
Public Safety Committee

HB 1092

Brief Description: Concerning law enforcement data collection.

Sponsors: Representatives Lovick, Goodman, Berry, Leavitt, Fitzgibbon, Johnson, J., Slatter, Wylie, Bateman, Ramos, Berg, Sells, Dolan, Tharinger, Simmons, Ramel, Ortiz-Self, Senn, Peterson, Gregerson, Ryu, Bronoske, Valdez, Callan, Kloba, Hackney, Chopp, Duerr, Ormsby, Taylor, Lekanoff, Frame, Santos, Macri, Orwall, Davis, Pollet, Bergquist and Harris-Talley; by request of Attorney General.

Brief Summary of Bill

- Requires law enforcement agencies to report certain information to the Washington State University (WSU) when an incident occurs involving a fatality, great bodily harm, or substantial bodily harm in connection with use of force by a law enforcement officer, and when an officer uses or deploys certain types of weapons or other force.
- Requires state and local governments to report information to the WSU on any tort payouts involving allegations of the improper use of force by an officer.
- Requires the WSU to publish the information on its website and submit semiannual reports to the Legislature.

Hearing Date: 1/14/21

Staff: Kelly Leonard (786-7147).

Background:

Law enforcement officers may exercise force to exercise an arrest and protect themselves and others from harm, subject to the limitations of the Federal and State Constitutions. Any use of

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force must be reasonable under the circumstances. "Deadly force" refers to 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 limited circumstances, including, for example, when necessarily used to apprehend or arrest a person who poses a threat of serious physical harm to the officer or others. The officer must have a good faith belief that the act is justifiable according to certain statutory requirements.

Law enforcement officers are required to complete basic and advanced training to obtain and maintain certification. As a result of the passage of Initiative Measure No. 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 decision-making process leading up to the consideration of deadly force.

"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, the Washington State University (WSU) must establish and maintain an online repository for the collection of information from law enforcement agencies and the public regarding the use of force by law enforcement.

General authority and limited authority law enforcement agencies must submit quarterly reports with certain information to the WSU when a fatality, great bodily harm, or substantial bodily harm occurs in connection with use of force by a law enforcement officer, or when a law enforcement officer:

- discharges a firearm at or in the direction of a person;
- points a firearm at a person;
- uses a chokehold or vascular neck restraint;
- uses an electronic control weapon including, but not limited to, a taser, against a person;
- uses oleoresin capsicum spray against a person;
- discharges a less-lethal shotgun or other impact munitions at or in the direction of a person;
- strikes a person using an impact weapon or instrument including, but not limited to, a club,

baton, or flashlight;

- 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;
- uses a vehicle to intentionally strike a person or vehicle; or
- either deploys a canine by releasing it from the physical control of the law enforcement officer, if it bites a person, or both.

Reports submitted by agencies must include certain specified details pertaining to each incident, including details regarding the incident, officer, subject, and agency conducting the investigation.

The Office of Risk Management and local governments must submit annual reports to the WSU regarding the amount of any tort payout, broken out by agency or 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 state or local government.

The WSU must publish the information in a searchable format on its website. The information must be summarized in a report published on its website and also submitted to the Legislature on a semiannual basis.

Appropriation: None.

Fiscal Note: Requested on January 7, 2021.

Effective Date: The bill takes effect July 1, 2022, except for section 5, relating to the provisions requiring the WSU to establish an online repository for the collection and publication of information, which contains an emergency clause and takes effect on July 1, 2021.