

SENATE BILL REPORT

SB 5094

As of February 2, 2021

Title: An act relating to vascular neck restraints.

Brief Description: Concerning vascular neck restraints.

Sponsors: Senators Padden and Holy.

Brief History:

Committee Activity: Law & Justice: 2/02/21.

Brief Summary of Bill

- Requires the Washington State Criminal Justice Training Commission (CJTC), Washington State Patrol, Washington Association of Sheriffs and Police Chiefs, and organizations representing state and local law enforcement officers to develop a written model policy on the use of vascular neck restraints.
- Requires CJTC to provide training for officers on the proper use of vascular neck restraints and 50 percent of peace officers employed within any law enforcement agency to have proper training and certification in the use of vascular neck restraints.
- Requires, by June 1, 2022, every law enforcement agency to adopt and implement a vascular neck restraint policy.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Jarrett Sacks (786-7448)

Background: The Criminal Justice Training Commission (CJTC) provides training and educational programs to law enforcement, corrections officers, and other public safety professionals in Washington. This includes hosting the Basic Law Enforcement Academy

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as well as advanced training. Basic training provided by the CJTC to all general authority law enforcement officers includes training on patrol procedures, firearms, and defensive tactics.

The Washington Association of Sheriffs and Police Chiefs (WASPC) is an independent organization consisting of sheriffs, police chiefs, the Washington State Patrol, and the Department of Corrections. WASPC is also a statutory entity and manages certain programs, including the Jail Booking and Reporting System and Arrest and Jail Alternatives Law Enforcement Grant Program.

In general, the vascular neck restraint (VNR) is a control technique used by law enforcement officers that applies bilateral compression to the carotid arteries in the neck. Law enforcement agency policies vary on whether neck restraints, including VNR are permitted, and, if they are permitted, the circumstances in which they may be used.

Summary of Bill: By December 1, 2021, CJTC, Washington State Patrol, WASPC, and organizations representing state and local law enforcement officers must develop a written model policy on the use of vascular neck restraints.

CJTC must provide training for law enforcement officers on the proper use of vascular neck restraints. A minimum of 50 percent of peace officers employed within any law enforcement agency must be properly trained and certified in the use of vascular neck restraints.

By June 1, 2022, every state, county, and municipal law enforcement agency must adopt and implement a vascular neck restraint policy. The policy may be, but is not required to be, the model policy developed under the bill.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony: PRO: There is a distinction between VNR and chokeholds. Chokeholds are always considered deadly force while VNR is safer because it is not restricting the airway. We should not take a tool out of the toolbox for officers because we want them to use the least amount of force as possible and removing VNR from the toolbox may lead to the use of more force, not less. VNR has a low injury rate and can be used by officers that are smaller in stature and is generally safer and more effective than a taser. Officers have used VNR for decades with no injuries or deaths. This bill is consistent with establishing a statewide use of force policy. Agencies that have banned

neck restraints have found an increase in injuries to the public and officers.

CON: Neck restraints are chokeholds by a different name and are excessive force. The bill does not address the use of excessive force and instead gives police additional options to use excessive force and chokeholds. The bill does not address the systemic racism in the application of force by police in Washington and does not address the concerns of communities of color who experience the use of force by police firsthand. The bill is against the will of the people of Washington.

Persons Testifying: PRO: Senator Mike Padden, Prime Sponsor; James McMahan, Washington Association of Sheriffs and Police Chiefs; Craig Meidl, Spokane Police Department; Eric Olsen, Spokane Police Department.

CON: Sakara Remmu, The Washington Black Lives Matter Alliance.

Persons Signed In To Testify But Not Testifying: No one.