
Public Safety Committee

HB 1203

Brief Description: Concerning community oversight boards.

Sponsors: Representatives Johnson, J., Harris-Talley, Bateman, Simmons, Gregerson, Valdez, Berry, Riccelli, Santos, Ryu, Ramel, Sells, Ortiz-Self, Goodman, Berg, Dolan, Tharinger, Macri, Fey, Davis, Ramos and Frame.

Brief Summary of Bill

- Requires any local jurisdiction with a law enforcement agency that has at least 10 officers to establish a community oversight board by January 1, 2025.
- Outlines powers and duties of community oversight boards, and provides guidelines for establishing board operations and membership.
- Requires any local jurisdiction with an existing oversight body to bring the existing body into alignment with the requirements for community oversight boards by January 1, 2022.
- Requires the Washington Association of Sheriffs and Police Chiefs to report to the Legislature regarding local jurisdictions' compliance with oversight board requirements.

Hearing Date: 1/26/21

Staff: Omeara Harrington (786-7136).

Background:

In general, local governments have broad discretion as to how they deliver police services, and the size and structure of local law enforcement agencies varies. In counties, law enforcement

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and public safety services fall to local county sheriff's offices. Many cities and towns have established their own municipal police departments. Other cities and towns contract with another local jurisdiction to provide police services.

Some local governments have additionally established oversight, advisory, or review bodies made up partially or entirely of civilian community members for the purpose of overseeing and advising on the activities of the local law enforcement agency. The structure of these bodies differs among jurisdictions, with some bodies operating within, or in collaboration with, the local law enforcement agency, and others operating wholly independently from the agency. Examples of the activities of these bodies include, but are not limited to: investigating allegations of police misconduct and making recommendations for responsive actions; reviewing the findings of agency internal investigations; investigating citizen complaints or reviewing the agency's resolution of citizen complaints; and making recommendations for changes to law enforcement policy and practice.

Summary of Bill:

All local jurisdictions must establish a community oversight board by January 1, 2025. Local jurisdictions include all cities, towns, and counties with a law enforcement agency that has 10 or more officers and serves directly under the authority of the jurisdiction, rather than by contract or agreement with another jurisdiction.

All community oversight boards must have certain powers and duties with respect to the law enforcement agency serving under the authority of the local jurisdiction, including:

- receiving complaints from community members regarding the conduct of law enforcement officers and civilian employees of the law enforcement agency;
- investigating and issuing findings on incidents that occur between the public and law enforcement officers or civilian employees, including incidents involving: use of force by an officer; death of or serious injury to person in custody; serious abuse of authority or misconduct by an officer; allegedly discriminatory stops or other profiling activity; adversarial interactions occurring at public assemblies; and other adverse incidents related to the conduct of officers or civilian employees. Community-reported complaints must be investigated whenever possible, and findings must be issued within 120 days. If an investigation is not possible, the board must provide notice and reasoning to the complainant;
- making recommendations for officer or civilian employee discipline in cases involving serious breaches of departmental or professional standards. Any recommendation must be accompanied by a report of supporting information and submitted to the employing agency and, if pertaining to an officer, to the Criminal Justice Training Commission;
- holding hearings and issuing subpoenas, if necessary, to compel any person to appear, give sworn testimony, or produce evidence relevant to a matter under inquiry;
- reviewing and making recommendations for changes to agency policies, practices, and procedures. If the agency declines to implement any of the board's recommendations, it must produce a written public record detailing its rationale;

- reviewing internal investigations for accuracy, completeness, impartiality, and sufficiency of any resulting discipline;
- making budgetary recommendations to the local legislative body concerning future appropriations to the law enforcement agency;
- accessing crime scenes and related administrative investigations, including preliminary evidence and other information, as needed, provided that such access is in a manner that protects the integrity of the crime scene or investigation. The board's access must not be more limited than the access granted to the press;
- making public reports on the activities of the board;
- selecting qualified candidates for any vacancy in the position of chief of police. In the event of a vacancy, the board must compile a list of four qualified candidates within 60 days, and the new chief must be selected from this list; and
- undertaking other duties, as identified by the local jurisdiction, that are reasonably necessary for the board to effectuate its purposes.

Each local jurisdiction must establish the policies and procedures for its community oversight board including, at a minimum, policies and procedures for: the number of board members; composition and appointment of membership; meetings and hearings; communication with the public and receipt of complaints; access to files, records, and other information, and requirements for maintaining any confidentiality of those documents; and the performance of the board's duties and other functions. Boards must maintain multiple methods for submitting and reviewing the status of complaints, including both online and in-person methods. The board may retain legal counsel, paid by the local jurisdiction, to represent it in all cases, hearings, controversies, or matters involving its interests. The board's annual budget must be equal to or greater than 5 percent of the total funds allocated in the local jurisdiction for law enforcement purposes.

A portion of a community oversight board's positions must be filled by members of the public through a public posting and application process. A community oversight board must, whenever possible, reflect the diversity of the community in which it is located and include members of families affected by law enforcement violence, justice-involved individuals, and representatives of civil rights advocacy organizations. Certain persons are ineligible to serve on a community oversight board, including: law enforcement officers and employees; immediate family members of law enforcement officers; and persons who receive payment pursuant to contract with, or work for an entity that receives payment pursuant to contract with, the law enforcement agency that the community oversight board oversees.

The requirements for the powers, duties, and structure of community oversight boards apply to any newly created board. Local jurisdictions with a similar oversight body in place at the time the bill takes effect must bring the body into compliance with the community oversight board framework by January 1, 2022, except to the extent that full compliance would violate a federal consent decree or other mandate. "Similar oversight bodies" include any law enforcement oversight or advisory bodies that are external to the law enforcement agency being overseen, and may include, but are not limited to, police ombudsman offices and citizen advisory, review, and

oversight boards.

Local jurisdictions must report their compliance with the community oversight board requirements to the Washington Association of Sheriffs and Police Chiefs (WASPC) by the full compliance date of January 1, 2025. The WASPC must compile the information into a report to the Legislature by March 1, 2025.

Appropriation: None.

Fiscal Note: Requested on January 21, 2021.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to the requirements for selection of candidates for Chief of Police following the bill's implementation period, which takes effect January 1, 2025.