

Washington Association of Sheriffs and Police Chiefs  
Police Reforms Legislation Messages  
February 16, 2021

**OVERALL MESSAGE**

- We support constructive [reforms](#) that support good policing, respect victims, and improve public safety.
- Solutions focused on large cities do not fit every community.
- Reforms should help and not hurt the recruitment and retention of diverse and accountable peace officers.

**[HB 1054 – TACTICS](#)**

- [SHB 1054](#) - [House Bill Report](#) - [House Bill Analysis](#) - WASPC Written Testimony

HOUSE				SENATE				
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Concurrence
<a href="#">Public Hrg- 1/12/21 PASSED 1/22/21</a>	N/A	Referred in Rules 2 Review 1/26/21						

- Crime victims will have fewer assurances police can quickly apprehend suspected criminals.
- Removes many opportunities for de-escalation, including use of K-9s for apprehension and neck restraints.
- Will result in officers either allowing a public safety threat to escape or utilizing a higher level of force than otherwise necessary.

**[SB 5051 – DECERTIFICATION](#)**

- [SHB 5051](#) - [Senate Bill Report](#) - [Senate Bill Report \(Orig.\)](#) - WASPC Written Testimony

SENATE				HOUSE				
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Concurrence
<a href="#">Public Hrg- 1/18/21 PASSED 1/21/21</a>	<a href="#">Public Hrg- 2/1/21 Exec Sess. 2/15/21</a>							

- The “suspension of certification” process essentially creates a second employer for every law enforcement officer in the state – the CJTC. This is a 50+ page bill that creates a new bureaucracy that will diminish local control of your local law enforcement.
- Changes the CJTC so that more than half of the Commissioners would have no direct knowledge of, or experience in, the professions of law enforcement or corrections.
- Complaint system will create a direct mechanism for individuals to harass law enforcement officers with no basis in fact, nor any respect to the rights of law enforcement officers.
- Removing bad cops is paramount but new bureaucracy will eat up budget that leads to fewer peace officers working to help victims.

## HB 1202 – CIVIL CAUSE OF ACTION

- [SHB 1202](#)      - [House Bill Analysis 2021](#)      - [House Bill Report](#)      - [WASPC Written Testimony](#)

HOUSE				SENATE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 1/26/21</a> <a href="#">PASSED</a> <a href="#">2/5/2021</a>	Referred 2/9/21							

- Unfairly tilts liability towards law enforcement officers and agencies by creating civil causes of action against officers, and both vicarious and independent liability for law enforcement employers.
- Allows plaintiff’s attorneys to file lawsuits that may not have merit, creating further division between law enforcement and the communities they serve.
- Prevents law enforcement from asserting a defense based on a law that was not clearly established or reasonably known at the time.
- Erroneous civil court processes will take precious time away from law enforcement’s ability to be in the community preventing victimizations.

## HB 1203 - COMMUNITY OVERSIGHT BOARDS

- [SHB 1203](#)      - [House Bill Analysis 2021](#)      - [House Bill Report](#)      - [WASPC Written Testimony](#)

HOUSE				SENATE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 1/26/21</a> <a href="#">PASSED</a> <a href="#">2/4/21</a>	Referred 2/9/21							

- Gives broad authority to a small group of unelected individuals who have no direct accountability to their community and voters; and with little to no experience in law enforcement, all at the local taxpayers’ expense.
- Grants power to issue subpoenas, compel testimony, and access crime scenes and evidence, all of which will jeopardize active criminal investigations, delaying justice for victims.
- Places an additional financial burden on already strained local jurisdictions that will lead to fewer resources to address behavioral and mental health assistance programs.

## SB 5259 / HB 1092 – DATA COLLECTION

- [SSB 5259](#)      - [Senate Bill Report \(orig.\)](#)      - [Senate Bill Report](#)      - [WASPC Written Testimony](#)

SENATE				HOUSE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	

<a href="#">Public Hrg- 2/2/21 PASSED 2/4/21</a>	<a href="#">Hearing 2/17/21</a>							
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- [2SHB 1092](#) - [House Bill Analysis 2021](#) - [House Bill Report](#) - WASPC Written Testimony

HOUSE				SENATE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 1/14/21 PASSED 1/19/21</a>	<a href="#">Public Hrg- 2/1/21 PASSED 2/4/21</a>	Referred to Rules 2 Review 2/9/21						

- Requires a law enforcement agency to collect new categories of data not regularly tracked by most agencies.
- Places a significant financial burden on law enforcement agencies by expanding the circumstances where reporting is required and requiring agencies to re-code/re-classify data according to state reporting standards.
- Will add more clerical and administrative requirements and will likely result in fewer officers on patrol.

### HB 1267 – OFFICE OF INDEPENDENT INVESTIGATIONS

- [SHB 1267](#) - [House Bill Analysis 2021](#) - [House Bill Report](#) - WASPC Written Testimony

HOUSE				SENATE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 1/26/21 PASSED 2/4/21</a>	Referred 2/9/21							

- Relies on civilian investigators to conduct complex criminal investigations which could delay justice for victims.
- Will give “priority registration” to CJTC trainings for investigators in the Office, at the expense of the training needs of the other 279 Washington law enforcement agencies.
- Requires local law enforcement agencies to relinquish scene to Office of Independent Investigations, jeopardizing any underlying criminal investigation that led to the use of deadly force.
- The Director of the Office is appointed by the Governor, creating the potential for bias and political influence.

### HB 1310 – USE OF FORCE

- [SHB 1310](#) - [House Bill Analysis 2021](#) - [House Bill Report](#) - WASPC Written Testimony

HOUSE				SENATE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	

<a href="#">Public Hrg- 1/29/21 PASSED 2/11/21</a>	Referred 2/15/21							
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- Undermines decades of case law determining what levels of force are reasonable under the circumstances.
- Unreasonably limits any use of force by a law enforcement officer, effectively requiring an arrest any time any level of force is used.
- Creates an inappropriate oversight role for the Office of the Attorney General over Washington’s law enforcement agencies.
- Uses subjective language without incorporating a reasonable officer standard.

**SB 5263 – FELONY BAR**

- [SSB 5263](#) - [Senate Bill Report \(orig.\)](#) - [Senate Bill Report](#) - WASPC Written Testimony

SENATE				HOUSE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 2/2/21 PASSED 2/4/21</a>	N/A	Rules for second reading 2/5/21						

- Limits the felony bar defense for law enforcement circumstances where the person injured or killed has been found by a “finder of fact” to have committed a class A or class B felony. This will lead to policies that make officers less likely to act to prevent a crime from occurring.
- Creates more restrictive standard for law enforcement as compared to members of the public; there is no “finder of fact” requirement for the public.

**SB 5066 – DUTY TO INTERVENE**

- [SSB 5066](#) - [Senate Bill Report \(orig.\)](#) - [Senate Bill Report](#) - WASPC Written Testimony

SENATE				HOUSE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 1/19/21 PASSED 1/21/21</a>	<a href="#">Public Hrg- 2/1/21 PASSED 2/11/21</a>	Passed to rules for 2 <sup>nd</sup> reading 2/12/21						

- Duty to report on misconduct is based on subjective terminology such as “harmful” that cannot be fairly and consistently implemented.
- In a mutual aid situation, officers from multiple agencies responding to the same incident would all use force according to their own policies, and the agency with the more restrictive policy would be mandated to intervene, creating confusion.

- Definition of excessive force is restrictive and could result in unintended physical altercations between law enforcement officers.

## HB 1499 – DECRIMINALIZATION OF CONTROLLED SUBSTANCES

- [SHB 1499](#)
- [House Bill Analysis 2021](#)
- WASPC Written Testimony
- WASPC Summary
- WASPC Statement

HOUSE				SENATE				Concurrence
Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	Policy Committee	Fiscal Committee	Rules Committee	Floor Vote	
<a href="#">Public Hrg- 2/12/21 PASSED 2/15/21</a>								

- We support a robust wrap around system for those with serious substance abuse issues, untreated mental and behavioral health problems. Assisting offenders with re-entry and reducing recidivism is good for public safety.
- We would actively support HB1499 if the provisions legalizing the possession of controlled substances were removed. We are concerned that decriminalization will lead to law enforcement still being the only real response available, and our officers and deputies will be left with even fewer tools to assist victims, address public safety, and reduce addiction.
- HB 1499 does not just decriminalize possession of illicit substances such as heroin, methamphetamine, cocaine, and unprescribed scheduled drugs such as OxyContin and oxycodone; HB 1499 makes the possession of such controlled substances legal to all persons, including children.
- WASPC asks the legislature to remove the parts of HB 1499 that legalize the possession of controlled substances and enact the provisions that create investments in community programs that offer opportunities for intervention and treatment for those with substance use disorders.
- Once that system has been built and proven, it may be appropriate at that time to have further conversations about the status of criminalization of hard drugs.