

2SHB 1310 - H AMD 382

By Representative Griffey

SCOPE AND OBJECT 03/06/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101
4 RCW to read as follows:

5 (1) The criminal justice training commission, in consultation
6 with the Washington association of sheriffs and police chiefs,
7 representatives of law enforcement labor groups, and other agencies
8 and organizations as deemed appropriate by the commission, must
9 develop and adopt a statewide use of force standard built upon the
10 cornerstone principle of the sanctity of human life. The statewide
11 use of force standard built upon the cornerstone principle of the
12 sanctity of human life takes effect one year following its adoption
13 by the commission.

14 (2) The use of force standard built upon the cornerstone
15 principle of the sanctity of human life must:

16 (a) Require any use of force to meet the test of proportionality
17 to employ a degree of force that is objectively reasonable to gain
18 control and compliance of persons, rather than a use of force
19 continuum or "drawing a line in the sand";

20 (b) Emphasize the use of time, cover, and distance to mitigate
21 the need to use force;

22 (c) Be informed by the data collection and related analysis
23 conducted under chapter . . . , Laws of 2021 (Engrossed Second
24 Substitute Senate Bill No. 5259);

25 (d) Utilize credible science to develop recommended techniques
26 for law enforcement's response to scenes where an individual displays
27 symptoms consistent with the medical condition known as excited
28 delirium;

29 (e) Educate officers to recognize and address implicit bias;

30 (f) Educate officers on the history of race and law enforcement;

31 and

1 (g) Allow for law enforcement agencies to adopt and implement
2 policies, practices, procedures, and training that are more
3 restrictive than the use of force standard built upon the cornerstone
4 principle of the sanctity of human life adopted by the commission.

5 (3) The criminal justice training commission must review and
6 modify its policies, practices, procedures, and trainings as
7 necessary to fully incorporate and implement the statewide use of
8 force standard built upon the cornerstone principle of the sanctity
9 of human life, and ensure that any modifications necessary are fully
10 implemented no later than one year after adoption of the standard by
11 the commission.

12 (4) Each Washington law enforcement agency must review and modify
13 its policies, practices, procedures, and trainings as necessary to
14 fully incorporate and implement the statewide use of force standard
15 built upon the cornerstone principle of the sanctity of human life,
16 and ensure that any modifications necessary are fully implemented no
17 later than one year after adoption of the standard by the commission.
18 All Washington law enforcement agencies are prohibited from
19 utilizing, whether formal or informal, a use of force standard
20 inconsistent with this standard.

21 (5) The criminal justice training commission must reimburse law
22 enforcement agencies for reasonable and necessary costs of
23 implementing the provisions of RCW 43.101.450 and 43.101.452 and
24 chapter . . ., Laws of 2021 (this act).

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101
26 RCW to read as follows:

27 All Washington law enforcement agencies must, no later than one
28 year after the effective date of this section, adopt and implement a
29 policy requiring an agency supervisor to immediately respond to any
30 scene where a weapon is reported, when a person is experiencing a
31 behavioral health crisis, or when a dispatcher or other member of the
32 law enforcement agency reports a potential for a significant use of
33 force. Agencies are strongly encouraged to require higher level
34 supervisors to respond to scenes where the potential for a
35 significant use of force is greater.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101
37 RCW to read as follows:

1 All Washington law enforcement agencies must, no later than one
2 year after the effective date of this section, formally adopt de-
3 escalation as part of the agency's policies.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101
5 RCW to read as follows:

6 All Washington law enforcement agencies must, no later than one
7 year after the effective date of this section, adopt policies and
8 procedures to identify use of force incidents and conduct an internal
9 administrative review to determine whether each incident was
10 consistent with applicable laws and agency policies, procedures, and
11 training.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 41.56
13 RCW to read as follows:

14 Notwithstanding any provisions of this chapter, the provisions of
15 chapter . . . , Laws of 2021 (this act) and the implementation thereof
16 do not constitute personnel matters, working conditions, or any other
17 change that requires collective bargaining.

18 NEW SECTION. **Sec. 6.** To the extent that any provision of this
19 act is in conflict with any local regulation, ordinance, collective
20 bargaining agreement, memorandum of understanding, policy, or
21 practice, the provisions of this act prevail and the conflicting
22 provision is null and void.

23 NEW SECTION. **Sec. 7.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 8.** If specific and sufficient funding for the
28 purposes of this act, referencing this act by bill or chapter number,
29 is not provided by June 30, 2021, in the omnibus appropriations act,
30 this act is null and void."

31 Correct the title.

of the Attorney General and adoption of policies by law enforcement agencies, and modifying training and requiring reporting on training by the Criminal Justice Training Commission (CJTC). Instead, provides the following:

(1) Requires the CJTC, in consultation with the Washington Association of Sheriffs and Police Chiefs, representatives of law enforcement labor groups, and other agencies and organizations as deemed appropriate by the CJTC, to develop and adopt a statewide use of force standard built upon the cornerstone principle of the sanctity of human life. Provides that the standard developed by the CJTC takes effect one year following its adoption by the CJTC.

(2) Provides that the standard adopted by the CJTC must: Require any use of force to meet the test of proportionality to employ a degree of force that is objectively reasonable to gain control and compliance of persons, rather than a use of force continuum or "drawing a line in the sand"; be informed by the data collection and related analysis conducted under Engrossed Second Substitute Senate Bill No. 5259 (2021); emphasize the use of time, cover, and distance to mitigate the need to use force; utilize credible science to develop recommended techniques for law enforcement's response to scenes where an individual displays symptoms consistent with the medical condition known as excited delirium; educate officers to recognize and address implicit bias; educate officers on the history of race and law enforcement; and allow for law enforcement agencies to adopt and implement policies, practices, procedures, and training that are more restrictive than the use of force standard adopted by the CJTC.

(3) Requires the CJTC and law enforcement agencies to review and modify policies, practices, procedures, and trainings as necessary to fully incorporate and implement the standard adopted by the CJTC. Prohibits law enforcement agencies from utilizing, whether formal or informal, a use of force standard inconsistent with the standard adopted by the CJTC. Requires law enforcement agencies, within one year, to adopt de-escalation policies as well as policies and procedures to identify use of force incidents and conduct an internal administrative review to determine whether each incident was consistent with applicable laws and agency policies, procedures, and training.

(4) Requires the CJTC to reimburse law enforcement agencies for reasonable and necessary costs of implementing the provisions of mental health training and de-escalation training required by Initiative Measure No. 940 as well as the policies contained in the striking amendment.

(5) Requires law enforcement agencies, within one year, to adopt and implement a policy requiring an agency supervisor to immediately respond to any scene where a weapon is reported, when a person is experiencing a behavioral health crisis, or when a dispatcher or other member of the law enforcement agency reports a potential for a significant use of force. Encourages law enforcement agencies to require higher level supervisors to respond to scenes where the potential for a significant use of force is greater.

(6) Provides that local laws or collective bargaining agreements that conflict with the striking amendment are null and void. Provides the policies in the striking amendment do not constitute personnel matters, working conditions, or any other change requiring collective

bargaining. Adds a severability clause, and otherwise retains the null and void clause.

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