

SSB 5066 - H COMM AMD  
By Committee on Public Safety

ADOPTED 04/07/2021

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93  
4 RCW to read as follows:

5 (1) Any identifiable on-duty peace officer who witnesses another  
6 peace officer engaging or attempting to engage in the use of  
7 excessive force against another person shall intervene when in a  
8 position to do so to end the use of excessive force or attempted use  
9 of excessive force, or to prevent the further use of excessive force.  
10 A peace officer shall also render aid at the earliest safe  
11 opportunity in accordance with RCW 36.28A.445, to any person injured  
12 as a result of the use of force.

13 (2) Any identifiable on-duty peace officer who witnesses any  
14 wrongdoing committed by another peace officer, or has a good faith  
15 reasonable belief that another peace officer committed wrongdoing,  
16 shall report such wrongdoing to the witnessing officer's supervisor  
17 or other supervisory peace officer in accordance with the witnessing  
18 peace officer's employing agency's policies and procedures for  
19 reporting such acts committed by a peace officer.

20 (3) A member of a law enforcement agency shall not discipline or  
21 retaliate in any way against a peace officer for intervening in good  
22 faith or for reporting wrongdoing in good faith as required by this  
23 section.

24 (4) A law enforcement agency shall send notice to the criminal  
25 justice training commission of any disciplinary decision resulting  
26 from a peace officer's failure to intervene or failure to report as  
27 required by this section to determine whether the officer's conduct  
28 may be grounds for suspension or revocation of certification under  
29 RCW 43.101.105.

30 (5) For purposes of this section:

31 (a) "Excessive force" means force that exceeds the force  
32 permitted by law or policy of the witnessing officer's agency.

1 (b) "Peace officer" refers to any general authority Washington  
2 peace officer.

3 (c) "Wrongdoing" means conduct that is contrary to law or  
4 contrary to the policies of the witnessing officer's agency, provided  
5 that the conduct is not de minimis or technical in nature.

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

8 (1) By December 1, 2021, the Washington state criminal justice  
9 training commission, in consultation with the Washington state  
10 patrol, the Washington association of sheriffs and police chiefs, and  
11 organizations representing state and local law enforcement officers,  
12 shall develop a written model policy on the duty to intervene,  
13 consistent with the provisions of section 1 of this act.

14 (2) By June 1, 2022, every state, county, and municipal law  
15 enforcement agency shall adopt and implement a written duty to  
16 intervene policy. The policy adopted may be the model policy  
17 developed under subsection (1) of this section. However, any policy  
18 adopted must, at a minimum, be consistent with the provisions of  
19 section 1 of this act.

20 (3) By January 31, 2022, the commission shall incorporate  
21 training on the duty to intervene in the basic law enforcement  
22 training curriculum. Peace officers who completed basic law  
23 enforcement training prior to January 31, 2022, must receive training  
24 on the duty to intervene by December 31, 2023."

25 Correct the title.

EFFECT: (1) Provides that the requirements to intervene to stop  
the use of excessive force and report wrongdoing apply to general  
authority peace officers (rather than all peace officers under the  
Mutual Aid Peace Officer Powers Act).

(2) Modifies provisions to refer to the "use of excessive force,"  
instead of "excessive use of force". Defines "excessive force" as  
force that exceeds the force permitted by law or policy of the  
witnessing officer's agency (rather than force that exceeds the  
"degree of" force permitted by law or policy of the witnessing  
officer's agency).

(3) Defines "wrongdoing" as conduct that is contrary to law or  
contrary to the policies of the witnessing officer's agency, provided  
that the conduct is not de minimis or technical in nature (rather  
than conduct that is harmful or contrary to law; or that is a  
violation of professional standards or ethical rules; and that is not  
de minimis or a technical violation). Provides that a peace officer  
must make a report to a supervisor when he or she witnesses  
wrongdoing committed by another peace officer (rather than when he or

she observes wrongdoing committed by another peace officer). Specifies that reports must be made to the witnessing officer's supervisor or employing agency.

(4) Provides that the restriction against an agency disciplining or retaliating against a peace officer for intervening or reporting wrongdoing applies when the peace officer acted in good faith.

(5) Clarifies that the Criminal Justice Training Commission (CJTC) is the primary entity responsible for developing the model policy on the duty to intervene, and requires the CJTC to consult with the entities and interest groups specified in the underlying bill. Specifies that the requirement for existing officers to receive training on the duty to intervene by December 31, 2023, applies to officers who completed basic law enforcement training prior to January 31, 2022.

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