

WAC 139-11-020 Requirements of training for law enforcement.

This rule implements parts of Initiative Measure No. 940, passed in November 2018, and chapter 4, Laws of 2019 (SHB 1064), signed into law in February 2019. As stated in section 2 of Initiative Measure No. 940, "The intent of the people in enacting this act is to make our communities safer. This is accomplished by requiring law enforcement officers to obtain violence de-escalation and mental health training, so that officers will have greater skills to resolve conflicts without the use of physical or deadly force." While it is understood that police culture is part of the larger culture, it is critical for law enforcement training to proactively address the issue of law enforcement and its intersection with marginalized communities and contribute to changing outcomes for the better.

(1) Beginning December 7, 2019, all new general authority peace officers must complete a minimum of two hundred hours of initial violence de-escalation and mental health training in the basic law enforcement academy (BLEA). Violence de-escalation and mental health training will include the following topics:

(a) Patrol tactics, actions and communication methods that de-escalate situations when appropriate to reduce the likelihood of injury to all parties involved, avoid unnecessarily escalating situations that may lead to violence, and avoid unnecessarily placing officers in situations that require or lead to deadly force by:

(i) Managing the distance between the officer and the persons involved;

(ii) Utilizing shielding to protect the officer and others from a threat;

(iii) Managing the pace of an interaction; and

(iv) Engaging in communication to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

(b) Recognizing and managing the impact of stress on the officer's perceptions and reactions;

(c) Understanding emotional intelligence and self-awareness;

(d) Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics;

(e) Recognizing and mitigating the impact of implicit and explicit bias on the officer's perceptions and reactions;

(f) Recognizing patterns of behavior in individuals that may be related to mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(g) Use of techniques and communication strategies to calm persons who appear to be agitated or demonstrating unusual behavior related to a mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(h) Proper use of nonlethal defensive tactics to gain physical control when necessary;

(i) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(j) Use of a decision-making simulator ("shoot don't shoot") and cognitive exercises to improve accurate recognition of threats and proper level of force response;

(k) Understand the "good faith" standard as stated in RCW 9A.16.040 (4) (a);

(l) Learning about the historical intersection of race and policing, the experience of Black Americans then and now, including: The institution of slavery through the Civil Rights Act of 1964, mass incarceration, the role and impacts of police in schools, the ongoing influence of race relations, strategies to reconcile past injustice, and the importance of fair and impartial policing. This training should be supplemented by current data and research;

(m) Understanding how culture and differences in experiences, histories, and social norms impacts community perceptions of law enforcement and employing cultural humility skills, with the goal of learning about respectful and effective approaches with communities of color including, but not limited to, Black Americans, African Immigrants, Latinxs, Native Americans, Asian Americans, Pacific Islanders, American Muslims, Sikhs, and Arabs;

(n) Learning to build more positive relationships with specific communities within areas officers serve by understanding how biases, stereotypes, and a lack of understanding about varying cultural norms negatively impacts police interactions with the public;

(o) Learning about the history of police interaction with the LGBTQ+ communities and learning about respectful and effective communication and interaction with these communities;

(p) Learning about effective communication and interaction with:

(i) Youth;

(ii) Individuals who have experienced domestic violence, sexual assault, or human trafficking;

(iii) Immigrant and refugee communities, and those with limited-English proficiency;

(iv) Persons who have barriers to hearing, understanding, or otherwise complying with law enforcement officers.

(q) Learning about the systemic challenges facing indigent populations, the nature of crimes and poverty, and the cycle of recidivism for those experiencing poverty;

(r) Examining alternatives to jail, booking, and arrest and the impacts on members of the community and public safety;

(s) Learning about the history of police interaction with Native American communities, including learning about tribal sovereignty, tribal culture and traditions, and how to meet the new state law requirements for notification of tribal governments when a tribal person is killed or injured;

(t) First-aid training on the new statewide policy, which states: "All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement," focused on:

(i) Critical life-saving skills;

(ii) Understanding the need to balance the many essential duties of officers with "the solemn duty to preserve the life of a person with whom officers come into direct contact";

(iii) Understanding best practices for securing a scene to facilitate the safe, swift, and effective provisions for first aid to anyone injured at a scene controlled by law enforcement or as a result of law enforcement action.

(2) All peace officers certified in Washington before December 7, 2019, and lateral peace officers certified in Washington after December 7, 2019, must complete a minimum of forty hours of continuing de-escalation and mental health training every three years after receiving their initial peace officer certification. Incumbent peace officers must complete their first cycle of continuing de-escalation and

mental health training by January 1, 2028. Continuing mental health and violence de-escalation training must include the following topics:

(a) Patrol tactics, actions and communication methods that de-escalate situations when appropriate to reduce the likelihood of injury to all parties involved, avoid unnecessarily escalating situations that may lead to violence, and avoid unnecessarily placing officers in situations that require or lead to deadly force by:

(i) Managing the distance between the officer and the persons involved;

(ii) Utilizing shielding to protect the officer and others from a threat;

(iii) Managing the pace of an interaction; and

(iv) Engaging in communication to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

(b) Recognizing and managing the impact of stress on the officer's perceptions and reactions;

(c) Understanding emotional intelligence and self-awareness;

(d) Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics;

(e) Recognizing and mitigating the impact of implicit and explicit bias on the officer's perceptions and reactions;

(f) Recognizing patterns of behavior in individuals that may be related to mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(g) Use of techniques and communication strategies to calm persons who appear to be agitated or demonstrating unusual behavior related to a mental or behavioral health issue or other disability, per RCW 43.101.427(5);

(h) Proper use of nonlethal defensive tactics to gain physical control when necessary;

(i) Alternatives to the use of physical or deadly force so that de-escalation tactics and less lethal alternatives are part of the decision-making process leading up to the consideration of deadly force;

(j) Use of a decision-making simulator ("shoot don't shoot") and cognitive exercises to improve accurate recognition of threats and proper level of force response;

(k) Understand the "good faith" standard as stated in RCW 9A.16.040 (4)(a);

(l) Learning about the historical intersection of race and policing, the experience of Black Americans then and now, including: The institution of slavery through the Civil Rights Act of 1964, mass incarceration, the role and impacts of police in schools, the ongoing influence of race relations, strategies to reconcile past injustice, and the importance of fair and impartial policing. This training should be supplemented by current data and research;

(m) Understanding how culture and differences in experiences, histories, and social norms impacts community perceptions of law enforcement and employing cultural humility skills, with the goal of learning about respectful and effective approaches with communities of color including, but not limited to, Black Americans, African Immigrants, Latinxs, Native Americans, Asian Americans, Pacific Islanders, American Muslims, Sikhs and Arabs;

(n) Learning to build more positive relationships with specific communities within areas officers serve by understanding how biases,

stereotypes, and a lack of understanding about varying cultural norms negatively impacts police interactions with the public;

(o) Learning about the history of police interaction with the LGBTQ+ communities and learning about respectful and effective communication and interaction with these communities;

(p) Learning about effective communication and interaction with:

(i) Youth;

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(q) Learning about the systemic challenges facing indigent populations, the nature of crimes and poverty, and the cycle of recidivism for those experiencing poverty;

(r) Examining alternatives to jail, booking, and arrest and the impacts on members of the community and public safety;

(s) Learning about the history of police interaction with Native American communities, including learning about tribal sovereignty, tribal culture and traditions, and how to meet the new state law requirements for notification of tribal governments when a tribal person is killed or injured;

(t) First-aid training on the new statewide policy, which states: "All law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons as a scene controlled by law enforcement," focused on:

(i) Critical life-saving skills;

(ii) Understanding the need to balance the many essential duties of officers with "the solemn duty to preserve the life of a person with whom officers come into direct contact";

(iii) Understanding best practices for securing a scene to facilitate the safe, swift, and effective provisions for first aid to anyone injured at a scene controlled by law enforcement or as a result of law enforcement action.

[Statutory Authority: RCW 43.101.080. WSR 19-13-011, § 139-11-020, filed 6/7/19, effective 7/8/19.]