

# SENATE BILL REPORT

## SB 5066

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As of January 17, 2021

**Title:** An act relating to a peace officer's duty to intervene.

**Brief Description:** Concerning a peace officer's duty to intervene.

**Sponsors:** Senators Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 1/19/21.

**Brief Summary of Bill**

- Requires a peace officer to intervene when the officer witnesses a fellow peace officer engaging in the use of excessive force.
- Requires a peace officer who observes wrongdoing by a fellow officer to report the wrongdoing to the officer's supervisor.
- Requires law enforcement agencies to adopt written policies on the duty to intervene and ensure that all law enforcement officers obtain training on the policy through the Criminal Justice Training Commission.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** Under the law, the use of deadly force by a peace officer must be in good faith. Good faith is an objective standard, considering all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

It is state policy for law enforcement personnel to provide or facilitate first aid rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement. The Criminal Justice Training Commission (CJTC) must have guidelines addressing first aid training, best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to persons injured at a scene, and assisting law enforcement to balance the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

**Summary of Bill:** A peace officer who witnesses another peace officer engaging or attempting to engage in the excessive use of force against another person must intervene when in a position to do so to end the excessive use of force. The peace officer must render aid to any person injured as a result of the use of force at the earliest safe opportunity. Excessive force is defined as force that exceeds the degree of force permitted by law or policy.

Any peace officer who observes wrongdoing committed by another peace officer or who has a good faith belief that another officer has committed wrongdoing, must report that wrongdoing to the officer's supervisor or in accordance with the agency's policies and procedures for reporting. Wrongdoing is defined as conduct that is harmful or contrary to law or a violation of professional standards or ethical rules; or an act in violation of the public's trust and that is not de minimis or a technical violation.

A member of a law enforcement agency may not discipline or retaliate against a peace officer for intervening or reporting wrongdoing. A law enforcement agency must report any disciplinary action for the failure to intervene or report wrongdoing to the CJTC to determine whether the officer's conduct may be grounds for suspension or revocation of certification.

By December 1, 2021, the CJTC, the Washington State Patrol, the Washington Association of Sheriffs and Police Chiefs, and organizations representing state and local law enforcement officers must develop a written model policy on the duty to intervene. By June 1, 2022, all law enforcement agencies must adopt and implement a written duty to intervene policy consistent with the model policy. No later than January 31, 2022, the CJTC must incorporate training on the duty to intervene in the basic law enforcement training curriculum. Existing peace officers must receive training no later than December 31, 2023.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 2021

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.