

Opinion

The Seattle Times

WA lawmakers should pass two bills to add accountability to policing

Feb. 3, 2023 at 9:44 am | Updated Feb. 3, 2023 at 10:02 am



Two measures recently introduced in the Washington state Legislature address police accountability. House Bill 1025 tackles a legal doctrine known as qualified immunity. House Bill 1513, would overhaul the circumstances under... (AP Photo/Ted S. Warren, File) **More** ✓

By [Joel Merkel Jr.](#), [Harriett Walden](#) and [Patricia Hunter](#)

Special to The Times

The disturbing videos depicting a group of Memphis police officers kicking and pummeling Tyre Nichols are excruciating to watch. It is unfathomable that the routine traffic stop of an unarmed motorist could have triggered such an extreme response.

But what befell Nichols was not all that unusual. Too often, traffic stops for low-level offenses — which disproportionately involve low-income drivers and people of color — lead to tragic outcomes. And there is ample evidence in many of these cases to suggest that some officers behave with a sense of impunity arising from a lack of legal accountability for their actions.

To address this, the co-chairs of the Seattle Community Police Commission (CPC) encourage the passage of two measures recently introduced in the Washington state Legislature that will go a long way toward rectifying these problems.

The first, [House Bill 1025](#), which the CPC supports, tackles a legal doctrine known as qualified immunity, which currently shields individual officers from civil liability for causing injury during their encounters on the job. Qualified immunity has evolved in the federal courts over the past half century and has been upheld in a series of U.S. Supreme Court decisions.

The bill finds that the current lack of an effective legal remedy for people injured by officers “jeopardizes justice for the victims and implies impunity for the violators.” If passed, it would make law enforcement officers personally liable in civil lawsuits brought in Washington state courts if they engage in conduct that is unlawful under the state’s constitution or laws.

HB 1025 would allow officers to argue in their defense that their actions were in compliance with “a regulation, practice, procedure, policy, or training that was established by the employer or approved or condoned by superior officers.” If this defense is proven, the employer, but not the officer, would be independently liable for the injury.

Ending qualified immunity is a stated goal of the city of Seattle’s 2023 legislative agenda, proposed by the mayor, approved by the City Council, and supported by the majority of the CPC.

The second piece of legislation, [House Bill 1513](#), would overhaul the circumstances under which a police officer can initiate a traffic stop. It states that law enforcement should focus on curtailing high-risk behaviors, such as impaired driving, distracted driving, unrestrained passengers and speeding, a strategy that has been shown to reduce traffic accidents and fatalities.

Going forward, officers would be prohibited from stopping the operator of a vehicle for any nonmoving violation, driving with a suspended license, or for any warrant for a misdemeanor, with the exception of a warrant for driving under the influence, a domestic violence violation or a civil court order.

Officers could still initiate a stop for an equipment failure violation that poses a threat to the operator or others, but they would be required to log their reasons for stopping a vehicle and be barred from asking to search the operator, passengers or the vehicle itself unless there is evidence in plain view that establishes reasonable suspicion sufficient to question the operator about an independent criminal offense.

Significantly, HB 1513 also calls for awarding grants to local initiatives that expand or establish intervention programs for nonmoving violations and focus on nonpunitive interventions, such as helmet voucher programs, fee offset programs, fix-it tickets and repair vouchers for low-income road users.

Police officers have a special obligation to uphold the law in their encounters with the public. When they fail to do their duty, it causes incalculable harm to those who are killed or injured and erodes society’s trust in law enforcement as an institution.

We think HB 1025 and HB 1513 are evidence-based common-sense measures that will enhance the safety of our roadways, lessen the likelihood of out-of-control police

encounters and restore public trust in our law enforcement agencies. We urge their swift passage.

Joel Merkel Jr. is co-chair, Seattle Community Police Commission.

Harriett Walden is founder of the group, Mothers for Police Accountability.

Patricia Hunter is co-chair, Seattle Community Police Commission, and interim pastor at Mount Zion Baptist Church.

 View 42 Comments

The opinions expressed in reader comments are those of the author only and do not reflect the opinions of The Seattle Times.

Latest in Opinion
