



Statement
Milton Police Department
Milton, Washington

IMMEDIATE RELEASE

8/02/2021

Statement by Police Chief Hernandez Regarding Police Reform Laws

The Milton Police Department has reviewed and is ensuring department protocol and procedures are in alignment and compliance with several new Washington State Legislature House Bills; 1223 Uniform Electronic of Custodial Interrogations, 1310 Permissible Uses of Force, 1054 Tactics and Equipment, 5051 State Oversight and Accountability of Peace and Correction Officers, 5066 Duty to Intervene, and 5476 Drug Possession.

The Washington State Legislature recently passed these bills that impact law enforcement procedures, tactics, and operations across the state. As the Milton Police Department incorporates these changes, I'd like to share links and summaries with the community.

The following provides a brief overview of each legislative bill and how it will impact the approach and procedures utilized by Police Officers and staff.

Effective July 1, 2021

- [**Senate Bill 5476**](#) (Blake Decision regarding drugs and paraphernalia) clarifies that possession of a controlled substance is a misdemeanor. Under this new law, officers are required to offer referrals to assessment and services prior to an action of arrest and booking for drug possession. The community may now see officers interact and release drug users to ensure compliance with the new legislative mandates to first refer drug user in possession of 40 grams or less for services before making an arrest.

Effective July 25, 2021

- [**House Bill 1054**](#) (Tactics) prohibits using a chokehold or neck restraint, prohibits military equipment, restricts vehicular pursuits to violent crimes only, police cannot pursue a vehicle because it is stolen unless there are other violent factors involved and prohibits firing a weapon at a moving vehicle.
- [**House Bill 1310**](#) (Use of Force) clarifies when officers may use force and when de-escalation tactics are required. We have provided training to ensure our officers use de-escalation techniques officers our required to employ more time to gather information, and only detain someone or use physical force

when probable cause exists or there is an imminent threat of bodily injury. Officer responses to specific events, such as misdemeanor crimes, people in crisis, runaways, and involuntary emergency detentions, will first need to establish probable cause or imminent threat under this bill. If the officer cannot establish probable cause the officers will leave the area if there is no imminent threat. This includes individuals suffering from mental illness, mental health distress or under the influence of drugs. These our medical aid calls not disturbance calls. This will frustrate some 911 callers who our accustomed to seeing a police response and expect a police resolution to such calls.

- [Senate Bill 5051](#) (Decertification & Background Checks) provides more stringent practice and policy requirements opens social media speech for disqualification, allows any individual to file complaint to the criminal justice training commission for investigation and potential revocation. Civil penalty of up 10,000 dollars if employing agency fails to report misconduct to the Criminal Justice Training Commission (CJTC).
- [Senate Bill 5066](#) (Duty to Intervene) Officers our required to report policy and law violations or face revocation of their peace officer certification. This bill and our policy language have been further defined and clarified.

The City of Milton is committed to continuing to implement alternative call responses to non-criminal calls to divert people in need of medical, mental health, and social services connected with the appropriate welfare care systems that are better positioned to assist them.

As these new laws become better understood through interpretations, court decisions and model policies, the Milton Police Department will update its own definitions and policies as appropriate. The Attorney General office is to provide model policies regarding use of force and de-escalation tactics by July 1, 2022, and law enforcement agencies required to also adopt consistent policies by December 1, 2022.