

HOUSE BILL REPORT

HB 1586

As Reported by House Committee On:
Community Safety, Justice, & Reentry
Appropriations

Title: An act relating to requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits.

Brief Description: Requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits.

Sponsors: Representatives Goodman, Doglio, Lekanoff and Pollet.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/31/23, 2/16/23 [DPS];
Appropriations: 2/22/23, 2/24/23 [DP2S(w/o sub CSJR)].

Brief Summary of Second Substitute Bill

- Requires the Criminal Justice Training Commission (CJTC) to convene a work group by June 30, 2023, to develop legislative policy recommendations related to vehicular pursuits by law enforcement.
- Requires the CJTC to develop and implement a vehicular pursuit technology grant program by October 31, 2023, for the purpose of providing modern vehicular pursuit management technology to local law enforcement agencies.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Davis, Farivar, Fosse and Ramos.

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.

Minority Report: Without recommendation. Signed by 2 members: Representatives Griffey, Assistant Ranking Minority Member; Graham.

Staff: Corey Patton (786-7388).

Background:

A "vehicular pursuit" is an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer. When engaging in a vehicular pursuit, the officer may violate certain rules of the road including, for example, stop signals, speed limits, and parking restrictions.

An officer may not engage in a vehicular pursuit unless:

- there is probable cause to believe that a person in the vehicle has committed or is committing a violent offense, sex offense, or an Escape offense, or there is reasonable suspicion that a person in the vehicle has committed or is committing a Driving Under the Influence offense;
- the vehicular pursuit is necessary for the purpose of identifying or apprehending the person;
- the person poses an imminent threat to the safety of others; and
- the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks associated with the vehicular pursuit under the circumstances.

The officer must receive authorization from a supervisor to engage in the vehicular pursuit and there must be supervisory control, or, in jurisdictions with fewer than 10 commissioned officers, the officer must request the on-call supervisor be notified if a supervisor is not on duty at the time. The officer and supervisor (when applicable) must consider alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations. The officer must terminate the vehicular pursuit if any of these requirements are not met.

The officer must also comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit and comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable.

Summary of Substitute Bill:

Vehicular Pursuits Work Group.

The Criminal Justice Training Commission (CJTC) must convene a work group by June 30, 2023, to develop legislative policy recommendations related to vehicular pursuits by law enforcement. The work group must be comprised of stakeholders representing specific entities and interests. The work group must consider the following issues when developing its recommendations:

- the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit;
- the procedures, tactics, and technologies used during pursuits;
- the circumstances where officers should consider the use of tactics other than engaging in a pursuit;
- the various responsibilities of the pursuing officers, the officers supervising the pursuit, the dispatcher, and air support;
- the procedures governing interjurisdictional pursuits;
- the procedures governing care of any persons injured in the course of a pursuit;
- the contents of law enforcement reports filed related to pursuits; and
- the procedures used to evaluate each pursuit.

The CJTC must submit a report containing its recommendations to the Legislature and publish the report on its website by December 1, 2023.

Vehicular Pursuits Technology Grant Program.

The CJTC must, subject to appropriation, develop and implement a Vehicular Pursuit Technology Grant Program by October 31, 2023, for the purpose of providing modern vehicular pursuit management technology to local law enforcement agencies including, but not limited to, the following:

- global positioning system tracking technology;
- automated license plate reading technology; and
- nonarmed and nonarmored drone technology.

The CJTC must establish policies for applications and criteria for evaluating and selecting grant recipients. Grants must be awarded to local law enforcement agencies based on locally developed proposals. A proposal must include a request for specific technology and a specific plan for the implementation and use of that technology.

Substitute Bill Compared to Original Bill:

The substitute bill modifies the composition of the vehicular pursuit work group to include stakeholders representing the following specific organizations, rather than stakeholders representing certain types of organizations: (1) the National Association for the Advancement of Colored People, Alaska Oregon Washington State-Area Conference; (2) the Latino Civic Alliance; (3) the Asian Pacific Islanders Coalition of Washington; (4) the Washington Coalition for Police Accountability; (5) the Transportation Choices Coalition; (6) Whose Streets? Our Streets!; (7) the Spokane Community Against Racism; (8) Next

Steps Washington; and (9) the Faith Action Network.

The substitute bill also requires the vehicular pursuit work group to consider the following issues, rather than factors, when developing its legislative policy recommendations: (1) the factors to be considered in initiating and terminating a pursuit, and the standards for evaluating the need to initiate or terminate a pursuit; (2) the procedures, tactics, and technologies used during pursuits; (3) the circumstances where officers should consider the use of tactics other than engaging in a pursuit; (4) the various responsibilities of the pursuing officers, the officers supervising the pursuit, the dispatcher, and air support; (5) the procedures governing interjurisdictional pursuits; (6) the procedures governing care of any persons injured in the course of a pursuit; (7) the contents of law enforcement reports filed related to pursuits; and (8) the procedures used to evaluate each pursuit.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 16, 2023.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect on June 30, 2023.

Staff Summary of Public Testimony:

(In support) There is wide disagreement about how to best address vehicular pursuits, and there are challenges and disputes as to the correct facts and statistics that should be considered. Given how contentious vehicular pursuits are, it is prudent to proceed with a deliberate and inclusive process where experts will help determine the best course of action. It is important to review approaches taken in other jurisdictions, some of which have delegated to experts to provide guidance. Washington's policies related to vehicular pursuits should be fixed expediently and competently.

Some parties contend that the increase in crime can be attributed to the restrictions on vehicular pursuits in current law. This bill will lend insight into whether the current law is achieving its intended goals and whether possible alternatives exist. The work group created by this bill should be solution-oriented and promote fair and open discussion with community stakeholders. Certain stakeholders may not participate in the work group if it is biased towards rolling back the current law, which is working and saving lives. This bill also creates a technology grant program, which is valuable for law enforcement agencies in cities that face barriers to affording newer technology. This bill could be improved by adding further data collection requirements.

(Opposed) The Legislature created the current problem with vehicular pursuit policies. There are fundamental differences between this problem and other issues that were addressed by similar work groups. There is concern that this bill will delay resolving the

problem until a later date, which will allow unacceptable consequences to continue in the meantime.

(Other) It would be preferable to implement policy changes this year. If this bill moves forward, it needs to include consideration of scholarly, peer-reviewed research and data. Many law enforcement agencies collect relevant data but those agencies have not been included in the conversation. If the work group convenes, there need to be robust conversations amongst a diverse array of stakeholders to avoid one-sided conversations between people who don't want vehicular pursuits.

Quickly assembling a work group of this size is not practical given the Criminal Justice Training Commission's (CJTC) current workload and staffing. The deadline for the work group to provide recommendations should be extended to October 1, 2024. The CJTC does not have a grant management division, so implementation of the grant program should be delayed to provide time for a grant manager position to be filled. Some parties discourage the creation of the grant program altogether because it would extend broken-window policies and have a disproportionate impact on the surveillance of people of color.

Persons Testifying: (In support) Representative Roger Goodman, prime sponsor; Candice Bock, Association of Washington Cities; Heather Kelly, League of Women Voters of Washington; Nickeia Hunter and Leslie Cushman, Washington Coalition for Police Accountability; and Martina Morris, Next Steps Washington and Washington Coalition for Police Accountability.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Other) Michelle Feldman, Center for Policing Equity; Jeff DeVere, Washington Council of Police and Sheriffs; and Lacey Ledford, Washington State Criminal Justice Training Commission.

Persons Signed In To Testify But Not Testifying: Mark Johnson, Washington Retail Association; Aaron Czyzewski, Food Lifeline; Kristin Ang, Faith Action Network; Thomas Reinhard, Cascade Pizza Co; and Eric Pratt, I, America.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by 18 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Chopp, Davis, Fitzgibbon, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler, Connors, Couture, Dye, Harris, Rude, Sandlin, Schmick and Steele.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Community Safety, Justice, & Reentry:

The second substitute bill adds a null and void clause, making the act null and void if specific funding for the purpose of the act, referencing the act by bill or chapter number, is not provided by June 30, 2023 in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill contains an emergency clause and takes effect on June 30, 2023. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Vehicular pursuits are inherently dangerous to the public and officers. However, although there is not support for House Bill 1363 that rolls back current law, Substitute House Bill 1586 is the best path to move forward. This bill will help establish a model vehicular pursuit policy that is clear, effective, and safe with stakeholder buy-in. The bill will entail a spirited discussion which will show a real, shared interest in the value of evidence based assessments of the risks and benefits that must be balanced in any pursuit policy.

The workgroup created in this bill will also help to properly identify the problems and their impact. It will bring law enforcement and members of the community to the table to have a hard conversation, which will result in bringing substantive solutions and recommendations back to the 2024 Legislature. This workgroup is a wise use of state dollars and a great investment of funds this legislative session.

Pursuits have many different impacts on public safety and on community budgets. However, it is suggested that the bill should be amended to clarify that pursuit data is a necessary part of any model policy.

(Opposed) Any bill addressing vehicle pursuits needs to fix the problem. This bill allows the unacceptable to continue for another year or more. The Legislature did not require a study or work group to enact the vehicular pursuits that we struggle with today and another study should not be required to fix today's problem.

(Other) This Legislation is a step in the right direction by providing important information on vehicle pursuits. However, action is needed this year. This bill is part of the solution but not the full solution.

There are concerns about the section of the bill that creates a fund for surveillance technology and it is recommended that section of the bill should be eliminated. Surveillance technology does not guarantee safety; it creates a safety threat in itself. Surveillance tools disproportionality harms the most marginalized communities.

Persons Testifying: (In support) Paul Benz and Martina Morris, Washington Coalition for Police Accountability; and Kristin Ang, Faith Action Network.

(Opposed) James McMahan, Washington Association of Sheriffs and Police Chiefs.

(Other) Mark Johnson, Washington Retail Association; and Jennifer Lee, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.