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**ENGROSSED SUBSTITUTE HOUSE BILL 2908**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Ryu, Ortiz-Self, Walkinshaw, Stanford, and Santos)

AN ACT Relating to establishing the joint legislative task force on community policing standards for a safer Washington; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature recognizes the invaluable contributions of law enforcement officers, who risk their own lives every day to protect our families and communities. We hold law enforcement to a high standard in their positions of public trust and as the guardians in our communities, and the legislature applauds their efforts to show respect and compassion to all citizens while holding individuals accountable for their criminal activity.

The legislature acknowledges that officers are often placed in harm's way and must make decisions quickly while under extreme stress. Although regrettable in every case, the use of deadly force may sometimes be necessary to protect the safety of others. The legislature also recognizes that both the people of this state and law enforcement officers themselves rely on and expect accountability, the failure of which damages the public trust in those who serve the public honorably and with compassion.

The legislature finds that the law of deadly force in Washington provides absolute protection for law enforcement in virtually all instances, above and beyond that which is reasonable and justifiable. As such, the legislature finds that the law regarding use of deadly force in Washington does not reflect the expectations of law enforcement or the people of this state. The legislature also acknowledges that the current law on deadly force in Washington provides insufficient clarity for law enforcement on when deadly force is justifiable and when it is not.

It is the intent of the legislature to improve our deadly force law in a manner that provides clear guidance to law enforcement, respects and supports the role of law enforcement to maintain public safety, and fosters accountability and public trust.

NEW SECTION. **Sec.**  (1) A joint legislative task force on the use of deadly force in community policing is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

(i) Washington association of sheriffs and police chiefs;

(ii) Washington state patrol;

(iii) Washington council of police and sheriffs;

(iv) Criminal justice training commission;

(v) Washington association of prosecuting attorneys;

(vi) Washington association of criminal defense lawyers, public defender association, or the Washington defender association;

(vii) Washington state association of counties;

(viii) Association of Washington cities;

(ix) American civil liberties union of Washington;

(x) National association for the advancement of colored people or its designee;

(xi) Northwest immigration rights project;

(xii) Black alliance of Thurston county;

(xiii) Disability rights Washington;

(xiv) Latino civic alliance;

(xv) COMPAS (council of metropolitan police and sheriffs); and

(xvi) Two members representing liberty organizations.

(d) The governor shall appoint four members representing the following:

(i) Washington state commission on Hispanic affairs;

(ii) Washington state commission on Asian Pacific American affairs;

(iii) Washington state commission on African-American affairs; and

(iv) Governor's office of Indian affairs.

(3) The task force shall:

(a) Review laws, practices, and training programs regarding the use of deadly force in Washington state and other states;

(b) Review current policies, practices, and tools used by or otherwise available to law enforcement as an alternative to lethal uses of force, including tasers and other nonlethal weapons; and

(c) Review proposals and recommend modifications to the standards for justifiable homicide and criminal liability in RCW 9A.16.040 to assure adequate protection for law enforcement and the community.

(4) The task force may review literature and reports on the use of deadly force, and may consult with persons, organizations, and entities with interest or experience in community policing including, but not limited to, law enforcement, local governments, professional associations, community organizations, advocacy groups, and faith-based organizations.

(5) The legislative membership shall convene the initial meeting of the task force no later than July 1, 2016. The task force shall convene at least four meetings in 2016. The task force shall choose its cochairs from among its legislative membership, which must include one representative from the house of representatives and one senator from the senate.

(6) The task force shall submit a report, which may include findings and recommendations, to the governor and the appropriate committees of the legislature by December 1, 2016. A minority report must be submitted along with the task force's report if requested by any member of the task force.

(7) Staff support for the task force shall be provided by the senate committee services and the house office of program research.

(8) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(10) This section expires December 31, 2016.

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