
SUBSTITUTE HOUSE BILL 2789

State of Washington

66th Legislature

2020 Regular Session

By House Public Safety (originally sponsored by Representatives Lovick, Klippert, Davis, Orwall, Valdez, Kilduff, J. Johnson, Ryu, Peterson, Ramel, Pollet, Young, and Frame)

1 AN ACT Relating to collecting information regarding police use of
2 deadly force; and adding new sections to chapter 36.28A RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A
5 RCW to read as follows:

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

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

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

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

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

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

7 (a) The date and time of the incident;

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

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

12 (d) The location of the incident;

13 (e) The location type of the incident;

14 (f) Whether the officer or officers approached the subject;

15 (g) Whether it was an ambush incident;

16 (h) Whether a supervisor or a senior officer acting in a
17 supervisory capacity was present or consulted at any point during the
18 incident;

19 (i) The reason for initial contact between the subject and the
20 officer;

21 (j) Whether the initial contact was due to unlawful or criminal
22 activity, including the most serious reported offenses committed by
23 the subject prior to or at the time of the incident;

24 (k) If applicable, the national incident-based reporting system
25 or local incident number;

26 (l) If the incident involved multiple law enforcement agencies,
27 the case numbers for the local use of force reports at those other
28 agencies;

29 (m) The age, sex, race, ethnicity, height, and weight of the
30 subject;

31 (n) The type of injury to the subject;

32 (o) The type of force used that was connected to serious bodily
33 injury or death;

34 (p) Whether the subject resisted;

35 (q) Whether the threat by the subject was directed to the officer
36 or to another party;

37 (r) The type of resistance;

38 (s) Whether there was an apparent or known impairment in the
39 physical condition of the subject, and if so, the type of impairment;

1 (t) Whether the subject was armed or believed to be armed with a
2 weapon at any time during the incident;

3 (u) The age, sex, race, ethnicity, height, and weight of the
4 officer;

5 (v) The officer's years of service;

6 (w) Whether the officer was a full-time employee at the time of
7 the incident;

8 (x) Whether the officer was readily identifiable;

9 (y) Whether the officer was on duty at the time of the incident;

10 (z) Whether the officer discharged a firearm;

11 (aa) Whether the officer was injured;

12 (bb) The type of injury to the officer; and

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

17 (4) The association shall summarize the information received and
18 publish its findings on an annual basis.

19 (5) The association shall publish an annual report on its web
20 site and submit a copy to the governor and the appropriate committees
21 of the legislature. Dissemination and publication of the report must
22 be consistent with chapters 10.97 and 10.98 RCW, and all other
23 confidentiality requirements under federal or state law.

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

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

31 The definition in this section applies throughout this chapter
32 unless the context clearly requires otherwise. "Association" means
33 the Washington association of sheriffs and police chiefs.

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