



*Washington Coalition
for
Police Accountability*

The mission of the Washington Coalition for Police Accountability is to reduce police violence and increase accountability. Our work centers families who have lost loved ones to police violence.

WASHINGTON NEEDS AN INDEPENDENT PROSECUTOR – PASS HB 1579 - WCPA Fall 2023

Establishing a state-wide independent prosecutor within the Attorney General's Office is a top priority for the Washington Coalition for Police Accountability (WCPA) for the 2024 legislation session.

Governor's 2020 Taskforce Recommendation

The creation of an Office of Independent Investigations (OII) and an Independent Prosecutor were the two recommendations coming from the Governor's 2020 Task Force on Independent Investigations of Police Use of Deadly Force. The OII was established by the 2021 legislature in HB 1267.

Local Prosecutors - An Appearance of a Conflict of Interest and/or An Actual Conflict

The OII addressed the lack of impartiality that is present when police investigate police. In the same way, local prosecutors have at the very least an appearance of a conflict of interest when they are faced with making a charging decision regarding law enforcement personnel. County prosecutors are part of the law enforcement arm in each county and the police work closely with the prosecutor in the development of criminal cases. This includes being at crime scenes together, meeting to discuss evidence, police testifying in criminal cases, often working in the same buildings and offices, and prosecutors convening with the elected sheriff and police chiefs in their jurisdiction for regular briefings. However, when it is a police officer or sheriff deputy who injures or kills a resident, the complexities increase. The prosecutor must change his or her vantage point because now the law enforcement officer is the suspect in an alleged crime and the person who was harmed is the victim.

Prosecutions of Police Use of Deadly Force Should Be Independent

Currently, it is up to the county prosecutor to evaluate the investigative evidence and decide whether to bring charges. Historically, before I-940 was passed, there was only one incident, out of Snohomish County, for which an officer was charged in a deadly force death case. Prosecutors simply did not bring charges in those cases under the prior law. Now, with the passage of I-940, with a legal standard where criminal charges are at least a possibility, two cases have been brought, one from the King County prosecutor and one in Pierce County with the state Attorney General prosecuting the charges. Over time there is an expectation of additional charges for other cases as part of the workload from the OII.

WCPA believes these cases should be handled by an independent prosecutor because of the working relationships between prosecutors and police. This will increase the public's confidence in the disposition of these cases because the process will be fairer and more credible.

Proposal Before the 2024 Legislature (2SHB 1579)

There are three key parts to the proposal:

- 1) **Jurisdiction:** The Office of Independent Prosecutor would have concurrent jurisdiction with the county prosecutor.
- 2) **Location:** The Independent Prosecutor would be situated in the State Attorney General's Office.
- 3) **Caseload:** The independent prosecutor would handle the caseload coming from the Office of Independent Investigations (OII), which at this time is limited to investigating deaths from police use of deadly force.