

It's Time to End Systemic Misconduct

The AG Investigation and Reform Bill

What the bill does

This bill strengthens and clarifies the Washington Attorney General's authority to investigate and bring suit where there are systemic failures at an agency or department, resulting in violations of the Washington constitution or state laws. This bill would help ensure a fundamental baseline of quality policing across Washington.

The bill follows California, Colorado, Virginia, and Nevada, and is similar to the U.S. Department of Justice's (DOJ) consent decree authority. The focus of this approach is on widespread or systemic misconduct—as opposed to isolated or sporadic instances of wrongdoing—which might include routine uses of excessive force; repeated stops, searches, or arrests that are unreasonable; and discrimination based on race, ethnicity, national origin, religion, disability, or sex. Systemic investigations differ from individual civil lawsuits that victims bring against an officer or department if they have been harmed, and they are different from criminal prosecutions of individual law enforcement officers, both of which focus on specific instances of police misconduct. Ultimately this bill is about having a backstop to protect against systemic failure and a process to bring a department's policies, practices, trainings, discipline, and outcomes into compliance with the Washington constitution and state law.

“If a department has a history of violating the civil rights of community members and doesn't change or fix itself year after year, someone has to step in to stop the harm.” Washington Coalition for Police Accountability

“People of color deserve to receive equal and fair treatment by police, we deserve to feel safe in our neighborhoods. Where people of color are constantly overrepresented in who is being killed, or who force is being used against by a law enforcement agency's own data, who do you go to for help?” Shelly Washington, aunt of Kevin Peterson Jr.

Why do we need this bill?

The U.S. Department of Justice has authority to change a department that is engaging in discriminatory policing, but the U.S. DOJ serves the whole country, including over 18,000 local departments and does not have the capacity to address each agency engaged in unlawful conduct. While communities wait for the federal authorities to intervene, the harm continues. Washingtonians deserve better. This bill seeks to address long standing practices that violate civil rights, or where there are ingrained problems that undermine the effectiveness, community trust, and strength of a department. It provides a needed tool to ensure departments that have breached trust in the past are on the path to restoring trust for the communities they serve.