
SENATE BILL 5259

State of Washington

67th Legislature

2021 Regular Session

By Senators Nobles, Carlyle, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Nguyen, Pedersen, Randall, Robinson, Saldaña, Stanford, Wellman, and Wilson, C.; by request of Attorney General

Read first time 01/18/21. Referred to Committee on Law & Justice.

1 AN ACT Relating to requiring reporting, collecting, and
2 publishing information regarding law enforcement interactions with
3 the communities they serve; adding new sections to chapter 10.114
4 RCW; creating a new section; providing effective dates; and declaring
5 an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that transparency
8 and accountability are vital in maintaining public trust. Data
9 collection is one essential tool to allow the public, law
10 enforcement, and policymakers to analyze the effectiveness of
11 existing practices, determine which policies and training work and do
12 not work, and avoid unintended consequences by supporting policy
13 decisions with clear and relevant data.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires
16 otherwise.

17 (1) "General authority Washington law enforcement agency" has the
18 same meaning as in RCW 10.93.020.

19 (2) "Great bodily harm" has the same meaning as in RCW 9A.04.110.

1 (3) "Limited authority Washington law enforcement agency" has the
2 same meaning as in RCW 10.93.020.

3 (4) "Local government entities" has the same meaning as in RCW
4 48.62.021.

5 (5) "Substantial bodily harm" has the same meaning as in RCW
6 9A.04.110.

7 (6) "Tort payout" means the amount paid pursuant to the
8 settlement of a claim, settlement agreement, or judgment entered by a
9 court in a civil action.

10 NEW SECTION. **Sec. 3.** (1) By January 31st, April 30th, July
11 31st, and October 31st annually, each general authority Washington
12 law enforcement agency and each limited authority Washington law
13 enforcement agency shall report to Washington State University or its
14 successor, in a manner developed by Washington State University,
15 information under subsection (2) of this section of all incidents
16 that occurred in the preceding three months:

17 (a) In which a fatality to a person occurs connected to the use
18 of force by a law enforcement officer;

19 (b) In which there is great bodily harm to a person connected to
20 the use of force by a law enforcement officer;

21 (c) In which there is substantial bodily harm to a person
22 connected to the use of force by a law enforcement officer; and

23 (d) In the absence of either death, great bodily harm, or
24 substantial bodily harm, when a law enforcement officer:

25 (i) Discharges a firearm at or in the direction of a person;

26 (ii) Points a firearm at a person;

27 (iii) Uses a chokehold or vascular neck restraint;

28 (iv) Uses an electronic control weapon including, but not limited
29 to, a taser, against a person;

30 (v) Uses oleoresin capsicum spray against a person;

31 (vi) Discharges a less-lethal shotgun or other impact munitions
32 at or in the direction of a person;

33 (vii) Strikes a person using an impact weapon or instrument
34 including, but not limited to, a club, baton, or flashlight;

35 (viii) Uses any part of their body to physically strike a person
36 including, but not limited to, punching, kicking, slapping, or using
37 closed fists or feet;

38 (ix) Uses a vehicle to intentionally strike a person or vehicle;

39 or

1 (x) Either deploys a canine by releasing it from the physical
2 control of the law enforcement officer, if it bites a person, or
3 both.

4 (2) When reporting an incident as required under subsection (1)
5 of this section, the agency employing the officer that used force
6 shall provide the following:

7 (a) The date and time of the incident;

8 (b) The location of the incident;

9 (c) The agency or agencies employing the law enforcement
10 officers;

11 (d) The type of force used by the law enforcement officer;

12 (e) The type of injury to the person against whom force was used,
13 if any;

14 (f) The type of injury to the law enforcement officer, if any;

15 (g) Whether the person against whom force was used was armed or
16 unarmed;

17 (h) Whether the person against whom force was used was believed
18 to be armed;

19 (i) The type of weapon the person against whom force was used was
20 armed with, if any;

21 (j) The age, gender, race, and ethnicity of the person against
22 whom force was used, if known;

23 (k) The tribal affiliation of the person against whom force was
24 used, if applicable;

25 (l) Whether the person against whom force was used exhibited any
26 signs associated with a potential mental health condition or use of a
27 controlled substance or alcohol based on the observation of the law
28 enforcement officer;

29 (m) The age, gender, race, and ethnicity of the law enforcement
30 officer;

31 (n) The law enforcement officer's years of service;

32 (o) The reason for the initial contact between the person against
33 whom force was used and the law enforcement officer;

34 (p) Whether any minors were present at the scene of the incident;
35 and

36 (q) The entity conducting the independent investigation of the
37 incident, if applicable.

38 NEW SECTION. **Sec. 4.** (1) By July 31st of each year, the office
39 of risk management shall provide Washington State University or its

1 successor the amount of any tort payout, broken out by agency,
2 occurring in the preceding 12 months involving an allegation of the
3 improper use of force by any general authority Washington peace
4 officer or limited authority Washington peace officer employed by any
5 agency, department, or division of state government.

6 (2) By July 31st of each year, local government entities shall
7 provide Washington State University or its successor the amount of
8 any tort payout, broken out by jurisdiction, occurring in the
9 preceding 12 months involving an allegation of the improper use of
10 force by any general authority Washington peace officer or limited
11 authority Washington peace officer employed by any agency,
12 department, or division of a municipal corporation, political
13 subdivision, or other unit of local government of this state.

14 NEW SECTION. **Sec. 5.** (1) Subject to the availability of amounts
15 appropriated for this purpose, Washington State University or its
16 successor shall establish and maintain an online repository for the
17 collection of information from law enforcement agencies and the
18 public regarding law enforcement's use of force.

19 (2) Subject to the availability of amounts appropriated for this
20 purpose, Washington State University or its successor shall:

21 (a) By February 28th, May 31st, August 31st, and November 30th of
22 each year, publish the information received under section 3 of this
23 act in a searchable format on a public website;

24 (b) By March 30th and September 30th of each year, summarize the
25 information received under section 3 of this act on a public website,
26 including through the use of visual displays including, but not
27 limited to, graphs and charts;

28 (c) By March 30th and September 30th of each year, submit the
29 summary information in (b) of this subsection to the legislature;

30 (d) By September 30th of each year, publish the information
31 received under section 4 of this act on a public website; and

32 (e) By September 30th of each year, submit the summary
33 information in (d) of this subsection to the legislature.

34 (3) Information gathered from law enforcement agencies and the
35 public shall be displayed separately on the website.

36 (4) Nothing in this chapter precludes Washington State University
37 or its successor from working with private or public entities to
38 develop the technology or tools necessary to collect or publicize the
39 data collected by this chapter.

1 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act are each
2 added to chapter 10.114 RCW.

3 NEW SECTION. **Sec. 7.** Section 5 of this act is necessary for the
4 immediate preservation of the public peace, health, or safety, or
5 support of the state government and its existing public institutions,
6 and takes effect July 1, 2021.

7 NEW SECTION. **Sec. 8.** Sections 1 through 4 of this act take
8 effect July 1, 2022.

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