



SHERIFFS & POLICE CHIEFS

Improve Washington's Law Enforcement Public Policy Reforms

Washington's law enforcement leaders are committed to work with policy makers, community groups, and other stakeholders to address unintended consequences, conflicting provisions and ambiguities in police reform laws adopted by the 2021 state legislature. Sheriffs and Police Chiefs were among the first to propose [significant reforms](#) to improve the public service of law enforcement. We continue to support reforms that align with our [Principles for Community Trust](#).

Comments, statements of good intentions, and interpretations by advocates, legislators, or others have no legal effect on what the law says or how law enforcement agencies must abide by it. Interpretations of elements of the new laws are made by local legal counsel. The law must be followed and can only be changed by an act of the legislature or the courts.

WASPC's focus is not to change or reverse the positive goals of reform, but to establish clear and concise answers to the problems facing the implementation of the laws, and to better balance public safety with reform. Good policing and reform are not mutually exclusive; in fact they rely on each other. We need to get the balance right.

Examples

Improvement/Clarification	Why it is necessary
<i>Tactics</i>	
Allow pursuits when there is reasonable suspicion the driver has committed an offense where the public safety risks of failing to apprehend them are greater than the safety risks of the pursuit	The new law significantly limits law enforcement's ability to apprehend individuals who victimize others, leaving offenders at large in the community to commit more crimes. Some offenders have brazenly told officers that they know they cannot be pursued if they flee in a vehicle and drive recklessly, leading to more dangerous conditions for those on or near public roadways
Define the terms "firearms and ammunition of .50 caliber or greater" and "machine guns" and replace the term "military equipment" with "prohibited equipment."	The prohibition of many less-lethal weapons used as an alternative to the use of deadly force needs correction, and has clearly produced an unintended outcome.
Remove the requirement that tactical decisions to dispel a riot be made exclusively by a mayor, county commissioner, or governor.	The delegation of authority to those without training and experience in police tactics is not in the interest of public safety.
<i>Use of Force</i>	
Clarify that officers may use physical force that is objectively reasonable under the circumstances when necessary to prevent a person from fleeing a lawful detention, carry out an involuntary detention, assist in placing a youth in family-initiated treatment, take a child into protective custody, carry out a law or court order to take a person into custody, and when acting in good faith.	The new law fails to acknowledge the many circumstances where officers are relied upon to act in the interests of justice and public safety. The limitations in this statute were the sole factor in preventing officers, for example, from pursuing a fleeing homicide suspect, assisting in the involuntary detention of persons for medical treatment, carrying out court orders to extract a child from a dangerous home, among others.

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<i>Decertification</i>	
<p>Correct the definition of “reserve officer” and require limited authority peace officers (e.g., school security) to undergo a fingerprint-based background check rather than the full background, psychological tests, and Basic Law Enforcement Academy requirements of commissioned officers.</p>	<p>School employees who are not law enforcement officers are now required to undergo a law enforcement pre-employment background investigation, polygraph test, and psychological assessment. Additionally, this statute now requires civilian school employees to attend the Basic Law Enforcement Academy, further delaying access to this required training for those who are commissioned law enforcement officers.</p>
<p>Allow a law enforcement agency to terminate the employment of a peace officer who has had their certification suspended for more than 90 days.</p>	<p>The new law prohibits a law enforcement agency from terminating a peace officer's employment based solely on the fact that the Criminal Justice Training Commission (CJTC) has suspended the officer's certification. There is no limit on how long the CJTC can suspend an officer's certification, therefore a law enforcement agency is required to pay suspended officers to not perform the functions of a law enforcement officer for an extended period of time.</p>
<p>Protect officers from decertification if the CJTC finds that the officer acted in good faith and in the interests of public safety.</p>	<p>For example, a peace officer who becomes the subject of litigation after using a less lethal weapon as an alternative to the use of deadly force that results in a broken nose would be decertified for life – even if the use of force was otherwise lawful.</p>
<i>Duty to Intervene</i>	
<p>Correct the definitions of “excessive force” and “wrongdoing” to mean force that is clearly beyond that which is objectively reasonable under the circumstances.</p>	<p>The new law requires officers to intervene against officers of another agency based solely on the policy of the witnessing officer's agency – even if the officer's use of force is both consistent with the law and their own agency policy and training.</p>
<i>Emergency Clause and Retroactive Application</i>	
<p>Make the new changes effective immediately upon passage and retroactive to July 25, 2021</p>	<p>Making the changes immediate and retroactive will help preserve public peace and safety.</p>

This is a summary of necessary corrections to the reform laws, for more detail please contact James McMahan, Policy Director at james@waspc.org