
SENATE BILL 5261

State of Washington **67th Legislature** **2021 Regular Session**

By Senators Padden, Holy, King, Wagoner, Wilson, J., and Wilson, L.

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

1 AN ACT Relating to collecting information regarding police use of
2 deadly force, personnel complaints, pursuit incidences, and patrol
3 car crashes; and adding new sections to chapter 36.28A 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 36.28A
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the association shall establish and maintain a
9 central repository for the collection and classification of
10 information regarding: (a) Police use of deadly force; (b) personnel
11 complaints filed against peace officers leading to an investigation;
12 (c) pursuit incidences; and (d) patrol car crashes. Upon establishing
13 such a repository, the association shall develop a procedure to
14 monitor, record, analyze, and report information to the public.

15 (2) Each general authority Washington law enforcement agency, as
16 defined in RCW 10.93.020, and each limited authority Washington law
17 enforcement agency, as defined in RCW 10.93.020, shall report to the
18 association, in a manner specified by the association, information
19 under subsection (3) of this section in all incidents where a law
20 enforcement officer uses deadly force, including:

1 (a) When a fatality to a person occurs connected to use of force
2 by a law enforcement officer;

3 (b) When there is serious bodily injury to a person connected to
4 use of force by a law enforcement officer; and

5 (c) In the absence of either death or serious bodily injury, when
6 a firearm is discharged by law enforcement at or in the direction of
7 a person.

8 (3) When reporting an incident as required under subsection (2)
9 of this section, the agency shall report the following to the
10 association:

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

12 (b) The total number of officers who applied actual force during
13 the incident;

14 (c) The number of officers from the reporting agency who applied
15 actual force during the incident;

16 (d) The location of the incident;

17 (e) The location type of the incident;

18 (f) Whether the officer or officers approached the subject;

19 (g) Whether it was an ambush incident;

20 (h) Whether a supervisor or a senior officer acting in a
21 supervisory capacity was present or consulted at any point during the
22 incident;

23 (i) The reason for initial contact between the subject and the
24 officer;

25 (j) Whether the initial contact was due to unlawful or criminal
26 activity, including the most serious reported offenses committed by
27 the subject prior to or at the time of the incident;

28 (k) If applicable, the national incident-based reporting system
29 or local incident number;

30 (l) If the incident involved multiple law enforcement agencies,
31 the case numbers for the local use of force reports at those other
32 agencies;

33 (m) The age, sex, race, ethnicity, height, and weight of the
34 subject;

35 (n) The type of injury to the subject;

36 (o) The type of force used that was connected to serious bodily
37 injury or death;

38 (p) Whether the subject resisted;

39 (q) Whether the threat by the subject was directed to the officer
40 or to another party;

1 (r) The type of resistance;

2 (s) Whether there was an apparent or known impairment in the
3 physical condition of the subject, and if so, the type of impairment;

4 (t) Whether the subject was armed or believed to be armed with a
5 weapon at any time during the incident;

6 (u) The age, sex, race, ethnicity, height, and weight of the
7 officer;

8 (v) The officer's years of service;

9 (w) Whether the officer was a full-time employee at the time of
10 the incident;

11 (x) Whether the officer was readily identifiable;

12 (y) Whether the officer was on duty at the time of the incident;

13 (z) Whether the officer discharged a firearm;

14 (aa) Whether the officer was injured;

15 (bb) The type of injury to the officer; and

16 (cc) Any other information deemed relevant or necessary by the
17 association, which may include, but is not limited to, additional
18 data elements collected by the federal bureau of investigation for
19 the national use-of-force data collection initiative.

20 (4) Each general authority Washington law enforcement agency, as
21 defined in RCW 10.93.020, and each limited authority Washington law
22 enforcement agency, as defined in RCW 10.93.020, shall report to the
23 association, in a manner specified by the association, all personnel
24 complaints filed against a peace officer leading to an investigation;
25 pursuit incidences; and patrol car crashes. When reporting an
26 incident as required under this subsection, the agency shall report
27 the following to the association:

28 (a) The type of incident that occurred or nature of the
29 complaint;

30 (b) The date and time of the incident;

31 (c) The location of the incident;

32 (d) The officer's years of service;

33 (e) Whether the officer was a full-time employee at the time of
34 the incident;

35 (f) Whether the officer was on duty at the time of the incident;

36 (g) Whether disciplinary action resulted from the incident; and

37 (h) The final disposition of the incident.

38 (5) The association shall summarize the information received and
39 publish its findings on an annual basis.

1 (6) The association shall publish an annual report on its website
2 and submit a copy to the governor and the appropriate committees of
3 the legislature. Dissemination and publication of the report must be
4 consistent with chapters 10.97 and 10.98 RCW, and all other
5 confidentiality requirements under federal or state law.

6 (7) For the purposes of this section, "serious bodily injury"
7 means bodily injury that involves a substantial risk of death,
8 unconsciousness, protracted and obvious disfigurement, or protracted
9 loss or impairment of the function of a bodily member, organ, or
10 mental faculty.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28A
12 RCW to read as follows:

13 The definition in this section applies throughout this chapter
14 unless the context clearly requires otherwise.

15 "Association" means the Washington association of sheriffs and
16 police chiefs.

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