

2021 Legislation Synopsis

Note: This is an overly broad, very general synopsis and is not intended to replace specific language in each bill, or constitute a statement of legislative intent

House Bill 1320 – Civil Protection Orders

Goal: modernize, improve efficacy and accessibility of laws concerning civil protection orders

What: consolidate and harmonize protection order laws, provide uniformity in rules and procedures. All protection order laws will be in one chapter of the Revised Code of Washington (RCW.)

When: July 25, 2021 (five sections), but vast majority July 1, 2022

Senate Bill 5055 – Disciplinary Grievance Arbitration

Goal: establishing statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing their decisions

What: law enforcement personnel grievance arbitrations for disciplinary actions, discharges, and terminations heard on or after January 1, 2022, go through a Public Employment Relations Committee (PERC) roster of 9 to 18 arbitrators. This details the selection process.

When: July 25, 2021

Senate Bill 5259 – Use of Force Data Collection

Goal: statewide law enforcement use of force data reporting

What: Office of Attorney General establishing an advisory group to assist with design, development, and implementation of a statewide use of force data program. This details the selection process. Once the program is live, agencies are required to report the requested information.

When: July 25, 2021 (with reporting coming in 2022 or 2023)

House Bill 1140 – Juveniles Access to Attorney

Goal: protect the constitutional rights of juveniles during interactions with law enforcement

What: law enforcement must provide a juvenile with access to an attorney (phone, video, or in person) before the juvenile waives any constitutional rights during custodial interrogation, detention based upon probable cause of involvement in criminal activity, or request for consent to an evidentiary search of juvenile, or property/dwelling/vehicle under juvenile's control. There are exceptions.

When: January 1, 2022

House Bill 1223 – Electronic Recordation

Goal: protect the constitutional rights of persons during interrogations by law enforcement

What: law enforcement must electronically record custodial interrogations of juveniles, or anything related to a felony, unless an exception applies. Interrogations at a jail, police department, holding cell or correctional/detention facility must include both audio and video. Qualifying interrogations at any other place must include at a minimum audio.

When: January 1, 2022

House Bill 1089 – Compliance Audits

Goal: ensure compliance with laws, rules, and procedures regarding deadly force investigations and training/certification

What: Office of State Auditor can conduct a process compliance of any completed deadly force investigation to determine whether the involved law enforcement agency, investigative body, and prosecutor's office acted in compliance with specific statutory and administrative rules for conducting deadly force investigations. May also audit any law enforcement agency to ensure compliance with rules and procedures governing training and certification of officers.

When: July 25, 2021

House Bill 1088 – Impeachment Disclosures

Goal: ensure disclosure of exculpatory evidence

What: county prosecutor must develop and adopt written protocol providing guidance for types of conduct that should be recognized as potentially exculpatory or creating potential impeachment material, how information about an officer or officer conduct should be shared and maintained, and under what circumstances an officer's information or name may be removed from any list of potential impeachment disclosures.

When: July 25, 2021

Senate Bill 5051 – Oversight and Accountability

Goal: to help prevent misconduct, enhance police accountability through the imposition of sanctions commensurate to the wrongdoing when misconduct occurs, and enhance public trust and confidence in criminal justice system.

What: CJTC membership changed to 21 members, and details selection process. Background checks have new laws. Grounds for denial, suspension, remedial training, or revocation of certification have new laws. Agencies have new mandatory reporting laws and personnel records laws.

When: July 25, 2021

House Bill 1267 – Office of Independent Investigation

Goal: investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents

What: Office of Independent Investigations established within the Office of the Governor for the purpose of investigating certain incidents involving police officers. This details its jurisdiction, duties, process, selection, and composition.

When: July 25, 2021

Senate Bill 5476 – *Blake Decision*

Goal: rewrite laws to conform with constitutionality requirements, establish substance use recovery services plan, establish recovery navigator program.

What: drug laws in Washington State rewritten and penalties reduced. Health Care Authority required to establish a substance use recovery services advisory plan; this details that process. Each behavioral health administrative services organization must establish a recovery navigator program that provides community-based outreach, intake, assessment, and connection to services.

When: May 13, 2021 (laws) and July 25, 2021

Senate Bill 5066 – Duty to Intervene

Goal: establishing requirements for reporting excessive force/wrongdoing, and rendering aid

What: an identifiable on-duty officer witnessing another officer engaging or attempting to engage in excessive force must intervene when in a position to do so. An officer must render aid to any person injured as a result of the use of force at the earliest safe opportunity. An identifiable, on-duty officer witnessing or believing another officer committed wrongdoing must report to their supervisor.

When: July 25, 2021

House Bill 1054 – Tactics and Equipment

Goal: establishing requirements for tactics and equipment used by police

What: chokeholds/neck restraints prohibited. CS gas only used in certain situations with certain requirements. Military equipment prohibited. Uniformed officers must be identifiable. No knock warrants prohibited. Restrictions on shooting at moving vehicles. Restrictions on vehicle pursuits.

When: July 25, 2021

House Bill 1310 – Use of Force

Goal: establishing requirements for police use of force

What: restrictions on when officers may use physical force and deadly force. Establishes requirement of reasonable care for officers.

When: July 25, 2021