



2021 SESSION REVIEW

Police Reform

Key changes

- The Criminal Justice Training Commission is given broader authority to decertify peace officers and new authority to suspend peace officers.
- Failure of an officer to intervene or report excessive force by another officer will result in automatic decertification.
- Increased restrictions on law enforcement tactics and equipment, including the use of tear gas and a ban on choke holds.
- Increased oversight of law enforcement agencies and officer interactions with the public by local elected officials, the Criminal Justice Training Commission, the Attorney General and State Auditor.

Background

After months of protests across the country calling for racial justice during the 2020 interim, Democrat majorities in the state legislature made it clear that their prioritization of equity during the 2021 legislative session would be heavily focused on criminal justice reform. The increased use of body cameras and citizens posting smartphone recordings of controversial police interactions with people of color seems to be intensifying and sustaining calls for nationwide reform by groups such as Black Lives Matter (BLM). BLM focused their efforts mainly on the themes of “defunding the police,” and putting an end to “systemic racism” throughout the criminal justice system. In response, Democrat reforms brought forth in Washington State during the 2021 legislative session were predominantly partisan and can essentially be broken down into two categories: Reducing criminal penalties for current and future offenders and increasing police oversight and accountability. This brief focuses on the second category of police reforms made during the legislative session.

Bills

- ✓ [House Bill 1054](#) (Johnson) – **Requirements for Tactics and Equipment Used by Peace Officers.** Prohibits peace officers from using chokeholds and neck restraints, certain types of equipment and restricts the use of tear gas, dogs and instances in which officers may be involved in vehicular pursuits. *Passed House 55-42-1. Signed by Governor. Effective July 25, 2021.*
- ✓ [House Bill 1089](#) (Ramos) – **Compliance Audits of Requirements Relating to Law Enforcement Agencies.** Requires the State Auditor to review any completed deadly force investigation to determine whether the involved actors complied with all applicable rules and procedures. *Passed House 69-29. Signed by Governor. Effective July 25, 2021.*
- ✓ [House Bill 1223](#) (Peterson) – **The Uniform Electronic Recordation of Custodial Interrogations Act.** Requires all custodial interrogations by law enforcement involving minors or related to a felony to be electronically recorded and establishes standards for recording to be conducted and exceptions for when recording is not required. *Passed House 56-41-1. Signed by Governor. Varying effective dates. See Final Bill Report for effective dates.*
- ✓ [House Bill 1267](#) (Entenman) – **Investigation of Potential Criminal Conduct Arising from Police Use of Force.** Establishes the Office of Independent Investigations within the Office of the Governor for the purpose of investigating deadly force incidents involving peace officers. *Passed. 56-41-1. Signed by Governor. Effective July 25, 2021.*

- ✓ [House Bill 1310](#) (Johnson) – **Permissible Uses of Force by Law Enforcement and Correctional Officers.** Establishes standards for when law enforcement can use physical or deadly force, and requires the Attorney General and the Criminal Justice Training Commission (CJTC) to develop model policies and training on use of force and de-escalation tactics consistent with standards provided in the bill. *Passed House 56-41-1. Signed by Governor. Effective July 25, 2021.*
- ✓ [Senate Bill 5051](#) (Pedersen) – **State Oversight and Accountability of Peace Officers and Corrections Officers.** Modifies the priorities and composition of the CJTC and expands the conduct for which the certification of a peace or corrections officer may be suspended or revoked. *Passed House 54-43-1. Signed by Governor. Effective July 25, 2021.*
- ✓ [Senate Bill 5066](#) (Dhingra) – **Peace Officer's Duty to Intervene.** Requires a peace officer to intervene, and also inform a superior officer, when the officer witnesses a fellow peace officer engaging in the use of excessive force. *Passed House 71-27. Signed by Governor. Effective July 25, 2021.*
- ✓ [Senate Bill 5259](#) (Nobles) – **Law Enforcement Data Collection.** Requires all law enforcement agencies to report all instances of the use of force to the Attorney General's Office. *Passed House 97-1. Signed by Governor. Effective July 25, 2021.*
- ✓ [Senate Bill 5353](#) (Conway) – **Law Enforcement Community Engagement.** Directs the Department of Commerce to create and maintain a grant program to foster community engagement through neighborhood organizing, law enforcement-community partnerships, youth mobilization, and business engagement. *Passed House 97-1. Signed by Governor. Effective July 25, 2021.*
- ✗ [House Bill 1507](#) (Entenman) – **Independent Prosecutions of Criminal Conduct Arising from Police Use of Force.** Authorizes the Office of the Attorney General to investigate and prosecute crimes involving use of deadly force by police officers committed on or after July 1, 2022. *Died in House Public Safety.*
- ✗ [House Bill 1092](#) (Lovick) – **Law Enforcement Data Collection.** Requires Washington State University to establish a program to collect, report, and publish information on law enforcement's use of force and other interactions with and incidents involving the public. *Died in House Rules.*
- ✗ [House Bill 1203](#) (Johnson) – **Community Oversight Boards.** Requires any local jurisdiction with a law enforcement agency that has at least 15 officers to establish a community oversight board by January 1, 2025, and outlines powers and duties of the boards. *Died in House Rules.*

Budget information

Mental Health Professionals – Grants are provided to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies. (\$2,000,000 General Fund–Federal)

Additional Basic Law Enforcement Trainings – Seventy-five percent of the costs of providing five additional statewide basic law enforcement trainings to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The CJTC must track and report the average wait time for students. At least three classes must be held in Spokane each year. (\$3,017,000 General Fund–State)

Mental Health Field Response Team – Mental health field response team program administered by the Washington association of sheriffs and police chiefs. (\$10,000,000 General Fund–State)

Local Government Funding – Funding for OFM to distribute to cities according to population to assist with one-time costs related to law enforcement and criminal justice related legislation enacted during the 2020 and 2021 legislative session. (\$20,000,000 General Fund–State)