
SUBSTITUTE HOUSE BILL 1203

State of Washington

67th Legislature

2021 Regular Session

By House Public Safety (originally sponsored by Representatives J. Johnson, Harris-Talley, Bateman, Simmons, Gregerson, Valdez, Berry, Riccelli, Santos, Ryu, Ramel, Sells, Ortiz-Self, Goodman, Berg, Dolan, Tharinger, Macri, Fey, Davis, Ramos, and Frame)

READ FIRST TIME 02/09/21.

1 AN ACT Relating to community oversight boards; adding a new
2 chapter to Title 10 RCW; creating a new section; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that transparency
6 and community oversight are integral components of just and fair
7 governance; this is especially true with respect to the exercise of
8 law enforcement functions within communities. The legislature further
9 finds that recent violent interactions between law enforcement
10 officers and community members have sounded an urgent call for a
11 renewed and multifaceted approach to increase police accountability
12 in Washington. The establishment of community oversight boards to
13 investigate and report on officers' activities is one such essential
14 step, as internal police oversight mechanisms have proven to be
15 insufficient. Increased community oversight will lead to better
16 policies for avoiding adverse incidents between law enforcement
17 officers and community members, and also to more just and transparent
18 outcomes when incidents do arise. To this end, the legislature
19 intends to provide a standardized framework for robust and effective
20 community oversight of law enforcement functions, with the ultimate

1 goal of statewide implementation of community oversight boards over
2 the coming years.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Law enforcement agency" includes any general authority
7 Washington law enforcement agency as defined in RCW 10.93.020 that
8 employs 15 or more law enforcement officers in addition to the chief
9 of police or sheriff, but does not include state law enforcement
10 agencies.

11 (2) "Law enforcement officer" includes any person who is employed
12 or commissioned by a law enforcement agency to enforce the criminal
13 laws of the state of Washington.

14 (3) "Local jurisdiction" includes counties and any city or town
15 with a law enforcement agency serving directly under its authority,
16 rather than by contract or agreement with another local jurisdiction,
17 and does not include special purpose districts.

18 (4) "Similar oversight body" includes any law enforcement
19 oversight or advisory body that is external to the law enforcement
20 agency the body oversees, and may include, but is not limited to,
21 police ombudsman offices and citizen advisory, review, and oversight
22 boards.

23 NEW SECTION. **Sec. 3.** (1) All local jurisdictions must establish
24 a community oversight board by January 1, 2025. Except as provided in
25 section 5 of this act, a community oversight board established by a
26 local jurisdiction must conform with the requirements in this
27 section.

28 (2) A community oversight board must have the following powers
29 and duties with respect to any law enforcement agency serving under
30 the authority of the local jurisdiction:

31 (a) To receive complaints from community members regarding the
32 conduct of law enforcement officers and civilian employees of the law
33 enforcement agency;

34 (b) Upon complaint of any person or on its own initiative, to
35 investigate incidents that occur between members of the public and
36 law enforcement officers or civilian employees of the law enforcement
37 agency, including incidents involving: The use of force by a law
38 enforcement officer; death of or serious injury to any person held in

1 custody; serious abuse of authority or misconduct by a law
2 enforcement officer; allegedly discriminatory stops or other
3 profiling activity; adversarial interactions between law enforcement
4 officers and community members at public assemblies; and other
5 adverse incidents related to the conduct of law enforcement officers
6 or civilian employees of the law enforcement agency;

7 (c) To issue findings on incidents investigated under (b) of this
8 subsection. If an incident is initially reported to the community
9 oversight board by a community member complaint, the community
10 oversight board must conduct an investigation of the incident
11 whenever possible, and must issue findings on the investigation
12 within 120 days of the community oversight board's receipt of the
13 initial complaint. If an investigation is not possible, the community
14 oversight board must notify the complainant and provide a reason that
15 the investigation was not pursued;

16 (d) Following any investigation conducted pursuant to (b) of this
17 subsection, to make recommendations for discipline of a law
18 enforcement officer or civilian employee of the law enforcement
19 agency in cases that involve serious breaches of departmental or
20 professional standards, as defined by the local jurisdiction.
21 Recommended disciplinary measures may include letters of reprimand,
22 suspension with or without pay, demotion or reassignment within the
23 agency, termination, mandatory restitution, or mediation to be
24 implemented by the employing law enforcement agency. Whenever the
25 community oversight board makes a recommendation for discipline of a
26 law enforcement officer or civilian employee of the law enforcement
27 agency, the recommendation and a report of supporting information
28 must be submitted to the employing law enforcement agency and, if the
29 recommendation pertains to an officer, to the criminal justice
30 training commission;

31 (e) To hold hearings, and to issue subpoenas in order to compel
32 any person to appear, give sworn testimony, or produce documentary or
33 other evidence reasonable in scope and relevant to a matter under
34 inquiry pursuant to this section, if requested testimony or evidence
35 are not provided voluntarily. If a person fails to obey a subpoena,
36 the community oversight board may petition the superior court for
37 enforcement of the subpoena;

38 (f) To review and make recommendations for changes to policies,
39 practices, and procedures of the law enforcement agency. If the law
40 enforcement agency declines to implement one or more of the community

1 oversight board's recommended changes, the law enforcement agency
2 must create a written record, which must be made available to the
3 public, of its rationale for declining to implement the
4 recommendations;

5 (g) To review all investigations conducted internally by the law
6 enforcement agency, including internal investigations of civilians
7 employed by the law enforcement agency, and to issue findings
8 regarding the accuracy, completeness, and impartiality of
9 investigations, and the sufficiency of any discipline resulting from
10 investigations;

11 (h) To request reports of the annual expenditures of the law
12 enforcement agency and to make budgetary recommendations to the local
13 jurisdiction's legislative body concerning future appropriations;

14 (i) To be given access to crime scenes and related administrative
15 investigations, including access to preliminary evidence and other
16 information as necessary for the community oversight board to make
17 its recommendations under (g) of this subsection, provided that
18 access is in a manner that protects the integrity of the crime scene
19 or investigation. Community oversight board access to crime scenes
20 and investigations must not be more restricted than access granted to
21 members of the press;

22 (j) To make public reports on the activities of the community
23 oversight board, including its investigations, hearings, findings,
24 recommendations, determinations, and oversight activities;

25 (k) To be represented on the hiring panel to fill any vacancy in
26 the position of chief of police, in applicable local jurisdictions;
27 and

28 (l) To undertake any other duties, as authorized by the local
29 jurisdiction, that are reasonably necessary for the community
30 oversight board to effectuate its lawful purpose of effectively
31 overseeing the law enforcement agency and its officers and employees.

32 (3) Subject to subsections (4) through (8) of this section, a
33 local jurisdiction must establish the policies and procedures for its
34 community oversight board, including policies and procedures
35 concerning, at a minimum: The number of members; composition and
36 appointment of membership; meetings and hearings; communication with
37 the public and receipt of complaints; access to files, records, and
38 other information, and requirements for maintaining any
39 confidentiality of the files, records, and information to which it is
40 granted access; training of members; and the performance of the

1 community oversight board's duties and other functions as identified
2 in this section.

3 (4) The following persons are ineligible to serve on a community
4 oversight board:

5 (a) Any person currently employed by any general authority
6 Washington law enforcement agency or any limited authority Washington
7 law enforcement agency, as defined in RCW 10.93.020;

8 (b) Any immediate family member of a general authority Washington
9 peace officer or limited authority Washington peace officer, as
10 defined in RCW 10.93.020; and

11 (c) Any person who receives payment, or who is employed by an
12 entity that receives payment, pursuant to a contract with the law
13 enforcement agency that the community oversight board oversees.

14 (5) A portion of a community oversight board's membership must be
15 filled by members of the public. Applicable openings must be posted
16 in a publicly accessible format, and applications from the public
17 must be accepted and considered.

18 (6) To the extent possible, a community oversight board's
19 membership should be reflective of the diversity of the community in
20 which it is located, in particular, with respect to race, ethnicity,
21 gender, age, language, and culture. Membership additionally should,
22 whenever possible, include members of families affected by law
23 enforcement violence, justice-involved individuals, and
24 representatives of civil rights advocacy organizations.

25 (7) A community oversight board must maintain multiple methods
26 for submitting and reviewing the status of complaints, including both
27 online and in-person methods.

28 (8)(a) A local jurisdiction must provide training for its
29 community oversight board's members either by utilizing existing
30 resources within the jurisdiction or by contracting with other
31 jurisdictions or organizations.

32 (b) At a minimum, training must include:

33 (i) Law enforcement ride-alongs;

34 (ii) Simulations, unless facilitating simulations would be
35 logistically or cost-prohibitive;

36 (iii) Curriculum covering relevant laws and available data,
37 including available data and statistics related to: Incidents
38 involving death or injury in connection with a law enforcement
39 officer's use of force, and relevant comparative analyses; vehicular
40 pursuits by law enforcement, and relevant comparative analyses;

1 incidents involving a law enforcement officer pointing or discharging
2 a firearm at another person, and relevant comparative analyses; law
3 enforcement use of devices and tactics including chokeholds and
4 vascular restraints, physical strikes, vehicle strikes, discharge or
5 use of less lethal weapons and instruments, and canine deployment,
6 and relevant nonuse comparative analyses for these devices and
7 tactics; and other relevant available data and statistics, including
8 historical trend data starting with the implementation of this
9 policy; and

10 (iv) Antibias training.

11 (c) As a condition of continued membership on the community
12 oversight board, all community oversight board members must complete
13 the training within the first 90 days following initial appointment,
14 and again within the first 90 days following any reappointment to a
15 new term.

16 (9) A local jurisdiction must provide adequate funding for its
17 community oversight board's staffing and for performance of the
18 community oversight board's functions and duties as outlined in this
19 section.

20 (10) Community oversight boards shall not conduct any criminal
21 investigations. Community oversight board investigations as
22 authorized in this section must not take precedence over and may not
23 interfere with any in-progress criminal or internal investigation
24 conducted by a law enforcement agency or independent investigative
25 team, or any other independent investigation body.

26 (11) A law enforcement agency and its employees are immune from
27 civil liability for claims or damages arising solely out of the
28 negligent actions or inactions of the local jurisdiction's community
29 oversight board.

30 (12) As an alternative to establishing a stand-alone community
31 oversight board, a combination of local jurisdictions that have an
32 existing mutual aid agreement with one another for law enforcement
33 services may establish a joint community oversight board by
34 intergovernmental agreement. The agreement must comply with the
35 requirements of this chapter.

36 NEW SECTION. **Sec. 4.** (1) Subject to subsection (2) of this
37 section, when a vacancy opens for the position of chief of police in
38 a local jurisdiction that has a community oversight board, the hiring

1 panel for the position must include one or more members of the
2 community oversight board.

3 (2) The requirement in this section applies beginning January 1,
4 2023, for local jurisdictions with a community oversight board or
5 similar oversight body that was in existence prior to the effective
6 date of this section.

7 NEW SECTION. **Sec. 5.** The requirements of this chapter apply to
8 any community oversight board created by a local jurisdiction on or
9 after the effective date of this section. A community oversight board
10 or similar oversight body that is in place in a local jurisdiction
11 prior to the effective date of this section must comply with the
12 requirements of this chapter by January 1, 2023, except in instances
13 in which full compliance would violate a federal consent decree or
14 other mandate. If prior to the effective date of this section, a
15 local jurisdiction has multiple similar oversight bodies in place
16 that collectively fulfill the functions described in section 3 of
17 this act, the local jurisdiction may continue to have multiple
18 oversight bodies instead of a singular community oversight board as
19 long as, by January 1, 2023, all of the requirements of this chapter
20 are collectively met and each body complies with the membership
21 requirements in section 3 (4) through (6) of this act. Nothing in
22 this chapter shall be interpreted to indicate that political
23 subdivisions other than local jurisdictions cannot establish or
24 maintain a community oversight board or similar oversight body.

25 NEW SECTION. **Sec. 6.** (1) Each local jurisdiction must report
26 its compliance in establishing a community oversight board that
27 aligns with the requirements in this chapter, or bringing an existing
28 community oversight board or similar oversight body into alignment
29 with the requirements in this chapter, to the Washington association
30 of sheriffs and police chiefs by January 1, 2025. If the local
31 jurisdiction does not have a community oversight board, or does not
32 have a community oversight board that is in compliance with this
33 chapter, it must provide a written explanation to the Washington
34 association of sheriffs and police chiefs by January 1, 2025. The
35 Washington association of sheriffs and police chiefs must compile the
36 submitted information into a report, which must be delivered to the
37 legislature by March 1, 2025.

38 (2) This section expires January 1, 2027.

1 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act
2 constitute a new chapter in Title 10 RCW.

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