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**SENATE BILL 5584**

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

**By** Senators Dhingra, Saldaña, Frame, Hasegawa, Nobles, Slatter, Trudeau, Valdez, and C. Wilson

AN ACT Relating to expanding the office of independent investigations to include prosecutions of criminal conduct within the jurisdiction of the office of independent investigations and prosecutions; amending RCW 43.102.020, 43.102.030, 43.102.050, 43.102.060, 43.102.080, 43.102.130, and 43.10.090; reenacting and amending RCW 43.102.010; and adding new sections to chapter 43.102 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

(1) The office shall have concurrent authority and power with the county prosecuting attorneys to investigate crimes and initiate and conduct prosecutions of use of deadly force by an involved officer cases and other cases under the jurisdiction of the office including appeals and requests for postconviction relief.

(2) In any prosecution pursuant to this chapter, the office may prosecute related offenses and defendants. Related offenses and defendants are those offenses and defendants that may be joined in an information as provided by law or by the criminal rules for superior courts of the state of Washington. Related offenses also include crimes arising from or discovered in the course of use of force investigations when such crimes have a relationship to the use of force investigation or prosecution.

(3) Nothing in this section affects the authority of the county prosecuting attorney to conduct prosecutions of crimes committed by an individual who is the subject of a use of force action by the involved officer.

(4) The office shall be responsible for its expert witness fees and other associated costs of prosecution. The office shall not be responsible for defense costs, including defense attorneys' fees, defense expert witness fees, or any other costs related to the defense in a criminal prosecution initiated by the office. Reimbursement for costs is subject to the provisions of RCW 9A.16.046. The county in which the action is filed shall be responsible for court administration costs and public defense costs if the defendant so qualifies.

(5) If the office of the attorney general, a county prosecuting attorney, and the independent prosecutor file competing informations or indictments charging a defendant with substantially the same offense(s), the court shall, upon motion of either the county prosecuting attorney or the independent prosecutor:

(a) Determine whose prosecution of the case will best promote the interests of justice, and prioritize the public's interest in ensuring a fair and impartial prosecution and trial free from bias or the appearance of bias and enter an order designating that person as the prosecuting authority in the case; and

(b) Enter an order dismissing the information or indictment filed by the person who was not designated the prosecuting authority.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

(1) The director shall determine the compensation and appoint a licensed attorney to serve as the independent prosecutor within nine months of the effective date of this section. The independent prosecutor shall have final decision-making authority related to:

(a) Hiring and terminating deputy independent prosecuting attorneys and related support staff within the office;

(b) Filing or declining to file criminal charges after thorough review of cases within the jurisdiction of the office; and

(c) All aspects of litigating cases within the jurisdiction of the office.

(2) The director may remove the independent prosecutor prior to the expiration of the independent prosecutor's term of service for misconduct or the inability to perform the duties of the office.

(3) The independent prosecutor must meet the following minimum criteria for appointment by the director:

(a) Admission to practice law in the state of Washington;

(b) No documented criminal or disciplinary history involving dishonesty, discrimination against persons of color or marginalized communities, or abuse of power; and

(c) Submission to a background check, including an assessment of criminal history and research of social media and affiliations to check for racial bias and conflicts of interest.

(4) Should the independent prosecutor resign, become incapacitated, or be removed as set forth in this chapter, the director shall appoint an interim independent prosecutor within 24 hours, who shall serve as the independent prosecutor until such time as the director appoints a new independent prosecutor.

(5) The independent prosecutor shall hold the position for a term of three years and continue to hold the position until reappointed or until a successor is appointed.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

**POWERS AND DUTIES OF THE INDEPENDENT PROSECUTOR.** (1) The independent prosecutor shall hire or contract with attorneys and other personnel as necessary to pursue prosecutions conducted by the office and other duties required under this chapter;

(2) The independent prosecutor shall ensure that persons subjected to use of force by an involved officer, or their survivors, are kept apprised of the status of the review of the investigation, any charging decisions, all court hearings, and the status of any prosecution, including access to press conferences and advance notice of media releases; and ensure that all victims of charged crimes, or their surviving family members, are afforded the rights set forth in RCW 7.69.030;

(3) The independent prosecutor shall perform the duties and exercise the powers set forth in this chapter, as well as any additional duties and powers that may be prescribed; and

(4) The independent prosecutor shall establish policies and procedures to ensure that personnel with actual and apparent conflicts are screened from the review of the investigation and prosecution of criminal charges.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

**APPOINTMENT OF ASSISTANT INDEPENDENT PROSECUTORS—SPECIAL AND TEMPORARY.** The independent prosecutor may appoint one or more assistant independent prosecutors and special assistant independent prosecutors who shall have the same powers as the independent prosecutor to perform investigations and prosecutions conducted by the office. Each appointment shall be in writing, signed by the independent prosecutor.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

**EMPLOYMENT OF LEGAL INTERNS.** Notwithstanding any other provision of this chapter, nothing in this chapter shall prevent law students from working as volunteer or paid legal interns or law clerks for the office, or as otherwise authorized by statute or court rule.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

**PUBLIC REPORT.** If the independent prosecutor declines to file charges after reviewing an investigation of a fatal use of deadly force, as defined in RCW 43.102.010, the independent prosecutor shall issue a written report that includes the results of the investigation and an explanation of the reasons for the decision. This report shall be posted to a public website.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

**LIABILITY.** No action or other proceeding may be instituted against the independent prosecutor or the independent prosecutor's assistant independent prosecutors or contractors, or a person exercising powers or performing duties at the direction of the office, for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

**Sec.**  RCW 43.102.010 and 2024 c 64 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "911 communications center((~~[,]~~))," for purposes of this chapter((~~[,]~~)), means a public safety answering point or any other entity that captures and maintains data that is utilized in a 911 emergency communications system, as defined in RCW 38.52.010.

(2) "Advisory board" means the office of independent investigations and prosecutions advisory board.

(3) "Deadly force" has the meaning provided in RCW 9A.16.010.

(4) "Director" means the director of the office of independent investigations and prosecutions.

(5) "Great bodily harm" has the meaning provided in RCW 9A.04.110.

(6) "In-custody" refers to a person who is under the physical control of a general authority Washington law enforcement agency or a limited authority Washington law enforcement agency as defined in RCW 10.93.020 or a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(7) "Independent investigation team" means a team of qualified and certified peace officer investigators, civilian crime scene specialists, and other representatives who operate independently of any involved agency to conduct investigations of police deadly force incidents. An independent investigation team may be comprised of multiple law enforcement agencies who jointly investigate police use of force incidents in their geographical regions or may be a single law enforcement agency, provided it is not the involved agency.

(8) "Involved agency" means a general authority Washington law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, that employs or supervises the officer or officers who are an involved officer as defined in this section, or an agency responsible for a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(9) "Involved officer" means one of the following persons who is involved in an incident as an actor or custodial officer in which the act or omission by the individual is within the scope of the jurisdiction of the office as defined in this chapter:

(a) A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer; or

(b) An individual while employed in a city, county, or regional adult or juvenile institution, correctional, jail, holding, or detention facility as defined in RCW 70.48.020, 72.09.015, or 13.40.020.

(10) "Office" means the office of independent investigations and prosecutions.

(11) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

**Sec.**  RCW 43.102.020 and 2021 c 318 s 301 are each amended to read as follows:

(1) The office of independent investigations and prosecutions is hereby established within the office of the governor for the purpose of conducting fair, thorough, transparent, and competent investigations and prosecutions as authorized under this chapter.

(2) The office of independent investigations and prosecutions is an investigative law enforcement agency, including for the purposes of the public records act, chapter 42.56 RCW.

**Sec.**  RCW 43.102.030 and 2021 c 318 s 302 are each amended to read as follows:

In addition to other responsibilities set forth in this chapter, the office shall:

(1) Conduct fair, thorough, transparent, and competent investigations and prosecutions of police use of force and other incidents involving law enforcement as authorized in this chapter and shall prioritize investigations and prosecutions conducted by the office based on resources and other criteria developed in consultation with the advisory board. The office shall commence investigations as follows:

(a) Beginning no later than July 1, 2022, the office is authorized to conduct investigations of deadly force cases 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

(b) Beginning no later than July 1, 2023, the office is authorized to review, and may investigate, prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation;

(2) Analyze data available to the office and provide reports and recommendations as appropriate based on the data regarding issues, trends, and other relevant areas;

(3) Provide reports on activities of the office as authorized under this chapter; and

(4) Carry out such other responsibilities as may be consistent with this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 43.102 RCW to read as follows:

The office is authorized to conduct prosecutions of deadly force cases, 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.

**Sec.**  RCW 43.102.050 and 2024 c 64 s 2 are each amended to read as follows:

(1) The director shall:

(a) Oversee the duties and functions of the office ((~~and~~)), investigations, and prosecutions conducted by the office pursuant to this chapter;

(b) Hire or contract with investigators, prosecutors, and other personnel as the director considers necessary to perform investigations and prosecutions conducted by the office, and other duties as required, under this chapter;

(c) Plan and provide trainings for office personnel, including contracted investigators, that promote recognition of and respect for, the diverse races, ethnicities, and cultures of the state;

(d) Plan and provide training for advisory board members including training to utilize an antiracist lens in their duties as advisory board members;

(e) Publish reports of investigations conducted under this chapter;

(f) Enter into contracts and memoranda of understanding as necessary to implement the responsibilities of the office under this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

(h) Develop the nondisclosure agreement required in RCW 43.102.130; and

(i) Perform the duties and exercise the powers that are set out in this chapter, as well as any additional duties and powers that may be prescribed.

(2) No later than February 1, 2022, in consultation with the advisory board, the director shall develop a plan to implement:

(a) Regional investigation teams and a system for promptly responding to incidents of deadly force under the jurisdiction of the office. The regional investigation teams should:

(i) Allow for prompt response to the incident requiring investigation; and

(ii) Include positions for team members who are not required to be designated as limited authority Washington peace officers;

(b) A system and requirements for involved agencies to notify the office of any incident under the jurisdiction of the office, which must include direction to agencies as to what incidents of force and injuries and other circumstances must be reported to the office, including the timing of such reports, provided that any incident involving substantial bodily harm, great bodily harm, or death is reported to the office immediately in accordance with RCW 43.102.120;

(c) The process to conduct investigations of cases under the jurisdiction of the office including, but not limited to:

(i) The office intake process following notification of an incident by an involved agency;

(ii) The assessment and response to the notification of the incident by the office, including direction to and coordination with the independent investigation team;

(iii) Determination and deployment of necessary resources for the regional investigation teams to conduct the investigations;

(iv) Determination of any conflicts with office investigators or others involved in the investigation to ensure no investigator has an existing conflict with an assigned case;

(v) Protocol and direction to the involved agency;

(vi) Protocol and direction to the independent investigation team;

(vii) Protocol and guidelines for contacts and engagement with the involved agency; and

(viii) Protocol for finalizing the completed investigation and referral to the ((~~entity responsible for the prosecutorial decision~~)) independent prosecutor and local prosecuting attorney, including communication with the family and public regarding the completion of the investigation;

(d) A plan for the office's interaction, communications, and responsibilities to: The involved officer; the individual who is the subject of the action by the involved officer that is the basis of the case under investigation, and their families; the public; and other interested parties or stakeholders. The plan must consider the following:

(i) A process for consultation, notifications, and communications with the person, family, or representative of any person who is the subject of the action by the involved officer that is the basis of the case under investigation;

(ii) Translation services which may be utilized through employees or contracted services;

(iii) Support to access assistance or services to the extent possible; and

(iv) A process for situations in which a tribal member is involved in the case that ensures consultation with the federally recognized tribe, and notification of the governor's office of Indian affairs within 24 hours in cases of deadly use of force;

(e) Training for employees and contractors of the office to begin prior to July 1, 2022; and

(f) Prioritization of cases for investigation.

(3) No later than December 1, 2025, in consultation with the advisory board, the director shall develop a proposal for training individuals who are nonlaw enforcement officers to conduct competent, thorough investigations of cases under the jurisdiction of the office. The proposal must establish a training plan with an objective that within five years of the date the office begins investigating deadly force cases the cases will be investigated by nonlaw enforcement officers. The director shall report such proposal to the governor and legislature by December 1, 2025. Any proposal offered by the director must ensure investigations are high quality, thorough, and competent.

(4) The director, in consultation with the advisory board, shall 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 investigate if determined appropriate based on the review. The director must prioritize the review or investigation of prior investigations based on resources and other cases under investigation with the office. Incidents occurring after the date the office begins investigating cases will receive the highest priority for investigation.

**Sec.**  RCW 43.102.060 and 2021 c 318 s 305 are each amended to read as follows:

(1) The director may employ, or enter into contracts with, personnel as he or she determines necessary for the proper discharge of his or her duties. The director must request input from the advisory board on the hiring process and hiring goals, including diversity.

(2) The director may employ, or enter into contracts with, investigators to conduct investigations of cases under the jurisdiction of the office.

(a) The director shall consider the relevant experience and qualifications of the candidate including the extent to which he or she demonstrates experience or understanding of the following areas:

(i) Extensive experience with criminal investigations, including homicide investigations;

(ii) Behavioral health issues;

(iii) Youth cognitive development;

(iv) Trauma-informed interviewing;

(v) De-escalation techniques and utilization; and

(vi) Knowledge of Washington practices, including laws, policies, and procedures related to criminal law, criminal investigations, and policing.

(b) The director shall consider the following prior to employing an investigator:

(i) The investigators should not be commissioned law enforcement officers employed with any law enforcement agency as a peace officer at the time of application with the office.

(A) If the individual considered for a position as an investigator was a prior law enforcement officer, the director must conduct a review of prior disciplinary actions or complaints related to bias.

(B) The individual should not have been a commissioned law enforcement officer within 24 months of the date of the application for service as an investigator; and

(ii) The results of a background check that includes research of social media and affiliations to check for racial bias and conflicts of interest.

(c) Investigators employed or contracted with the office are prohibited from being simultaneously employed, commissioned, or have any business relationship, other than through the work of the office, with a general authority or limited authority Washington law enforcement agency, or county or city corrections agency.

(d) The director may not employ an individual who was a previously commissioned law enforcement officer who does not meet the criteria of this section without the approval of a majority of the advisory board.

(3) The director may employ or enter into contracts for services to provide additional personnel as needed to conduct investigations of cases under the jurisdiction of the office including, but not limited to, the following:

(a) Forensic services and crime scene investigators;

(b) Liaisons for community, family, and relations with a federally recognized tribe;

(c) Analysts, including analysts to conduct evaluations on use of force data;

(d) Mental health experts;

(e) Bilingual staff, translators, or interpreters;

(f) Other experts as needed; and

(g) All staffing and other needs for the office.

(4) The independent prosecutor may employ or enter into contracts with persons or entities as they determine necessary for the proper discharge of the duties prescribed to the independent prosecutor pursuant to this chapter.

(5) The independent prosecutor may employ assistant independent prosecutors, or appoint and contract with special assistant independent prosecutors, to preform or review and prosecute charged offenses.

(6) The director shall ensure the following training is provided to staff and that there is a regular schedule for additional trainings during the course of employment:

(a) The director shall ensure that the director and staff involved in investigations and prosecutions, including any contracted investigators or prosecutors, engage in trainings that include the following areas. A training may include more than one of the following areas per training. A separate training course is not required for each topic.

(i) History of racism in policing, including tribal sovereignty and history of Native Americans within the justice system;

(ii) Implicit and explicit bias training;

(iii) Intercultural competency;

(iv) The use of a racial equity lens in conducting the work of the office;

(v) Antiracism training; and

(vi) Undoing institutional racism.

(b) The director shall ensure that investigators engage in the following training. A training may include more than one of the following areas per training. A separate training course is not required for each topic.

(i) Criminal investigations, including homicide investigations as appropriate for the assigned positions;

(ii) Washington practices, including Washington laws and policies, as well as relevant policing practices as appropriate;

(iii) Interviewing techniques; and

(iv) Other relevant trainings as needed.

**Sec.**  RCW 43.102.080 and 2024 c 64 s 3 are each amended to read as follows:

(1) The office has jurisdiction over, and is authorized to conduct investigations and prosecutions of, all cases and incidents as established within this section.

(2)(a) The director may cause an investigation to be conducted into any incident:

(i) Of a 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; or

(ii) Involving prior investigations of deadly force by an involved officer if new evidence is brought forth that was not included in the initial investigation.

(b) This section applies only if, at the time of the incident:

(i) The involved officer was on duty; or

(ii) The involved officer was off duty but:

(A) Engaged in the investigation, pursuit, detention, or arrest of a person or otherwise exercising the powers of a general authority or limited authority Washington peace officer; or

(B) The incident involved equipment or other property issued to the official in relation to his or her duties.

(3) The director shall determine prioritization of investigations based on resources and other criteria which may be established in consultation with the advisory board. The director shall ensure that incidents occurring after the date the office begins investigating cases receive the highest priority for investigation.

(4) The investigation should include a review of the entire incident, including but not limited to events immediately preceding the incident that may have contributed to or influenced the outcome of the incident that are directly related to the incident under investigation.

(5) Upon receiving notification required in RCW 43.102.120 of an incident under the jurisdiction of the office, the director:

(a) May cause the incident to be investigated in accordance with this chapter;

(b) May determine investigation is not appropriate for reasons including, but not limited to, the case not being in the category of prioritized cases; or

(c) If the director determines that the incident is not within the office's jurisdiction to investigate, the director shall decline to investigate, and shall give notice of the fact to the involved agency.

(6) If the director determines the case is to be investigated the director will communicate the decision to investigate to the involved agency and will thereafter be the lead investigative body in the case and have priority over any other state or local agency investigating the incident or a case that is under the jurisdiction of the office. The director will implement the process developed pursuant to RCW 43.102.050 and conduct the appropriate investigation in accordance with the process.

(7) In conducting the investigation the office shall have access to, and copies of, reports and information necessary or related to the investigation in the custody and control of the involved agency, 911 emergency communication centers, and any law enforcement agency responding to the scene of the incident as soon as possible. This includes, but is not limited to, voice or video recordings, body camera recordings, and officer notes, as well as disciplinary and administrative records except those that might be statements conducted as part of an administrative investigation related to the incident.

(8) The investigation shall be concluded within 120 days of acceptance of the case for investigation. If the office is not able to complete the investigation within 120 days, the director shall report to the advisory board the reasons for the delay.

**Sec.**  RCW 43.102.130 and 2021 c 318 s 501 are each amended to read as follows:

(1)(a) There is created the office of independent investigations and prosecutions advisory board. The advisory board shall consist of the following ((~~11~~)) (13) members, appointed by the governor, one of whom the governor shall designate as chair:

(i) Three members of the general public representing the community who are not current or former law enforcement, with preference given to individuals representing diverse communities;

(ii) ((~~One member~~)) Two members of the general public representing a family impacted by an incident of the nature under the jurisdiction of the office, who is not current or former law enforcement;

(iii) One member representing a federally recognized tribe in Washington, who is not current or former law enforcement;

(iv) One defense attorney representative;

(v) ((~~One~~)) Two prosecuting attorney ((~~representative~~)) representatives;

(vi) One representative of a police officer labor association with experience in homicide investigations;

(vii) One sheriff or police chief who is also a member of an independent investigation team;

(viii) One credentialed mental health expert who is not current or former law enforcement; and

(ix) One member of the criminal justice training commission.

(b) The members of the advisory board appointed by the governor shall be appointed for terms of three years and until their successors are appointed and confirmed. The governor shall stagger the initial appointment terms of the advisory board members with the terms of five members being for two years from the date of appointment and six members being for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board serve without compensation, but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(c) The governor, when making appointments to the advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(2) The purpose of the advisory board is to provide input to the office and shall:

(a) Provide input to the governor on the selection of the director, including providing candidates for consideration for appointment for the position of director. If the governor requests additional candidates for consideration, the advisory board shall provide additional candidates to the governor. If the governor provides an alternative candidate, the advisory board must consider the candidate provided by the governor and vote on the approval or rejection of the candidate.

(i) The advisory board shall recommend candidates to the governor who they find are individuals with sound judgment, independence, objectivity, and integrity who will be viewed as a trustworthy director.

(ii) The director must have experience either in conducting criminal investigations or prosecutions. The advisory board shall consider the relevant experience and qualifications of the candidate including the extent to which they demonstrate experience or demonstrated understanding of the following areas:

(A) Criminal investigations;

(B) Organizational leadership;

(C) Mental health issues;

(D) Trauma-informed interviewing;

(E) Community leadership;

(F) Legal experience or background;

(G) Antioppression and antiracist analysis and addressing systemic inequities; and

(H) Working with black, indigenous, and communities of color;

(b) Provide input to the director on the plans required to be developed for the office including the regional investigation teams; staffing; training for personnel; procedures for engagement with individuals involved in any case under the jurisdiction of the office, as well as families and the community; recommendations to the legislature; and other input as requested by the governor or director;

(c) Participate in employment interviews as requested by the governor or director; and

(d) Receive briefings or reports from the director relating to data, trends, and other relevant issues, as well as cases under investigation to the extent permitted by law.

(3) Advisory board members have a duty to maintain the confidentiality of the information they receive during the course of their work on the advisory board. Each advisory board member shall agree in writing to not disclose any information they receive or otherwise access related to an investigation, including information about individuals involved in the investigation as involved officers, individuals who are the subject of police action, witnesses, and investigators.

(4) Advisory board members must complete training to utilize an antiracist lens in their duties as advisory board members.

(5) The office shall provide administrative and clerical assistance to the advisory board.

**Sec.**  RCW 43.10.090 and 2009 c 549 s 5051 are each amended to read as follows:

(1) Upon the written request of the governor, the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he or she shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as authorized or directed by the attorney general.

(2) Upon the request of the governor, the office of independent investigations and prosecutions shall investigate and prosecute use of deadly force by an involved officer cases and other cases under the jurisdiction of the office including appeals and requests for postconviction relief.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**