



WA NEEDS AN INDEPENDENT PROSECUTOR: PASS HB 1579

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

What is in 2SHB 1579?

There are three key parts to the proposal before the 2024 Washington state legislature:

1. **Jurisdiction:** The Office of Independent Prosecutions would have concurrent jurisdiction with the county prosecutor.
2. **Location:** The Office of Independent Prosecutions would be in the State Attorney General's Office.
3. **Caseload:** The independent prosecutor would handle the death investigations caseload coming from the Office of Independent Investigations (OII).

Why Local Prosecution Doesn't Work: It Creates Conflicts of Interest

- 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. The police work closely with prosecutors in the development of criminal cases. This includes being at crime scenes together, meeting to discuss evidence, working in the same buildings and offices, and prosecutors convening with the sheriff and police chiefs in their jurisdiction for regular briefings.

Prosecutions of Police Use of Deadly Force Should Be Independent

Because of the working relationships and potential conflicts between prosecutors and police, deaths from police use of force should be handled by an independent prosecutor. This will increase the public's confidence in the disposition of these cases and the process will be fairer and more credible.

Further background: 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.

Background: Governor's 2020 Task Force

The two recommendations coming out of the Governor's 2020 Task Force on Independent Investigations of Police Use of Deadly Force were:

- **Create an Office of Independent Investigations (OII):** established by the 2021 legislature in HB 1267.
- **Establish an independent prosecutor:** Not yet established. We need to pass HB 1579.