

SENATE BILL REPORT

SHB 1387

As Reported By Senate Committee On:
Transportation, March 24, 2005

Title: An act relating to Washington state patrol vehicle accident investigations and corrective action procedures.

Brief Description: Providing investigative and corrective action procedures for state patrol officers involved in vehicle accidents.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Nixon, Flannigan, Dickerson, Shabro, Wood, Springer, Appleton, Murray, Hudgins, Upthegrove, Schual-Berke, Moeller, Campbell, Hunter, Kagi, Clibborn and Darneille).

Brief History: Passed House: 3/11/05, 95-0.

Committee Activity: Transportation: 3/24/05 [DP].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Swecker, Ranking Minority Member; Benson, Eide, Kastama, Oke, Spanel and Weinstein.

Staff: Dalene Sprick (786-7321)

Background: Under current law, the Washington State Patrol is charged with policing the state highways and investigating vehicle accidents. However, current law does not specifically address procedures for investigating a vehicle accident involving a Washington State Patrol officer.

Summary of Bill: The agency must continue to reform and review policies and procedures regarding Washington State Patrol (WSP) officers that are involved in vehicle accidents. A progressive corrective process addressing WSP officer vehicle accidents must be included in the collective bargaining agreement and it may include:

- retraining in vehicle handling;
- wage or benefit reductions; and
- termination of employment.

The agency will develop a process for tracking and reviewing accidents. Additionally it must produce an annual report which designates each accident as minor or severe and any resulting disciplinary action. This report must be available for the Legislature to review.

The agency must implement communication procedures for victims of accidents from the time of the accident until the investigative process has concluded.

The policies must also provide for outside supervision of accident investigations by an independent agency under certain circumstances.

An outside entity must review the proposed policies and procedures prior to the legislative assembly in September 2005. The WSP will report to the House and Senate Transportation committees by November 2005 on the updated policies and procedures. The agency will present the proposed policies and procedures to the Legislature and finalize them based on input from the Legislature. Once the policies and procedures are complete other law enforcement agencies may adopt the policies and procedures for their agencies.

This act may be known and cited as the "Brock Loshbaugh Act".

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The need for this legislation was the result over a number of concerns related to how the WSP handled vehicle accidents that involve their officers. Specifically, there were issues related to poor communication with victims and their families. There were also concerns related to the appropriateness of officers investigating their fellow officers in such incidents. This bill in its original form was the result of an extensive study conducted by a task force which looked at practices and procedures in 40 states. The Loshbaugh's took a terrible personal tragedy and turned it into something that should have a positive impact on the lives of others. They should be commended. This bill does not go far enough. It ought to be stronger and no agency should have the power and responsibility to investigate itself. Victims of these accidents are treated as the criminals not the victims they are under the current system. This needs to change. Ordinary civilians must submit to a drug and alcohol test in an accident, including the victims of these accidents; however, the officers driving were not required to do so. This is wrong. Please ensure that when this comes before the Legislature in 2006 you review the policies and procedures carefully to ensure that they are appropriate.

Testimony Against: None.

Who Testified: PRO: Representative Toby; Senator Finkbeiner; Melodee Loshbaugh; Dan Loshbaugh; Jeff Devere, WSP; Julia Terlinchamp; Nadine Strauss; Gary Strauss; Miriam Terlinchamp; Jerry Berry; Thomas Hogan; and Bob Green.