

ESHB 3003 - S AMD 956  
By Senator Padden

NOT ADOPTED 03/08/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I  
4 TITLE AND INTENT

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the law  
6 enforcement training and community safety act.

7 NEW SECTION. **Sec. 2.** The intent of the people in enacting this  
8 act is to make our communities safer. This is accomplished by  
9 requiring law enforcement officers to obtain violence de-escalation  
10 and mental health training, so that officers will have greater skills  
11 to resolve conflicts without the use of physical or deadly force. Law  
12 enforcement officers will receive first aid training and be required  
13 to render first aid, which will save lives and be a positive point of  
14 contact between law enforcement officers and community members to  
15 increase trust and reduce conflicts. Finally, the initiative adopts a  
16 "good faith" standard for officer criminal liability in those  
17 exceptional circumstances where deadly force is used, so that  
18 officers using deadly force in carrying out their duties in good  
19 faith will not face prosecution.

20 PART II  
21 REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE VIOLENCE DE-ESCALATION  
22 TRAINING

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101  
24 RCW to read as follows:

25 (1) Beginning one year after the effective date of this section,  
26 all law enforcement officers in the state of Washington must receive  
27 violence de-escalation training. Law enforcement officers beginning  
28 employment after the effective date of this section must successfully

1 complete such training within the first fifteen months of employment.  
2 The commission shall set the date by which other law enforcement  
3 officers must successfully complete such training.

4 (2) All law enforcement officers shall periodically receive  
5 continuing violence de-escalation training to practice their skills,  
6 update their knowledge and training, and learn about new legal  
7 requirements and violence de-escalation strategies.

8 (3) The commission shall set training requirements through the  
9 procedures in section 5 of this act.

10 **PART III**

11 **REQUIRING LAW ENFORCEMENT OFFICERS TO RECEIVE MENTAL HEALTH TRAINING**

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101  
13 RCW to read as follows:

14 (1) Beginning one year after the effective date of this section,  
15 all law enforcement officers in the state of Washington must receive  
16 mental health training. Law enforcement officers beginning employment  
17 after the effective date of this section must successfully complete  
18 such training within the first fifteen months of employment. The  
19 commission shall set the date by which other law enforcement officers  
20 must successfully complete such training.

21 (2) All law enforcement officers shall periodically receive  
22 continuing mental health training to update their knowledge about  
23 mental health issues and associated legal requirements, and to update  
24 and practice skills for interacting with people with mental health  
25 issues.

26 (3) The commission shall set training requirements through the  
27 procedures in section 5 of this act.

28 **PART IV**

29 **TRAINING REQUIREMENTS SHALL BE SET IN CONSULTATION WITH LAW**  
30 **ENFORCEMENT AND COMMUNITY STAKEHOLDERS**

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101  
32 RCW to read as follows:

33 (1) Within six months after the effective date of this section,  
34 the commission must consult with law enforcement agencies and  
35 community stakeholders and adopt rules for carrying out the training

1 requirements of sections 3 and 4 of this act. Such rules must, at a  
2 minimum:

3 (a) Adopt training hour requirements and curriculum for initial  
4 violence de-escalation trainings required by this act;

5 (b) Adopt training hour requirements and curriculum for initial  
6 mental health trainings required by this act, which may include all  
7 or part of the mental health training curricula established under RCW  
8 43.101.227 and 43.101.427;

9 (c) Adopt annual training hour requirements and curricula for  
10 continuing trainings required by this act;

11 (d) Establish means by which law enforcement officers will  
12 receive trainings required by this act; and

13 (e) Require compliance with this act's training requirements.

14 (2) In developing curricula, the commission shall consider  
15 inclusion of the following:

16 (a) De-escalation in patrol tactics and interpersonal  
17 communication training, including tactical methods that use time,  
18 distance, cover, and concealment, to avoid escalating situations that  
19 lead to violence;

20 (b) Alternatives to jail booking, arrest, or citation in  
21 situations where appropriate;

22 (c) Implicit and explicit bias, cultural competency, and the  
23 historical intersection of race and policing;

24 (d) Skills including de-escalation techniques to effectively,  
25 safely, and respectfully interact with people with disabilities  
26 and/or behavioral health issues;

27 (e) "Shoot/don't shoot" scenario training;

28 (f) Alternatives to the use of physical or deadly force so that  
29 de-escalation tactics and less lethal alternatives are part of the  
30 decision-making process leading up to the consideration of deadly  
31 force;

32 (g) Mental health and policing, including bias and stigma; and

33 (h) Using public service, including rendering of first aid, to  
34 provide a positive point of contact between law enforcement officers  
35 and community members to increase trust and reduce conflicts.

36 (3) The initial violence de-escalation training must educate  
37 officers on the good faith standard for use of deadly force  
38 established by this act and how that standard advances violence de-  
39 escalation goals.

1 (4) The commission may provide trainings, alone or in partnership  
2 with private parties or law enforcement agencies, authorize private  
3 parties or law enforcement agencies to provide trainings, or any  
4 combination thereof. The entity providing the training may charge a  
5 reasonable fee.

6 **PART V**

7 **ESTABLISHING LAW ENFORCEMENT OFFICERS' DUTY TO RENDER FIRST AID**

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.28A  
9 RCW to read as follows:

10 (1) It is the policy of the state of Washington that all law  
11 enforcement personnel must provide or facilitate first aid such that  
12 it is rendered at the earliest safe opportunity to injured persons at  
13 a scene controlled by law enforcement.

14 (2) Within one year after the effective date of this section, the  
15 Washington state criminal justice training commission, in  
16 consultation with the Washington state patrol, the Washington  
17 association of sheriffs and police chiefs, organizations representing  
18 state and local law enforcement officers, health providers and/or  
19 health policy organizations, tribes, and community stakeholders,  
20 shall develop guidelines for implementing the duty to render first  
21 aid adopted in this section. The guidelines must: (a) Adopt first aid  
22 training requirements; (b) address best practices for securing a  
23 scene to facilitate the safe, swift, and effective provision of first  
24 aid to anyone injured in a scene controlled by law enforcement or as  
25 a result of law enforcement action; and (c) assist agencies and law  
26 enforcement officers in balancing the many essential duties of  
27 officers with the solemn duty to preserve the life of persons with  
28 whom officers come into direct contact.

29 **PART VI**

30 **ADOPTING A "GOOD FAITH" STANDARD FOR LAW ENFORCEMENT OFFICER USE OF**  
31 **DEADLY FORCE**

32 **Sec. 7.** RCW 9A.16.040 and 1986 c 209 s 2 are each amended to  
33 read as follows:

34 (1) Homicide or the use of deadly force is justifiable in the  
35 following cases:

1 (a) When a public officer applies deadly force (~~(is acting)~~) in  
2 obedience to the judgment of a competent court; or

3 (b) When necessarily used by a peace officer meeting the good  
4 faith standard of this section to overcome actual resistance to the  
5 execution of the legal process, mandate, or order of a court or  
6 officer, or in the discharge of a legal duty(~~(-)~~); or

7 (c) When necessarily used by a peace officer meeting the good  
8 faith standard of this section or person acting under the officer's  
9 command and in the officer's aid:

10 (i) To arrest or apprehend a person who the officer reasonably  
11 believes has committed, has attempted to commit, is committing, or is  
12 attempting to commit a felony;

13 (ii) To prevent the escape of a person from a federal or state  
14 correctional facility or in retaking a person who escapes from such a  
15 facility; (~~(or)~~)

16 (iii) To prevent the escape of a person from a county or city  
17 jail or holding facility if the person has been arrested for, charged  
18 with, or convicted of a felony; or

19 (iv) To lawfully suppress a riot if the actor or another  
20 participant is armed with a deadly weapon.

21 (2) In considering whether to use deadly force under subsection  
22 (1)(c) of this section, to arrest or apprehend any person for the  
23 commission of any crime, the peace officer must have probable cause  
24 to believe that the suspect, if not apprehended, poses a threat of  
25 serious physical harm to the officer or a threat of serious physical  
26 harm to others. Among the circumstances which may be considered by  
27 peace officers as a "threat of serious physical harm" are the  
28 following:

29 (a) The suspect threatens a peace officer with a weapon or  
30 displays a weapon in a manner that could reasonably be construed as  
31 threatening; or

32 (b) There is probable cause to believe that the suspect has  
33 committed any crime involving the infliction or threatened infliction  
34 of serious physical harm.

35 Under these circumstances deadly force may also be used if  
36 necessary to prevent escape from the officer, where, if feasible,  
37 some warning is given, provided the officer meets the good faith  
38 standard of this section.

39 (3) A public officer (~~(or peace officer)~~) covered by subsection  
40 (1)(a) of this section shall not be held criminally liable for using

1 deadly force without malice and with a good faith belief that such  
2 act is justifiable pursuant to this section.

3 (4) A peace officer shall not be held criminally liable for using  
4 deadly force in good faith, where "good faith" is an objective  
5 standard which shall consider all the facts, circumstances, and  
6 information known to the officer at the time to determine whether a  
7 similarly situated reasonable officer would have believed that the  
8 use of deadly force was necessary to prevent death or serious  
9 physical harm to the officer or another individual.

10 (5) This section shall not be construed as:

11 (a) Affecting the permissible use of force by a person acting  
12 under the authority of RCW 9A.16.020 or 9A.16.050; or

13 (b) Preventing a law enforcement agency from adopting standards  
14 pertaining to its use of deadly force that are more restrictive than  
15 this section.

16 **PART VII**  
17 **MISCELLANEOUS**

18 NEW SECTION. **Sec. 8.** The provisions of this act are to be  
19 liberally construed to effectuate the intent, policies, and purposes  
20 of this act. Nothing in this act precludes local jurisdictions or law  
21 enforcement agencies from enacting additional training requirements  
22 or requiring law enforcement officers to provide first aid in more  
23 circumstances than required by this act or guidelines adopted under  
24 this act.

25 NEW SECTION. **Sec. 9.** (1) Except where a different timeline is  
26 provided in this act, the Washington state criminal justice training  
27 commission must adopt any rules necessary for carrying out the  
28 requirements of this act within one year after the effective date of  
29 this section. In carrying out all rule making under this act, the  
30 commission shall seek input from the attorney general, law  
31 enforcement agencies, the Washington council of police and sheriffs,  
32 the Washington state fraternal order of police, the council of  
33 metropolitan police and sheriffs, the Washington state patrol  
34 troopers association, at least one association representing law  
35 enforcement who represent traditionally underrepresented communities  
36 including the black law enforcement association of Washington, de-

1 escalate Washington, tribes, and community stakeholders. The  
2 commission shall consider the use of negotiated rule making.

3 (2) Where this act requires involvement of community  
4 stakeholders, input must be sought from organizations advocating for:  
5 Persons with disabilities; members of the lesbian, gay, bisexual,  
6 transgender, and queer community; persons of color; immigrants; non-  
7 citizens; native Americans; youth; and formerly incarcerated persons.

8 NEW SECTION. **Sec. 10.** Except as required by federal consent  
9 decree, federal settlement agreement, or federal court order, where  
10 the use of deadly force by a peace officer results in death,  
11 substantial bodily harm, or great bodily harm, an independent  
12 investigation must be completed to inform any determination of  
13 whether the use of deadly force met the good faith standard  
14 established in RCW 9A.16.040 and satisfied other applicable laws and  
15 policies. The investigation must be completely independent of the  
16 agency whose officer was involved in the use of deadly force. The  
17 criminal justice training commission must adopt rules establishing  
18 criteria to determine what qualifies as an independent investigation  
19 pursuant to this section.

20 NEW SECTION. **Sec. 11.** Whenever a law enforcement officer's  
21 application of force results in the death of a person who is an  
22 enrolled member of a federally recognized Indian tribe, the law  
23 enforcement agency must notify the governor's office of Indian  
24 affairs. Notice by the law enforcement agency to the governor's  
25 office of Indian affairs must be made within a reasonable period of  
26 time, but not more than twenty-four hours after the law enforcement  
27 agency has good reason to believe that the person was an enrolled  
28 member of a federally recognized Indian tribe. Notice provided under  
29 this section must include sufficient information for the governor's  
30 office of Indian affairs to attempt to identify the deceased person  
31 and his or her tribal affiliation. Nothing in this section requires a  
32 law enforcement agency to disclose any information that could  
33 compromise the integrity of any criminal investigation. The  
34 governor's office of Indian affairs must establish a means to receive  
35 the notice required under this section, including outside of regular  
36 business hours, and must immediately notify the tribe of which the  
37 person was enrolled.





1 to trial, or to grant a higher award than one granted under this  
2 section.

3 NEW SECTION. **Sec. 13.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 14.** Sections 10 and 11 of this act constitute  
8 a new chapter in Title 10 RCW.

9 NEW SECTION. **Sec. 15.** For constitutional purposes, the subject  
10 of this act is "law enforcement."

11 NEW SECTION. **Sec. 16.** This act is the alternative to Initiative  
12 940, which has been proposed to the legislature. The secretary of  
13 state is directed to place this act on the ballot in conjunction with  
14 Initiative 940, pursuant to Article II, section 1(a) of the state  
15 Constitution."

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**NOT ADOPTED 03/08/2018**

16 On page 1, line 1 of the title, after "enforcement;" strike the  
17 remainder of the title and insert "amending RCW 9A.16.040; adding new  
18 sections to chapter 43.101 RCW; adding a new section to chapter  
19 36.28A RCW; adding a new section to chapter 9A.16 RCW; adding a new  
20 chapter to Title 10 RCW; creating new sections; and providing for  
21 submission of this act to a vote of the people."

EFFECT: Incorporates the changes made by ESHB 3003 to I-940 into  
an alternate version of I-940; designates the act as an alternative  
to I-940, requiring it to be placed on the ballot along with I-940.

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