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**SUBSTITUTE SENATE BILL 5066**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, and Wilson, C.)

AN ACT Relating to a peace officer's duty to intervene; adding a new section to chapter 10.93 RCW; and adding a new section to chapter 43.101 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 10.93 RCW to read as follows:

(1) Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the excessive use of force against another person shall intervene when in a position to do so to end the excessive use of force or attempted excessive use of force, or to prevent the further use of excessive force. A peace officer shall also render aid at the earliest safe opportunity in accordance with RCW 36.28A.445, to any person injured as a result of the use of force.

(2) Any identifiable on-duty peace officer who observes any wrongdoing committed by another peace officer, or has a good faith reasonable belief that another peace officer committed wrongdoing, shall report such wrongdoing to the officer's supervisor or other supervisory peace officer in accordance with the peace officer's employing agency's policies and procedures for reporting such acts committed by a peace officer.

(3) A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening as required by subsection (1) of this section or for reporting wrongdoing.

(4) A law enforcement agency shall send notice to the criminal justice training commission of any disciplinary decision resulting from a peace officer's failure to intervene or failure to report wrongdoing as required by this section to determine whether the officer's conduct may be grounds for suspension or revocation of certification under RCW 43.101.105.

(5) For purposes of this section:

(a) "Excessive force" means force that exceeds the degree of force permitted by law or policy of the witnessing officer's agency.

(b) "Wrongdoing" means conduct that is harmful or contrary to law; or that is a violation of professional standards or ethical rules; and that is not de minimis or a technical violation.

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

(1) By December 1, 2021, the Washington state criminal justice training commission, the Washington state patrol, the Washington association of sheriffs and police chiefs, and organizations representing state and local law enforcement officers shall develop a written model policy on the duty to intervene, consistent with the provisions of section 1 of this act.

(2) By June 1, 2022, every state, county, and municipal law enforcement agency shall adopt and implement a written duty to intervene policy. The policy adopted may be the model policy developed under subsection (1) of this section. However, any policy adopted must, at a minimum, be consistent with the provisions of section 1 of this act.

(3) By January 31, 2022, the commission shall incorporate training on the duty to intervene in the basic law enforcement training curriculum. Existing peace officers must receive training on the duty to intervene by December 31, 2023.

**--- END ---**