**Final Budget Proviso Language (Annotated)**

**Section 133 subsection 25 of ESSB 5950**

**Annotation Overview**

The intent of this proviso, big picture, is to help legislators understand what would be required in order to set up a statewide data collection program on police vehicular pursuits. It is not to commission an analysis of the pursuit data in WA. The proviso sets up an information gathering effort to establish

1. Current pursuit data collection practices in WA law enforcement agencies [section i]
   1. what kinds of data are already being collected by law enforcement agencies here in WA, with a checklist to ensure we get uniform assessment of specific data elements across agencies [items A-K];
   2. what electronic records management systems are and have been used to store these data, and how far back the data collection program extends in each agency [item M];
   3. and examples of how those data are currently being used in program operations (item L);
2. Whether any existing statewide police data programs can provide a template or mechanism for implementing a statewide vehicular pursuit data program [section vi]
3. A set of recommendations to the legislature on how to set up a statewide pursuit data program that will be useful for law enforcement agencies, legislators and the general public. [sections ii-v, vii and viii]

The information gathering exercise can in (1) be vizualized as a kind of matrix, where the rows are the agencies and the columns are the data elements (yes/no/unclear), records management systems (vendor names), starting date, and whether there are internal reports/analyses that show how the data are used in operations.

The review of statewide police data programs in (2) can perhaps be summarized in a list of benefits and drawbacks that each platform presents as a template or mechanism for the pursuit data program.

And the recommendations in (3) can also be vizualized as the matrix from (1), this time with *recommended* elements and RMS vendor(s), along with an entity that will be responsible for the program.

(25)(a) $400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with a consultant to collect, review, and analyze data related to vehicular pursuits and to compile a report. The report must include recommendations to the legislature on what data should be collected by law enforcement agencies throughout the state so that the legislature and other policymakers have consistent and uniform information necessary to evaluate policies on vehicular pursuits. The contractor must gather input from individuals and families with lived experience interacting with law enforcement, including Black, indigenous, and communities of color, and incorporate this information into the report and recommendations. The report must:

(i) Review available data on vehicular pursuits from those agencies accredited by the Washington association of sheriffs and police chiefs, and review a stratified sample of nonaccredited agencies for as many years as their data have been collected, including:

(A) The date, time, location, maximum speed, and duration of the incident;

(B) The reason for initiating a pursuit;

(C) Whether the pursuing officer sought authorization for the pursuit, or only gave notice of the pursuit, and whether authorization for the pursuit was granted;

(D) Whether a supervisor denied authorization for the pursuit and the reason for the denial;

(E) The number of vehicles and officers involved in the pursuit;

(F) The number of law enforcement agencies involved in the pursuit;

(G) Whether pursuit intervention techniques were employed, and if so, which ones;

(H) Whether the pursuit was terminated at any point, and if so, the reason for termination;

(I) The officer's perception of the age, gender, race, ethnicity, or applicable tribal affiliation of the driver and any passengers of the motor vehicle being pursued;

(J) Whether the pursuit resulted in no action, termination, apprehension, warning, citation, arrest and grounds for the arrest, or other action;

(K) Whether the pursuit resulted in any property damage, injury, or death, and to whom and what, including law enforcement, drivers, passengers, and bystanders;

(L) Copies of reports, annual or other frequencies, used for internal review of pursuit statistics; and

(M) Whether the law enforcement agency has a record-keeping system for pursuits, and if so, what that system is, how long it has been in place, and whether the system and the data collected has changed over time;

(ii) Provide recommendations on what data elements law enforcement agencies should collect, in relation to the list identified in (a)(i) of this subsection, and provide rationale for the recommendations;

(iii) Develop a protocol for data collection by law enforcement agencies and provide a statement regarding the use of such data and the purpose for its collection and analysis;

(iv) Make the data readily available to the public using standard open data protocols;

(v) Recommend an entity to collect and manage this data on a statewide basis;

(vi) Review existing statewide police data reporting systems, including:

(A) The national incident based reporting system program, which is for the federal uniform crime reporting program;

(B) The Washington technology solutions police traffic collision reporting system, which is used for both state systems and the federal fatality analysis reporting system; and

(C) The statewide use of force data program established in RCW 10.118.030;

(vii) Assess the benefits and drawbacks of each of the existing systems in (a)(vi) of this subsection as a possible platform for collecting, reporting, and hosting pursuit open source downloadable data from agencies, and recommend whether any of these, or another system, would be most appropriate; and

(viii) Recommend any changes in state law to accomplish and facilitate the collection and analysis of the data, including whether to align or integrate the data collection with the use of force data under chapter 10.118 RCW.

(b) The report and recommendations are due to the governor and the appropriate committees of the legislature by June 30, 2025.