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Statement attribution:

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**WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS**

**Statement Against HB 1445 – Tax dollars should be spent on public safety, not government lawyers**

(Olympia) --- A bill to give the Washington State attorney general (AG) special powers to sue local county and city law enforcement agencies sends the wrong message at the wrong time. Local police departments and Sheriff’s Offices need more staffing, support and assistance from the state, not further burdens, liabilities, and costs associated with one level of government spending taxpayer dollars to sue another level of government, who are then forced to spend more taxpayer dollars in response. Tax dollars should be spent on public safety, not government lawyers. The measure is a threat to the more than 10,000 women and men in law enforcement across Washington who protect our communities 24/7.

HB 1445 did not pass in the 2023 session but has come back in 2024. It does nothing to support victims, reduce crime or provide additional resources to local law enforcement agencies. Instead, it focuses on granting the AG broad power to sue local law enforcement and corrections agencies for perceived “misconduct”. On its face, HB 1445 would authorize the Attorney General to sue Washington’s law enforcement agencies based on media reports and/or political pressure.

Washington State already maintains some of the most stringent tactics and accountability measures for law enforcement nationwide, ensuring officers adhere to a duty of care when using force. Numerous tactics, controls, and legal changes have been implemented to enhance public safety delivery. Enacting HB1445 will increase costs for state and local governments without necessarily improving outcomes. Moreover, it risks undermining previous reforms and exacerbating officer recruitment and retention challenges.

Our officers respond to the most dangerous of circumstances after every other level of government, family, faith, and community has failed. They do so in a state with the lowest number of officers per capita than any other state in the nation – a distinction Washington has held for 13 consecutive years. 2022 marked the lowest officers/capita rate on record, and we’re falling further behind. Washington employs approximately 600 fewer officers now than in 2021.

According to the most recent crime statistics (calendar year 2022), Washington set another record high number of homicides, violent crime increased, crimes against persons increased, property crimes increased, and crimes against society increased

HB 1445 does nothing to address any of these critical issues. Washington’s government agencies should be working to keep people safe and well, not working to sue each other.

**Washington’s Attorney General is not at all like the United States Attorney General**The US Attorney General is the nation’s chief law enforcement officer and oversees a variety of federal law enforcement agencies and law enforcement functions. Washington’s Attorney General is the state’s chief **civil** lawyer. Washington’s Attorney General does not retain original jurisdiction to prosecute crimes. Except for the very limited and exclusive purpose of investigating Medicaid fraud, Washington’s Attorney General is not a law enforcement agency and does not have expertise in law enforcement operations.

**HB 1445 exempts state law enforcement and corrections agencies**The authority provided in HB 1445 applies only to local law enforcement and corrections agencies – state law enforcement and corrections agencies appear to be entirely immune.

**HB 1445 does not require a finding of misconduct**
HB 1445 grants authority for the Attorney General to sue local law enforcement and corrections agencies “as a matter of state interest and public concern” for violations of the Washington Constitution or state law, including “violations” that are not violations of the law (ex - “insufficient accountability systems”). We find it concerning that the Legislature would encourage the Attorney General to sue law enforcement agencies for misconduct without a finding of misconduct.

**HB 1445 does not require a pattern or practice**
It is often cited that HB 1445 mirrors the authority of the US Attorney General. Among several major differences, HB 1445 does not require even an allegation of a pattern or practice. On its face, HB 1445 would authorize the Attorney General to sue Washington’s law enforcement agencies based on media reports and/or political pressure.

**HB 1445 does not require the Attorney General to meet and confer or exhaust available remedies**
No law enforcement or corrections agency seeks to violate the law or the rights of any person. If such violations are suspected, we think it proper to assist the agency in correcting any wrongdoing. Litigation between public agencies should be a last resort, not the preferred option.

**Lopsided attorney’s fees**

HB 1445 awards attorney’s fees to the Attorney General if the Attorney General prevails, but not to a local law enforcement agency that prevails against the Attorney General. Attorney’s fees should be available to the prevailing party and not lopsided toward one side or the other.

Washington’s law enforcement and corrections agencies need the Legislature’s assistance to improve the public service of policing, not threats of more litigation.

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