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PROPOSED NO.: 88-105

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4 ORDINANCE NO. 8453

5 AN ORDINANCE providing for the
6 collection, analysis, storage and use
7 of DNA identification data from persons
8 convicted of sex felonies in King
9 County.

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Legislative history. The King County council
12 after extensive examination of the scientific, forensic and
13 criminal investigation fields makes the following findings:

14 Recent developments in molecular biology and genetics have
15 established scientific principles that have extraordinarily
16 important applications for forensic science. It has been
17 scientifically established that there is a unique pattern to the
18 chemical structure of each individual's deoxyribonucleic acid
19 (DNA) which is contained in each cell. Means of identifying that
20 pattern through a process called "DNA fingerprinting" have been
21 developed. The processes use enzyme probes to break down the DNA
22 structure and identify the exact location of certain markers.
23 The technology has the potential to revolutionize forensic
24 biology. The accuracy of identification is far beyond any
25 previous means of blood analysis. The DNA techniques are far
26 more powerful than existing ones because of the range of age,
27 purity and quantity of evidentiary samples that may be analyzed.

28 The King County council recognizes the importance of these
29 scientific breakthroughs to provide a powerful and accurate
30 investigatory tool for the solution of crimes, especially sex
31 offenses. The council believes that it is necessary to pursue
32 vigorous and urgent development of a fair, balanced, reasonable
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1 means for collection, analysis, storage and use of DNA
2 identification data in order to aid the administration of justice
3 in King County. Building a library of identification data on
4 individuals convicted of sexual offenses offers an additional
5 means that past and future crimes may be solved and the actual
6 offenders be brought to justice. The availability of this data
7 should provide for greater protection of the public, better use
8 of limited law enforcement resources, and careful protection of
9 individual rights.

10 SECTION 2. Technical Committee. In order to ensure the
11 county uses the best DNA fingerprinting techniques available, and
12 that civil liberties are protected, there shall be established a
13 technical committee to be composed of scientific, forensic
14 evidence, biomedical ethics and civil liberties experts
15 recognized in their fields. The committee shall recommend which
16 analytical techniques, necessary protocols, and methods for
17 destruction of any portion of a sample not directly necessary for
18 identification should be used by King County to ensure accuracy
19 and reliability as well as uniformity and consistency with other
20 local, state and national jurisdictions. The committee shall
21 review alternate methods of obtaining cell samples other than
22 obtaining blood samples from the affected individuals and shall
23 recommend the least intrusive method that meets the needs for DNA
24 analysis. The committee shall be appointed by the King County
25 medical examiner and approved by the council and chaired by the
26 examiner or his designee. The committee shall provide
27 recommendations to the council by September 1, 1988.

28 SECTION 3. Implementation Advisory Committee.

29 A. In order to ensure that data is collected and stored in
30 the most useful form to law enforcement authorities, there shall
31 be established an implementation advisory committee to be
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1 composed of: one representative from the Washington State Crime
2 Lab, the King County prosecutor's office, and the Harborview
3 Sexual Assault Center, and two representatives from the King
4 County Sheriff's and Police Chief's Association. The committee
5 shall be chaired by the King County sheriff or his designee. The
6 chair may allow additional members to be added to the committee
7 if the chair finds it appropriate to ensure adequate
8 interjurisdictional coordination.

9 B. The advisory committee shall recommend to the council the
10 best plan to implement and operate a system for storage and
11 retrieval of data and comparison of stored data with evidence
12 from crimes. The implementation plan should include
13 recommendations on a storage and retrieval technology, access
14 provisions, safeguards for the use of the data, chain of custody
15 provisions, and plan for destruction of that portion of the
16 sample not directly necessary for identification purposes,
17 coordination with the state, and federal authorities, an
18 implementation and operation budget, and funding.

19 C. In order to provide adequate safeguards to protect the
20 privacy interests of those affected, provisions to be adopted by
21 ordinance and administrative rules should be developed which
22 shall establish specific requirements for the taking, use, access
23 and destruction of samples and data. For development of these
24 provisions the committee shall include representatives of a civil
25 liberties organization and the criminal defense bar.

26 D. Destruction of samples shall be individually certified.

27 E. Administrative rules shall be adopted by the council.

28 F. The completed recommendations should be submitted to the
29 council by September 1, 1988. The executive is requested to
30 submit a budget for establishing the system in the 1989 budget.

1 SECTION 4. The executive is requested through the department
2 of adult detention to set up a program for administering a
3 collection of blood samples in accordance with Section 5 below.
4 This program shall include requirements that the blood samples be
5 taken under sanitary conditions in a medically approved manner
6 and conducted by a physician, registered nurse, or physician's
7 assistant, licensed to practice in this state. The executive is
8 requested to submit a proposed budget for operation of the
9 collection program by July 1, 1988.

10 SECTION 5. After October 1, 1988 and adoption of safeguards
11 required in Section 6.B, every individual convicted in King
12 County superior court of a felony defined as a sex offense in
13 Chapter 9.94A.030(23)(a) of the Revised Code of Washington or any
14 felony assault with intent to commit such a sexual offense shall
15 have a blood sample obtained for purposes of DNA identification
16 analysis prior to release or prior to transfer to a state
17 institution .

18 SECTION 6. A. Any blood sample taken pursuant to this
19 ordinance shall be used for the sole purpose of providing DNA or
20 other blood typing tests for identification analysis and for no
21 other purposes.

22 B. Safeguard provisions to implement these limitations shall
23 be adopted by ordinance prior to blood samples being taken
24 pursuant to Section 5.
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