

HB 1310 Require de-escalation as a first response and deadly force as a last resort – STATUS: House Public Safety

- Current state law allows police to complete an arrest by any means necessary.
- This authorization of power to use an unlimited amount of force whenever an officer believes probable cause exists to make an arrest is too broad.
- This bill creates a standard of reasonable care when determining whether or not to use physical force.
- Reasonable care means:
 - Exhausting all available de-escalation tactics prior to using physical force.
 - Not engaging in conduct that would create a situation that required physical force.,
 - Considering the characteristics and conditions of the person who you are applying physical force to and only use the minimal degree of force.
 - Terminating use of force as soon as the necessity for that use of force ends.
 - Using less lethal alternative before deadly force.
- Establishes that deadly use of force must be a last resort that is necessary to protect against an imminent threat to the life or physical safety of the officer or another person.
- Many cities have already adopted mandatory de-escalation and seen fewer uses of force and fewer complaints about use of force.
- Each department has its own use of force standards, many are developed by private companies.
- This bill creates a statewide standard for use of physical force by an officer.
- It is imperative to have a statewide standard because officers move between departments.
- Protecting and preserving human life should be an officer's highest priority, this change simply places that expectation in law.
- While the "reasonable officer" standard was only implemented two years ago, we have already seen 104 people killed by police since then and only one officer charged.
- Black and Indigenous people are still killed at twice the rate of white people.

SHB 1054 Police Tactics – STATUS: House Rules Committee. Needs a pull to the floor

- Preserving and protecting human life must be the most fundamental value of our law enforcement.
- Currently, some of the tactics used by law enforcement do not uphold that value.
- Some tactics are used disproportionately against Black and Brown communities.
- This bill sets a baseline for acceptable police tactics and equipment that can be used.
- By doing away with dangerous and harmful tactics, we can begin to rebuild trust between law enforcement and communities of color.
- Bans the following tactics: chokeholds, no-knock warrants, tear gas, police dogs for the purpose of arresting or apprehending someone, covering badge numbers.
- Restricts the following tactics: vehicular pursuits, firing on a moving vehicle except in narrowly defined circumstances.

- Bans military equipment such as .50 caliber weapons, bayonets, and armed vehicles.

SSB 5066 Duty to Intervene – STATUS: Senate Ways and Means Committee

- Requires officers to intervene if a fellow officer is using excessive or unnecessary force.
- Requires officers who observe wrongdoing by another officer to report it to their superior officer.
- Making officers responsible for policing one another will uphold the profession and break down the “code of silence” that currently prevents some officers from reporting wrongdoing.
- Requiring officers to intervene when excessive force is being used will keep the public safe.
- This change begins to break down the “blue wall of silence” by creating consequences for not reporting.

SHB 1140 Juveniles Access to an Attorney – STATUS: House Appropriations Committee

- Black youth, Indigenous youth and Youth of Color are disproportionately stopped, arrested, and questioned by the police.
- In many instances, they are led into false confessions, prosecuted, and incarcerated in the juvenile legal system.
- Statewide, youth of color represent 28 % of the general population, but 48 % of the youth in county detention and 59 % of the youth involved in Juvenile Rehabilitation.
- We also know that youth of color experience trauma associated with the disproportionate, unnecessary, and aggressive policing in our communities.
- Miranda rights are confusing and applied with little consideration to the socio-emotional and cognitive capacities of our young people, who are often incredibly scared, disempowered, and vulnerable when interacting with officers.
- This bill would require law enforcement to provide juveniles with access to an attorney for consultation before the juvenile waives any constitutional right if a law enforcement officer:
 - Questions a juvenile after providing a Miranda warning
 - Briefly detains a juvenile based on reasonable suspicion
- With HB 1140, Washington state could be a leader in protecting the rights of youth, especially Black, Indigenous, and Youth of Color.
- This is an issue of procedural justice.

Creating Transparency

- Police policy and police systems of accountability are very opaque.
- Communities must have the ability to review the policies and discipline process of law enforcement agencies. ([SHB 1203](#))
- We must get an accurate picture of how and when force is deployed by our law enforcement officers. ([SHB 1092](#))

SHB 1203 Community Oversight Boards – STATUS: House Appropriations Committee

- Transparency and community oversight are critical components of just and fair governance, especially in relation to law enforcement.
- In 2006, the U.S. Department of Justice found that fewer than 1 in every 12 complaints of police misconduct nationwide resulted in some kind of disciplinary action against the officer responsible.
- We know that police are more likely to do the right thing when they know they are being watched or held accountable to their own community.
- Community oversight boards that can investigate wrongdoing and suggest policy changes at a local level will make our law enforcement agencies more responsive, transparent, and accountable.
- This bill requires all local jurisdictions (with more than 15 officers) to establish a community oversight board by 2025.
- To be successful these board must have independence, resources, and power.
- This bill creates a framework for establishing local community oversight boards.
- Boards will receive and investigate complaints from community members regarding the conduct of law enforcement, investigate and issue findings on serious incidents, and make recommendations for officer discipline, department policies, and department budgets.
- Crucially, community oversight boards will be able to refer officers that abuse their power for decertification.
- These boards will allow true community oversight of the public servants we entrust with the power of life and death.

2SHB 1092 Law Enforcement Data Collection – STATUS: House Rules Committee

- Currently data on law enforcement uses of force is not collected consistently in Washington.
- This bill requires law enforcement agencies to report use of force incidents that result in a death or injury to Washington State University.
- Requires law enforcement to report any time an officer deploys certain types of weapons or force to WSU.
- WSU is required to create a publicly accessible database and provide the Legislature with semi-annual reports.
- The Attorney General has requested this legislation.
- We cannot fix a system if we do not have the information to understand what is wrong.
- This is also a critical tool for law enforcement agencies to learn from the data and improve their service to the community.

2SHB 1089 Auditing I-940 Investigations – STATUS: House Rules Committee

- Authorizes the state auditor to conduct an audit of all police deadly use of force investigations since the passage of I-940 to ensure that those investigations followed the law.
- The investigation of the death of Manuel Ellis is an example of how police agencies do not always comply with the requirements of I-940.
- There is no penalty currently in the law for not following the requirements of I-940.

Building Systems of Accountability

- The community does not trust law enforcement to investigate itself or properly discipline itself.
- Create a statewide Office of Independent Investigations to ensure effective, accurate and truly independent investigations into police use of deadly force. ([SHB 1267](#))
- Expand ways for problem officers to be removed from the profession by modernizing the process of peace officer decertification and increase community input at the Criminal Justice Training Commission. ([HB 1082/SSB 5051](#))
- Create avenues to hold officers and departments civilly responsible for failing to uphold a person's state constitutional rights. ([SBH 1202](#))
- Ensure that arbitration processes are not used as a shield against accountability. ([SSB 5055](#))

SHB 1267 Independent Investigations – STATUS: House Appropriations Committee

- Unnecessary police violence and a complete lack of accountability for that violence has eroded the community's trust in law enforcement.
- When entire communities do not trust those with the state sanctioned power of life and death over them, public safety is imperiled.
- By creating a new independent agency to investigate police killings, we can begin to rebuild trust between law enforcement and the community.
- This bill is Governor request legislation that is based on the recommendations of the Governor's Task Force on Independent Investigations of Police Use of Force.
- The Task Force was made up of 23 stakeholders from communities across the state that met 12 times over the past 6 months.
- The Task Force was formed following the disclosure that the Pierce County Sheriff's Office had conducted the investigation into the death of Manuel Ellis despite the fact that one of their deputies was on scene, a clear violation of I-940 which banned law enforcement agencies investigating their own officers.
- The agency would create regional teams that could respond to a deadly use of force within one hour to secure the scene and process evidence.
- After a transition period, current and former law enforcement officers would be prohibited from serving with the agency so that it can remain free from bias.
- Staff at the new agency will be trained in the history of racism in policing, tribal sovereignty, implicit and explicit bias, intercultural competency, a racial equity lens, anti-racism, and undoing institutional racism.

- The Office of Independent Investigations would have a strong focus on communicating with the injured party or the family of the injured party.
- Trump's own commission to improve law enforcement recommended that every state should require an independent agency to investigate fatal shootings and other serious use of force incidents. (<https://www.washingtonpost.com/nation/2021/01/03/trump-police-commission-report/>)

HB 1082/SSB 5051 State Oversight and Accountability

- This bill would streamline the process of peace officer decertification and expand the criteria for which decertification is warranted.
- The bill also changes the composition of the CJTC to ensure that civilians make up a majority of the commission.
- Over the past 4 years, an average of 100 officers have been fired a year, with an average of 40 being recommended for decertification. On average only 13 officers per year are decertified. (Seattle Times)
- Washington has never decertified an officer for excessive use of force.
- Washington is one of the few states that require an officer to be fired before they can be decertified, unlike teachers, social workers and even hair dressers.
- Currently, the CJTC does not consider decertification until an officer has exhausted all disciplinary appeals, a process that can sometimes take years.
- When an officer abuses their power or harms a member of the community, justice cannot wait years.
- Similar to the Legislative Ethics Board, which can impose fines and sanctions on state legislators, the regulating body for law enforcement should be composed of a majority of civilians and not law enforcement professionals.
- We trust citizens to faithfully apply our laws with jury trials; they are perfectly capable of applying the law to the certification of law enforcement officers.
- These changes will make it possible to more swiftly remove problem officers from patrolling our streets.
- Removing bad officers will increase the community's trust in law enforcement and save cities and counties money.

SHB 1202 Peace Officer Accountability Act - STAUS: House Appropriations

- Creates a state level civil cause of action for violation of state constitutional rights.
- Enhances current law and creates a new avenue for accountability when an officer violates someone's rights.
- Currently, you cannot collect attorney's fees when you prevail against a law enforcement agency in state court.
- This bill allows for attorney fee and cost recovery if a plaintiff is successful in their suit.
- Fee shifting is common practice for important laws such as the Consumer Protection Act and the Washington State Law on Discrimination.
- This bill will prevent future misconduct by properly incentivizing law enforcement agencies to properly train and discipline their force.
- Explicitly states that the doctrine of qualified immunity under federal law does not apply.

SSB 5055 Arbitrator Selection and Transparency – STATUS: House Rules Committee. Needs a pull to the floor

- Nationwide, 52% of police who are disciplined and appeal to an arbitrator see their discipline reduced or overturned.
- Arbitrators who overrule discipline decisions by police chiefs and sheriffs can undermine accountability as well as the chain of command.
- This bill standardizes the arbitration process by creating a set of qualifications for arbitrators.
- Speeds up the arbitration process by requiring the Public Employment Relations Commission to appoint a roster of nine arbitrators.
- Currently, Seattle has a backlog of 80 cases waiting to be arbitrated.
- Bans cities and counties from entering into a collective bargaining agreement that undermines civilian review of law enforcement discipline.
- Seattle Mayor Jenny Durkan supports reforming the arbitration process.

Bills of Interest: Uninsured & Advancing Health Equity

- **HB 1191 (Thai): Ensuring equity in health coverage**
 - Expanding coverage to immigrants who do not qualify for federal programs because of their status
 - **SB 5052 (Keiser): Health equity zones**
 - Requires Department of Health, in collaboration with Governor's Interagency Council on Health Disparities, to review health outcomes data (maternal or newborn health, chronic or infectious disease and others) for designated geographical areas statewide and work with local communities to develop plans to address the specific needs of the community
 - **SB 5105 (Hasegawa): Implementing recommendations of the office of equity task force**
 - Directs Governor to select an Office of Equity Director. Directs the Office to develop and submit agency diversity, equity, and inclusion plans, language access plans, collect data, and establish performance measures
 - **HB 1264 (Thai)/SB 5274 (Hasegawa): Establishing equity impact statements for legislative proposals**
 - Requires OFM to do Equity Impact Statements for certain legislative proposals that describe the expected impact of the legislative proposals on communities, or groups of individuals who share the same race, creed, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, certain disability status, language access status, or socioeconomic status.
 - **SB 5313 (Lias): Concerning health insurance discrimination**
 - Defines as an unfair practice to issue an adverse benefit determination for gender affirming treatment when that care is prescribed to an individual
 - **SB 5229 (Randall): Health equity continuing education**
 - Health care professionals to complete health equity training at least once every four years.
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