1267-S.E AMS HOLY BAUE 001

**ESHB 1267** - S AMD TO S COMM AMD (S-2126.1) **781**

By Senator Holy

**OUT OF ORDER 04/09/2021**

On page 3, line 11, after "CREATION." strike all of the material through line 17 and insert the following:

(1) There is hereby created a department of state government known as the office of independent investigations.

(2) The sole purpose of the agency is to conduct completely independent investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011 and in compliance with rules adopted by the criminal justice training commission pursuant to RCW 10.114.011.

(3) The agency shall be a limited authority Washington law enforcement agency, as defined in RCW 10.93.020, for the sole purpose of, and authority in, conducting completely independent criminal investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm as required by RCW 10.114.011.

On page 4, line 5, after "The" strike "governor" and insert "advisory board"

On page 4, line 7, after "compensation." Strike all of the material through "board." On line 14.

On page 4, line 15, after "the" strike "governor" and insert "board"

On page 4, line 21, after "The" strike "governor" and insert "board"

On page 7, strike all of the material on lines 31 through line 6 on page 8 and insert the following:

"(b) Investigators must be certified Washington peace officers in good standing."

On page 8, delete all material on lines 12 through 15.

On page 18, line 14, after "(1)" strike "(a)"

On page 18, line 16, after "following" strike all of the material through line 23 on page 19 and insert the following: "members:

(a) Two sheriffs appointed by the governor;

(b) Two police chiefs appointed by the governor;

(c) The chief of the Washington state patrol;

(d) One prosecuting attorney appointed by the governor;

(e) One person employed in a city law enforcement agency with experience conducting homicide investigations appointed by the governor;

(f) One person employed in a county law enforcement agency with experience conducting homicide investigations appointed by the governor;

(g) The executive director of the commission on African American affairs;

(h) The executive director of the commission on Asian Pacific American affairs;

(i) The executive director of the commission on Hispanic affairs;

(j) The executive director of the governor's office of Indian affairs;

(k) One person representing families of individuals against whom a Washington peace officer used deadly force, appointed by the governor;

(l) Two members of the general public appointed by the governor; and

(m) The executive director of the criminal justice training commission, who shall be an ex officio nonvoting member.

(2)(a) All members appointed to the board by the governor shall be appointed for terms of six years, such terms to commence on July 1st, and expire on June 30th. However, of the members first appointed, three must be appointed for two-year terms, three must be appointed for four-year terms, and three must be appointed for six-year terms. The terms of the two members appointed as police chiefs must not expire in the same year and the terms of the two members appointed as sheriffs must not expire in the same year. Any member chosen to fill a vacancy created other than by expiration of term must be appointed for the unexpired term of the member he or she succeeds. Any member may be reappointed for additional terms.

(b) Any member of the board appointed by virtue of his or her elected or appointed position immediately upon the termination of his or her holding of said office or employment ceases to be a member of the board.

(3) The board shall elect a chair and a vice chair from among its members. Eight members of the board shall constitute a quorum. The governor shall summon the board to its first meeting. Meetings may be called by the chair and shall be called by him or her upon the written request of four members.

(4) Members of the board shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Attendance at meetings of the office of independent investigations agency is performance by a member of the duties of his or her employment.

(5) The purpose of the advisory board is to provide input to the office and shall:

(a) Select and employ a director to oversee implementation of the purposes of the office of independent investigations.

(i) The advisory board shall select a candidate of sound judgment, independence, objectivity, and integrity who will be viewed as a trustworthy director."

On page 20, line 3, after "by the" strike "governor or"

On page 20, at the beginning of line 6, strike "governor or"

On page 20, strike all of Section 502.

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|  | EFFECT:   (1) Creates the office of independent investigations as a separate independent agency; (2) amends the makeup of the advisory board and gives the board sole authority for hiring a director; (3) removes preference that investigator not have worked as a commissioned law enforcement officer within two years prior to application; (4) requires an investigator to be a fully commissioned peace officer officer in good standing; (5) removes provisions requiring the advisory board assess whether the jurisdiction of the office should be expanded. |

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