

HB 1579: Office of Independent Prosecutor

The Washington Defender Association and the Washington Association of Criminal Defense Lawyers are strongly in favor of the creation of an office of an Independent Prosecutor to handle cases involving the use of deadly force by law enforcement. This is particularly important in light of the continuing incidents of inappropriate use of deadly force that we see in Washington and nationally. Communities of color, low-income communities, people who identify as LGBTQ, and people with disabilities have especially been subject to disproportionate interactions with law enforcement. It is critical for the legislature to recognize this imbalance and to hold those whose duty it is to protect our residents from harm accountable when they betray that trust.

Unfortunately, the recently proposed version of HB 1579 still does not fully solve the inherent conflict of interest issue between local prosecutors and local law enforcement for these kinds of cases. Compromise that tries to allow for concurrent jurisdiction for use of force cases will not truly address the inherent conflicts in investigating and trying the cases locally.

Without exclusive jurisdiction, we will continue to see justice by geography. As currently written, it is not clear whether the Independent Prosecutor can take up a deadly force case without being invited to do so by the Governor or county prosecutor. HB 1579 relies entirely on the judgment and will of the county prosecutor to identify a conflict and, if identified, to decide whether to relinquish a case. The only way to ensure that a local county prosecuting attorney will not have jurisdiction over a case involving a police officer use of deadly force is to create an Office of Independent Prosecutor where an Independent Prosecutor has the sole and exclusive authority to review criminal investigations by any investigative body and decide whether to charge in cases involving a police officer's use of deadly force.

It is critical as we look to repair historical inequities in how our communities have been subject to police enforcement that we work to shore up practices that will support belief in the integrity of the criminal legal system by all Washington residents, and that provide redress to the harmed individuals and their families.

For more information, contact:

Tony Sermonti: 360.259.2330 or tony@sermontipublicaffairs.com

Adán Espino Jr.: 360-553-2874 or adan@sermontipublicaffairs.com

Teri Rogers Kemp: 206-518-7088 or kemplegalresearch@gmail.com

David Trieweler: 206-622-5175 or trieweler3@gmail.com