
HOUSE BILL 1138

State of Washington

69th Legislature

2025 Regular Session

By Representative Peterson

Prefiled 12/27/24.

1 AN ACT Relating to improving public safety by implementing
2 evidence-based interview practices that increase the reliability of
3 statements collected during criminal investigations; adding a new
4 section to chapter 43.101 RCW; and adding a new chapter to Title 10
5 RCW.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that law enforcement
8 best protects the community when evidence-based investigative tools
9 are utilized.

10 The legislature further finds that a large and growing body of
11 scientific evidence has established that rapport-based, noncoercive
12 interview methods are the most effective means for law enforcement to
13 illicit true, accurate, and reliable information from suspects and
14 witnesses during criminal investigations.

15 The legislature further finds that abandoning deceptive tactics
16 in exchange for rapport-based, noncoercive techniques enhances public
17 trust in the police, encourages public cooperation to facilitate
18 investigations, protects the recall and capacity to exercise sound
19 judgement by those being interviewed, preserves the integrity and
20 professionalism of law enforcement officers, and increases public
21 safety.

1 The legislature therefore intends to develop and implement
2 training on the use of rapport-based, noncoercive interview
3 techniques by law enforcement, and to facilitate the adoption of such
4 techniques by law enforcement in lieu of the use of deception.

5 NEW SECTION. **Sec. 2.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Deception" means the knowing communication of false facts
9 about evidence or unauthorized statements regarding leniency by a law
10 enforcement officer to a person who is the subject of an
11 interrogation.

12 (2) "Interrogation" means express questioning or other actions or
13 words by a law enforcement officer which are reasonably likely to
14 elicit an incriminating response and occurs when a reasonable person
15 in the same circumstances would consider themselves in legal jeopardy.

16 (3) "Law enforcement officer" means a general authority
17 Washington peace officer or limited authority Washington peace
18 officer as defined in RCW 10.93.020.

19 (4) "Person" means an individual, corporation, business trust,
20 statutory trust, estate, trust, partnership, limited liability
21 company, association, joint venture, public corporation, or
22 government; governmental subdivision, agency, or instrumentality; or
23 any other legal or commercial entity.

24 (5) "Statement" means a communication whether oral, written,
25 electronic, or nonverbal.

26 NEW SECTION. **Sec. 3.** (1) Beginning December 31, 2026, a
27 statement made by a person during an interrogation conducted by a law
28 enforcement officer shall be presumed inadmissible in court if the
29 officer intentionally engaged in deception to obtain the statement
30 and the statement was made in relation to an investigation of a
31 misdemeanor or felony offense, or, in the case of a juvenile, an
32 allegation that, if proven, would constitute a misdemeanor or felony
33 offense if committed by an adult.

34 (2) The prosecution may overcome the presumption of
35 inadmissibility if it proves by clear and convincing evidence that
36 the person's statement was voluntary and not made in response to the
37 officer's use of deception.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101
2 RCW to read as follows:

3 (1) The commission shall contract with an expert or organization
4 with expertise in interrogation and interview tactics to develop,
5 administer, and periodically revise a training for law enforcement
6 personnel in evidence-based interrogation and interview techniques.

7 (2) The training must explain and demonstrate:

8 (a) The phenomenon of false confessions by suspects under
9 questioning by law enforcement;

10 (b) The heightened risk of false confessions when deception and
11 other confession-driven interrogation techniques are used during
12 questioning by law enforcement; and

13 (c) The implementation process and investigative outcomes for law
14 enforcement organizations that have adopted rapport-based
15 interviewing techniques.

16 (3) The training must include, at minimum, instruction on the use
17 of the following techniques:

18 (a) The preparation and planning, engage and explain, account,
19 closure and evaluate (PEACE) method;

20 (b) The strategic use of true evidence;

21 (c) The cognitive interview; and

22 (d) The trauma-informed interview.

23 (4) The commission shall make the completed training available at
24 no cost to all law enforcement personnel and law enforcement agencies
25 in the state.

26 (5) The commission shall begin offering the training by July 1,
27 2026.

28 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act
29 constitute a new chapter in Title 10 RCW.

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