

State Legislative Update - Policing

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SEATTLE
CITY HALL

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City of Seattle

Oversight and accountability of Peace Officers and Corrections Officers – Decertification

[SB 5051](#) (Pedersen)

- WSCJTC expanded grounds for decertification of law enforcement officers, including use of force violations, failure to intervene and dishonesty,
- Establishes a data base to track officers fired for misconduct,
- Creates a requirement that officer misconduct investigations be completed once they have begun,
- Expands background check requirements for law enforcement, including affirmative reporting by agencies to commission and consent to social media review.



Independent Investigations

[HB 1267](#) (Entenman)

- Creates the Office of Independent Investigations within the Governor's Office to investigate deadly use of force by law enforcement
 - Guided by Advisory Board
 - Publish annual report
- Operating Budget provides \$22 million for the establishment and operation of the office
- Exempts Agencies under Federal Consent Decree, settlement or Federal Order
- Begins 7/1/22 (prospectively), by 7/1/23 may review cases retroactively if new evidence



Requirements for Tactics and Equipment used by Law Enforcement

[HB 1054](#) (Johnson)

- Limits use of chokeholds and neck restraints, military equipment, tear gas, vehicular pursuits, firing on moving vehicles, no-knock warrants.
- Requires adoption of policies and procedures to ensure uniformed police officers are identifiable and
- Requires the Criminal Justice Training Commission to adopt model policies on the use of canines.



Requirements for Tactics and Equipment used by Law Enforcement

[HB 1310](#) (Johnson)

- Establishes statewide reasonable care standard for use of force by law enforcement officers.
- AG shall develop and publish model policies for UOF and de-escalation by 7/1/22
- Agencies must adopt model policies or submit explanation for departure by 12/1/22, and give notice thereafter of any departures
- AG publishes compliance of all agencies in State annually



Duty to Intervene

SB 5066 (Dhingra)

- Requires on-duty law enforcement to intervene and render aid when excessive use of force by another law enforcement officer is witnessed
- Requires report of wrongdoing committed by another law enforcement officer to supervisor
- Prohibits retaliation if report made in good faith
- Discipline arising from failure to intervene/report must be reported to WSCJTC for potential action relating to certification
- Model intervention policy to be written by WSCJTC by 12/1/21
- Must be adopted by agencies statewide by 7/1/22



Other Police Reform Bills

HB 1001	Maycumber	Law Enforcement Professional Development	Creates law enforcement professional development outreach grant program to encourage broader diversity of candidates from underrepresented groups and communities to seek careers in law enforcement,
HB 1088	Lovick	Impeachment disclosures	Requires county prosecutors to develop and adopt policy addressing impeachment disclosures. Criminal Justice Training Commission must develop online impeachment disclosure training. Requires law enforcement agencies to report discovery of officer acts that may be potentially exculpatory or affect credibility and to inquire about prior impeachment disclosures when hiring officers with prior law enforcement experience.
HB 1089	Ramos	Law enforcement audits	Requires the state auditor to review deadly force investigations and authorizes audits of law enforcement agencies at the request of the Criminal Justice Training Commission to ensure compliance with rules and procedures.
SSB 5055	Nguyen	Law enforcement grievances	Requires the Public Employment Relations Commission (PERC) to appoint a state roster of 9 -18 arbitrators for grievance arbitrations for law enforcement disciplinary actions, discharges and terminations (after 1/1/2022). Arbitrators selected in alphabetical order and parties to arbitration are prohibited from participating in selection or negotiating arbitrator. Establishes qualifications and training requirements for arbitrators.
SB 5259	Nobles	Law enforcement data	Requires law enforcement agencies to report data on use of force and creates an advisory group to develop and implement a use of force data program.
SB 5263	Frockt	Personal injury defenses	Limits the felony bar affirmative defense in civil actions arising out of law enforcement activities resulting in personal injury or death, such that defendant must prove each element of the defense beyond a reasonable doubt.

QUESTIONS
