

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

By Senator Holy

OUT OF ORDER 04/09/2021

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

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

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

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

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

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

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

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27

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

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

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

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

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

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

- 15 (a) Two sheriffs appointed by the governor;
16 (b) Two police chiefs appointed by the governor;
17 (c) The chief of the Washington state patrol;
18 (d) One prosecuting attorney appointed by the governor;

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

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

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

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

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

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

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

34

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

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

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

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

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

25 (4) Members of the board shall be compensated in accordance with
26 RCW 43.03.240, and shall be reimbursed for their travel expenses
27 incurred in the performance of their duties in accordance with RCW
28 43.03.050 and 43.03.060. Attendance at meetings of the office of
29 independent investigations agency is performance by a member of the
30 duties of his or her employment.

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

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

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

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

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

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9 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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