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## Public Safety Committee

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### HB 1769

**Brief Description:** Supporting law enforcement's efforts to implement the recommendations of the joint legislative task force on the use of deadly force in community policing.

**Sponsors:** Representatives Goodman, Hayes, Pellicciotti, Pettigrew, Orwall and Chapman.

#### Brief Summary of Bill

- Requires law enforcement agencies to report certain data on deadly force incidents to the Attorney General.
- Creates a grant program to assist local law enforcement agencies in procuring less lethal weapons.
- Requires the Criminal Justice Training Commission (CJTC) to provide enhanced leadership training and other advanced training to commissioned officers.
- Requires the CJTC to provide enhanced crisis intervention training (40 hours) to 50 percent of all general authority peace officers assigned to patrol duties.
- Creates financial grant awards for jails and local law enforcement agencies receiving comprehensive accreditation.
- Requires the completion of a study on how to increase diversity in law enforcement agencies.
- Creates grant programs to foster law enforcement and community engagement.
- Directs certain court revenues into the Public Safety Enhancement Account to fund law enforcement training and other programs and requirements created in the bill.

**Hearing Date:** 1/31/17

**Staff:** Kelly Leonard (786-7147).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

*Deadly Force.* Deadly force is the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. Peace officers are statutorily authorized to use deadly force in certain circumstances where a suspect poses a threat of serious physical harm.

*Less Lethal Weapons.* Less lethal weapons are generally designed to induce a subject to submit or to comply with directions. The death of a subject is significantly less likely to occur from the discharge of a less lethal weapon than from the discharge of a firearm.

A "conducted energy device" is a type of less lethal weapon designed to temporarily incapacitate a subject through use of an electrical current which temporarily interferes with the body's neuromuscular system.

*Law Enforcement Training.* The Criminal Justice Training Commission (CJTC) provides basic law enforcement training, and educational programs for law enforcement, corrections, and other public safety professionals in Washington. In addition to the Basic Law Enforcement Academy (BLEA), the CJTC provides specialized training to commissioned officers in several areas, including for example, investigative techniques for child sexual abuse cases. The CJTC is responsible for certifying and decertifying officers.

*Crisis Intervention Training.* In 2015 the Legislature passed new crisis intervention training requirements for law enforcement officers. The CJTC is required to provide full-time law enforcement officers with a minimum of eight hours of crisis intervention training. In addition, the CJTC was directed to have 25 percent of all certified officers on patrol duties receive 40 hours of commission-certified enhanced crisis intervention training by December 1, 2019.

*Accreditation.* Washington's local law enforcement agencies and jails are not mandated to receive accreditation. However, accreditation is available through regional and local organizations, including, for example, the Washington Association of Sheriffs and Police Chiefs (WASPC) and the Commission on Accreditation for Law Enforcement Agencies.

*Washington Association of Sheriffs and Police Chiefs.* The WASPC is an independent organization consisting of sheriffs, police chiefs, the Washington State Patrol, the Washington State Department of Corrections, and representatives of a number of federal agencies. The 1975 Legislature made the WASPC a statutory entity by designating the association as a "combination of units of local government," and it currently receives state funding to manage certain programs. The WASPC also accredits law enforcement agencies and jails.

*Court Revenues.* A percentage of court revenues from fines, fees, and forfeitures are remitted to the state and deposited into the State General Fund. This includes, for example, a third of all noninterest revenues as well as a quarter of non-restitution interest revenues from municipal courts, district courts, and superior courts.

### **Summary of Bill:**

*Data Collection.* Subject to the availability of amounts appropriated for this specific purpose, beginning January 1, 2018, all Washington law enforcement agencies must report to the Office of the Attorney General (AGO) information regarding each incident where: deadly force is applied;

and where force is applied if death or great bodily harm results. The report must include the following with respect to each incident:

- the demographic characteristics of the officer or officers applying the force and the person to which the force was applied, including sex, age, race, ethnicity, and disability, if known;
- the type of force used, and, where applicable, firearm discharge data;
- the agency or agencies employing the officer or officers applying the force;
- the location of the incident;
- the known injuries of the involved officer or officers and of the person to which the force was applied; and
- any other information the AGO determines relevant to accurately record the circumstances of each incident.

*Less Lethal Weapons.* Subject to the availability of amounts appropriated for this specific purpose, the WASPC must establish a grant program to assist local law enforcement agencies in procuring less lethal weapons for primary responding law enforcement officers. "Less lethal weapons" means conducted energy devices and similar technologies.

Grant applications must be reviewed and grants must be awarded through peer review panels. Grant applicants must demonstrate a commitment to providing the training of primary responding law enforcement officers in the proper use of the weapons and proper maintenance of the weapons.

*Enhanced Leadership Training.* Subject to the availability of amounts appropriated for this specific purpose, the CJTC must provide enhanced leadership training with the purpose of fostering agency culture that enhances internal legitimacy and, by extension, external legitimacy with the community. The training must:

- recognize and address the intersection of race in policing on an individual and systemic level;
- develop and promote law enforcement leaders with the courage, knowledge, and skills to institutionalize a culture rooted in procedural justice principles; and
- incorporate the recommendations of the President's Task Force on Twenty-First Century Policing; and
- promote innovation in the law enforcement profession.

The enhanced leadership training may not be less than 100 hours, but may be completed in segments. Every law enforcement leader, from first level supervisor to executive, must complete the enhanced leadership training within one year of promotion or July 1, 2020, whichever is later. The CJTC must organize the enhanced leadership training to address multilevel promotions. The enhanced leadership training must replace the current three-tier system of first level, mid-management, and executive certification.

*Advanced Law Enforcement Training.* Subject to the availability of amounts appropriated for this specific purpose, the CJTC must develop and offer advanced training for commissioned officers. The CJTC must expand advanced firearms training, including upgrading firearm decision-making simulation technologies designed to help with skills development, and make it available to law enforcement agencies statewide.

The CJTC must update, expand, and manage a new learning management system to facilitate expanded access to training across the state. The system must expand training opportunities for rural, remote, and underfunded communities whose geographic, staffing, and fiscal constraints often preclude them from attending in-seat training courses. Among other requirements, the system must: foster training in the areas of crisis de-escalation and other emerging issues; allow for deployment of ongoing distance learning through the use of online and hybrid courses.

Through the learning management system, the CJTC must survey law enforcement agencies statewide on the advanced training needs of commissioned officers. To the extent feasible, the CJTC must develop and offer advanced training based on the needs identified through the survey, provided that such training conforms to best practices.

*Crisis Intervention Training.* The current requirement for the CJTC to make efforts to provide enhanced crisis intervention training (40 hours) for full-time, general authority Washington peace officers assigned to patrol duties is increased from 25 percent to 50 percent.

*Accreditation.* Subject to the availability of amounts appropriated for this specific purpose, the Jail Accreditation Project is established for the purpose of incentivizing jails to seek and receive accreditation to improve the safety and welfare of correctional officers, inmates, and the public. Every jail is required to report its accreditation status to the CJTC. The CJTC must distribute a financial award to each jail awarded an accreditation or reaccreditation in the previous calendar year. The CJTC must develop a sliding scale formula to determine the amount of the distribution awards by taking into account jail size, population served, services offered, and jurisdiction. A distribution amount may not exceed \$100,000.

Subject to the availability of amounts appropriated for this specific purpose, the Law Enforcement Accreditation Project is established for the purpose of incentivizing law enforcement agencies to seek and receive accreditation. The CJTC must distribute a financial award to each law enforcement agency awarded an accreditation or reaccreditation in the previous calendar year. The CJTC must develop a sliding scale formula to determine the amount of the distribution awards by taking into account the agency's size, resources, and jurisdiction. The amount may not exceed \$50,000.

The CJTC must develop and maintain a list of approved accreditation programs eligible for distributions for both jails and law enforcement agencies. Accreditation programs must be comprehensive rather than targeted to one specific feature of operations.

*Diversity in Law Enforcement.* Subject to the availability of amounts appropriated for this specific purpose, the Washington State University (WSU) Division of Governmental Studies and Services must conduct a study on how to increase diversity in law enforcement agencies in the state. The study must include a survey of research literature and models used in other states.

*Law Enforcement and Community Engagement.* Subject to the availability of amounts appropriated for this specific purpose, the WASPC must establish a grant program to assist local law enforcement agencies in establishing community engagement programs. In evaluating grant applications, the WASPC must consult with the Washington Council of Police and Sheriffs (WACOPS), the Washington State Fraternal Order of Police (WAFOP), the Council of Metropolitan Police and Sheriffs (COMPAS), the Commission on Asian Pacific American Affairs

(CAPAA), the Commission on African American Affairs (CAA), the Commission on Hispanic Affairs (CHA), and the Governor's Office of Indian affairs. Grant applications must be reviewed and awarded through peer review panels, which must include a member from each of the commissions and a member of the Governor's Office of Indian Affairs. Grant applicants must demonstrate consistency with relevant portions of the final report of the President's Task Force on Twenty-First Century Policing. Particular priority must be given to qualified grant applicants that intend to establish or enhance engagement with historically underrepresented communities.

Subject to the availability of amounts appropriated for this specific purpose, the Department of Commerce (Commerce) must administer the Community and Law Enforcement Partnership Grant Program (Grant Program) to build and foster relationships between the community and law enforcement in an effort to improve public safety. The grants must be used for the purpose of improving communication, collaboration, and partnerships between law enforcement and the community, with a particular focus on the relationships between law enforcement and communities of color and other underrepresented communities.

Eligible grant recipients include community-based nongovernmental organizations with: an interest in, and if possible, experience in the stated purpose of the Grant Program; and established or a willingness to establish committed partnerships with law enforcement agencies. Grant recipients must foster communication and build partnerships through forums, community meetings, training, workshops, community organizing, and other outreach.

When evaluating grant applications, Commerce must consult with the WASPC, the WACOPS, the WAFOP, the COMPAS, the CAPAA, the CAA, the CHA, and the Governor's Office of Indian affairs. Grant applications must be reviewed and awarded through peer review panels, including a member from each of the commissions and a member of the Governor's Office of Indian affairs.

*Public Safety Enhancement Account.* The Public Safety Enhancement Account (Account) is created. Moneys in the Account may be spent only after appropriation. State revenue from the following sources are deposited into the Account (rather than the State General Fund):

- noninterest revenues collected by small municipal courts (population 400,000 or less);
- noninterest revenues and interest revenues collected by large municipal courts (population 400,000 or above);
- noninterest revenues collected and nonrestitution interest revenues collected by district courts;
- noninterest revenues and nonrestitution interest revenues collected by superior courts;
- a portion of filing fee revenues;
- a portion of civil forfeiture revenues; and
- a portion of certain infraction penalty revenues.

Expenditures from the Account may be used for:

- funding the CJTC, including, but not limited to: ongoing operations of the CJTC; additional BLEA classes to meet the demand to train newly hired peace officers, which may not be less than eight additional classes for the 2017-19 biennium; additional corrections officer academy classes to meet the demand to train newly hired correctional officers;
- the less lethal weapon grant program administered by the WASPC;

- the AGO for the data collection requirements;
- the Jails Accreditation Project and Law Enforcement Accreditation Project;
- the Community Engagement Grant Program administered by the WASPC;
- the Grant Program administered by the Commerce;
- the WSU Division of Governmental Studies and Services for the diversity study;
- the establishment of enhanced leadership training, including, but not limited to, funding for law enforcement agencies to cover gaps in personnel needs while officers are attending training;
- the advanced training for law enforcement officers in the bill, including, but not limited to, funding for law enforcement agencies to cover gaps in personnel needs while officer are attending training; and
- enhanced crisis intervention training for 50 percent of all full-time, general authority Washington peace officers.

The Legislature may transfer excess funds into the State General Fund.

**Appropriation:** None.

**Fiscal Note:** Requested on January 27, 2017.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.