

# Implementing Deadly Force Data Collection:

Reforms Needed to Ensure Full Reporting,  
Transparency

**Report: As Specified in 2019-2021 Operating Budget**



**Office of Washington State  
Attorney General**  
Bob Ferguson  
June 2020

## Letter from the Attorney General



Washingtonians demand and deserve accurate and complete information about use of force by those entrusted to protect us. Transparency is an essential component of building trust. Improved trust promotes safety for both community members and our law enforcement officers.

Currently, members of the public and policymakers do not have consistent access across the state to information about the use of deadly force by law enforcement officers.

To better understand and reduce violent interactions between law enforcement, security guards and members of the public, we must collect and report data statewide on these occurrences. This plan, if enacted by the Washington State Legislature, will shed light on how frequently police and security guards use deadly force and the circumstances under which it occurs. With these insights, we can enact policies to make our communities safer.

We need to implement this reform. Calling for comprehensive, mandatory data collection on use of deadly force is not new and has long enjoyed broad support. For example, in 2016, Washington's Joint Legislative Task Force on the Use of Deadly Force in Community Policing overwhelmingly supported requiring statewide deadly force data collection. Then—and now—law enforcement officials have been among the stakeholders recommending standardized data reporting.

I look forward to working with you, the Governor, law enforcement, security services, community members, and our federal partners to adopt these recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ferguson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bob Ferguson  
Washington State Attorney General

# Implementing Deadly Force Data Collection: Reforms Needed to Ensure Full Reporting, Transparency

## SUMMARY OF RECOMMENDATIONS

There is no single source of information where the public and policymakers can obtain information about the use of deadly force by law enforcement officers in Washington state. The state must act to ensure everyone has easy access to factual information about these incidents. The voluntary national program currently underway has 10% participation among law enforcement agencies in Washington. However, boosting that rate alone is not enough. The state needs to take responsibility for making the data transparent and accessible to the public. Some individual law enforcement agencies have been proactive in making information routinely available, but transparency is not consistent across the state and the information is not compiled in one place. To better understand events in our state, key information about deadly force incidents must be reported and shared with the public immediately. Going forward beyond basic transparency, community and law enforcement stakeholders may find that additional data would further inform the conversation about police practices and the circumstances that lead to the use of force, bringing about changes to reduce these incidents.

- **To ensure complete reporting of consistent information across the state, require law enforcement agencies to report information about incidents involving deadly force.<sup>1</sup>**
- **To ensure public transparency, compile information from various sources in one place to provide easily accessible information to the public, including:**
  - Regularly updated key information available online in a simple, searchable format, such as:
    - The date and location of incidents;
    - The agency or agencies employing the officers;
    - The type of force used by officers;
    - The type of weapon, if any, used by the member of the public;
    - The injuries, if any, suffered by officers and members of the public;
    - The demographic characteristics of the officers and members of the public, including sex, age, race, and ethnicity;
    - The reason for the initial contact between the officers and member of the public;
    - The agency or Independent Investigative Team investigating the incident, if applicable; and
    - Moneys paid in tort lawsuits, when available, including the jurisdiction involved;
  - Periodic summary information available online using straightforward visual displays; and
  - The full deadly force dataset available online for download, including any additional data points not mentioned above.
- **To ensure data quality and enhance public trust in the data, require state-level auditing of deadly force data.**
- **To collect data in the immediate term, use the Federal Bureau of Investigation's (FBI) Use-of-Force Data Collection Program.**

The FBI's National Use-of-Force Data Collection program provides an existing, cost-effective method that collects consistent deadly force data on a nationwide basis.

- **Determine whether information about additional types of force, besides deadly force, is crucial to better understanding and preventing violent interactions between law enforcement and the public.**

Collecting data on firearm discharges and incidents resulting in death and serious bodily injury is a limited scope of incidents involving force. If policymakers and the community are interested in additional information, it will be necessary to create a state data collection tool.

- **To understand the frequency and circumstances when armed licensed professionals discharge firearms, require reporting to the Department of Licensing (DOL); require DOL to post information online.**

The Attorney General's Office (AGO) carried out this work in response to a Legislative directive in the 2019 Operating Budget, Section 127 (15) of Engrossed Substitute House Bill 1109. Specifically, the AGO was tasked with developing a plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services. The complete proviso can be found in the Appendix.

The data elements outlined in the proviso were originally recommended in 2016 by Washington's Joint Legislative Task Force on the Use of Deadly Force in Community Policing<sup>2</sup> ("the Task Force," created through House Bill 2908), a diverse group of stakeholders, including community advocates, law enforcement, state entities, and professional associations. Since then, the Legislature has introduced several bills responsive to the Task Force's data collection and reporting recommendations. The bills listed below did not pass.

- In 2017, Senate Bill 5073, sponsored by Senator Frockt, and companion House Bill 1529, sponsored by Representative Ryu, acknowledged that "data collection is essential to inform law enforcement agencies and the public about the effectiveness of existing practices, which policies work and do not work, and any unintended consequences."<sup>3</sup>
- In 2019, Senate Bill 5916, sponsored by Senator Hasegawa, required reporting of deadly force incidents by law enforcement and security guards.
- In 2020, House Bill 2789, sponsored by Representative Lovick, and companion Senate Bill 6527, sponsored by Senator Frockt, directed law enforcement agencies to report all of the data elements in the FBI's National Use-of-Force Data Collection program.

## Law Enforcement

- **To ensure complete reporting of consistent information across the state, require law enforcement agencies to report information about incidents involving deadly force.**

This recommendation necessitates a statutory change requiring law enforcement agencies to report deadly force data. If the FBI's National Use-of-Force Data Collection program is used for data collection, require reporting to the program's state administrator in a manner specified by the state administrator. This will provide flexibility for agencies to directly enter data into the FBI portal or provide the data through other means, such as by completing a form. It is necessary to list each of the particular data points that are required to be reported about each use-of-force incident.

The FBI's National Use-of-Force Data Collection program does not collect torts data; however, there is no need to develop a separate data system to collect this information, as city, county and state entities report that they can use their existing internal data systems to identify and report use-of-force torts data. To ensure data is consistently provided, require cities, counties, and the state Department of Enterprise Services (DES) to provide the data within a specified timeframe.

Another piece of information that may be of interest to the public is the entity investigating the use-of-force incident. When a law enforcement officer's use of deadly force results in death, substantial bodily harm, or great bodily harm, Washington law requires an independent investigation.<sup>4</sup> The Washington State Criminal Justice Training Commission (CJTC) adopted rules establishing criteria for independent investigations.<sup>5</sup> Accordingly, when the use of deadly force requires an independent investigation, law enforcement agencies should report to CJTC the entity performing that investigation, as well as the outcome of the completed investigation, when available.

Once the state enacts the necessary statutory changes detailing which particular data points are required to be reported, the information collected should be available to the public in one location.

- **To ensure public transparency, compile information from various sources in one place to provide easily accessible information to the public,<sup>6</sup> including:**
  - Regularly updated key information available online in a simple, searchable format, such as:
    - The date and location of incidents;
    - The agency or agencies employing the officers;
    - The type of force used by officers;
    - The type of weapon, if any, used by the member of the public;
    - The injuries, if any, suffered by officers and members of the public;

- The demographic characteristics of the officers and members of the public, including sex, age, race, and ethnicity;
  - The reason for the initial contact between the officer and member of the public;
  - The agency or Independent Investigative Team investigating the incident, if applicable; and
  - Moneys paid in tort lawsuits, when available, including the jurisdiction involved;
- Periodic summary information available online using straightforward visual displays; and
  - The full deadly force dataset available online for download, including any additional data points not mentioned above.

If the FBI program is used to collect deadly force data from law enforcement agencies, there are no restrictions on the state's use of our own data. The state administrator of the FBI program can extract our state's data submitted through the FBI portal and make it available to the public or another entity. It is imperative for the state to be proactive in this regard, as the FBI does not plan to release individual agency data. It is up to the state to make the data transparent and accessible with regular updates and clear visual displays. To further enhance the ability of agencies and the public to understand the data and compare across jurisdictions, the state could also provide supplemental information, such as population, crime rate, or other demographics.

- **To ensure data quality and enhance public trust in the data, require state-level auditing of deadly force data.**

The FBI audits state crime statistics programs on a triennial cycle to assess the validity of reported crime data. The audit includes a data quality review, during which case files—including the officer's narrative and supplemental information—are reviewed to determine if national standards and guidelines were appropriately applied. The FBI documents data discrepancies and state program administrators identify the corrective actions they will take. The Legislature should provide resources to conduct additional auditing at the state level focused on deadly force data.

- **To collect data in the immediate term, use the FBI's Use-of-Force Data Collection Program.**

The FBI's National Use-of-Force Data Collection program provides an existing, cost-effective method that collects consistent deadly force data on a nationwide basis, providing a point of reference for the state to compare its practices.

- **Determine whether information about additional types of force, besides deadly force, is crucial to better understanding and preventing violent interactions between law enforcement and the public.**

Collecting data on firearms discharges and incidents resulting in death and serious bodily injury is a limited scope of incidents involving force. If policymakers and the community are interested in additional information, it will be necessary to create a state data collection tool.

*The FBI's National Use-of-Force Data Collection Program Provides a Means of Collecting Information about Use-of-Force Incidents Involving Firearms Discharges, Serious Bodily Injury, or Death*

In January 2019, the FBI launched the National Use-of-Force Data Collection program to provide consistent information about the circumstances and individuals involved in deadly force incidents on a nationwide basis. Data collection began after nearly three years of development, including convening the National Use-of-Force Data Collection Task Force,<sup>7</sup> and a data collection pilot study.<sup>8</sup> Participation in the National Use-of-Force Data Collection program is open to all local, state, tribal, and federal law enforcement agencies on a voluntary basis. Law enforcement agencies are not required to pay a fee to use the data repository. Of course, as with any data reporting mechanism, staff time is needed to enter and review the data.

The FBI program collects information about use-of-force incidents resulting in death or serious bodily injury, as well as firearms discharges, regardless of whether or not they resulted in injury. Table I provides a comparison of the information collected by the FBI program and the data elements outlined in the proviso. The FBI collects most of the information requested in the proviso about deadly force incidents and the people involved, as well as additional information that may be of interest to the Legislature. Aside from firearms discharges, information about uses of deadly force that do not result in death or serious bodily injury are not collected. Washington statute also does not define means of deadly force aside from the use of a firearm.<sup>9</sup> If there is interest in capturing this information going forward, it would be necessary to explicitly define each means of deadly force for consistent reporting across jurisdictions.<sup>10</sup> In addition, as the FBI data collection focuses on information that is readily known and can be reported within the first few days after a use-of-force incident occurs, it does not include information about tort claims<sup>11</sup> filed and moneys paid in use-of-force cases. (More information about how to gather torts data is on page 7).

**Table I****Comparison of Data Points**

| <b>Proviso</b>   | <b>FBI National Use-of-Force Data Collection</b>   |
|--|--|
| <b>Information about Incident</b>                      |  |
|  | Date and time of the incident  |
|  | Number of officers who applied force   |
| Location of the incident                               | Location of the incident   |
|  | Location type (street, business, residence, restaurant, school, etc.)  |
|  | Did the officer approach the subject?  |
|  | Was it an ambush incident?   |
|  | Was a supervisor present or consulted during the incident?   |
|  | Reason for initial contact between the subject and the officer (response to unlawful activity, routine patrol, traffic stop, etc.) |
|  | If the initial contact was due to “unlawful activity,” what were the most serious reported offenses?                               |
| Agencies employing the involved officers               | Incident numbers for all agencies involved   |
| <b>Information about Member of the Public Involved</b> |  |
| Age, sex, race, and ethnicity                          | Age, sex, race, ethnicity, height, and weight  |
| Injuries suffered                                      | Injuries suffered  |
|  | Did the subject resist?  |
|  | Type of resistance (threatened officer, threatened others, threatened self, active aggression, firearm, attempt to flee, etc.)     |
|  | Was the threat directed to the officer or to another party?  |
| Weapon used  | Was the subject armed or believed to be armed with a weapon?   |
|  | Was the subject impaired (mental health, alcohol, drugs)?  |
| <b>Information about Officer(s) Involved</b>           |  |
| Age, sex, race, and ethnicity                          | Age, sex, race, ethnicity, height, and weight  |
| Injuries suffered                                      | Injuries suffered  |
|  | Years of service as a law enforcement officer  |
|  | Was the officer a full-time employee?  |
|  | Was the officer readily identifiable?  |
|  | Was the officer on duty at the time of the incident?   |
| Weapon used  | Type of force used connected to serious bodily injury or death   |
|  | Did the officer discharge a firearm?   |
| <b>Torts Information</b>                               |  |
| Number of tort claims filed                            |  |
| Moneys paid  |  |

The FBI makes use of a program that law enforcement agencies are already familiar with—known as the Uniform Crime Reporting (UCR) program—to coordinate the National Use-of-Force Data Collection program. Most law enforcement agencies in the United States already report various types of data through this program, such as domestic violence offenses and hate crimes. Our state’s UCR program was established in 1979 and data collection began in 1980. The CJTC manages the contract with the Washington Association of Sheriffs and Police Chiefs, the state’s administrator for the UCR program.

For the Use-of-Force Data Collection program, in our state, local law enforcement agencies enter data directly through the FBI’s Law Enforcement Enterprise Portal. Before it is sent to FBI, the role of the state program administrator is to review reports for completeness, either approving or rejecting reports with a comment. If rejected, the system returns the report to the local agency, and the program administrator follows up with them, as needed, to ensure completion. Once approved, the system forwards the report to the FBI for review. Each processing step and action on an incident report is captured and stored in the database.

#### *Washington Law Enforcement Agencies Voluntarily Participating in the FBI Program Report that it is Easy to Use*

As of June 2020, 10.2% of law enforcement agencies in Washington are voluntarily participating in the FBI program. While this a small percentage when measuring by agency, these agencies employ 42.4% of law enforcement officers in the state.

In December 2019, five law enforcement agencies responded to the AGO’s invitation to all Washington law enforcement agencies participating in the FBI program to share feedback about their experiences with the program, as well as any other systems they use to track use-of-force information internally. All respondents indicated that the program is straightforward and easy to use. They did not express concerns about using the FBI program to capture information about use-of-force incidents resulting in death or serious bodily injury, or firearms discharges.

#### *States with Robust Participation in the FBI Program Recommend Providing Data Entry Support*

Particularly because the local law enforcement agencies that provided feedback are already voluntarily participating in the FBI program, a population that is overrepresented by larger agencies, the AGO also sought feedback from states that achieved high participation in the FBI program across the board, including among smaller agencies that may not have existing electronic data collection processes in place. To learn about any actions the state may have taken to facilitate agency participation, the AGO contacted program administrators in the 10 states that have already achieved at least 50 percent participation in the FBI program (as a portion of their state’s law enforcement officers); 5 of these states have attained 85 to 100 percent participation. Several program administrators noted that their state aimed to make it as easy as possible for local law enforcement agencies to participate. Of the 9 states that responded, 7 provide assistance entering the data into the FBI portal for law enforcement agencies and in 2 states, like Washington, individual law enforcement agencies enter use-of-force data directly through the FBI portal. The states that assist with data entry generally provide local law enforcement agencies with a form with the FBI data fields that can be emailed or faxed to the state program administrator.<sup>12</sup> In turn, state program administrator staff enter the data in the FBI portal. This eliminates the need for each individual law enforcement agency to create and maintain an account to use the FBI portal. Maintaining the account requires periodically logging in to the system and using two-factor authentication, which may be unnecessary for smaller agencies with infrequent reportable use-of-force incidents.

Given that a number of Washington law enforcement agencies are already participating in the FBI program and report that it is easy to use, there is no need for the state program administrator to enter data into the FBI portal on behalf of all law enforcement agencies. In addition, once they use the FBI portal, more agencies may find that they are not only easily able to enter data, but it makes sense to do so to gain access to other features of the portal (e.g., the ability to run reports and create charts). However, given that providing an alternate, simple way to provide data has contributed to success in other states, our state should also provide this option to law enforcement agencies that face technological difficulties or other hardships to direct data entry.

#### *Law Enforcement Stakeholders Noted the Limited Scope of Use-of-Force Data under Consideration for Collection*

Notably, several Washington law enforcement agency stakeholders commented that collecting information on firearms discharges and incidents resulting in death and serious bodily injury is a limited scope of incidents involving force and recommended capturing information about additional types of incidents to paint a fuller picture of use of force. For example, a lieutenant at one law enforcement agency noted that, during one month in 2019, the agency had zero instances of the most serious uses of force, but 19 incidents involving lesser force recorded in their internal tracking system. This

agency considers *any* coercive action to be force, even if it does not cause pain (e.g., shooting a bean bag gun at an object, not a person). A representative from another agency stated that their policy includes four different levels of reportable force – ranging from deadly force to force that causes transitory discomfort (e.g., use of a restraint to limit movement or deployment of a device that generates loud noise and bright light). He noted that a category that may be of interest for data collection is physical injury greater than transitory pain but less than serious bodily harm, such as using a Taser, oleoresin capsicum spray (commonly referred to as pepper spray), or an impact weapon, such as a baton.

#### *Explore a State Data Tool for Additional Data Collection*

Going forward, the Legislature may wish to fund the development of a state data tool to collect information about more types of force than outlined in the proviso or captured by the FBI program. This would require clearly articulating the purpose of the collecting the data, including for what, if anything, it will be used. For example, the data may be intended solely to provide transparency to the public, or perhaps, it could also be used for training purposes. In addition, as previously mentioned, individual law enforcement agencies have different definitions of uses of force. Determining how to move forward with additional statewide data collection would necessitate convening various law enforcement agencies and community stakeholders to develop consistent definitions of the types of force subject to statewide collection and to identify the particular data elements to collect about each incident.

#### *Tort Claims Data Can Be Provided Separately*

Tort claims data is not housed at law enforcement agencies, but with their insurance providers at the city, county, and state levels. Stakeholders from the five risk pools for the counties and cities in Washington,<sup>13</sup> as well as DES provided input on collecting and disseminating use-of-force torts data. All of the representatives stated that they would be able to easily identify and export use-of-force claims filed using their existing data systems.

Some representatives urged caution when interpreting tort claims data. For example, one risk pool representative noted that anyone can file a claim without merit and expressed concern about drawing conclusions about law enforcement conduct based on claims data. Another representative cautioned that though the risk pool can identify claims based on the initial allegation made, this information can be misleading, as the case may settle on claims other than use of force. Furthermore, some risk pool representatives noted that they would not be able to provide any additional information on open cases, other than the number of claims filed. Absent further context, the value of such information may be limited. In addition, in some cases, risk pools may not be able to disclose specific information about money paid in tort cases, such as settlements reached outside of a trial. Several risk pool representatives noted that even if moneys are paid in use of force cases, this may not indicate that law enforcement officers used excessive or unlawful force, as a risk pool may make a business decision to settle a case.

The Legislature may wish to articulate the purpose of collecting data on claims that have not yet been resolved. Once the outcome of the case is known, data can provide a window into how much public entities are paying to resolve use-of-force claims. Torts data, though, does not provide a comprehensive picture of use of force that is excessive or unlawful; other data may be needed to understand that.

## Security Guards

- **Require private security service companies to notify DOL within 10 days of when an employee who is an armed private security guard discharges their firearm while on duty in a manner specified by DOL.**
- **For consistency across armed licensed professionals, extend a firearms discharge reporting requirement to armed private investigators and bail bond recovery agents.**

The Legislature will need to decide whether to align the firearms discharge reporting requirement for armed licensed professionals with the requirement for law enforcement agencies, meaning they would report discharges at or in the direction of a person. Another option is to align reporting to DOL with the notification that security service companies are already required to provide to local law enforcement agencies, meaning they would report all firearms discharges while on duty, other than on a supervised firearm range. Example language to amend RCW [18.170.110](#):

A private security guard company shall notify the department, in a manner prescribed by the department, whenever an employee who is an armed private security guard discharges his or her firearm while on duty *at or in the direction of a person* [OR *other than on a supervised firearm range*]. The notification shall be made in writing within ten business days of the date the firearm is discharged.

- **Require DOL to post information on private security service firearms discharges on its website.**

DOL's website about security guards includes information for consumers about looking up a license, filing a complaint, and reviewing disciplinary actions.<sup>14</sup> Information about firearms discharges could also be posted here. Because DOL already publicly posts information about disciplinary action taken against individual security guards, if a firearms discharge resulted in such an action, it would already be available online. The Legislature may wish to require DOL to post additional aggregated, de-identified data on firearms discharges, even when the discharges are not associated with disciplinary actions.

According to DOL there are about 2,294 licensed armed private security guards in Washington. Licensed armed private security guards make up approximately 17% of all licensed private security guards in the state. Private security guards and private security service companies must obtain a professional license and renew it annually with the DOL,<sup>15</sup> aside from those who are exempt from the requirements.<sup>16</sup> To obtain an armed private security guard license from DOL, security guards must obtain a firearms certificate from the CJTC. To qualify for a firearms certificate, applicants must complete a program prescribed by the CJTC of at least eight hours of instruction (addressing safe firearms handling, tactics, legal issues and decision-making regarding the use of deadly force), a written examination, a skills test to demonstrate proficiency in safe firearms handling, and a range qualification with the specific firearm the applicant will use on the job.<sup>17</sup> On an annual basis, armed private security guards must demonstrate proficiency with each firearm that they are certified to use.<sup>18</sup> All private security guards are also required to complete 4 hours of training annually.<sup>19</sup>

### Security Service Companies Already Obligated to Notify Law Enforcement of Firearms Discharges

To obtain input on collecting firearms discharge data from private security services, the AGO reached out to an industry association and eight private security service companies that employ armed security guards, including companies that employ 100 or more armed security guards, as well as smaller companies. Several companies responded, commenting that firearms discharges at people are rare occurrences. For example, a representative of a company with 40 years of experience and a representative of another company with 20 years of experience each recalled two discharges by employees during their tenure in the industry. Another company representative stated that since they began internal tracking six years ago, there have not been any instances of a security guard firing at another person. Stakeholders noted that, as part of their training, armed security guards learn to call the police as soon as possible after they use their weapon.<sup>20</sup> By law, private security service companies are required to notify local law enforcement within 10 business days after an armed security guard they employ discharges a firearm while on duty.<sup>21</sup> Bail bond recovery agents<sup>22</sup> and armed private investigators<sup>23</sup> also have a duty to notify local law enforcement of firearms discharges.

### An Additional Notification May Enable the State to Capture Details about the Discharge from Existing Records

While security service companies are already obligated to report firearms discharges to the local law enforcement agency, it is not feasible for the state to capture that information unless the security service company also notifies a state entity, such as DOL, about the discharge. To collect additional information, such as demographic information about the

people involved in the shooting, the data collection instrument may ask the security service company to identify the law enforcement agency the incident was reported to and the incident number, if applicable. This would enable the state to verify information provided by the security service company and to gather additional information about the incident from the police report. Demographic information may or may not be available depending on whether the person involved in the shooting was identified and the law enforcement agency conducted an investigation.

*Notification When the Discharge Occurs is Mutually Beneficial to the Industry and State*

Since anecdotal information suggests that firearms discharges are rare, reporting to another entity is expected to create minimal administrative burden. Moreover, industry stakeholders expressed a preference for a proactive requirement when a discharge occurs, rather than a requirement to respond to an annual inquiry, such as through license renewal, whether or not a discharge occurred. In addition, having information about discharges soon after they occur could provide DOL with an additional tool to determine whether to take disciplinary action against a security guard, such as issuing a reprimand, fine or license suspension, when appropriate.

In response, DOL stated that it is technically and logistically possible to create a reporting mechanism for security guard companies to report firearm discharges. However, the agency indicated there are several aspects and considerations that would need to be explored before implementation. For example, further conversations should clarify the roles and responsibilities of the agency when a discharge is reported. In addition, if it is contemplated that the firearms discharge data would be integrated into DOL's existing firearms database<sup>24</sup> that would add complexity and require further assessment of technology capabilities.

## Appendix

### **Budget proviso – Section 127 (15) of [Engrossed Substitute House Bill 1109](#)**

\$75,000 of the general fund—state appropriation for fiscal year 2020 is provided solely for the Attorney General to develop an implementation plan to collect and disseminate data on the use of force by public law enforcement agencies and private security services.

(a) The plan must identify how to effectively collect data on the occasions of justifiable homicide or uses of deadly force by a public officer, peace officer, or person aiding under RCW 9A.16.040 by all general authority Washington law enforcement agencies and the Department of Corrections. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

- (i) The number of tort claims filed and moneys paid in use of force cases;
- (ii) The number of incidents in which peace officers discharged firearms at citizens;
- (iii) The demographic characteristics of the officers and citizens involved in each incident, including sex, age, race, and ethnicity;
- (iv) The agency or agencies employing the involved officers and location of each incident;
- (v) The particular weapon or weapons used by peace officers and citizens; and
- (vi) The injuries, if any, suffered by officers and citizens.

(b) The implementation plan must also identify how to effectively collect data on the occasions of the use of force requiring the discharge of a firearm by any private security guard employed by any private security company licensed under chapter 18.170 RCW. The plan must address any necessary statutory changes, possible methods of collection, and any other needs that must be addressed to collect the following information:

- (i) The number of incidents in which security guards discharged firearms at citizens;
- (ii) The demographic characteristics of the security guards and citizens involved in each incident, including sex, age, race, and ethnicity;
- (iii) The company employing the involved security guards and the location of each incident;
- (iv) The particular weapon or weapons used by security guards and citizens; and
- (v) The injuries, if any, suffered by security guards and citizens.

(c) The Attorney General must compile reports received pursuant to this subsection and make public the data collected.

(d) The Department of Licensing, Department of Corrections, Washington State Patrol, and Criminal Justice Training Commission must assist the Attorney General as necessary to complete the implementation plan.

## Endnotes

1. Collecting data on deadly force refers to incidents resulting in death or serious physical injury, as well as firearms discharges, regardless of whether or not they resulted in injury.
2. The Task Force report is available at: [https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Final%20Report\\_Jt.%20Leg.%20TF%20Deadly%20Force%20Community%20Policing\\_d704e027-1f1e-40a9-9388-f570930f2cbe.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Final%20Report_Jt.%20Leg.%20TF%20Deadly%20Force%20Community%20Policing_d704e027-1f1e-40a9-9388-f570930f2cbe.pdf).
3. The 2017 bills included a number of components in addition to data collection. Some of the other components, such as enhancing law enforcement training and revising the standard for use of deadly force, were incorporated into Initiative 940 in 2018.
4. RCW [10.114.011](#). Agencies under federal consent decree, federal settlement agreement, or federal court order are exempt from this requirement.
5. [WAC 139-12-030](#)
6. Examples include: The Seattle Police Department's use-of-force data is available online in a searchable table that can also be downloaded, see: <https://www.seattle.gov/police/information-and-data/use-of-force-data/use-of-force-dataset>. The Spokane Police Department makes available interactive dashboards with use-of-force data, see: <https://my.spokanecity.org/opo/analysis/>. The State of California summarizes use-of-force data annually with simple charts available at: <https://openjustice.doj.ca.gov/data-stories/2018/use-force-incident-reporting-2018>.
7. Some information about the Task Force and other key dates in the development of the National Use-of-Force Data Collection program is available at: <https://www.fbi.gov/services/cjis/ucr/use-of-force>.
8. A summary of the pilot study is available at: <https://www.fbi.gov/file-repository/ucr/national-use-of-force-data-collection-pilot-study-121018.pdf/view>.
9. Per RCW [9A.16.010](#) (2), "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.
10. For example, striking a person's head with an impact weapon or into a hard, fixed object, or using neck and carotid holds may be considered means of deadly force. Generally speaking, if methods such as these are applied, injuries can be expected, whereas when using a firearm, there is a greater likelihood of missing the target, resulting in no injury.
11. A tort claim refers to a claim for money damages required to be filed pursuant to Chapters 4.92 or 4.96 RCW, and also includes all civil actions brought to hold an entity legally liable for the harm and to recover damages.
12. See, for example, a form provided by Montana: <http://mbcc.mt.gov/Portals/130/UOFdocuments/UseOfForceForm.pdf>
13. A risk pool refers to a group of entities coming together to jointly purchase insurance and risk management services. Most cities and counties in Washington are members of risk pools. However, some jurisdictions, such as the City of Seattle, are self-insured.
14. See: <https://dol.wa.gov/business/securityguards/>
15. WAC [308-18-160](#)
16. Individuals performing the functions of a private security guard, who are employed by one employer that is not a private security company are not subject to licensure, per RCW [18.170.020](#). For example, an armed guard does not need a license or firearms certificate if they are employed directly by the business they are protecting, rather than contracted through a private security company.
17. WAC [139-30-020](#)
18. WAC [139-30-015](#) (4) and WAC [139-30-025](#)
19. RCW [18.170.105](#)
20. See page 12 of CJTC's Firearms Certificate Program Guide, available at <https://cjtc.app.box.com/s/8wqmaunb0tsg2o8q941jidunsf7444da>.
21. RCW [18.170.110](#)
22. RCW [18.185.090](#)
23. RCW [18.165.130](#)
24. DOL's firearms database, which includes pistol and semi-automatic rifle transfer data, concealed pistol license information, and firearms dealers' license information, is maintained for law enforcement access.

