

FINAL BILL REPORT

SHB 1387

C 27 L 05

Synopsis as Enacted

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

Sponsors: By 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).

House Committee on Transportation
Senate Committee on Transportation

Background:

The Washington State Patrol (WSP) has approximately 1,000 commissioned officers that perform various duties, which include but are not limited to the policing of the state's highways and the investigation of vehicle accidents. Under current law, the WSP Chief is responsible for the appointment of WSP officers, may remove them for cause, make promotional appointments, determine their compensation, and define their ranks and duties.

A law enforcement officer investigating the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed a violation of any traffic law or regulation. An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. Accident reports must be filed within four days of an accident resulting in injury, death, or property damage. Any law enforcement officer present at the scene of an accident or in possession of any facts concerning an accident, whether by official investigation or otherwise, must make a police report of the accident.

Traffic infractions are sent to the Department of Licensing to update driving records. Law enforcement officers' records are flagged with an "EX" if the infraction occurred in the line-of-duty. By statute, traffic infractions occurring in the line-of-duty are not disclosed to insurance companies. Such infractions are disclosed to courts, law enforcement, and employers and are maintained in the records at the Department of Licensing.

Summary:

The WSP shall develop agency policies and procedures regarding WSP officers involved in vehicle accidents. The WSP shall include as part of the terms of their collective bargaining agreements, a progressive corrective process for officers involved in vehicle accidents. Annually, a collision data report shall be produced designating each vehicle accident during the year as minor or severe. The report shall be available for review by the Legislature. The

WSP shall implement communication procedures for the persons involved in the vehicle accident from the time the accident occurs until the investigative process has been included. Policies shall also provide for outside supervision of accident investigations under certain circumstances.

Prior to Legislative Committee Assembly in September 2005, the WSP will arrange for an outside entity with a reputation in law enforcement management and reviews to review the policies and procedures. The WSP will present the proposed policies and procedures to the Legislature and finalize them based on input from the Legislature. The WSP shall report to the House of Representatives and Senate Transportation Committees by November 30, 2005, on the updates to the policies and procedures. Other law enforcement agencies may also adopt the policies and procedures. This act may be known and cited as the "Brock Loshbaugh Act."

Votes on Final Passage:

House	95	0
Senate	49	0

Effective: April 13, 2005