

SHB 1267 - H AMD 263

By Representative Entenman

ADOPTED 03/03/2021

1 On page 2, line 27, after "(5)" insert ""In-custody" refers to a
2 person who is under the physical control of a general authority
3 Washington law enforcement agency or a limited authority Washington
4 law enforcement agency as defined in RCW 10.93.020 or a city, county,
5 or regional adult or juvenile institution, correctional, jail,
6 holding, or detention facility as defined in RCW 70.48.020, 72.09.015,
7 or 13.40.020.

8 (6)"

9

10 Renumber the remaining subsections consecutively and correct any
11 internal references accordingly.

12

13 On page 4, beginning on line 1, after "2022," strike all material
14 through "chapter" on line 2 and insert "including any incident
15 involving use of deadly force by an involved officer against or upon a
16 person who is in-custody or out-of-custody"

17

18 On page 5, beginning on line 32, after "for" strike all material
19 through "agency" on line 34 and insert "involved agencies to notify
20 the office of any incident under the jurisdiction of the office, which
21 must include direction to agencies as to what incidents of force and
22 injuries and other circumstances must be reported to the office,
23 including the timing of such reports, provided that any incident
24 involving substantial bodily harm, great bodily harm, or death is
25 reported to the office immediately in accordance with section 402 of
26 this act"

27

1 On page 12, line 12, after "2022" insert ", including any incident
2 involving use of deadly force by an involved officer against or upon a
3 person who is in-custody or out-of-custody"

4
5 On page 16, beginning on line 20, beginning with "under" strike
6 all material through "agency" on line 21 and insert "by an involved
7 officer in accordance with the requirements under section 304 of this
8 act and"

9
10 On page 20, beginning on line 30, after "limited to" strike all
11 material through "and" on line 31 and insert "other types of in-
12 custody deaths not involving use of force but otherwise involving
13 criminal acts committed by involved officers as well as"

14

EFFECT: Modifies the provisions pertaining to the jurisdiction of the Office of the Independent Investigations (OII) by providing that the OII's authority to investigate deadly force cases applies to any incident involving deadly force by an involved officer against or upon a person who is in-custody or out-of-custody. Provides that "in-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency, a limited authority Washington law enforcement agency, or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility.

Provides that the OII's system and requirements for involved agencies to send notifications to the OII must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the OII, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the OII immediately.

Modifies the requirement for the OII Advisory Board to conduct an assessment as to whether the jurisdiction of the OII should be expanded by requiring the OII to assess whether this expansion should include other types of in-custody deaths not involving use of force but otherwise involving criminal acts committed by involved officers (rather than in-custody deaths involving criminal acts committed by involved officers generally).

--- END ---