

# FINAL BILL REPORT

## ESSB 6428

---

---

C 333 L 02  
Synopsis as Enacted

**Brief Description:** Providing for loss prevention review teams.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Kohl-Welles; by request of Governor Locke and Attorney General).

**Senate Committee on Judiciary**

**House Committee on Judiciary**

**House Committee on Appropriations**

**Background:** During the 2001 interim, the Governor and Attorney General sponsored a Risk Management Task Force in response to increasing attention to incidents of severe harm to citizens and the increasing liability of the state for injuries and losses. The purpose of the task force was to identify how the state can deliver its difficult and risky programs and services in a way that better protects citizens of the state from harm or injury.

The Risk Management Task Force issued a number of recommendations in its final report. One of the recommendations of the task force was to require agencies to conduct post-incident reviews that would provide recommendations on how to avoid or reduce losses in the future.

**Summary:** Whenever the death or serious injury of a person, or other substantial loss, is alleged or suspected to be caused in part by the actions of a state agency, the director of the Office of Financial Management (OFM) must appoint a loss prevention review team, unless the director determines the incident does not merit review. A loss prevention review team may also be appointed by the director of OFM if agency policies, management practices, or litigation practices result in a substantial loss.

The loss prevention review team must review the incident, evaluate its causes, and recommend steps to reduce the risks of such incidents. The final report of a loss prevention review team must be made public by the director. The final report is subject to discovery in a civil or administrative proceeding. However, the final report, and any documents prepared by or for the loss prevention review team, are not admissible in a civil proceeding except for the purpose of impeaching a witness.

A member of a loss prevention review team may not be examined in a civil proceeding as to the work of the team or the incidents reviewed by the team. A person may testify in a separate civil proceeding even if the person has testified before a review team. However, the person may not be examined as to his or her interactions with the review team.

An agency must respond to a final report of the loss prevention review team, within 120 days, indicating which of the report's recommendations the agency hopes to implement,

whether implementation requires additional funding or legislation, and other information the director may require.

**Votes on Final Passage:**

Senate	48	0	
House	89	4	(House amended)
Senate	46	0	(Senate concurred)

**Effective:** June 13, 2002