

11. Require all Washington law enforcement agencies to submit data regarding the use of deadly force (creation of a statewide data base as proposed in SHB 2789 in 2020).

BILL DRAFT

NEW SECTION **Sec 1.** (1) The Legislature finds that there is no centralized or uniform mechanism to collect information about interactions between law enforcement officers and the public.

(2) The Legislature finds that this information is valuable to inform public policy decisions regarding these interactions, but also to promote transparency and build public trust.

(3) The Legislature finds that it directed the Attorney General to develop a plan to collect and disseminate data on the use of force by public law enforcement agencies.

(4) The Legislature intends to establish a deadly force data collection program within the Washington Association of Sheriffs and Police Chiefs consistent with the recommendations of the Attorney General.

NEW SECTION **Sec 2.** A NEW SECTION is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish and maintain a central repository for the collection and classification of information regarding police use of deadly force. Upon establishing such a repository, the association shall develop a procedure to monitor, record, analyze, and report information to the public.

(2) Each general authority Washington law enforcement agency, as defined in RCW 10.93.020, and each limited authority Washington law enforcement agency, as defined in RCW 10.93.020, shall report to the association, in a manner specified by the association, information under subsection (3) of this section in all incidents where a law enforcement officer uses deadly force, including:

(a) When a fatality to a person occurs connected to use of force by a law enforcement officer;

(b) When there is serious bodily injury to a person connected to use of force by a law enforcement officer; and

(c) In the absence of either death or serious bodily injury, when a firearm is discharged by law enforcement at or in the direction of a person.

(3) When reporting an incident as required under subsection (2) of this section, the agency shall report the following to the association:

(a) The date and time of the incident;

(b) The total number of officers who applied actual force during the incident;

(c) The number of officers from the reporting agency who applied actual force during the incident;

(d) The location of the incident;

- (e) The location type of the incident;
- (f) Whether the officer or officers approached the subject;
- (g) Whether it was an ambush incident;
- (h) Whether a supervisor or a senior officer acting in a supervisory capacity was present or consulted at any point during the incident;
- (i) The reason for initial contact between the subject and the officer;
- (j) Whether the initial contact was due to unlawful or criminal activity, including the most serious reported offenses committed by the subject prior to or at the time of the incident;
- (k) If applicable, the national incident-based reporting system or local incident number;
- (l) If the incident involved multiple law enforcement agencies, the case numbers for the local use of force reports at those other agencies;
- (m) The age, sex, race, ethnicity, height, and weight of the subject;
- (n) The type of injury to the subject;
- (o) The type of force used that was connected to serious bodily injury or death;
- (p) Whether the subject resisted;
- (q) Whether the threat by the subject was directed to the officer or to another party;
- (r) The type of resistance;
- (s) Whether there was an apparent or known impairment in the physical condition of the subject, and if so, the type of impairment;
- (t) Whether the subject was armed or believed to be armed with a weapon at any time during the incident;
- (u) The age, sex, race, ethnicity, height, and weight of the officer;
- (v) The officer's years of service;
- (w) Whether the officer was a full-time employee at the time of the incident;
- (x) Whether the officer was readily identifiable;
- (y) Whether the officer was on duty at the time of the incident;
- (z) Whether the officer discharged a firearm;
- (aa) Whether the officer was injured;
- (bb) The type of injury to the officer; and

(cc) Any other information deemed relevant or necessary by the association, which may include, but is not limited to, additional data elements collected by the federal bureau of investigation for the national use-of-force data collection initiative.

(4) The association shall summarize the information received and publish its findings on an annual basis. Subject to the availability of amounts appropriated for this specific purpose, the association shall publish and update, not less than quarterly, the information received in a simple and searchable online format on its website.

(5) The association shall publish an annual report on its web site and submit a copy to the governor and the appropriate committees of the legislature.

(6) Dissemination and publication of the report must be consistent with chapters 10.97 and 10.98 RCW, and all other confidentiality requirements under federal or state law.

(7) For the purposes of this section, "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

NEW SECTION Sec. 3. A NEW SECTION is added to chapter 41.56 RCW to read as follows: Notwithstanding any provisions of this chapter, the provisions of this act and the implementation thereof do not constitute personnel matters, working conditions, or any other change that require collective bargaining.

NEW SECTION Sec. 4. To the extent that the any provision of this act conflicts with any local regulation, ordinance, collective bargaining agreement, memorandum of understanding, policy, or practice, the provisions of this act shall prevail and the conflicting provision shall be null and void.

NEW SECTION Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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