H-2616.1

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**HOUSE BILL 2414**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Mena, Morgan, Chapman, Reed, Stearns, Ramos, Cortes, Street, Farivar, Simmons, Taylor, Alvarado, Entenman, Bateman, Gregerson, Ormsby, Fey, Fosse, Macri, Thai, Pollet, Chopp, Bergquist, Slatter, Berg, Doglio, Lekanoff, Nance, Donaghy, Ramel, Hackney, and Davis

AN ACT Relating to prohibiting the use of hog-tying; reenacting and amending RCW 10.120.010; adding a new section to chapter 10.120 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds it is imperative that our criminal justice systems, including the law enforcement profession, must secure public trust and ensure accountability. In order to do so, the legislature finds that it is important to discontinue practices and tactics that dehumanize and create unnecessary risk of harm and/or death to the people they serve. Additionally, it is important that law enforcement is using up-to-date tactics that come with adequate training from the criminal justice training commission to ensure continuity and oversight in the standards applied across the profession. This includes tactics that comply with the model use of force policies put forward by our state's attorney general.

The legislature finds that, in the quest to ensure that all communities are and feel safe, it is important to take guidance from published model policies, comport with statewide standards and training on restraint tactics, and prohibit hog-tying and other similar tactics that are inhumane, outdated, and have led to the unnecessary loss of human life.

**Sec.**  RCW 10.120.010 and 2022 c 80 s 2 and 2022 c 4 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Deadly force" has the same meaning as provided in RCW 9A.16.010.

(2) "De-escalation tactics" refer to actions used by a peace officer that are intended to minimize the likelihood of the need to use force during an incident. Depending on the circumstances, "de-escalation tactics" may include, but are not limited to: Using clear instructions and verbal persuasion; attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident; creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover; when there are multiple officers, designating one officer to communicate in order to avoid competing commands; requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

(3) "Hog-tie" or "hog-tying" means connecting a hobble restraint to handcuffs or other types of restraints.

(4) "Law enforcement agency" includes any "general authority Washington law enforcement agency" and any "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

((~~(4)~~)) (5) "Less lethal alternatives" include, but are not limited to, verbal warnings, de-escalation tactics, conducted energy weapons, devices that deploy oleoresin capsicum, batons, and beanbag rounds.

((~~(5)~~)) (6) "Necessary" means that, under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.

((~~(6)~~)) (7) "Peace officer" includes any "general authority Washington peace officer," "limited authority Washington peace officer," and "specially commissioned Washington peace officer" as those terms are defined in RCW 10.93.020; however, "peace officer" does not include any corrections officer or other employee of a jail, correctional, or detention facility, but does include any community corrections officer.

((~~(7)~~)) (8) "Physical force" means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

((~~(8)~~)) (9) "Totality of the circumstances" means all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

NEW SECTION. **Sec.**  A new section is added to chapter 10.120 RCW to read as follows:

(1) A peace officer is prohibited from:

(a) Hog-tying a person; or

(b) Assisting in putting a person into a hog-tie.

(2) Any identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the hog-tying of another person has a duty to intervene when in a position to do so to end the hog-tie or attempted hog-tie, or to prevent the further use of hog-tying, and shall report such wrongdoing as provided under RCW 10.93.190.

(3) 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 hog-tie.

NEW SECTION. **Sec.**  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 immediately.

**--- END ---**