
SENATE BILL 5066

State of Washington

67th Legislature

2021 Regular Session

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

Prefiled 01/05/21. Read first time 01/11/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to a peace officer's duty to intervene; adding a
2 new section to chapter 10.93 RCW; and adding a new section to chapter
3 43.101 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93
6 RCW to read as follows:

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

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

1 (3) A member of a law enforcement agency shall not discipline or
2 retaliate in any way against a peace officer for intervening as
3 required by subsection (1) of this section or for reporting
4 wrongdoing.

5 (4) A law enforcement agency shall send notice to the criminal
6 justice training commission of any disciplinary decision resulting
7 from a peace officer's failure to intervene or failure to report
8 wrongdoing as required by this section to determine whether the
9 officer's conduct may be grounds for suspension or revocation of
10 certification under RCW 43.101.105.

11 (5) For purposes of this section:

12 (a) "Excessive force" means force that exceeds the degree of
13 force permitted by law or policy.

14 (b) "Wrongdoing" means conduct that is harmful or contrary to
15 law; or that is a violation of professional standards or ethical
16 rules; or an act in violation of the public's trust and that is not
17 de minimis or a technical violation.

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

20 (1) By December 1, 2021, the Washington state criminal justice
21 training commission, the Washington state patrol, the Washington
22 association of sheriffs and police chiefs, and organizations
23 representing state and local law enforcement officers shall develop a
24 written model policy on the duty to intervene, consistent with the
25 provisions of section 1 of this act.

26 (2) By June 1, 2022, every state, county, and municipal law
27 enforcement agency shall adopt and implement a written duty to
28 intervene policy. The policy adopted may be the model policy
29 developed under subsection (1) of this section. However, any policy
30 adopted must, at a minimum, be consistent with the provisions of
31 section 1 of this act.

32 (3) By January 31, 2022, the commission shall incorporate
33 training on the duty to intervene in the basic law enforcement
34 training curriculum. Existing peace officers must receive training on
35 the duty to intervene by December 31, 2023.

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