

LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT

IN THESE HALLS...
TRAINING THE GUARDIANS
OF DEMOCRACY...



We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, We ordain and establish this Constitution for the United States of America.

Article. 1.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania

ANNUAL REPORT

2020

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MESSAGE FROM THE EXECUTIVE DIRECTOR

Dear Friends,

This past year has been an extraordinary experience and opportunity to build foundational relationships. Developing new rules for police training and independent investigations of deadly force was challenging and could not have been accomplished without collaboration from our statutory stakeholders and community members. It has been an honor to work with you and hear from your hearts how these experiences have impacted your lives. I believe what we have accomplished in partnership is remarkable. Much remains to be done.



We built relationships by working through some very difficult processes and engaging in tough, uncomfortable conversations. The greatest lesson for me about the process of this collaboration: We had to listen before we could be heard. This is an important muscle for the law enforcement profession to exercise more. Going through this experience and learning how to listen more deeply has reassured me that we are well positioned for the work that lies ahead. Adopting rules is just the beginning of the process of building public trust.

Listening to each other's perspectives took months as we worked through the process of negotiated rulemaking. From those conversations, five significant principles emerged that all stakeholders recognized were critical to building trust in the investigation of deadly force. Those principles are independence, transparency, communication, credibility in the investigation and credibility of the investigators. It is crucial to keep these principles as guiding beacons when we move into the future development of training and building accountability into the process of conducting independent investigations.

As you read this annual report, I hope it reminds all of us of the hard work we have accomplished together in the past year. I look forward to continuing our partnership as we embrace the challenging work of implementing the rules and institutionalizing practices that build trust.

In deep gratitude,

Sue Rahr, Executive Director
Washington State Criminal Justice Training Commission

STAKEHOLDERS

According to RCW 43.101.455, the Commission shall seek input from the Attorney General, law enforcement agencies, the Washington Council of Police and Sheriffs, the Washington State Fraternal Order of Police, the Council of Metropolitan Police and Sheriffs, the Washington State Patrol Troopers Association, at least one association representing law enforcement who represent traditionally underrepresented communities including the Black Law Enforcement Association of Washington, Tribes, and community stakeholders. Additionally, input must be sought from organizations advocating for: Persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; noncitizens; Native Americans; youth; and formerly incarcerated persons."

STAKEHOLDER NAMES / ASSOCIATIONS

Lynette Buffington / *Washington State Fraternal Order of Police*
Emma Catague / *Community Police Commission, Filipino Community Center*
Marvin Charles / *Divine Alternatives for Dads Services*
Malou Chávez / *OneAmerica-Northwest Immigrants Rights Project*
Adam Cornell / *WA Association of Prosecuting Attorneys*
Marilyn Covarrubias / *Mother of Daniel Covarrubias*
Leslie Cushman / *Citizen Sponsor I-940, De-Escalate WA*
Lisa Daugaard / *Public Defenders Association*
Dominique Davis / *Community Passageways*
Sarah Franklin-Phillips / *WA State Commission on African American Affairs*
Jacob Green / *National Organization of Black Law Enforcement Executives*
Monisha Harrell / *Equal Rights WA*
Toshiko Hasegawa / *WA State Commission on Asian Pacific American Affairs*
Alison Holcomb / *American Civil Liberties Union*
Katrina Johnson / *Cousin of Charleena Lyles*
Sonia Joseph / *Mother of Giovonn Joseph-McDade*
Renee Maher / *Council of Metropolitan Police and Sheriffs*
Nina Martinez / *Latino Civic Alliance*
Michele Meaker / *National Alliance on Mental Illness*
Jeff Merrill / *Washington State Patrol Trooper's Association*
Marco Monteblanco / *Washington State Fraternal Order of Police*
Kim Mosolf / *Disability Rights WA*
Tim Reynon / *Puyallup Tribe*
Kurtis Robinson / *The National Association for the Advancement of Colored People - Spokane*
Teri Rogers Kemp / *The National Association for the Advancement of Colored People - Seattle*
Cynthia Softli / *Black Law Enforcement Association of Washington*
Mike Solan / *Council of Metropolitan Police and Sheriffs*
Steve Strachan / *Washington Association of Sheriffs and Police Chiefs*
Marcus Stubblefield / *King County*
Andre Taylor / *Not This Time, brother of Che Taylor*
Teresa Taylor / *Washington Council of Police and Sheriffs*
Fred and Annalesa Thomas / *Parents of Leonard Thomas*
Chris Tracy / *Washington Council of Police and Sheriffs*
Spike Unruh / *Washington State Patrol Trooper's Association*
Davis Washines / *Yakama Nation*
Mike Webb / *Office of the Attorney General*

INTRODUCTION

The Journey to Create the Law Enforcement Training and Community Safety Act

The Law Enforcement Training and Community Safety Act is a historic legislative milestone for Washington State. This first annual report, required by law, strives to capture the important context of many years of diligent work. A diverse and dedicated group of people worked for years toward this act, including families impacted by police use of deadly force, community members representing a broad spectrum of demographic groups, law enforcement leaders, front line officers, elected officials, and many others. The journey has been educational and rewarding. Over the course of time, meaningful relationships were developed, creating a solid foundation to continue the work of reducing the use of deadly force by police and increasing public trust and confidence.

The process began in 2016 with the creation of a “Joint Legislative Task Force on the Use of Deadly Force in Community Policing.” The Task Force was directed by the legislature to address standards for: the use of deadly force; investigation of officer involved shootings; police training; less lethal weapons; and data collection. The Task Force produced a series of recommendations to reduce the number of violent police interactions.

Legislation related to these recommendations was introduced during the 2017 and 2018 legislative sessions. Though vigorously debated, none of the proposed legislation passed. This built momentum for Citizen’s Initiative 940 (I-940), which was adopted by voters in November of 2018. During the 2019 legislative session the language of I-940 was amended, a series of existing statutes were amended, and new statutes were adopted to create the Law Enforcement Training and Community Safety Act (LETCSA).

LETCSA directed the Washington State Criminal Justice Training Commission to engage representatives from a designated list of stakeholders and organizations to create rules for implementing the new legislation. The process of Negotiated Rulemaking was utilized to create these rules which are contained in Chapter 139-11 and 139-12 of the Washington Administrative Code (WAC). Commission staff hosted 9 stakeholder planning and discussion meetings and attended over a dozen meetings hosted by community organizations in the process of developing rules for police training, administering first aid, and conducting independent investigation of deadly force.



Governor Jay Inslee signs Engrossed Substitute House Bill No. 2908, on April 1, 2016. Relating to establishing the joint legislative task force on community policing standards for a safer Washington.

The timeline set by LETCSA for the Commission to develop and implement the rules was not attainable given the rigid and time-consuming legal requirements of the public rulemaking process. Elected officials and statutorily named stakeholders were made aware of this problem. Because there was no remedy, the Commission moved forward to create the rules, acknowledging the compressed timeline would significantly reduce opportunities for input and impair the smooth implementation of the rules before June 2020.

The guidelines regarding “best practices for independent investigations” were to be adopted by the Commission and distributed to police agencies statewide by June 2020. Washington State Criminal Justice Training Commission Program Managers DB Gates and Dan Christman, and a group of Independent Investigative Team Members collaborated and began drafting this document. Unfortunately, before they were fully developed by Commission staff, vetted by community and law enforcement stakeholders and presented to the Commission, the COVID-19 pandemic hit. Meetings with stakeholders and the Commission had to be cancelled. This left police agencies to interpret the statutory requirements and WAC rules for independent investigations before the best practices guidelines and other supporting documents were adopted by the Commission.

During the first half of 2020 a number of police agencies were involved in deadly force incidents. It has been reported that some agencies did not follow all of the requirements of LETCSA. Because the act does not include a mechanism for reporting, oversight, or accountability for independent investigations, no data has been collected and tracked to analyze the results and report back to the public.

The Commission met virtually on September 9, 2020 and adopted the best practices guidelines for independent investigations; documents for assessing conflicts of interest; first-aid guidelines; and confidentiality agreements. These materials are expected to provide valuable guidance and facilitate adherence to WAC 139-12 in future independent investigations.

As required by LETCSA, the Commission will host two annual summits. These summits will provide the Commission the opportunity to present this annual report and give a forum to stakeholders and other community members to offer feedback, ask questions, and discuss the progress of newly implemented training and independent investigations.

Because of the current public health restrictions during the pandemic, the two annual summits will be held virtually.

The first on September 16th to solicit input and hear concerns from Western Washington stakeholders. The second will be held September 23rd to do the same for Eastern Washington stakeholders.

In summary, this first annual report is an important milestone memorializing the remarkable accomplishments of many dedicated people and their long and challenging journey. It is offered at a time of extraordinary civil unrest across the nation about the very issues addressed in this historic legislation. Although much work remains to be done, Washington State stands as a leader in bringing together police and community members to take meaningful action that will improve public safety by reducing police use of deadly force and build public trust.

TIMELINE OF EVENTS

Fall 2015

Community groups including De-Escalate Washington and the Puyallup Tribe gather to create a deadly force proposal, advocating for law enforcement reform in police use of force.

February and March 2016

Two officer involved use of deadly force incidents occur and the community's proposal is put on hold. The legislature establishes a joint task force on the use of deadly force. Members include law enforcement, politicians, attorneys and representatives of community organizations.

January 2017

The 2017 legislature introduces senate and house proposals based on the task force's recommendations. Community organizations do not support these proposals due to the lack of removal of malice. They begin to develop I-940.

December 2017

360,000 signatures are delivered in support of I-940 to the Office of the Secretary of State.

February 2016

Community groups present proposal at the 2016 legislative session to remove malice from Revised Code of Washington (RCW) 9A.16.040(3).

December 2016

The joint task force presents their recommendations to Governor Jay Inslee and the legislature, which include removal of the malice requirement from RCW 9A.16.040(3), allowing for community input into key policies in policing, more funding provided for the Washington State Criminal Justice Training Commission (WSCJTC) to provide de-escalation training, and independent investigations into police use of force incidents.

May 2017

I-940 is filed with the legislature and campaign is officially launched. It is led by De-Escalate WA and the Puyallup Tribe. Support is received by many law enforcement individuals including King County Sheriff John Urquhart, Sheriff Elect Mitzi Johanknecht, multiple former Seattle Police Chiefs, and the Black Law Enforcement Association.

January 2018

The 2018 legislature, led by Representative Roger Goodman, invites law enforcement and community representatives to address concerns about I-940. I-940 is passed, along with Engrossed Substitute House Bill 3003 ([ESHB 3003](#)).

November 2018

I-940 passes with 62% of the vote with majorities in nearly all of Western Washington and in six Eastern Washington counties (Asotin, Chelan, Spokane, Walla Walla, Whitman, and Yakima).

January 2019

The legislature passes [SHB 1064](#), modifying I-940. The WSCJTC is tasked with leading appointed stakeholders through a negotiated rulemaking process and the name Law Enforcement Training and Community Safety Act (LETCSA) is acquired.

June 2019

Training rules are adopted by the WSCJTC on June 5, becoming [Washington Administrative Code 139-11](#), and work begins on independent investigations criteria.

January 2020

WAC 139-12 goes into effect.

August 2018

Tim Eyman files a lawsuit challenging the process used by the legislature to enact the laws. [Eyman v. Wyman, No. 95749-5](#), resulted in voiding the passage of I-940 and ESHB 3003. Only I-940 is sent to the November 2018 ballot.

December 2018

I-940 takes effect.

February 2019

WSCJTC begins working with appointed Statutory Stakeholders to create new de-escalation training rules.

December 2019

Independent investigations criteria are adopted by the WSCJTC, becoming [WAC 139-12](#).

THE ROLE OF RULEMAKING

The Criminal Justice Training Commission was created by the Legislature for the specific purpose of establishing standards and providing training for criminal justice personnel and managing the certification of peace officers and corrections officers. To facilitate these responsibilities, the Commission was given the power and authority to adopt rules under the WAC for implementing legislatively directed mandates. Over the past four decades, the Commission has regularly engaged in rulemaking to carry their legislative mandates.

In November 2018, I-940 was voted into law and amended the language of a number of current statutes, most notably those related to police use of deadly force, police training, and the independent investigation of deadly force.

In February 2019 the legislature passed SHB 1064 which clarified and in some cases changed the language in I-940. The new laws and series of amendments are referred to as the “Law Enforcement Training and Community Safety Act.”

This act required the Commission to adopt rules and to consider negotiated rulemaking, a departure from their routine practice of rulemaking. Negotiated rulemaking enhances opportunities for representatives with disparate interests to negotiate and reach consensus. It is also a more lengthy, complex process. This created a significant challenge for the Commission to meet an unachievable timeline. A process that under normal circumstances take 12-18 months had to be compressed into less than 6 months for each series of rules.

- *Rules for the new training requirements had to be created and adopted by June 6, 2019.*
- *Rules for Independent Investigations and First Aid had to be created and adopted by December 6, 2019.*

Community Engagement for Rule Development

LETCSA required the Commission to engage a broad spectrum of community members in the rulemaking process. Specifically, the law required the representatives of the Attorney General's Office, Law Enforcement Agencies, Tribes, and Community Stakeholders. Community stakeholders were to be selected from organizations advocating for: persons with disabilities; members of the lesbian, gay, bisexual, transgender, and queer community; persons of color; immigrants; non-citizens; native Americans; youth; and formerly incarcerated persons. The representatives from over 26 organizations and advocacy groups that were named in the statute played a significant role in the negotiated rulemaking process. (See page 2 for a complete list)

To facilitate collaboration in rulemaking, Commission staff hosted a planning and coordination meeting with designated representatives of each statutorily identified stakeholder group, then in March hosted two public engagement meetings, one in Burien and one in Spokane. Following these initial meetings, many of the community organizations representing stakeholder groups hosted additional public engagement meetings. In 2019, the commission staff hosted nine meetings with named stakeholders to discuss, debate, and develop rules. Twelve public engagement meetings were hosted by various community groups and attended by commission staff to gather input. The public was also provided an opportunity to submit input online through the Commission website.



Stakeholder Monisha Harrell of Equal Rights WA facilitates a public engagement meeting at the Suquamish Tribal Center.

TRAINING RULES

Overview of Requirements

WAC 139-11-010 establishing rules for police training under LETCSA states, “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.”

- RCW 43.101.450 requires all law enforcement officers to receive violence de-escalation training.
- RCW 43.101.452 requires mental health training.
- RCW 36.28A.445 requires the duty to render first aid and first aid training.
- WAC 139-11-020 contains the rules to implement the three statutes above and provides six pages of very detailed requirements for training content and hours of training.

Required hours of training:

- 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.
- 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.

Required topics for training are found in RCW 43.101.455 and 36.28A.445

1. De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence
2. Alternatives to jail booking, arrest, or citation in situations where appropriate;
3. Implicit and explicit bias, cultural competency, and the historical intersection of race and policing;
4. Skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities and/or behavioral health issues;
5. "Shoot/don't shoot" scenario training;
6. 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;
7. Mental health and policing, including bias and stigma; and
8. Using public service, including rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

Progress Report On Current Trainings

Violence De-Escalation Training

A 24-hour course in Patrol Tactics, a comprehensive Violence De-Escalation program for In-Service veteran officers, has been developed to address the required topics listed above:

- De-escalation in patrol tactics and interpersonal communication training, including tactical methods that use time, distance and shielding to avoid escalating situations that lead to violence;
 - Emphasizing the five core principles of Legal Authority, Communication, Threat Recognition and Prioritization, Position and Movement and Equipment Management.
 - Critical life saving skills and the duty to render first aid
 - Focus on emotional intelligence, self-awareness, implicit and explicit biases, use of force legal parameters and stress reduction utilizing tactical breathing.
 - Reality based scenarios that incorporate persons in behavioral health crisis and high-risk situations where the evolving complexity emphasizes the importance of the five principles to de-escalate these situations safely and respectfully.
- 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;
- The initial violence de-escalation training must educate officers on the good faith standard for use of deadly force established by chapter 1, Laws of 2019 and how that standard advances violence de-escalation goals.



Patrol Tactics course being taught at WSCJTC.

In order to train the greatest number of officers who are already in the field as quickly as possible, a statewide cadre of Certified Patrol Tactics Instructors is being established to deliver the 24-hour In-Service program for Patrol Tactics. Commission training staff held the first 80-hour Patrol Tactics Instructor (PTI) course in Spokane during October 2019. Before the health restrictions due to the pandemic had to be implemented Commission staff had completed additional PTI training in Wenatchee, Vancouver and Everett, establishing the initial cadre of approximately 120 certified peace officer instructors. Five scheduled training sessions in Kennewick, Mason County, Bellingham and two in Burien, which would have added an additional 150 certified instructors to the cadre, were cancelled due to COVID-19. The pandemic has also impacted our ability to support our regional training across the state. With the commitment and leadership in Everett Police Department, and the supporting efforts of their regional partners, three of five required 24-hour Patrol Tactics In-Service classes were delivered in this region. Additionally, Spokane recently held its first 24-hour In-Service class in Patrol Tactics.

The development of Patrol Tactics for new police recruits at the Basic Law Enforcement Academy (BLEA) is nearly complete and will be fully implemented in BLEA by the end of 2020.

The Commission training team has been working hard to meet the challenge of delivering the 80-hour PTI training under the current public health restriction from the pandemic. To meet this challenge, they have developed an online version of the 80-hour course which includes a 1-day, 10 hour in-person practical exam. That training is scheduled to begin by the end of September 2020. Additionally, to support the requirement to certify Independent Investigator Team Leaders under WAC 139-12, the Commission will host three, 10-student maximum, 24-hour Patrol Tactics In-Service classes on campus, by the end of September 2020. Due to health and safety protocols all in-person training will be reduced to 10-person classes held outdoors.



Sergeant Matt Porter of Mountlake Terrace PD teaches the PTI Emotional Intelligence / Self Awareness course in Vancouver, WA.

Historical Intersection of Race and Policing, Implicit Bias, and Alternatives to Booking

In July 2020 the Commission welcomed to our campus two established historians from the National Museum of African American History and Culture in Washington DC to present a portion of the program they developed with the Washington DC Metropolitan Police Department. Dr. Sharita Jacobs-Thompson and Dr. Bernard Demczuk presented material regarding the Critical Race Theory Timeline/History of Race and Policing. Dr. Demczuk's lecture began at the year 1619 when the first slave trade began in Jamestown, Virginia to the mid 1970s.

Dr. Jacobs-Thompson shared history from the mid-1970s to present day. This block of instruction was delivered to approximately 120 recruits and Commission staff and was live streamed and recorded for use in future classes.

It is the first step in creating a more comprehensive approach to educating law enforcement members about how national history impacts our system of justice and the implications for front line officers. The Commission continues to collaborate with Dr. Daudi Abe, from Seattle Central College, on the completion of the Historical Intersection of Race and Policing curriculum.



Dr. Sharita Jacobs-Thompson interacts with a WSCJTC recruit during her July 2020 lecture.

Alternatives to Booking

The Commission is partnering with Dr. Alexis Harris from the University of Washington and author of “A Pound of Flesh,” to develop curriculum about “Alternatives to Booking.” This training will teach officers and recruits about the lasting impacts of fines and fees that are a condition of being arrested and jailed and the disparate impact on low income, people of color. The training will highlight that booking and arrest are not the only effective response to crime, but can impose lasting harm that is disproportionate to the offense, and in some cases has limited utility in deterring crime. Alternative methods of accountability will be highlighted as potentially less expensive and more effective.

Implicit Bias Training

For two years, prior to COVID-19, the Commission has hosted monthly In-Service training sessions on Implicit Bias training for commissioned officers from Seattle Police Department, King County Sheriff's Office, Washington State Patrol/King County, and other officers in the state. This 8-hour training has been presented by Dr. Bryant Marks, a professor of Psychology at Morehouse College in Atlanta to classes of up to 100 officers. The training was designed to help officers recognize and manage the bias that exist in all thinking human beings. It is especially important for law enforcement professionals to understand the impact unconscious bias has on their threat recognition and decision making, which has long term and lasting impacts on the communities they serve.

The current BLEA curriculum contains a four-hour class on implicit bias and, before the pandemic, recruits also attended the 8-hour sessions with Dr. Marks. The current 4-hour training is being enhanced by panel discussions about race and the role of police in the current environment, facilitated by a select group of BLEA training officers. Going forward, the training content delivered by Dr. Demczuk and Dr. Jacobs-Thompson will be presented through recorded lectures and class discussions facilitated by BLEA training officers.

Crisis Intervention Training

The Commission provides the Crisis Intervention Training (CIT) model to all public safety agencies. The training represents a form of community policing with an effort to improve public safety responses to individuals experiencing a behavioral health crisis.

CIT Training classes include, 8-HR In-Service; 8-HR Fire/EMS In-Service; 8-HR Corrections In-Service; 8-HR 911/Dispatch In-Service; 40-HR Basic; Force Options; Mental Health First Aid; and Youth Safety Response Professionals. Additionally, for the past two years, nearly all law enforcement personnel in the state have completed the required annual, online, two-hour CIT refresher course.

As of July 2020, 3,841 peace officers have completed the 40-hour basic training statewide and 8,992 have completed the CIT 8-hour training statewide.

Report on Waiver Requests

In accordance with WAC 139-11-050, WSCJTC will include in this LETCSA Annual Report waivers granted to agencies requesting credit for training that meets the requirements of WAC 139-11-020. To date, no waivers have been requested.

INDEPENDENT INVESTIGATIONS

Overview of Requirements

RCW 10.114.011 requires that "...where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, an independent investigation must be completed to inform any determination of

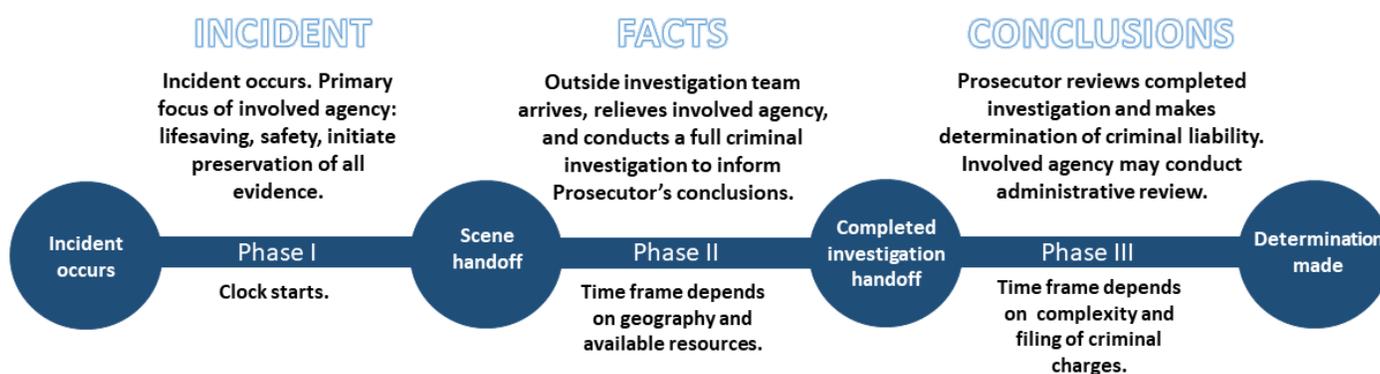
whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The investigation must be completely independent of the agency whose officer was

involved in the use of deadly force.

- The criminal justice training commission must adopt rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section.”

WAC 139-12 establishes rules, as mandated by RCW 10.114.011, criteria to determine what qualifies as an independent investigation of police use of deadly force. “The goal of this requirement is to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone. Ultimately, this is about the sanctity of all human life; the lives of police officers and the lives of the people they serve and protect...The goal of this requirement is to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for everyone.”

Framework for Independent Investigations



GOAL: Follow protocols and best practices to preserve evidence and maintain the integrity of the scene until outside team takes over and starts investigation.

GOAL: Follow protocols and best practices for gathering, processing, and preserving all evidence (physical and eyewitness) to ensure prosecutors and all reviewing bodies have a complete and reliable set of facts.

GOAL: Prosecuting attorney makes determination of whether the use of deadly force met the good faith standard and satisfied other laws. Involved agency determines whether use of force met department policies.

Developing Criteria for Independent Investigations

The broad nature of the mandate to establish criteria to determine what qualifies as an independent investigation made the process of negotiating rules challenging. After months of meetings and discussions among community and law enforcements stakeholders, three key themes emerged for most non-law enforcement community stakeholder:

1. Concern about conflicts of interest and undue influence between investigators and those being investigated
2. The need to have a person, completely independent from police, involved in the investigation
3. The need for investigators to clearly and predictably communicate with family members impacted by the death of a person by police use of deadly force.

The following key areas themes emerged from the law enforcement stakeholders included:

1. They would be unfairly judged and placed in legal jeopardy
2. The quality of deadly force investigations would be compromised
3. There was a lack of resources for the additional requirements of the process and training

Through much discussion and compromise the group decided to structure the language and rules under the following standards for independent investigation:

- **Independence** – The need to demonstrate no undue influence on the investigation
- **Transparency** – The need to shine light on who was conducting the investigation and ensure that it is done in compliance with the law
- **Communication** – The need for frequent and respectful communication is necessary to maintain the opportunity to trust the people and process involved in the investigation
- **Credibility of the Process and Investigators** – The requirement to follow established best practices and ensure that investigators are appropriately trained, experienced and trustworthy.



Community Stakeholders meet in Tacoma, WA to discuss independent investigations.

Key Factors for Each Standard

Independence

- Involved agency must protect the scene until an independent team of investigators arrive
- No member of the involved agency may be involved in the investigation once the scene is turned over to the independent investigation team
- Information flow between the involved and investigating agency must be carefully restricted

Transparency

- Policies, procedures and personnel rosters for independent investigative teams must be available to the public
- A minimum of two non-law enforcement community members must be part of the team (specific duties and responsibilities are enumerated) and must sign confidentiality agreements for the duration of their involvement on the team

Communication

- Clear communication protocols are enumerated, including quick initial contact with family members and weekly updates to the impacted family and media regarding the progress of the investigation
- The assignment of a family liaison within 24 hours is required. (there are special requirements for the death of a tribal member)

Credibility

- The initial scene of incident must be properly secured and turned over to the Independent Investigative Team (IIT) as soon as possible
- The IIT must:
 - o follow established best practices for the investigation
 - o include community representatives that are involved in:
 - vetting of IIT investigators,
 - screening for conflicts of interest, and
 - ensuring communication with families and community members
- The leaders and investigators that make up the IIT must:
 - o complete a conflict of interest statement for each investigation within 72 hours
 - o acquire and maintain the training and experience detailed in the WAC rule
 - o demonstrate a history of honorable behavior as described in the WAC rule

Progress Report for Independent Investigations

WAC 139-12 required the creation and distribution of the following guidelines on the CJTC website after approved by the Commission LETCSA webpage:

Best Practices Guidelines (Link to be posted)

The Best Practices Document was required by WAC 139-12-030. This guide will provide guidance and direction for all IIT investigations.

First Aid Guidelines (Link to be posted)

The Washington State Criminal Justice Training Commission is mandated by RCW 43.101.450(h) to develop First Aid Training and Guidelines. These guidelines serve to clarify the expectations and requirements of first responders. This is essential to serving the community and building public trust.

Conflict of Interest Form (Link to be posted)

To reduce the potential for conflict of interest in an independent investigation WAC 139-12 required the creation of a Conflict of Interest Form (CIF). The form is required to be used by all IIT members.

Confidentiality Agreement (Link to be posted)

At least two non-law enforcement community representatives will be a part of the IIT. The non-law enforcement community representatives are equal members of the IIT.

IIT Lead Investigator Certificate (Link to be posted)

WAC 139-12 (4)(c)(v) mandates the Commission to issue an IIT Qualified Lead Investigator Certificate. This certificate is designed to ensure those who are assigned to a lead investigator role for an IIT attain the required training by December 31, 2020.

ANNUAL SUMMITS

The Washington State Criminal Justice Training Commission is hosting two LETCSA annual summits. One is focused on the west side of the state and one is focused on the east side.

The purpose of these summits is to:

- Provide an update regarding training and independent investigations to stakeholders and the public
- Gather feedback and information from the public to use in future development of LETCSA training
- Share experiences from those involved in the independent investigation process
- Provide stakeholders an opportunity to have dialogue with commanders from the Independent Investigation Teams
- Have dialogue regarding the use of the new process

Due to COVID-19 guidelines, the summits will be hosted virtually on the Zoom platform.

2020 Summit Details

Westside Summit
September 16, 2020
6:00 – 9:00 PM
Virtual - Zoom Platform

Agenda

Eastside Summit
September 23, 2020
6:00 – 9:00 PM
Virtual - Zoom Platform

Agenda

APPENDICES

Appendix A: **I-940** – Citizen’s Initiative

Appendix B: **HB 1064** – Adopts and Amends I-940

Appendix C: **43.101.450** – Violence de-escalation training

Appendix D: **43.101.452** – Mental health training

Appendix E: **43.101.455** – Violence de-escalation, mental health, and first aid training requirements (Rules)

Appendix F: **36.28A.445** – Duty to render first aid guidelines

Appendix G: **10.114.010** – Independent investigation of deadly force

Appendix H: **WAC 139 – 11** – Training rules

Appendix I: **WAC 139 – 12** – Independent investigation rules