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### **Coalition Statement on Police Tactics and Use of Force Legislation Taking Effect July 25**

The 2021 Legislature enacted several bills to address police violence, police culture, and public safety. The Washington Coalition for Police Accountability advocated for four of those bills, including [House Bill 1310](#), regarding use of force by law enforcement, and [House Bill 1054](#) regarding police tactics.

Some law enforcement agencies have expressed (1) a concern that HB 1310 requires officers to not respond to calls, especially in situations when someone is experiencing a behavioral health crisis, and (2) a concern that HB 1054 has classified less lethal alternatives like bean bags and sponge balls as banned military equipment. These are incorrect interpretations of those laws.

HB 1310 established requirements for when and how an officer may use physical force and when they may use deadly force. It emphasizes de-escalation over confrontation and requires officers to use reasonable care when engaging with members of the public. HB 1054 also addresses use of force; it restricts the use of chokeholds and lateral vascular neck restraints, narrows vehicular pursuits, and bans military equipment by identifying types of equipment. Both bills aim to reduce the use of violence and emphasize de-escalation tactics.

HB 1310 is a foundational piece of legislation that sets the stage for all other police reforms. It removes the existing authority for officers to use any amount of force necessary to make an arrest, and replaces it with a reasonable care standard, requiring officers to de-escalate, use less lethal alternatives when possible, and use only the minimum amount of force necessary. This does not require officers to stay in their vehicles, or not respond to a call. It aligns with the training officers have received for over a decade, which is to use de-escalation tactics and avoid force unless necessary. 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. The passage of HB 1310 does not change this.<sup>i</sup>

The questions about HB 1054 relate to military equipment. Military equipment was banned under this legislation because it has been shown to *escalate* situations and increase violence. HB 1310 outlined less lethal options, such as bean bag rounds. However, some agencies have removed bean bag rounds and other alternatives from use, under the false belief that they are banned military equipment because of their large capacity launchers.

HB 1054 intentionally did not include bans on bean bag rounds or sponge grenades, and launchers for these projectiles are also not banned. The misinterpretation of these two new laws puts them in conflict and violates the spirit and legislative intent of the enactments.<sup>ii</sup> It also limits law enforcements' options to reduce use of force. While 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.<sup>iii</sup>

While the law could be clearer, 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. In fact, HB 1310 requires that police agencies make such equipment available.

HB 1054 and HB 1310 are very important pieces of legislation. HB 1310 sets the bar by declaring the fundamental duty of law enforcement is to "preserve and protect all human life." The two bills work together to make our communities safer and emphasize the duty of law enforcement to act with care. We need these reforms, and it's important for the public to have clear information when these critical bills go into effect on July 25.

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<sup>i</sup> This blog written by Kim Mosolf of Disability Rights Washington and Enoka Herat of ACLU Washington discusses HB 1310. <https://www.aclu-wa.org/story/new-law-demands-de-escalation-not-abandoning-people-crisis>

<sup>ii</sup> The WASPC position on the legislative intent is at this link. [https://drive.google.com/file/d/1MViZ3VEwBq0tKpmFKdWrxYx9oOS\\_cUH-/view?usp=sharing](https://drive.google.com/file/d/1MViZ3VEwBq0tKpmFKdWrxYx9oOS_cUH-/view?usp=sharing)

<sup>iii</sup> The Auburn Police Department analysis for their decision to keep less lethal alternatives in the field. <https://drive.google.com/file/d/10XBqsrSDfjo4qkojaxFVVk7qU9MjEGAE/view?usp=sharing>