S-0257.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5066**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Hansen, Lovick, Wellman, Trudeau, Hasegawa, Saldaña, Frame, Nobles, Pedersen, Salomon, and Valdez

AN ACT Relating to strengthening and clarifying the authority of the attorney general to address local law enforcement and local corrections agency misconduct through investigations and legal actions; adding new sections to chapter 43.10 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The state of Washington and its subdivisions undertake to protect the safety of individuals and to preserve public peace by employing peace officers who are entrusted with the power to arrest, detain, and use force against individuals suspected of violating criminal statutes, and local corrections officers who are responsible for the custody, safety, and security of incarcerated individuals. The legislature recognizes that systemic abuses of this power, such as repeated officer misconduct in using excessive force; unlawful stops, searches, or arrests; discriminatory practices that violate the rights of people in Washington; and the provision of substandard conditions of confinement and inadequate medical care to detainees and prisoners, harm public safety, hinder effectiveness, and decrease trust in law enforcement and corrections agencies.

It is the intent of the legislature to clarify existing authority and authorize the attorney general's office to investigate and, if necessary, bring suit against law enforcement agencies and local corrections agencies to compel needed reforms where there are violations of constitutional and civil rights, in order to promote effective and constitutional policing, detention, and incarceration practices across the state, provide significant, systemic relief and transparency, increase community confidence in law enforcement and corrections agencies, and improve officer and agency accountability with respect to policing, detention, and incarceration practices.

This state level authority is not intended to address isolated acts of misconduct or to hold individual officers liable for misconduct. This state authority is necessary to promote a consistent level of quality policing for all Washingtonians. This act does not preempt, limit, diminish, or otherwise affect any other cause of action or appropriate remedy authorized by state or federal law.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "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.

(2) "Local corrections officer" means any employee, whether part time or full time, of a county, city, or local jail, correctional, or detention facility who is responsible for the custody, safety, and security of adult or juvenile persons confined in the facility.

(3) "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.

(4) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" of any county, city, town, or municipal corporation as those terms are defined in RCW 10.93.020.

NEW SECTION. **Sec.**  (1) As a matter of state interest and public concern under RCW 43.10.030(1), the attorney general may:

(a) Investigate a local law enforcement agency or local corrections agency, as defined in section 2 of this act, for a violation of the Washington state Constitution or state law, including where insufficient accountability systems, training, and policies at the agency lead to such violations;

(b) Bring an action against a local law enforcement agency or local corrections agency, as defined in section 2 of this act, for violations of the Washington state Constitution or state law pursuant to an investigation. In the discretion of the court, the attorney general may recover the costs of the action including reasonable attorneys' fees if the attorney general prevails in the action.

(2) The attorney general's power under this section includes the authority to:

(a) Investigate violations under subsection (1) of this section on its own initiative or in response to investigations or reports from independent oversight bodies;

(b) Issue written civil investigative demands for documents and oral testimony, and answers to written interrogatories; and

(c) Institute civil actions in the courts for injunctive or declaratory relief, damages, costs, and reasonable attorneys' fees.

(3) At the initiation of a formal investigation, the attorney general shall:

(a) Confer with the United States department of justice to ensure that law enforcement resources are being used efficiently and that there are no conflicts with any independent investigations by the United States department of justice. In any investigation or action brought under this section against a local law enforcement agency or local corrections agency that is subject to an investigation by the United States department of justice, the attorney general shall not seek any relief or remedies that are in conflict with the federal action. The attorney general may not bring a civil action against a local law enforcement agency or local corrections agency under this section concurrent to any civil actions by the United States department of justice;

(b) Send a letter to the local law enforcement agency or local corrections agency (i) explaining why the office seeks to conduct an investigation, what information is being sought, and how the office intends to investigate, and (ii) requesting to meet to discuss the investigation.

(4) If an investigation is initiated, the attorney general shall confer with:

(a) The local law enforcement agency or local corrections agency in an attempt to clarify and remedy the alleged violations;

(b) The office of independent investigations to ensure that any investigation under this section will not interfere with or impede an ongoing investigation being conducted by the office of independent investigations.

NEW SECTION. **Sec.**  Sections 2 and 3 of this act must be liberally construed so that their beneficial and remedial purposes may be served. If any provision of this act conflicts with any other statute, ordinance, rule, or regulation of any public employer, the provisions of this chapter control.

NEW SECTION. **Sec.**  By September 1, 2026, the attorney general shall 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 shall be consistent with standards adopted in other attorney general published model policies addressing policing practices, including policies governing use of force, and reporting practices. In developing this policy, the attorney general shall consult with the criminal justice training commission, 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 advocates.

NEW SECTION. **Sec.**  Sections 2 through 5 of this act are each added to chapter 43.10 RCW.

**--- END ---**