

FINAL BILL REPORT

ESHB 2908

C 200 L 16

Synopsis as Enacted

Brief Description: Establishing the joint legislative task force on the use of deadly force in community policing.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Ryu, Ortiz-Self, Walkinshaw, Stanford and Santos).

House Committee on Public Safety
Senate Committee on Law & Justice

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;
- 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

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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:

A joint legislative task force on the use of deadly force in community policing is created.

The task force includes 27 members. Members of the task force must include two members from the Senate, appointed by the President of the Senate (President) and two members from the House of Representatives appointed by the Speaker of the House of Representatives (Speaker). In addition, the President and the Speaker must jointly appoint members representing each of the following organizations: the Washington Association of Sheriffs and Police Chiefs; the Washington State Patrol; the Washington Council of Police and Sheriffs; the Criminal Justice Training Commission; the Washington Association of Prosecuting Attorneys; the Washington Association of Criminal Defense Lawyers, Public Defender Association, or the Washington Defender Association; the Washington Association of Counties; the Association of Washington Cities; the National Association for the Advancement of Colored People; the Northwest Immigration Rights Project; the Black Alliance of Thurston County; the Disability Rights Washington; the Latino Civic Alliance; the Council of Metropolitan Police and Sheriffs; Washington State Fraternal Order of Police; an association, community organization, advocacy group, or faith-based organization with experience or interest in community policing; an association representing law enforcement officers who represent traditionally underrepresented communities; and one person representing a liberty organization. The Governor must also appoint four members representing: the Washington State Commission on Hispanic Affairs; the Washington State Commission on Asian Pacific American Affairs; the Washington State Commission on African-American Affairs; and the Governor's Office of Indian Affairs.

The task force must:

- review laws, practices, and training programs regarding the use of deadly force in Washington state and other states;
- 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
- recommend best practices to reduce the number of violent interactions between law enforcement officers and members of the public.

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.

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, and have at least four meetings in 2016.

The task force must submit a report to the Governor and the appropriate committees of the Legislature by December 1, 2016. A minority report must also be submitted along with the task force's report if requested by any task force member.

Staff support for the task force must be provided by 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 Executive Rules Committee.

The task force expires December 31, 2016.

Votes on Final Passage:

House	98	0	
Senate	45	2	(Senate amended)
House			(House refused to concur)
Senate	46	3	(Senate amended/receded)
House	97	0	(House concurred)

Effective: June 9, 2016