counties had a notification system running before, but most did not. It was a successful program in those few counties and should be provided across the state. The Washington Association of Sheriffs and Police Chiefs was able to obtain one-time federal funds, but needs continuing operational funds. The bill codifies the liability and confidentiality protections which will expire with the 2005-07 budget proviso language.

(Opposed) None.

Persons Testifying: Senator Roach, prime sponsor; and Don Pierce, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.