
HOUSE BILL 2414

State of Washington

68th Legislature

2024 Regular Session

By Representatives Mena, Morgan, Chapman, Reed, Stearns, Ramos, Cortes, Street, Farivar, Simmons, Taylor, Alvarado, Entenman, Bateman, Gregerson, Ormsby, Fey, Fosse, Macri, Thai, Pollet, Chopp, Bergquist, Slatter, Berg, Doglio, Lekanoff, Nance, Donaghy, Ramel, Hackney, and Davis

Read first time 01/17/24. Referred to Committee on Community Safety, Justice, & Reentry.

1 AN ACT Relating to prohibiting the use of hog-tying; reenacting
2 and amending RCW 10.120.010; adding a new section to chapter 10.120
3 RCW; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds it is imperative
6 that our criminal justice systems, including the law enforcement
7 profession, must secure public trust and ensure accountability. In
8 order to do so, the legislature finds that it is important to
9 discontinue practices and tactics that dehumanize and create
10 unnecessary risk of harm and/or death to the people they serve.
11 Additionally, it is important that law enforcement is using up-to-
12 date tactics that come with adequate training from the criminal
13 justice training commission to ensure continuity and oversight in the
14 standards applied across the profession. This includes tactics that
15 comply with the model use of force policies put forward by our
16 state's attorney general.

17 The legislature finds that, in the quest to ensure that all
18 communities are and feel safe, it is important to take guidance from
19 published model policies, comport with statewide standards and
20 training on restraint tactics, and prohibit hog-tying and other

1 similar tactics that are inhumane, outdated, and have led to the
2 unnecessary loss of human life.

3 **Sec. 2.** RCW 10.120.010 and 2022 c 80 s 2 and 2022 c 4 s 2 are
4 each reenacted and amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Deadly force" has the same meaning as provided in RCW
8 9A.16.010.

9 (2) "De-escalation tactics" refer to actions used by a peace
10 officer that are intended to minimize the likelihood of the need to
11 use force during an incident. Depending on the circumstances, "de-
12 escalation tactics" may include, but are not limited to: Using clear
13 instructions and verbal persuasion; attempting to slow down or
14 stabilize the situation so that more time, options, and resources are
15 available to resolve the incident; creating physical distance by
16 employing tactical repositioning to maintain the benefit of time,
17 distance, and cover; when there are multiple officers, designating
18 one officer to communicate in order to avoid competing commands;
19 requesting and using available support and resources, such as a
20 crisis intervention team, a designated crisis responder or other
21 behavioral health professional, or back-up officers.

22 (3) "Hog-tie" or "hog-tying" means connecting a hobble restraint
23 to handcuffs or other types of restraints.

24 (4) "Law enforcement agency" includes any "general authority
25 Washington law enforcement agency" and any "limited authority
26 Washington law enforcement agency" as those terms are defined in RCW
27 10.93.020.

28 ~~((4))~~ (5) "Less lethal alternatives" include, but are not
29 limited to, verbal warnings, de-escalation tactics, conducted energy
30 weapons, devices that deploy oleoresin capsicum, batons, and beanbag
31 rounds.

32 ~~((5))~~ (6) "Necessary" means that, under the totality of the
33 circumstances, a reasonably effective alternative to the use of
34 physical force or deadly force does not appear to exist, and the type
35 and amount of physical force or deadly force used is a reasonable and
36 proportional response to effect the legal purpose intended or to
37 protect against the threat posed to the officer or others.

38 ~~((6))~~ (7) "Peace officer" includes any "general authority
39 Washington peace officer," "limited authority Washington peace

1 officer," and "specially commissioned Washington peace officer" as
2 those terms are defined in RCW 10.93.020; however, "peace officer"
3 does not include any corrections officer or other employee of a jail,
4 correctional, or detention facility, but does include any community
5 corrections officer.

6 ~~((7))~~ (8) "Physical force" means any act reasonably likely to
7 cause physical pain or injury or any other act exerted upon a
8 person's body to compel, control, constrain, or restrain the person's
9 movement. "Physical force" does not include pat-downs, incidental
10 touching, verbal commands, or compliant handcuffing where there is no
11 physical pain or injury.

12 ~~((8))~~ (9) "Totality of the circumstances" means all facts known
13 to the peace officer leading up to, and at the time of, the use of
14 force, and includes the actions of the person against whom the peace
15 officer uses such force, and the actions of the peace officer.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.120
17 RCW to read as follows:

- 18 (1) A peace officer is prohibited from:
 - 19 (a) Hog-tying a person; or
 - 20 (b) Assisting in putting a person into a hog-tie.
- 21 (2) Any identifiable on-duty peace officer who witnesses another
22 peace officer engaging or attempting to engage in the hog-tying of
23 another person has a duty to intervene when in a position to do so to
24 end the hog-tie or attempted hog-tie, or to prevent the further use
25 of hog-tying, and shall report such wrongdoing as provided under RCW
26 10.93.190.
- 27 (3) A peace officer shall also render aid at the earliest safe
28 opportunity in accordance with RCW 36.28A.445, to any person injured
29 as a result of the hog-tie.

30 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of
32 the state government and its existing public institutions, and takes
33 effect immediately.

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