Talking Points for WCPA Allies

August 17, 2021

Three Main Messages:

1. The 2021 Legislature passed over a dozen bills to address policing in Washington State.
    a. The Washington Coalition for Police Accountability advocated for HB 1054, HB 1267, HB 1310, and SB 5051 as a comprehensive approach to change the culture of policing.
2. The goal of these bills is to reduce violence and increase accountability, yet we see that across the state, some police agencies are intentionally misinterpreting the new laws and choosing to not respond at all to calls.
    a. Nothing in the new laws requires police agencies to stay at their desks or in their cruisers.
    b. HB 1310 sets out the requirements that officers should use the least amount of force necessary to do their jobs, and should exhaust de-escalation tactics where possible.
3. We stand by these bills and will continue to advocate for laws that prioritize community safety and accountability.
    a. The scale and scope of the changes was intentional and addressed what was largely a self-regulated profession.
    b. The new laws prioritize the preservation of human life and are intended to make our communities safer by reforming how police do their jobs.
    c. We expect law enforcement leadership and officers to support the laws passed by the legislature and make good faith efforts to do so.
    d. These laws recognize that law enforcement has historically used violent tactics disproportionately against certain communities. Protesting their implementation only further erodes what little trust remains between these communities and their police departments.

Why did law makers change these laws?

- The 2021 Legislature responded to real gaps in the law.
- The goal was increased public safety and accountability.
- Over a dozen pieces of legislation were passed, each one responding to an important area of concern.
- The bills addressed use of force, violent police tactics, independent investigations, regulation of the profession, duty to intervene, data collection, interrogation, juvenile access to attorneys, and others.

Who asked for these changes and were they the right thing to do?

- After the death of George Floyd and the coverup of the death of Manuel Ellis, thousands of people from across the state contacted their legislators and asked for these changes.
- Thousands of people marched and demanded action.

- Our coalition came together, families impacted by police violence with organizations and activists working for change.
- We were instrumental in keeping a focus on meaningful changes.
- We are proud of our work and firmly believe these bills do the right thing.
- Increasing accountability and addressing police culture does make a difference.

What are the changes based on?

- The changes are based on best practices and data.
- Many police agencies across the state had already been doing their jobs this way.

Are these laws hindering officers from doing their job?

- No. The laws do not stop police from responding and do not require officers to leave the scene.
- These laws emphasize the training officers have had for over a decade.
- They require de-escalation where possible, which is safer for everyone, and deadly force as a last resort.
- These laws are improving outcomes, making sure everyone has a better chance of getting home safely.

How does HB 1310 change the law?

- This bill addresses the everyday interactions of police and the community.
- It sets out the expectation that police will use force only when necessary to protect against an imminent threat.
- It emphasizes de-escalation over confrontation, and gives everyone a better chance of going home at night
- It allows officers to protect themselves and others, and protects the public from unnecessary violence.

How does HB 1310 improve the profession of policing?

- HB 1310 states that it is "the fundamental of law enforcement to preserve and protect all human life."
- Officers have been trained on de-escalation for over a decade.
- What 940 did was set statewide standards for training on de-escalation, and this bill requires officer to use those de-escalation tactics.
- This statewide policy aligns with community expectations that police use force only when necessary.
- The law is working when we see law enforcement decide not to use force, because it is not needed.

Does 1310 improve consistency across the state?

- There are about 300 departments and 300 use of force policies across the state.
- It is critical to have a uniform, statewide standard for the use of force rather than a patchwork of policies.
- Officers and the public should know what to expect from law enforcement.
- A uniform standard will improve practices and outcomes across the state.

Does HB 1310 require police to not respond or stay in their cruisers?

- No. HB 1310 addresses when force may be used.
- Officers are authorized to use force for an arrest, and may use force to stop an imminent threat of harm to the officer or another person.

- The force must be proportional to the harm and the officer must stop the use of force when it is no longer needed.
- Officers do not need to use force against members of the public who are not committing a crime.
- These laws do not require police to leave a scene.
- Police are authorized to respond to any call.
- HB 1310 does say that leaving the area *may* be done when appropriate in a particular situation.
- Sometimes departure is a suitable response. For example, after giving a warning for a loud party call, or stepping away, rather than escalating what started as a welfare check.
- Officers have more options than just using force, and HB 1310 sets out a policy for when force should be used, and it requires de-escalation when possible.

What does HB 1310 say about police showing up for crisis calls?

- HB 1310 did not change existing law about involuntary treatment.
- In emergency situations, where a designated crisis responder has determined that a person in crisis is a threat to themselves or others, or is gravely disabled, officers are authorized under existing law to take persons into custody during a crisis, and are protected from liability for doing so.
- HB 1310 includes a description of de-escalation tactics, such as slowing down, waiting for back up, calling for a crisis responder, and changing tactics based on the condition of the person in need.
- HB 1310 does not require officers to stay away from domestic violence calls or calls for help.

What does HB 1054 do?

- HB 1054 identifies police tactics that have led to unnecessary injuries or deaths and restricts their use or bans them entirely.
- The overall goal is to make our communities safer, increase the well-being of people of color, especially Black men and women, Latinos, and Native Americans, and improve the overall culture of policing.

What Police Tactics are addressed by HB 1054?

- It addresses policing practices that historically have been used in a discriminatory manner, such as hot pursuits or chokeholds.
- It addresses tactics that are used to escalate violence rather than de-escalate, such as no-knock warrants or the use of military equipment in communities.

Did HB 1054 ban less lethal alternatives, like bean bag rounds?

- No, it banned military equipment because military equipment has been shown to escalate situations and increase violence.
- And HB 1310 specifically identifies less lethal options, such as bean bag rounds and requires that agencies provide this equipment to their officers.
- HB 1054 did not include a ban on bean bag rounds or sponge grenades, and launchers for these projectiles are also not banned.
- HB 1054 bans firearms and ammunition over .50 caliber, the launchers used to deploy bean bags can be distinguished from firearms used to deploy lethal ammunition.
- The intent of the legislature is very clear: police agencies should use de-escalation tactics and less lethal alternatives if possible before resorting to deadly force.

- The legislature did not intend to ban equipment used to deploy less lethal alternatives, rather, they intended to encourage their use.

What does HB 1054 say about vehicular pursuits?

- Vehicular pursuits are restricted to situations where there a dangerous person who must be apprehended in order to keep the public or officer safe.
- The bill specifies violent offenses, sex offenses, escapes, and DUIs.
- Hot pursuits are inherently high risk and should be considered lethal force.
- Hot pursuits are often used against teenagers, people of color, and minor traffic infractions. Limiting their use will reduce injuries, deaths, and property damage.

What does HB 1054 say about shooting at moving vehicles?

- Shooting at moving vehicles is limited to situations where someone in the vehicle is using a weapon.
- This includes those instances where the vehicle itself is being used as a weapon and there is no way to safely avoid the vehicle.
- Shooting at moving vehicles is considered extremely risky and it is a best practice to narrow the circumstances for which shooting at the vehicle may occur.