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**SUBSTITUTE SENATE BILL 5066**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Dhingra, Das, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Mullet, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Stanford, and Wilson, C.)

1 AN ACT Relating to a peace officer's duty to intervene; adding a  
2 new section to chapter 10.93 RCW; and adding a new section to chapter  
3 43.101 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93  
6 RCW to read as follows:

7 (1) Any identifiable on-duty peace officer who witnesses another  
8 peace officer engaging or attempting to engage in the excessive use  
9 of force against another person shall intervene when in a position to  
10 do so to end the excessive use of force or attempted excessive use of  
11 force, or to prevent the further use of excessive force. A peace  
12 officer shall also render aid at the earliest safe opportunity in  
13 accordance with RCW 36.28A.445, to any person injured as a result of  
14 the use of force.

15 (2) Any identifiable on-duty peace officer who observes any  
16 wrongdoing committed by another peace officer, or has a good faith  
17 reasonable belief that another peace officer committed wrongdoing,  
18 shall report such wrongdoing to the officer's supervisor or other  
19 supervisory peace officer in accordance with the peace officer's  
20 employing agency's policies and procedures for reporting such acts  
21 committed by a peace officer.

1 (3) A member of a law enforcement agency shall not discipline or  
2 retaliate in any way against a peace officer for intervening as  
3 required by subsection (1) of this section or for reporting  
4 wrongdoing.

5 (4) A law enforcement agency shall send notice to the criminal  
6 justice training commission of any disciplinary decision resulting  
7 from a peace officer's failure to intervene or failure to report  
8 wrongdoing as required by this section to determine whether the  
9 officer's conduct may be grounds for suspension or revocation of  
10 certification under RCW 43.101.105.

11 (5) For purposes of this section:

12 (a) "Excessive force" means force that exceeds the degree of  
13 force permitted by law or policy of the witnessing officer's agency.

14 (b) "Wrongdoing" means conduct that is harmful or contrary to  
15 law; or that is a violation of professional standards or ethical  
16 rules; and that is not de minimis or a technical violation.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.101  
18 RCW to read as follows:

19 (1) By December 1, 2021, the Washington state criminal justice  
20 training commission, the Washington state patrol, the Washington  
21 association of sheriffs and police chiefs, and organizations  
22 representing state and local law enforcement officers shall develop a  
23 written model policy on the duty to intervene, consistent with the  
24 provisions of section 1 of this act.

25 (2) By June 1, 2022, every state, county, and municipal law  
26 enforcement agency shall adopt and implement a written duty to  
27 intervene policy. The policy adopted may be the model policy  
28 developed under subsection (1) of this section. However, any policy  
29 adopted must, at a minimum, be consistent with the provisions of  
30 section 1 of this act.

31 (3) By January 31, 2022, the commission shall incorporate  
32 training on the duty to intervene in the basic law enforcement  
33 training curriculum. Existing peace officers must receive training on  
34 the duty to intervene by December 31, 2023.

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