

# FINAL BILL REPORT

## SHB 2086

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#### Synopsis as Enacted

**Brief Description:** Updating processes of the office of independent investigations by changing authority to obtain and share investigative information and aligning with current operations and practices.

**Sponsors:** House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Entenman, Goodman, Fitzgibbon, Berry, Reed, Ormsby, Street, Doglio, Farivar and Kloba; by request of Office of Independent Investigations).

**House Committee on Community Safety, Justice, & Reentry**  
**Senate Committee on Law & Justice**

#### **Background:**

##### Office of Independent Investigations.

In 2021 the Office of Independent Investigations (OII) was established as an investigative law enforcement agency within the Office of the Governor, led by a director appointed by the Governor (OII Director). The OII has jurisdiction to conduct an investigation of:

- any incident involving use of deadly force by an involved officer occurring after July 1, 2022, including any incident involving use of deadly force by an involved officer against or upon a person who is in-custody or out-of-custody; and
- prior incidents of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation.

Involved officers include any general authority, limited authority, or specially commissioned officer; or any employee of a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility, who is involved in an incident as an actor or custodial officer.

##### *Investigation Process.*

The OII is the lead investigative body for any incidents within its jurisdiction that it selects for investigation. The OII must have access to all reports and information necessary or

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related to any investigation in the custody and control of the involved agency and any law enforcement agency responding to the scene of an incident. Involved agencies are any general authority or limited authority law enforcement agency or other facility that employs or supervises an involved officer.

No information about an ongoing independent investigation under the jurisdiction of the OII may be shared with any member of an involved agency, except for limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation.

#### Administration of the Office of Independent Investigations.

##### *Director.*

The powers and responsibilities of the OII Director include, but are not limited to, overseeing investigations and other functions of the OII, and hiring of investigators and other necessary personnel. Specifically, the OII Director must:

- implement a plan to review prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation; and
- prioritize the review or investigation of cases occurring prior to July 1, 2022, based on resources and other cases the OII is investigating.

Additionally, as part of the OII Director's responsibility to hire investigators, by December 1, 2023, the OII Director must develop a proposal for training nonlaw enforcement officers to conduct OII investigations, including an objective that OII investigations are conducted by nonlaw enforcement officers within five years.

##### *Advisory Board.*

The OII Advisory Board (Advisory Board) consists of 11 members appointed by the Governor representing specified interests or entities or having specified background. In consultation with the OII Director, the Advisory Board is authorized to assess whether the OII's jurisdiction should be expanded. This authorization expires on July 1, 2024.

##### *Data Analysis.*

The OII must conduct analysis of use of force and other available data. After July 1, 2024, the OII must begin annually reporting recommendations, if any, for expanding the scope of investigations or jurisdiction of the OII based on trends, data, or reports.

#### **Summary:**

#### When the Office of Independent Investigations May Share Information with an Involved Agency.

The manners in which the OII may share information about an ongoing independent investigation under its jurisdiction with a member of an involved agency are modified to include when:

- the information is essential to protect the safety of a community or the integrity of an ongoing, urgent criminal investigation; and

- sharing the information will not impede an ongoing independent investigation conducted by the OII.

No information about an ongoing investigation under the OII's jurisdiction shared with an involved agency may be divulged to any involved or witness officers.

If the OII shares information with an involved agency because the information is deemed essential to protect the safety of a community or the integrity of an ongoing, urgent criminal investigation, the OII must:

- document the exact information provided, to whom, and why;
- obtain agreement from the involved agency in writing that no involved officer or witness will have access to the information other than what is released to the general public; and
- notify the person, family, or representative of the person impacted by the involved officer's conduct under investigation that information was provided to the involved agency, including: (1) the exact information provided, to whom, and why; and (2) that the involved agency must agree in writing that no involved officer or witness will have access to that information.

Any press release containing information provided by the OII must be preapproved by the OII.

#### Modified Deadlines.

Certain reporting dates and deadlines are modified:

- By December 1, 2025, the OII must develop a proposal for training nonlaw enforcement officers to conduct OII investigations, including an objective for OII investigations to be conducted by nonlaw enforcement officers within five years.
- After July 1, 2025, the OII must begin annually reporting on its recommendations, if any, for expanding the scope or jurisdiction of the OII based on trends, data, or reports.
- The OII Advisory Board's statutory authorization to assess whether the OII's jurisdiction should be expanded will expire on July 1, 2025.

#### Prior Investigations Prioritization.

The OII Director must prioritize the review or investigation of prior investigations based on resources and other cases under investigation by the OII. Incidents occurring after the date the OII begins investigating cases will receive the highest priority for investigation.

#### 911 Communications Centers.

A definition for "911 communications center" is established. The 911 communications centers are public safety answering points or any other entity that captures and maintains data that is utilized in a 911 emergency communications system.

The OII must have access to all reports and information necessary or related to any

investigation in the custody and control of 911 communications centers. The OII must also have copies of such reports and information from 911 emergency communications systems, involved agencies, and any law enforcement agency responding to the scene of an incident, which must be provided to the OII as soon as possible.

**Votes on Final Passage:**

House 66 30

Senate 29 20

**Effective:** June 6, 2024