

HB 2037: Police Use of Force

The Washington Defender Association and the Washington Association of Criminal Defense Lawyers strongly oppose HB 2037. The law should not be written to specifically allow physical force during investigative detention (*Terry*) stops. We support amendments to the use of force statute that clarify that the limitations passed last session do not prohibit assisting those with mental illness, but are extremely troubled that this bill is being used not only to undo protections passed just last year, but will expose the community to even greater danger from law enforcement during these stops than before.

- **Washington lawmakers must have the courage and honesty to acknowledge that systemic racism exists and the courage to not take steps back from last session's efforts to dismantle the effects of systemic racism on policing practices.** The changes proposed in this bill will have the effect of increasing the likelihood of more use of force incidents that might cause undue and unfair harm to innocent community members.
- **Community members are presumed innocent of committing crimes until proven guilty.** Laws are made to deter certain behavior, such as DUI laws. Laws must be written in a way that does not allow an interpretation which could lead to unnecessary harm and must be written in a way that promotes the dignity and sanctity of human life. This is especially important when someone is merely detained on a suspicion that there is a possibility that a person has engaged in a crime.
- **Allowing physical force during a *Terry* stop opens the way for unnecessary escalation of harm even to the community not involved in a crime.** This has been shown to happen time and again; and too often it happens to Black and Brown members of the community, and young persons, especially Black and Brown who are not involved in a crime, but instead targets of racial profiling.
- **Police officers can and may and must be encouraged to work smarter to engage community in investigative detentions without physical force and by using de-escalation techniques at every level of police/community contact.**

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