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SENATE BILL 6621

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators Fraser, Jayapal, and Keiser

Read first time 01/29/16. Referred to Committee on Law & Justice.

1            AN ACT Relating to providing for development of policy  
2 recommendations for the use of deadly force by a public officer or  
3 peace officer; creating new sections; and providing an expiration  
4 date.

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

6            NEW SECTION.    **Sec. 1.** The legislature recognizes the invaluable  
7 contributions of law enforcement officers, who risk their own lives  
8 every day to protect our families and communities. We hold law  
9 enforcement to a high standard in their positions of public trust and  
10 as the guardians in our communities, and the legislature applauds  
11 their efforts to show respect and compassion to all community  
12 members.

13            The legislature finds that the current law on deadly force in  
14 Washington lacks clarity for law enforcement on when deadly force is  
15 justifiable. It is the intent of the legislature to align our deadly  
16 force law with other statutes in our criminal laws and analogous laws  
17 in other states, while giving law enforcement clear guidance on when  
18 use of deadly force is justifiable and when it is not. Such clear  
19 guidance will benefit both law enforcement officers and the  
20 communities they protect, and will result in a law that upholds the

1 role of law enforcement to maintain public safety and foster  
2 accountability and public trust.

3 NEW SECTION. **Sec. 2.** (1)(a) The Washington institute for public  
4 policy shall convene a task force on policing and the use of deadly  
5 force, with members as provided in this subsection.

6 (i)(A) The president of the senate shall appoint one member from  
7 each of the two largest caucuses of the senate.

8 (B) The speaker of the house of representatives shall appoint one  
9 member from each of the two largest caucuses of the house of  
10 representatives.

11 (C) At least one of the legislative members must be from the  
12 "members of color caucus."

13 (ii) Each of the following organizations shall be asked to  
14 appoint one member:

- 15 (A) Black alliance of Thurston county;
- 16 (B) Latino civic alliance;
- 17 (C) American civil liberties union;
- 18 (D) NAACP;
- 19 (E) Commission on African American affairs;
- 20 (F) Commission on Asian Pacific American affairs;
- 21 (G) Commission on Hispanic affairs;
- 22 (H) Governor's office of Indian affairs;
- 23 (I) Washington state criminal justice training commission;
- 24 (J) Washington association of sheriffs and police chiefs;
- 25 (K) Washington council of police and sheriffs;
- 26 (L) Washington gender and justice commission;
- 27 (M) Washington interpreter commission;
- 28 (N) Washington state minority and justice commission;
- 29 (O) Association of Washington cities;
- 30 (P) Washington state association of counties;
- 31 (Q) Washington association of prosecuting attorneys; and
- 32 (R) Washington defender association.

33 (b) The task force shall choose its chair or cochairs from among  
34 its membership. The institute shall convene the initial meeting of  
35 the task force.

36 (2) The task force shall review laws, practices, and training  
37 programs regarding the use of deadly force in Washington state and in  
38 the other forty-nine states, the civil rights issues associated with  
39 the use of deadly force, any disproportionate impacts on minority

1 communities from the use of deadly force, and other issues that arise  
2 for police and prosecutors. The institute shall review research  
3 literature on policies or interventions that include de-escalation  
4 tactics and reduce the use of lethal force. The task force shall  
5 consider the Amnesty International Report from June 2015 entitled  
6 "Deadly Force: Police Use of Lethal Force in the United States" as an  
7 approach to benchmark Washington's law in terms of civil rights  
8 requirement. The task force shall prepare recommendations to the  
9 legislature on changes to RCW 9A.16.040 and related statutes and  
10 funding proposals that would bring Washington's laws, practices, and  
11 training programs into conformance with principles of necessity and  
12 proportionality. The task force shall review the definition of  
13 "necessary" in RCW 9A.16.010 to evaluate how it could provide  
14 direction to encourage the use of less lethal alternatives such as  
15 de-escalation and encourage deadly force only when a threat is  
16 "imminent." The task force shall review whether the standards for the  
17 use of deadly force should include the concept of "imminent" threat  
18 of serious physical harm. The review shall include a discussion of  
19 the training needed to bring about the recommended changes. The task  
20 force shall review other areas directly related to the use of deadly  
21 force, such as statutory changes and training curriculum needed to  
22 bring greater transparency and accountability to the use of deadly  
23 force. The recommendations shall include draft legislation for the  
24 areas of review.

25 (3) Staff support for the task force shall be provided by the  
26 Washington institute for public policy, senate committee services,  
27 and the house of representatives office of program research.  
28 Consultants may be hired to assist.

29 (4) Legislative members of the task force must be reimbursed for  
30 travel expenses in accordance with RCW 44.04.120. Nonlegislative  
31 members, except those representing an employer or organization, are  
32 entitled to be reimbursed for travel expenses in accordance with RCW  
33 43.03.050 and 43.03.060.

34 (5) The task force shall report its findings and recommendations  
35 to the governor and the appropriate committees of the legislature by  
36 December 1, 2016.

37 (6) This section expires December 31, 2016.

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