

# Washington Ballot Summary: Initiative Measure No. 940



**Election Date: November 6, 2018**

**Ballot Title (what the voter will see on the ballot):**

Initiative Measure No. 940 concerns law enforcement. This measure would require specific trainings for law enforcement; mandate a duty to provide first-aid; and change the standards for use of deadly force, including a “good faith” standard and require independent investigation. Should this measure be enacted into law? Yes [ ] No [ ]

**Summary of I-940:**

This measure would require all law enforcement officers in the state to receive violence de-escalation and mental health training, as developed by the criminal justice training commission. It would require law enforcement personnel to provide first-aid to save lives and require law enforcement agencies to adopt guidelines for implementing this duty. It would amend the standards for justifiable use of deadly force by law enforcement, including adding a “good faith” standard and requiring independent investigation.

**Unique Process Background of I-940:**

Initiative 940 is an initiative to the legislature. This type of initiative allows the Legislature three options: Pass the law without amendment, place the measure on the ballot for the people to decide, or place the measure on the ballot with a legislature-provided alternative. Both the original and alternative then go to voters to decide which is to become law. In this case, the legislature went further and produced a bill, ESHB 3003, which modified various provisions of I-940. There were challenges to the state Supreme Court regarding this action based on procedure and other issues. Appeals followed. In the end, the Court ruled that the legislature’s action was unconstitutional, and Initiative 940 would be the only measure on the ballot.

**Immediate Effects, if passed:** The Washington State Criminal Justice Training Commission (WSCJTC, already in existence) would, in consultation with multiple stake holders, establish training standards and requirements for law enforcement officers in violence de-escalation techniques and establish appropriate interaction with persons with mental health issues. The act adds an objective and subjective “good faith” standard by which the use of deadly force by an officer is judged justifiable and removes the requirement, in effect since 1986, that malice be present to prosecute an officer for the use of deadly force. When the use of deadly force by an officer results in either death or great bodily harm, an independent investigation will be required to establish whether the objective “good faith” standard has been met. The Act would mandate first aid training and make the rendering of first aid by law officers a paramount duty.

**Fiscal Effects, if passed:** The Act does not come with any attached state funding to support this additional work of WSCJTC. The commission can partner with private parties and law enforcement agencies to provide the training. Such entities can charge a reasonable fee for the training.

**Arguments in favor of I-940:** I-940 supporters believe that increased training and accountability will increase the safety of all communities, especially minority communities and persons with mental health problems. Supporters argue these communities are disproportionately affected by the use of deadly force by law enforcement officers. They also point out that Washington is the only state with such a high legal bar (proven malice) to successfully prosecute an officer for a wrongful death. De-Escalate-Washington supports this measure despite its preference for the bill developed by the legislature.

**Arguments against I-940:** Opponents to I-940 include the Washington State Fraternal Order of Police (WAFOP), Washington Association of Sheriffs and Police Chiefs (WASPC), Council of Metropolitan Police and Sheriffs, and Seattle Police Officers Guild. They believe that the initiative’s main goal is to lower the bar for the prosecution of officers who use deadly force, and point out that it comes with no funding to address the main drivers of deadly confrontations, namely mental illness, drug abuse and homelessness. They point to the inherent danger of the profession of policing, and argue that officers’ legal fear of acting in an emergency will result in injury and deaths of law enforcement officers and members of the public.