

Legislation Text

File #: 18-5641, **Version:** 1

COUNCIL CONSIDERATION OF COUNCIL ACTION CONCERNING INITIATIVE MEASURE NO. 940, AN ACT RELATING TO LAW ENFORCEMENT; AMENDING RCW 9A.16.040; ADDING NEW SECTIONS TO CHAPTER 43.101 RCW; ADDING NEW SECTIONS TO CHAPTER 36.28A RCW; AND CREATING NEW SECTIONS

INTRODUCED BY: Council member Scott Vydra

SUPPORTED BY: Mayor pro tem Mike Wallin

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Continue effective financial management

Enhance public safety & emergency response

CITY ATTORNEY REVIEW: N/A

SUMMARY STATEMENT:

Enhancing public safety and emergency response is a top priority initiative of the City Council as is continuing effective financial management of the City.

This initiative has costly aspirational goals requiring law enforcement to receive violence de-escalation, mental health, and first-aid training, and provide first-aid; and change standards for use of deadly force, adding a "good faith" standard and independent investigation.

Initiative 940 represents a real threat to effective law enforcement and more particularly to the careers of law enforcement officers. This initiative could increase costs to local governments and make hiring and retaining qualified law enforcement officers more difficult and more costly to local governments.

I-940 does nothing to make our communities safer. In fact, it could cause more violence as it ties the hands of police officers, troopers and deputies, and could cost lives in our community.

Current state law already requires officers to receive the de-escalation, mental health and first aid training. The initiative has no mechanism to fund the additional training and ties the officer's commission to the new training mandate. This initiative is an unfunded mandate and will add costs to local governments.

The initiative has a component that requires an officer to render medical assistance possibly while criminal activity may still be occurring. Initiative 940 would require officers to render aid to suspects before their victims, among other issues. If passed, the initiative forces an officer to act outside of not only their safety, but the safety of the community. This initiative is dangerous.

In 1986, the Legislature decided that officers should not be prosecuted for killing a person in the line of duty as long as they acted in good faith and without what the law deems "evil intent". This is a nearly impossible standard for prosecutors to meet, requiring them to get inside the head of an officer who is in a tense situation requiring a split-second decision.

Initiative 940 proposed to require prosecutors to use a "subjective good faith test" in deciding whether to

pursue criminal charges against an officer following a shooting. This, again, is an impossible standard. These additional standards could make hiring and retaining qualified law enforcement officers more difficult and more costly to local governments.

This costly and dangerous initiative threatens Council's strategic initiatives to continue effective financial management and to enhance public safety & emergency response for the residents of the City of Longview.

Strong communities make a great state.

RECOMMENDED ACTION:

A City Council motion expressing to the Voters of the City of Longview the City Council's opinion concerning Initiative Measure No. 940, AN ACT Relating to law enforcement; amending RCW 9A.16.040; adding new sections to chapter 43.101 RCW; adding new sections to chapter 36.28A RCW; and creating new sections, should not be approved by the voters.

Consistent with RCW 42.17A.555(1), during the public meeting, members of the city council and members of the public will be afforded an approximately equal opportunity for the expression of an opposing view.