
Public Safety Committee

HB 2908

Brief Description: Establishing the joint legislative task force on community policing standards for a safer Washington.

Sponsors: Representatives Ryu, Ortiz-Self, Walkinshaw, Stanford and Santos.

Brief Summary of Bill

- Creates a joint Legislative Task Force on Community Policing Standards (Task Force) for a Safer Washington.
- Requires the Task Force to: (1) review and discuss data collected by the Office of the Attorney General regarding the use of justifiable homicide or use of deadly force used by a public officers; (2) review modifications to the standards for justifiable homicide and criminal liability; (3) review alternatives to lethal uses of force used by law enforcement, including tasers and other nonlethal weapons; (4) evaluate the availability of body cameras to promote accountability and transparency; (5) review current training practices used by law enforcement; and (6) evaluate the public confidence in community policing practices and use of force policies in Washington.
- Requires the Task Force to submit a preliminary report to the Governor and the Legislature by December 2016, and a final report by December 2017.

Hearing Date: 2/3/16

Staff: Yvonne Walker (786-7841).

Background:

Deadly force is the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury. State law authorizes the use of deadly force by officers in certain circumstances. Deadly force is legally justifiable in any of the following contexts:

- when a public officer is acting in obedience to the judgment of a competent court;

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- when necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or
- when necessarily used by a peace officer or a person acting under the officer's command and in the officer's aid: (a) to arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony; (b) to prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; (c) to prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or (d) to lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

In considering whether to use deadly force to arrest or apprehend any person for the commission of any crime, a peace officer must have probable cause to believe that the suspect poses a threat of serious physical harm to the officer or others if he or she is not apprehended. Under these circumstances, deadly force may also be used if necessary to prevent escape from the officer, as long as some warning is given when feasible. Threat of serious physical harm includes, but is not limited to: the suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or there is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Summary of Bill:

A joint Legislative Task Force on Community Policing Standards (Task Force, otherwise known as COPS) for a Safer Washington is created.

Members of the Task Force includes: two members from the House of Representatives and two members from the Senate, representatives from the Washington Association of Sheriffs and Police Chiefs, the Washington State Patrol, the Criminal Justice Training Commission, the Office of the Attorney General; Washington State Commission on Hispanic Affairs, Washington State Commission on Asian Pacific American Affairs, Washington State Commission on African-American Affairs, Governor's Office of Indian Affairs, the Washington Association of Prosecuting Attorneys, the Washington Association of Criminal Defense Attorneys or the Washington Defender Association, the Washington Association of Counties, the Association of Washington Cities, the American Civil Liberties Union of Washington, the National Association for the Advancement of Colored People, OneAmerica, and three other organizations with experience or interest in community policing.

The Task Force must:

- review and discuss data collected pursuant to Senate Bill 6294 (if enacted) which requires the Office of the Attorney General to report regarding the occasions in which justifiable homicide or use of deadly force was used by public officers;
- review proposals and recommend modifications to the standards for justifiable homicide and criminal liability to assure adequate protection for law enforcement and the community;
- review current 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;

- evaluate the availability of body cameras and similar tools, and determine whether such tools should be implemented to promote accountability, transparency, and safety for law enforcement and the community;
- review current training curriculum and practices used by law enforcement regarding use of force and evaluate whether the curriculum and practices conform to best practices for community policing; and
- evaluate the public confidence in community policing practices and use of force policies in Washington.

The Task Force must 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.

The Task Force must choose its co-chairs from among its legislative membership. The legislative membership must convene the initial meeting of the Task Force no later than July 1, 2016. The Task Force must convene at least three meetings in 2016 and another three meetings in the year 2017.

The Task Force must submit a preliminary report to the Governor and the appropriate committees of the Legislature by December 1, 2016, with a final report due by December 1, 2017.

Staff support for the Task Force must be provided by the Senate Committee Services and the House of Representatives Office of Program Research. The expenses of the Task Force must be paid jointly by the Senate and the House of Representatives upon approval by the Senate Facilities and Operations Committee and the House Rules Committee.

The Task Force expires July 1, 2018.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.