

Chapter 139-11 WAC
LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT

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WAC

139-11-010	Definitions.
139-11-020	Requirements of training for law enforcement.
139-11-030	Exemption, waiver, extension, or variance.
139-11-040	Curriculum review, development, and assessment.
139-11-050	Community input.
139-11-060	Miscellaneous.

WAC 139-11-010 Definitions. For the purposes of this section the term violence de-escalation means tactics, action, and communication methods used by officers to achieve the following objectives, when safe and feasible:

- (1) Manage the pace of an interaction;
- (2) Manage the distance between the officer and person involved;
- (3) Utilize shielding to protect the officer and others from an imminent threat; and
- (4) Engage in communication in order to increase options for resolving the incident and reduce the likelihood of injury to all parties involved.

[Statutory Authority: RCW 43.101.080. WSR 19-13-011, § 139-11-010, filed 6/7/19, effective 7/8/19.]

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 rela-

ted 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; and

(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 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.]

WAC 139-11-030 Exemption, waiver, extension, or variance. Any request for exemption, waiver, extension, or variance from any requirement of this chapter must be made under WAC 139-03-030. This information must be available to the public.

[Statutory Authority: RCW 43.101.080. WSR 19-13-011, § 139-11-030, filed 6/7/19, effective 7/8/19.]

WAC 139-11-040 Curriculum review, development, and assessment.

(1) All curricula will be reviewed and approved consistent with commission policies and procedures.

(2) All training and student performance will be assessed consistent with current commission policies and procedures.

(3) All training will utilize an effective pedagogical approach for law enforcement on sensitive issues, and the efficacy of training should be continuously assessed with before-and-after testing of officer-participant if recommended by the subject matter experts involved in developing the curriculum.

(4) Continuing training will be developed by commission staff in partnership with subject matter experts from across the state and across various related disciplines. The training will be delivered in a variety of local/regional venues including, but not limited to, classrooms, gymnasiums, simulators, ranges, online platforms, and community settings. A variety of educational methods will be employed including classroom lectures, mock scenarios, and physical skill development practice. The training will be delivered by a cadre comprised of commission certified instructors who have completed an eighty hour, "train the trainer" course and shall use to the extent possible field training officers from local agencies, as well as other trainers with unique qualifications from outside of the law enforcement profession.

[Statutory Authority: RCW 43.101.080. WSR 19-13-011, § 139-11-040, filed 6/7/19, effective 7/8/19.]

WAC 139-11-050 Community input. (1) The commission will develop a working roster of community members that includes, but is not limited to, representatives of stakeholder groups identified in RCW 43.101.455 and family members who have lost loved ones in fatal encounters with police. The commission will host an annual summit on each side of the state with the stakeholders to seek input and assistance with the development and delivery of training and the recruitment of subject matter experts.

(2) The commission will develop an annual report on the following topics and post those reports on their website:

(a) Hours and learning objectives for new curriculum related to the de-escalation training topics identified in WAC 139-11-020;

(b) Biographies of trainers delivering training on topics identified in WAC 139-11-020; and

(c) Waivers granted to agencies requesting credit for training that meets the requirements of WAC 139-11-030.

(3) The commission will appoint an ad hoc committee on December 6, 2019, to work with commission staff to develop a structure and format for the annual meetings. The ad hoc committee will report back to the commission at the March 2020 commission meeting.

[Statutory Authority: RCW 43.101.080. WSR 19-13-011, § 139-11-050, filed 6/7/19, effective 7/8/19.]

WAC 139-11-060 Miscellaneous. (1) All incumbent peace officers are required to complete forty hours of violence de-escalation and mental health training once every three years. This training may substitute for the annual twenty-four hour in-service requirement under WAC 139-05-300 in the year the officer completes the forty hour violence de-escalation training.

(2) Beginning January 2020, the commission will retain records submitted by law enforcement agencies demonstrating compliance with WAC 139-11-020 in accordance with state records retention schedules. The commission must make this information available to the public.

[Statutory Authority: RCW 43.101.080. WSR 19-13-011, § 139-11-060, filed 6/7/19, effective 7/8/19.]