

PEACE OFFICER ACCOUNTABILITY ACT
House Bill 1202 – Rep. My-Linh Thai

The Peace Officer Accountability Act (HB 1202):

- **Promotes public safety**
- **Improves trust in law enforcement**
- **Ensures high quality policing**
- **Holds police who don't follow the law accountable**
- **Holds law enforcement agencies to a reasonable care standard in the hiring, training, supervising and disciplining of officers**
- **Authorizes the Attorney General's Office to hold officers and agencies accountable for patterns and practices of violating the law**

The Peace Officer Accountability Act promotes public safety by motivating police departments across the state to align their policies and training with state laws and the constitution. This Act seeks to improve trust in law enforcement by holding departments and officers to statewide standards by establishing high quality policing in our state. When law enforcement officers or departments violate an individual's civil rights or harm them, this bill allows the person to hold them accountable without the shield of qualified immunity. Where an officer or department has a history of violating the law or peoples' rights, the bill authorizes the Washington State Attorney General to step in to ensure all Washingtonians have a basic level of quality policing.

HB 1202 will place responsibility where it belongs:

Right now, victims and their families bear the emotional and financial burden when a law enforcement officer violates their rights. This bill places responsibility where it belongs, on the entity responsible for causing the harm. It encourages police departments to have sound and reasonable hiring, training, supervising and disciplining policies while protecting officers who follow the law, the direction of their employer, and who uphold the Washington Constitution.

How is this different from current law?

Today, victims and their families must use a federal law (42 USC 1983, referred to as a 1983 claim) to sue a peace officer or department. And because of "qualified immunity", a legal doctrine that has been an obstacle to accountability, there has been little justice for victims and their families.

The justice system has two parts, criminal and civil, and HB 1202 fills in the gaps where the civil system has been a barrier to accountability. The Washington State Constitution protects individuals' rights, however, there is currently no state law that allows individuals to sue for violations of those rights. The legislature must enact such a law.

Doesn't qualified immunity protect departments and peace officers from frivolous lawsuits?

No, qualified immunity shields officers who have engaged in misconduct from being held accountable. In other words, qualified immunity stops strong lawsuits from holding law enforcement responsible for harming people. Advocacy groups on both sides of the aisle have supported ending qualified immunity.

Will this bill lead to a flood of lawsuits against officers, departments, and local governments?

No, laws that limit legal immunity for law enforcement have been passed in California, Colorado, Connecticut, Massachusetts, and New Mexico and there has not been a flood of litigation. An officer and their employer who

violate someone's rights should be accountable under Washington law. Because individual officers are indemnified, it is ultimately the local government who will foot the bill. And as the employer, they are in the best position to properly hire, train, supervise and discipling peace officers under their oversight hold their officers accountable to the law. Law enforcement, an extension of government, should not be treated differently from other professionals and public servants when they violate someone's constitutional rights.

Does civil liability change officer behavior?

This Act seeks to change officer behavior in two ways. First, it incentivizes departments to have strong policies and practices in line with the law, and to take swift remedial action when officers are in violation. Departments that don't change expose themselves to liability and higher insurance premiums. Second, where an officer or department have a pattern of violations, this Act authorizes the AG's office to step in, investigate a take corrective action.

We Need This Bill Because:

"We need this bill so that we can get answers. When my cousin was killed by Seattle police, we wanted information and an explanation of what happened when her call for help turned her into a victim of police violence." - Katrina Johnson.

Seattle police killed Katrina's cousin Charleena Lyles was in June 2017. Charleena weighed 100 pounds. She was 14 weeks pregnant, with three of her four children at home when she was killed.

"Police in WA have killed over 100 people in the past 3 years since I-940 was passed – how many of those families have received any justice or compensation? Very few cases are brought against police, which furthers a culture of impunity as if they are above the law. What we need is accountability." - Sonia Joseph.

Kent police killed Sonia's son Giovonn Joseph McDade in an unnecessary vehicle pursuit following a traffic stop in June 2017. He was not committing a crime and was unarmed when he was killed. He was 20 years old.

"The point of this bill is to take care of the kids left behind. Vancouver police officers killed my brother Carlos Hunter when he was on his way to pick his son up from school. Because of their actions, his youngest daughter never met her father, and now my sister and I are raising his children. We must protect the sacred innocence of the children, especially those left behind by police violence without mothers and fathers, without protectors and providers." - Nickeia Hunter.

Vancouver police shot and killed Nickeia's brother Carlos Hunter in March 2019 while he was still seat-belted in his car. Police used a traffic stop as a ruse to serve a warrant.

"My cousin was killed during a traffic stop. We don't come from a wealthy family and when a breadwinner is killed, it leaves a financial hole in the community. Now his kids have to rely on public housing, food stamps, and food banks instead of relying on him." - Po Leapai.

Seattle police killed Po's cousin Iosia Faletofo the afternoon of December 31, 2018. He was pulled over for a traffic stop and fled the scene on foot. Six officers chased him, tackled him, and held him down. One officer shot him point blank in the head.

"Lakewood police shot my son while he was carrying his four-year-old child. We were fortunate enough to get a jury award for my grandson that covered attorney fees by suing under federal law. If we had to pay for the attorneys out of the award, our grandson wouldn't have had enough money to go to school or to get the therapy he needs to deal with the trauma." - Annalesa Thomas.

A SWAT sniper shot and killed Annalesa's son Leonard Thomas in Fife, Washington in 2013. He was unarmed and on the porch of his home, carrying his son. Three of the officers involved were found civilly liable in federal court. All three of these officers have been promoted and still have their badges and jobs.