

HB 2929 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/1, 3/22, 3/29, 4/6, 4/13

WHAT THE MEASURE DOES:

Provides process for officer report of police misconduct. Requires report of misconduct be made to direct supervisor of reporting officer, person in reporting officer's chain of command, another person who reporting officer believes has the authority to investigate and impose discipline, or the Bureau of Labor and Industries (BOLI). Specifies that if person receiving report does not have authority to investigate and impose discipline, then that person must report to a person who does have that authority. Requires investigation into reported misconduct to be opened within 48 hours of receiving the report. Requires person with authority to investigate and impose discipline to report to BOLI within 48 hours of receiving report and upon completion of investigation. Requires reports involving civilians to be sent to the Department of Justice. Requires investigations into reports of misconduct be concluded within 3 months of the date of report. Requires BOLI to maintain database of reports. Specifies that if BOLI receives report of misconduct directly from reporting officer, then BOLI is responsible for the investigation into the report and must report the outcome of the investigation to the agency.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces measure. Provides process for officer report of police misconduct. Requires report of misconduct be made to direct supervisor of reporting officer, person in reporting officer's chain of command, or the Department of Public Safety Standards and Training (DPSST). Specifies that if person receiving report does not have authority to direct an investigation into alleged misconduct, then that person must report to a person who does have that authority within 72 hours of receiving report. Requires investigation into reported misconduct to be completed within three months of date of report unless circumstances exist to prevent completion. Requires notification to DPSST when investigation results in finding that sustains misconduct report. Requires DPSST to establish and maintain a form and database for reports of misconduct. Requires DPSST to make the form available on website. Requires DPSST to forward reports directly from law enforcement officer to the law enforcement unit employing the subject of the report.

BACKGROUND:

In the first special session of 2021, House Bill 4205 established a duty to intervene in misconduct. The duty applies to any officer, regardless of rank or assignment, to intervene to stop or prevent misconduct by another officer. Misconduct includes excessive or unjustified use of force or force in violation of the unit's use of force policy, sexual harassment or sexual misconduct, discrimination, criminal activity, or a violation of minim standards established for public safety personnel. The measure also imposed a duty to report misconduct as soon as practicable, but no later than 72 hours after witnessing the misconduct. HB 4205 was silent on the mechanics of the reporting requirement.

House Bill 2929 provides those reporting details. It requires the officer to report to at least one of four possible entities: their direct supervisor, a person in their chain of command, another person the officer believes has the authority to investigate misconduct and impose discipline, or the Bureau of Labor and Industries. If the officer reports to a person who does not have authority to investigate or impose discipline, the person receiving the report must in turn report to such a person within 72 hours of receiving the report. A person who receives a

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report of misconduct who does have investigative authority must open an investigation into the misconduct within 48 hours of receiving the report and transmit the report to BOLI. Additionally, reports that involve misconduct against a civilian must be transmitted to the Department of Justice. The investigation must be completed within three months of the date of the report and BOLI must be notified of the outcome. BOLI is required to establish and maintain and form and database for reports of misconduct and must document verbal reports, provide the form for written reports on its website, and make the database available to the DOJ. In instances where misconduct is directly reported to BOLI and not within the law enforcement chain of command, BOLI is required to investigate the report and notify the employing agency of the outcome of the investigation.