

FINAL BILL REPORT

SSB 5066

Brief Description: Concerning a peace officer's duty to intervene.

Sponsors: Senate Committee on 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.).

Senate Committee on Law & Justice

Senate Committee on Ways & Means

House Committee on Public Safety

House Committee on Appropriations

Background: Under the law, the use of deadly force by a peace officer must be in good faith. Good faith is an objective standard, considering all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

It is state policy for law enforcement personnel to provide or facilitate first aid rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. The Criminal Justice Training Commission (CJTC) must have guidelines addressing first aid training, best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to persons injured at a scene, and assisting law enforcement to balance the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

Summary: An identifiable on-duty peace officer who witnesses another peace officer engaging or attempting to engage in the use of excessive force against another person must intervene when in a position to do so to end the excessive use of force. The peace officer must render aid to any person injured as a result of the use of force at the earliest safe opportunity. Excessive force is defined as force that exceeds the force permitted by law or policy of the witnessing officer's agency.

An identifiable on-duty peace officer who witnesses wrongdoing committed by another peace officer or who has a good faith belief that another officer has committed wrongdoing,

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must report that wrongdoing to the witnessing officer's supervisor or in accordance with the witnessing agency's policies and procedures for reporting. Wrongdoing is defined as conduct that is contrary to law or contrary to the policies of the witnessing officer's agency, provided that the conduct is not de minimis or technical in nature.

A member of a law enforcement agency may not discipline or retaliate against a peace officer for intervening in good faith or for reporting wrongdoing in good faith as required by this section. A law enforcement agency must report any disciplinary action for the failure to intervene or report wrongdoing to the CJTC to determine whether the officer's conduct may be grounds for suspension or revocation of certification.

For purposes of this section, peace officer refers to a general authority peace officer.

By December 1, 2021, the CJTC, in consultation with the Washington State Patrol, the Washington Association of Sheriffs and Police Chiefs, and organizations representing state and local law enforcement officers must develop a written model policy on the duty to intervene. By June 1, 2022, all law enforcement agencies must adopt and implement a written duty to intervene policy consistent with the model policy. No later than January 31, 2022, the CJTC must incorporate training on the duty to intervene in the basic law enforcement training curriculum. Peace officers who completed basic law enforcement training prior to January 31, 2022 must receive training no later than December 31, 2023.

Votes on Final Passage:

Senate	28	21	
House	71	27	(House amended)
Senate	31	18	(Senate concurred)

Effective: Ninety days after adjournment of session in which bill is passed.