

WASPC Legislative Update – March 29, 2021

1054 – still bans MRAPS but working on an amendment on the Senate floor to allow them. Bans chokeholds and LVNR in all cases. Bans pursuits except for PC for violent offenses, sex offenses; or reasonable suspicion for DUI. Bill is full of unintended consequences (i.e. mandatory DV arrest)

5051 – Oversight and Accountability

Overhaul of CJTC – Overhaul of De-certification – adds suspension of certification and/or retraining – cannot terminate an officer based solely on an action by CJTC (i.e. long term suspension or even decertification).

5259 – Use of Force Data Collection (bill requested by AG’s Office)

Requires local LE agencies to submit data in the format according to the deadlines established by the AG and WSU (who is administering the data collection). WASPC is requesting funding for local agencies for this mandate.

1267 – Office of Independent Investigations

Governor’s Task Force within his office. Long term goal of relying on non-law enforcement officers to complete homicide investigation (LE vs. civilian investigators). Viability of prosecution if handled by civilians will create issues. Priority over all other agencies/investigations (problem – there is still an underlying criminal act that led to the use of deadly force). Will pass – problems will result with laymen investigating officer involved shootings. Can have a secondary, concurrent investigation by a SIU.

1310 – Use of Force

Limits use of force to effect an arrest, protect against criminal conduct where there is PC to make an arrest, prevent escape, protect against imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

5263 – Felony Bar

Limits use of felony defense statute (RCW 4.24.420) by law enforcement.

Finding beyond a reasonable doubt that the person injured or killed committed a felony. Creates a separate standard for officers and civilians. Adds a criminal trial to determine that a crime was or was not committed before the civil trial goes forward. This will create financial burdens to local jurisdictions and risk pools to litigate even more issues while defending a claim.

5066 – Duty to Intervene

Excessive force intervention (intervening officer might not be in position to witness suspect’s actions that allow the level of force being used) – requirement to render first aid. Wrongdoing – report. Model policy by CJTC, WASPC, WSP and Labor.

Blake Decision – No significant movement by the legislature to fix the statute by adding “knowingly” to the statute.