

I am sending you all an update on I-940. We have had a strong position that WASPC is opposed to I-940 as written, and we would do all we can to find an alternative and try to bring the various groups together and find the best policy possible in light of the restrictions of the Initiative process. We also felt very strongly that a drawn-out and likely negative initiative campaign would not serve our departments or our profession. I also want to make sure you all know what we are doing as this becomes more public and in case you get questions.

So -- we have been meeting regularly with representatives of LE labor groups as well as key legislators and representatives from De-Escalate Washington. These meetings and the process of going through various proposals and attempts to create a bill that would be more balanced for law enforcement has taken several all-day meetings and we really appreciate the efforts of our LE labor groups who have had to get out of their comfort zone and engage in substantive discussions to try to find a better bill.

This morning I testified on House Bill 3003 ([attached](#)), which we strongly support. It is also supported by WAPA (the WA Association of Prosecuting Attorneys), and the (FOP) Fraternal Order of Police and WACOPS (WA Council of Police and Sheriffs) also signed on to support the bill. At this time, COMPAS (Seattle PD and King Co SO) and the Troopers Association are opposing the bill but they did not testify.

Here is a very quick summary of the bill we are supporting. It is based on I-940 with amendments and changes noted on the attachment:

- Section 1: (e) We removed the de-certification for officers if they don't attain training requirements, which would have been a problem for those on military or family leave (f) We removed the phrase "unavoidable and as a last resort" and inserted language that is much more balanced
- Section 2: (1) We cleaned up the language about rendering first aid and removed the word "paramount". (2) Provides new language for first aid
- Section 3: (4) This was the most discussed portion, the deadly force standard. Remember that this standard is only an immunity clause, determining whether a prosecutor can file charges at all, and not the elements of proving a crime. The new language removes most of the original I-940 language and focuses on an "objective reasonable officer" standard. WAPA believes this is good, balanced language that properly protects officers and recognizes the challenges of law enforcement.
- Section 4: (1) This provides for input that must be received by the Criminal Justice Training Commission on creating guidelines for this law. It adds the LE labor groups as well as the Black Law Enforcement Association of Washington.
- Section 5: This is new language that requires independent investigations when deadly force is used and results in death, great bodily harm or substantial bodily harm. There is language excepting departments under Federal consent decree (Seattle PD because no one wants to complicate that process) and CJTC will make rules about what constitutes an independent investigation.

- Section 6: This section requires departments to notify the Governor’s Office of Indian Affairs if they become aware that a tribal member has died as a result of law enforcement deadly force. The intent is just to make sure tribal governments know when a member has been involved. This improves and clarifies the original I-940 language.
- Section 7: This is added language that provides for the State to reimburse peace officers if they are charged and then found not guilty or the charges are dismissed. This was a good addition and provided some balance for the concerns of law enforcement.

It is important to understand the process by which the legislature, if they pass this bill, would proceed. The initiative, because it received the necessary signatures, must go to the ballot this fall UNLESS the legislature passes it into law. So, if the legislature proceeds, the plan would be to pass I-940 as is, then immediately pass a “trailer bill” which is the version attached, and it then becomes law and replaces the I-940 bill. **So, there would be no initiative moving forward to the ballot this fall.**

This language is much better than I-940, substantially addresses our major concerns, has significant labor group support, and send the message that law enforcement wants to work positively with the community. It is also good that WASPC has been fully engaged in the process, and our Chiefs and Sheriffs are providing leadership on these important issues.

***I would ask that you contact your legislators and urge that they vote for [HB 3003](#).***

Below is a link to the hearing this morning. The bill was passed out of the committee unanimously with bi-partisan support. The link includes an analysis of the bill from 1:20 to 12:45 and our testimony starts at 12:45 and ends at 20:45. I also encourage you to view the testimony and support of Rep. Brad Klippert and Rep. Dave Hayes starting at 34:45. As many of you know, both are full time law enforcement officers:

<https://www.tvw.org/watch/?eventID=2018031081>

Question or comments just let me know- thank you!

***Work Hard- Have Fun- Stay Safe***

**Steven D. Strachan, Executive Director**  
Washington Association of Sheriffs & Police Chiefs  
3060 Willamette Drive NE  
Lacey, WA 98516  
[steve@waspc.org](mailto:steve@waspc.org)  
360-486-2380

Executive Assistant: Deb Gregory  
[dgregory@waspc.org](mailto:dgregory@waspc.org)