Z-0146.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5259**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**By** Senators Nobles, Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, and Wilson, C.; by request of Attorney General

AN ACT Relating to requiring reporting, collecting, and publishing information regarding law enforcement interactions with the communities they serve; adding new sections to chapter 10.114 RCW; creating a new section; providing effective dates; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that transparency and accountability are vital in maintaining public trust. Data collection is one essential tool to allow the public, law enforcement, and policymakers to analyze the effectiveness of existing practices, determine which policies and training work and do not work, and avoid unintended consequences by supporting policy decisions with clear and relevant data.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" has the same meaning as in RCW 10.93.020.

(2) "Great bodily harm" has the same meaning as in RCW 9A.04.110.

(3) "Limited authority Washington law enforcement agency" has the same meaning as in RCW 10.93.020.

(4) "Local government entities" has the same meaning as in RCW 48.62.021.

(5) "Substantial bodily harm" has the same meaning as in RCW 9A.04.110.

(6) "Tort payout" means the amount paid pursuant to the settlement of a claim, settlement agreement, or judgment entered by a court in a civil action.

NEW SECTION. **Sec.**  (1) By January 31st, April 30th, July 31st, and October 31st annually, each general authority Washington law enforcement agency and each limited authority Washington law enforcement agency shall report to Washington State University or its successor, in a manner developed by Washington State University, information under subsection (2) of this section of all incidents that occurred in the preceding three months:

(a) In which a fatality to a person occurs connected to the use of force by a law enforcement officer;

(b) In which there is great bodily harm to a person connected to the use of force by a law enforcement officer;

(c) In which there is substantial bodily harm to a person connected to the use of force by a law enforcement officer; and

(d) In the absence of either death, great bodily harm, or substantial bodily harm, when a law enforcement officer:

(i) Discharges a firearm at or in the direction of a person;

(ii) Points a firearm at a person;

(iii) Uses a chokehold or vascular neck restraint;

(iv) Uses an electronic control weapon including, but not limited to, a taser, against a person;

(v) Uses oleoresin capsicum spray against a person;

(vi) Discharges a less-lethal shotgun or other impact munitions at or in the direction of a person;

(vii) Strikes a person using an impact weapon or instrument including, but not limited to, a club, baton, or flashlight;

(viii) Uses any part of their body to physically strike a person including, but not limited to, punching, kicking, slapping, or using closed fists or feet;

(ix) Uses a vehicle to intentionally strike a person or vehicle; or

(x) Either deploys a canine by releasing it from the physical control of the law enforcement officer, if it bites a person, or both.

(2) When reporting an incident as required under subsection (1) of this section, the agency employing the officer that used force shall provide the following:

(a) The date and time of the incident;

(b) The location of the incident;

(c) The agency or agencies employing the law enforcement officers;

(d) The type of force used by the law enforcement officer;

(e) The type of injury to the person against whom force was used, if any;

(f) The type of injury to the law enforcement officer, if any;

(g) Whether the person against whom force was used was armed or unarmed;

(h) Whether the person against whom force was used was believed to be armed;

(i) The type of weapon the person against whom force was used was armed with, if any;

(j) The age, gender, race, and ethnicity of the person against whom force was used, if known;

(k) The tribal affiliation of the person against whom force was used, if applicable;

(l) Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;

(m) The age, gender, race, and ethnicity of the law enforcement officer;

(n) The law enforcement officer's years of service;

(o) The reason for the initial contact between the person against whom force was used and the law enforcement officer;

(p) Whether any minors were present at the scene of the incident; and

(q) The entity conducting the independent investigation of the incident, if applicable.

NEW SECTION. **Sec.**  (1) By July 31st of each year, the office of risk management shall provide Washington State University or its successor the amount of any tort payout, broken out by agency, occurring in the preceding 12 months involving an allegation of the improper use of force by any general authority Washington peace officer or limited authority Washington peace officer employed by any agency, department, or division of state government.

(2) By July 31st of each year, local government entities shall provide Washington State University or its successor the amount of any tort payout, broken out by jurisdiction, occurring in the preceding 12 months involving an allegation of the improper use of force by any general authority Washington peace officer or limited authority Washington peace officer employed by any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this purpose, Washington State University or its successor shall establish and maintain an online repository for the collection of information from law enforcement agencies and the public regarding law enforcement's use of force.

(2) Subject to the availability of amounts appropriated for this purpose, Washington State University or its successor shall:

(a) By February 28th, May 31st, August 31st, and November 30th of each year, publish the information received under section 3 of this act in a searchable format on a public website;

(b) By March 30th and September 30th of each year, summarize the information received under section 3 of this act on a public website, including through the use of visual displays including, but not limited to, graphs and charts;

(c) By March 30th and September 30th of each year, submit the summary information in (b) of this subsection to the legislature;

(d) By September 30th of each year, publish the information received under section 4 of this act on a public website; and

(e) By September 30th of each year, submit the summary information in (d) of this subsection to the legislature.

(3) Information gathered from law enforcement agencies and the public shall be displayed separately on the website.

(4) Nothing in this chapter precludes Washington State University or its successor from working with private or public entities to develop the technology or tools necessary to collect or publicize the data collected by this chapter.

NEW SECTION. **Sec.**  Sections 2 through 5 of this act are each added to chapter 10.114 RCW.

NEW SECTION. **Sec.**  Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act take effect July 1, 2022.

**--- END ---**