
HOUSE BILL 1589

State of Washington

67th Legislature

2022 Regular Session

By Representatives Walsh, Robertson, Corry, McCaslin, Eslick, Graham, Klippert, Barkis, and Chase

Prefiled 12/06/21.

1 AN ACT Relating to the authority of peace officers to use
2 physical force; amending RCW 10.120.020; and declaring an emergency.

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

4 **Sec. 1.** RCW 10.120.020 and 2021 c 324 s 3 are each amended to
5 read as follows:

6 (1)(a) Except as otherwise provided under this section, a peace
7 officer may use physical force against a person when necessary to:
8 (~~Protect~~) Prevent or protect against criminal conduct (~~where there~~
9 ~~is probable cause to make an arrest~~); effect a detention or an
10 arrest; (~~prevent an escape as defined under chapter 9A.76 RCW~~) take
11 a person into custody; or protect against an imminent threat of
12 bodily injury to the peace officer, another person, or the person
13 against whom force is being used.

14 (b) A peace officer may use deadly force against another person
15 only when necessary to protect against an imminent threat of serious
16 physical injury or death to the officer or another person. For
17 purposes of this subsection (1)(b):

18 (i) "Imminent threat of serious physical injury or death" means
19 that, based on the totality of the circumstances, it is objectively
20 reasonable to believe that a person has the present and apparent

1 ability, opportunity, and intent to immediately cause death or
2 serious bodily injury to the peace officer or another person.

3 (ii) "Necessary" means that, under the totality of the
4 circumstances, a reasonably effective alternative to the use of
5 deadly force does not exist, and that the amount of force used was a
6 reasonable and proportional response to the threat posed to the
7 officer and others.

8 (iii) "Totality of the circumstances" means all facts known to
9 the peace officer leading up to and at the time of the use of force,
10 and includes the actions of the person against whom the peace officer
11 uses such force, and the actions of the peace officer.

12 (2) A peace officer shall use reasonable care when determining
13 whether to use physical force and when using any physical force
14 against another person. To that end, a peace officer shall:

15 (a) When possible, exhaust available and appropriate de-
16 escalation tactics prior to using any physical force, such as:
17 Creating physical distance by employing tactical repositioning and
18 repositioning as often as necessary to maintain the benefit of time,
19 distance, and cover; when there are multiple officers, designating
20 one officer to communicate in order to avoid competing commands;
21 calling for additional resources such as a crisis intervention team
22 or mental health professional when possible; calling for back-up
23 officers when encountering resistance; taking as much time as
24 necessary, without using physical force or weapons; and leaving the
25 area if there is no threat of imminent harm and no crime has been
26 committed, is being committed, or is about to be committed;

27 (b) When using physical force, use the least amount of physical
28 force necessary to overcome resistance under the circumstances. This
29 includes a consideration of the characteristics and conditions of a
30 person for the purposes of determining whether to use force against
31 that person and, if force is necessary, determining the appropriate
32 and least amount of force possible to effect a lawful purpose. Such
33 characteristics and conditions may include, for example, whether the
34 person: Is visibly pregnant, or states that they are pregnant; is
35 known to be a minor, objectively appears to be a minor, or states
36 that they are a minor; is known to be a vulnerable adult, or
37 objectively appears to be a vulnerable adult as defined in RCW
38 74.34.020; displays signs of mental, behavioral, or physical
39 impairments or disabilities; is experiencing perceptual or cognitive
40 impairments typically related to the use of alcohol, narcotics,

1 hallucinogens, or other drugs; is suicidal; has limited English
2 proficiency; or is in the presence of children;

3 (c) Terminate the use of physical force as soon as the necessity
4 for such force ends;

5 (d) When possible, use available and appropriate less lethal
6 alternatives before using deadly force; and

7 (e) Make less lethal alternatives issued to the officer
8 reasonably available for their use.

9 (3) A peace officer may not use any force tactics prohibited by
10 applicable departmental policy, this chapter, or otherwise by law,
11 except to protect his or her life or the life of another person from
12 an imminent threat.

13 (4) Nothing in this section prevents a law enforcement agency or
14 political subdivision of this state from adopting policies or
15 standards with additional requirements for de-escalation and greater
16 restrictions on the use of physical and deadly force than provided in
17 this section.

18 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of
20 the state government and its existing public institutions, and takes
21 effect immediately.

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