

---

## Civil Rights & Judiciary Committee

---

### HB 1056

**Brief Description:** Concerning law enforcement and local corrections agency misconduct through investigations and legal actions.

**Sponsors:** Representatives Farivar, Thai, Mena, Scott, Reed, Cortes, Berry, Peterson, Stonier, Doglio, Parshley, Taylor, Fosse, Goodman, Alvarado, Simmons, Entenman, Macri, Morgan, Eslick, Gregerson, Pollet, Ormsby, Bergquist, Salahuddin, Reeves and Hill.

#### Brief Summary of Bill

- Authorizes the Attorney General to investigate and bring legal actions against local law enforcement agencies and local corrections agencies for violations of the Washington Constitution or state law.
- Requires the Attorney General to confer with the United States Department of Justice, the Office of Independent Investigations, and the local law enforcement or corrections agency at issue when initiating an investigation.
- Requires the Attorney General to develop and publish a model policy for law enforcement agency accountability systems in consultation with various agencies and entities.

**Hearing Date:** 2/11/25

**Staff:** John Burzynski (786-7133).

#### **Background:**

##### Federal Law Governing Investigations of Unlawful Patterns or Practices.

Federal law prohibits government authorities from engaging in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

protected by the United States Constitution or federal law. When the United States Attorney General has reasonable cause to believe a government authority has engaged in an unlawful pattern or practice, the United States Attorney General is authorized to bring a civil action to seek equitable and declaratory relief to eliminate the pattern or practice.

#### Washington Law Governing the Attorney General's Duties and Powers.

Among other powers and duties, state law directs the Washington Attorney General (Attorney General) to appear for and represent the state before the Supreme Court or the Court of Appeals in all cases in which the state is interested. The Washington Supreme Court has interpreted this statutory provision as granting the Attorney General discretionary authority to act in any court, state or federal, trial or appellate, on a matter of public concern, provided that there is a cognizable common law or statutory cause of action.

#### The Criminal Justice Training Commission.

The Criminal Justice Training Commission (CJTC) is a state commission created to establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The CJTC is required to provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of Washington and the United States.

#### The Office of Independent Investigations.

The Office of Independent Investigations, established within the Office of the Governor, is directed by state law to conduct fair, thorough, transparent, and competent investigations of police use of force and other incidents involving law enforcement; analyze data; and provide reports and recommendations.

### **Summary of Bill:**

#### Investigations and Actions.

The Attorney General is authorized to investigate and bring an action against a local law enforcement agency or local corrections agency for a violation of the state Constitution or state law, including where insufficient accountability systems, training, and policies at the agency lead to such violations.

The Attorney General may: (1) investigate violations of the state Constitution or state law by local law enforcement agencies or local corrections agencies, on its own initiative or in response to investigations or reports from independent oversight bodies; (2) issue written civil investigation demands for documents, oral testimony, and answers to written interrogatories; and (3) institute civil actions in the courts for injunctive or declaratory relief, damages, costs, and reasonable attorneys' fees.

### Conferral Requirements.

At the initiation of a formal investigation, the Attorney General must:

- send a letter to the local law enforcement or corrections agency explaining why the office seeks to conduct an investigation, what information is being sought, how the office intends to investigate, and requesting to meet to discuss the investigation; and
- confer with the United States Department of Justice (DOJ) to ensure law enforcement resources are being used efficiently and that there are no conflicts with any independent investigations by the DOJ. If a local law enforcement or corrections agency is subject to a DOJ investigation, the Attorney General is prohibited from seeking relief or remedies in conflict with the federal action. The Attorney General may not bring a civil action against a local law enforcement or corrections agency under this act concurrent to any civil actions by the DOJ.

If an investigation is initiated, the Attorney General must also confer with: (1) the local law enforcement or corrections agency in an attempt to clarify and remedy the alleged violations; and (2) the Office of Independent Investigations to ensure that any investigation by the Attorney General will not interfere with or impede an ongoing investigation being conducted by the Office of Independent Investigations.

### Cost and Fee Recovery.

In the discretion of the court, the Attorney General may recover the costs of an action brought under the act, including reasonable attorneys' fees if the attorney general prevails in the action.

### Model Policy.

By September 1, 2026, the Attorney General must develop and publish a model policy for law enforcement agency accountability systems, specifying model practices for receiving complaints of serious misconduct, conducting investigations of serious misconduct, imposing discipline for serious misconduct, and addressing disciplinary appeals.

The model policy should promote transparent and effective accountability systems that mete out fair, impartial, and swift discipline commensurate to wrongdoing; reduce officer misconduct; reduce barriers to accountability; and uphold the civil and constitutional rights of members of the public.

The model policy must be consistent with standards adopted in other Attorney General published model policies addressing policing practices, including policies governing use of force, and reporting practices.

When developing the model policy, the Attorney General must consult with the CJTC, the Office of Independent Investigations, the State Auditor's Office, law enforcement agencies, police unions, independent oversight bodies, city attorneys and county prosecutors, people impacted by police misconduct, policing experts, and police accountability experts.

### Defined Terms.

"Local corrections agency" means any county, city, or local agency providing or otherwise responsible for the custody, safety, and security of adults or juveniles incarcerated in correctional, jail, or detention facilities. "Local corrections agency" does not include the Washington Department of Corrections or any other agency, department, or division of state government.

"Local law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, or having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas. "Local law enforcement agency" does not include the Washington State Patrol or any other agency, department, or division of state government.

Other Provisions.

The provisions of the act authorizing the Attorney General to investigate and bring actions against local law enforcement and corrections agencies must be liberally construed to serve their beneficial and remedial purpose. If any provision of the act conflicts with any other statute, ordinance, rule, or regulation of any public employer, the provisions of the act control.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.