
Public Safety Committee

HB 2789

Brief Description: Collecting information regarding police use of deadly force.

Sponsors: Representatives Lovick, Klippert, Davis, Orwall, Valdez, Kilduff, J. Johnson, Ryu, Peterson, Ramel, Pollet, Young and Frame.

Brief Summary of Bill

- Requires law enforcement agencies to report information on police use of deadly force to the Washington Association of Sheriffs and Police Chiefs (WASPC).
- Requires the WASPC to maintain a central repository for the collection and classification of information regarding police use of deadly force, and requires the WASPC to publish an annual report with a summary of the information.

Hearing Date: 1/28/20

Staff: Kelly Leonard (786-7147).

Background:

Washington Association of Sheriffs and Police Chiefs. The Washington Association of Sheriffs and Police Chiefs (WASPC) is an independent organization consisting of sheriffs, police chiefs, the Washington State Patrol, and the Department of Corrections. The WASPC is also a statutory entity and currently receives state funding to manage certain programs, including the Jail Booking and Reporting System and Arrest and Jail Alternatives Law Enforcement Grant Program.

Law Enforcement Use of Deadly Force. "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. Law enforcement officers may use deadly force in certain circumstances. This includes, for example, when necessarily used to apprehend or arrest a person who poses a threat of serious physical harm to the officer or others. In each circumstance, the officer must have a good faith belief that the act is justifiable according to certain statutory requirements.

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.

Law enforcement officers are required to complete basic and advanced training to obtain and maintain certification. As a result of the passage of Initiative 940 in 2018, officers are also required to complete de-escalation training. Officers must be trained on alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decisionmaking process leading up to the consideration of deadly force.

General and Limited Authority Law Enforcement Agencies. "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general. This includes, for example, county sheriffs, municipal police departments, the Washington State Patrol, and the Department of Fish and Wildlife.

"Limited authority law enforcement agency" means any agency, political subdivision, or unit of local government, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas. This includes, for example, the Department of Corrections, Department of Natural Resources, Department of Social and Health Services, Gambling Commission, and Liquor and Cannabis Board.

Summary of Bill:

Subject to an appropriation of funds, the WASPC must establish and maintain a central repository for the collection and classification of information regarding police use of deadly force. Each general and limited authority law enforcement agency must report to the WASPC information concerning all instances of police use of deadly force, as defined by the WASPC.

The WASPC must develop a procedure to monitor, record, analyze, and report information to the public. The WASPC must summarize the information received and publish an annual report on its website.

The information and records prepared, owned, used, or retained by the WASPC with respect to the repository are exempt from public inspection and copying under the Public Records Act.

Appropriation: None.

Fiscal Note: Requested on January 24, 2020.

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