

2022

End of Session Report

Washington State Criminal Justice
Training Commission



Budget

2022 Legislative Compromise Budget Highlights:

- Basic Law Enforcement Academy (BLEA) – \$2,439,000 for 4.5 additional classes in fiscal year (FY) 2022 and \$5,005,000 for 8.5 additional classes in FY23. This increase will provide a total of 19.5 BLEA classes in FY22 and 23.5 BLEA classes in FY23.
- Hotel rate increase - \$321,000 increase per year for student lodging in hotels. This amount matches the agency request.
- Spokane BLEA rate increases - \$319,000 increase in FY22 and \$267,000 increase in FY23 provided. This matches the adjusted increased amount for three Spokane BLEA classes.
- Single Occupancy Student Lodging - \$1,913,000 is provided in both FY22 and FY23. This amount matches the agency request.
- Assistant Director-Certification Unit - \$46,000 provided in FY22 and \$185,000 provided in FY23.
- FTE increase – 8 FTEs and \$95,000 provided in FY22 and \$288,000 and 10 FTEs in FY23. This matches the agency request for FTE approval for positions previously added by the agency with no formal increase in FTE and newly requested positions. These new positions are for human resource, information technology, and custodial support.
- Limited Authority BLEA - \$290,000 is included for 30 limited authority Washington peace officers to be admitted to BLEA classes and 30 in the Basic Law Enforcement Equivalency Academy.
- Coroners and Medical Examiners - \$136,000 is provided in FY22 and \$246,000 is provided in FY23. These amounts match the agency budget request to create and support medicolegal forensic investigation training curriculum as described in House Bill 1326. This includes 2 FTEs for a program manager and administrative assistant 3.

Budget

- Substance Use Disorder Training - \$42,000 is included for FY23. This matches the agency request for additional funding to meet the requirements of Senate Bill 5476 (referred to as the Blake bill). This includes 1 FTE for a program manager to identify subject matter experts to assist in creating curriculum, curriculum updates, and training delivery.
- Online Training Platform – \$823,000 per year for subscription fees and 1 FTE. This amount matches the agency request.
- Use of Force Instructor – 1 FTE and \$150,000 for an instructor to work with law enforcement agencies to train on the new use of force standard to ensure consistency and accurate implementation of such training across the state.
- Wage increases for both represented and non-represented employees - \$259,000 for a 3.25 percent wage increase in FY23.
- Law Enforcement Wellness Programs - \$2,500,000 in FY23:
 - \$1,500,000 is provided solely for the Washington State Criminal Justice Training Commission (WSCJTC) to provide grants to local law enforcement agencies for the purpose of establishing officer wellness programs.
 - \$1,000,000 is provided solely for Washington Association of Sheriffs and Police Chiefs (WASPC) to establish and coordinate an online or mobile-based application for any Washington law enforcement; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.
- Fire and Safety system upgrades - \$735,000 provided in the capital budget.

Budget

Agency request not included in the supplemental budget:

- Washington State Patrol (WSP) Teacher, Administrator, and Coach (TAC) Rate Increase - \$52,000 was requested per year to cover the WSP rate increase to add an overhead charge. Funding for this is not included.
- Parking Lot Paving Project - \$270,000 requested in the Capital Budget but not funded.

Passthrough funds included in the WSCJTC Budget:

- Body Cameras - \$100,000 in FY23 provided to WASPC to develop and implement a body camera grant program.
- Internet Crimes Task Force - \$1,135,000 is provided for the Seattle based Washington Internet Crimes Against Children Task Force which is responsible for combating internet-facilitated crimes against children, promoting education on internet safety to the public and minors, and rescuing child victims from abuse and exploitation.
- Denied Firearms Investigations - \$30,000 provided in both FY22 and FY23 to WASPC for law enforcement grants for investigations under the Denied Firearms Investigations program.
- Training Requests for Local Law Enforcement - \$5,825,000 in FY23 is provided to WASPC for five programs. These include:
 - \$1,575,000 is provided to WASPC to distribute to local law enforcement agencies for training of chapter 324, Laws of 2021 (permissible uses of force).
 - \$2,150,000 is provided to WASPC to distribute to local law enforcement agencies for training on chapter 321, Laws of 2021 (duty to intervene).
 - \$525,000 is provided to WASPC to distribute to local law enforcement agencies for training required under Substitute House Bill No. 1735 (use of force by peace officers).

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- \$1,050,000 is provided to WASPC to distribute to local law enforcement agencies for training required under Engrossed Substitute House Bill No. 2037 (use of force by peace officers).
- The Washington Auto Theft Prevention Authority (WATPA) Increase - \$3,500,000 increase for the WATPA to address increased auto thefts in the state.

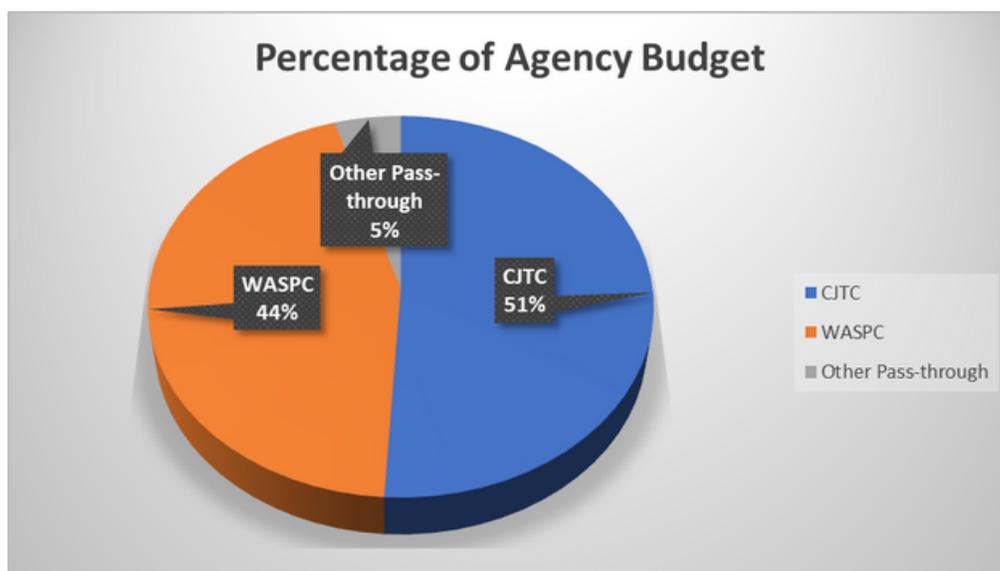
FY23 Agency Budget

Total Budget = **\$64,836,000**

The Washington State Criminal Justice Training Commission training, certification, and administration = **\$33,036,435**

Washington Association of Sheriffs and Police Chiefs = **\$28,790,913**

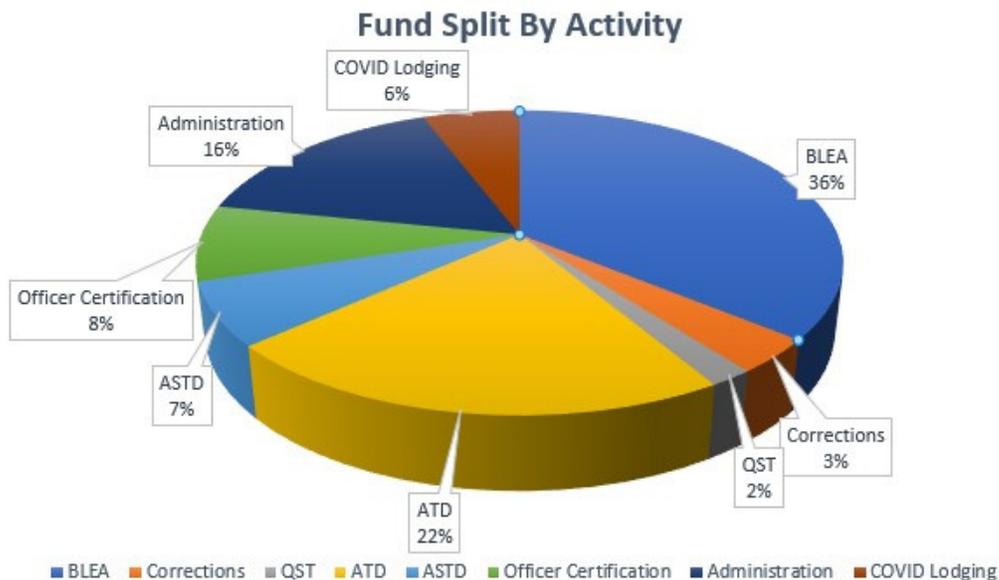
Other grants and pass-through funds = **\$3,008,652**



Budget

Criminal Justice Training Commission funding by activity:

- Basic Law Enforcement Academy = **\$11,861,664**
- Corrections Courses = **\$1,200,251**
- Quality, Standards, and Training = **\$615,374**
- Advanced Training = **\$7,271,248**
- Applied Skills Training Division = **\$2,214,237**
- Officer Certification = **\$2,657,072**
- Administration = **\$4,774,480**
- Lodging Increase due to COVID = **\$1,913,000**



Budget bills:

SSB 5651 Capital Budget, supplemental

ESSB 5693 Operating Budget, supplemental

Police Reform Bills

HB 1719 **Military equipment/law enforcement**

- The prohibition on the use and acquisition of military equipment is modified.
- The prohibition on ammunition of .50 caliber or greater is removed, effectively allowing law enforcement agencies to use and acquire ammunition of .50 caliber or greater.
- The prohibition on using and acquiring firearms of .50 caliber or greater is narrowed to apply only to rifles of .50 caliber or greater, effectively allowing law enforcement agencies to use and acquire other types of firearms of .50 caliber or greater.
- "Rifle" has the same meaning as provided in the statutes governing firearms offenses, except it does not include: any shotgun; any device designed or used to deploy less lethal munitions, including, but not limited to rubber, bean bag, soft nose, sponge, or other nonpenetrating impact rounds; or any less lethal equipment.

EFFECTIVE DATE: March 4, 2022

SHB 1735 **Peace officers/use of force**

Depending on the circumstances, "de-escalation tactics" may include, but are not limited to:

- using clear instructions and verbal persuasion;
- attempting to slow down or stabilize the situation so that more time, options, and resources are available to resolve the incident;
- creating physical distance by employing tactical repositioning to maintain the benefit of time, distance, and cover;
- when there are multiple officers, designating one officer to communicate in order to avoid competing commands; and
- requesting and using available support and resources, such as a crisis intervention team, a designated crisis responder or other behavioral health professional, or back-up officers.

PHYSICAL FORCE:

Modifies the provision allowing a peace officer to use physical force to the extent necessary to:

- "Take a person into custody or provide assistance" under civil and forensic commitment laws by providing that a peace officer may use physical force to the extent necessary to "take a person into custody, transport a person for evaluation or treatment, or provide other assistance" under civil and forensic commitment laws;

Police Reform Bills

- Take a minor into protective custody by removing references to specific statutes. Instead, an officer may do so when "authorized or directed by statute" ; Execute or enforce a court order authorizing or directing a peace officer to take a person into custody; Execute a search warrant; or
- Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order; Protect against an imminent threat of bodily injury to a LEO, another person, or the person against whom force is being used.

DEADLY FORCE:

- A peace officer may use deadly force against another person only when necessary to protect against an immediate threat of serious physical injury or death to the officer or another person.
- The provision regarding use of deadly force is modified by replacing the term "imminent threat" with "immediate threat," distinguishing it from the restrictions on the use of physical force.

REASONABLE CARE:

- The requirement to exercise reasonable care is modified so as to apply to both physical force and deadly force.
- A peace officer must, when possible, use all de-escalation tactics that are available and appropriate under the circumstances before using physical force. The list of de-escalation tactics in the standard are removed and replaced.
- A peace officer must use less lethal alternatives that are available and appropriate under the circumstances before using deadly force.
- A provision is added specifying that the standard does not limit or restrict a peace officer's authority or responsibility to perform lifesaving measures or perform community caretaking functions to protect health and safety, and further specifying that the standard does not prevent a peace officer from responding to requests for assistance or service by specified individuals and members of the public.

Police Reform Bills

- Adds designated crisis responders and shelter and housing providers to the list of professionals referenced in the provision specifying that the standard for use of physical force does not prevent a peace officer from responding to requests for assistance or service from specified professionals and members of the public.
- Adds a provision specifying that the standard for use of physical force does not permit a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or state Constitution.
- Prevents a Law Enforcement Agency (LEA) from adopting policies and standards with additional requirements for de-escalation and greater restrictions on use of physical and deadly force.

EFFECTIVE DATE: March 4, 2022

ESHB 2037

Peace officers/use of force

- **"Deadly force"** - intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.
- **"Necessary"** - under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to effect the legal purpose intended or to protect against the threat posed to the officer or others.
- **"Physical force"** - any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat downs. Incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.
- **"Totality of the circumstances"** - all facts known to the peace officer leading up to, and at the time of, the use of force, and includes the actions of the person against whom the peace officer uses such force, and the actions of the peace officer.

Police Reform Bills

Use of physical force is modified:

A peace officer may use physical force against a person to the extent necessary to:

- protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit the offense;
- effect an arrest;
- prevent an escape;
- prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained and is not free to leave;
- take a person into custody when authorized or directed by statute; or
- protect against an imminent threat of bodily injury to the peace officer, another person, or the person against whom force is being used.

Use of deadly force is modified:

- A peace officer may use deadly force against another person only when necessary to protect against an immediate, rather than imminent, threat of serious physical injury or death to the officer or another person.
- "Immediate threat of physical injury or death" means that, based on the totality of the circumstances, it is objectively reasonable to believe that a person has the present and apparent ability, opportunity, and intent to immediately cause death or serious bodily injury to the peace officer or another person.

Reasonable Care:

- A provision is added specifying that the standard does not permit a peace officer to use physical force or deadly force in a manner or under such circumstances that would violate the United States Constitution or state Constitution.

EFFECTIVE DATE: Takes effect immediately

Bill Summary

EHB 1784 License Plate Visibility

- The display of a single license plate properly attached to a vehicle that has two license plates properly attached may be temporarily obstructed by a trailer hitch; a wheelchair lift or wheelchair carrier; a trailer being towed by the vehicle; or a bicycle rack, ski rack, or luggage rack.
- The display of a single license plate properly attached to a trailer may be obstructed by a device for transporting a forklift used for product delivery purposes.

EFFECTIVE DATE: 90 days Sine Die - June 9, 2022

HB 1790 Temporary License Plate

- Replaces temporary permits with temporary license plates following application for the registration of a vehicle.
- Requires that temporary license plates be composed of durable material and be displayed in the same manner as a license plate.

EFFECTIVE DATE: July 1, 2023

SHB 1984 Vehicle Registration Certification Address

- Beginning January 1, 2023, paper issued registration certificates for vehicles, trailers or vessels must be printed to allow for the manual removal of a registrant's address, by the named registered owner, without compromising any required information on the certificate.

EFFECTIVE DATE: 90 days sine die - June 9, 2022

HB 2033 Emergency and Work Zones

- Allows fire department vehicles to operate rear-facing blue lights. The combination of red and blue lights may only be used at the scene of the emergency.
- Requires any driver on a road with a posted speed limit of 60 mph or more approaching any emergency or work zone who is unable to move away or change lanes to reduce speed to no more than 50 mph.

EFFECTIVE DATE: 90 days sine die - June 9, 2022

Bill Summary

ESSB 5078 **Firearms Safety**

- Large capacity magazines is defined as an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:
 - a.) an ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;
 - b.) a .22 caliber tube ammunition feeding device; or
 - c.) a tubular magazine that is contained in a lever-action firearm.
- Prohibits the manufacture, importation, distribution, sale, and offer for sale of large capacity magazines, subject to exemptions. Establishes that violations of these restrictions are a gross misdemeanor.
- Provides that distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer of a large capacity magazine online, is actionable under the Washington Consumer Protection Act.

EFFECTIVE DATE: July 1, 2022

ESHB 1705 **Concerning ghost guns**

- Restricts the manufacture, assembly, sale, transfer, purchase, possession, transport, and receipt of untraceable firearms.
- Restricts the sale, transfer, purchase, possession, transport, and receipt of unfinished frames and receivers.
- Establishes standards for marking untraceable firearms and unfinished frames and receivers with serial numbers.

Effective Date: July 1, 2022

ESHB 1329 **Concerning public meeting accessibility and participation**

- Requires governing bodies to provide an opportunity for public comment at or before every regular meeting at which final action is taken, except in emergency situations, and allows this requirement to be satisfied by accepting oral testimony, or by providing an opportunity for written testimony to be submitted prior to the meeting.

Bill Summary

- Requires governing bodies, upon the request of an individual who will find physical attendance at a meeting difficult, to provide an opportunity for remote oral comment for that individual if doing so is feasible and if oral public comment from other members of the public will be accepted at the meeting.
- Allows a public agency to hold meetings of its governing body remotely, or with limited in-person attendance, after a declared emergency and requires that the public be allowed to listen in, in real-time, to such meetings.
- Requires all public agencies, except for certain special purpose districts, cities, and towns to post agendas online for every regular meeting and for special meetings that are held remotely or with limited in-person attendance during an emergency.

EFFECTIVE DATE: 90 days sine die - June 9, 2022

ESSB 5761 Concerning employer requirements for providing wage and salary information to applicants for employment

- The requirement for an employer to provide salary information after an initial job offer, upon request of the applicant, is removed. Instead, beginning January 1, 2023, an employer must disclose in each posting for each job opening the wage scale or salary range, and a general description of all of the benefits and other compensation to be offered to the hired applicant.
- "Posting" means any solicitation intended to recruit job applicants for a specific available position, including recruitment done directly by an employer or indirectly through a third party, and includes any postings done electronically, or with a printed hard copy, that includes qualifications for desired applicants.
- Clarifying language is added to specify that an applicant or employee, rather than "an individual," is entitled to remedies.

EFFECTIVE DATE: January 1, 2023

Informational Bills

- SHB 1074 Fatality reviews
- 2SHB 1210 Cannabis terminology
- E4SHB 1412 Legal financial obligations
- ESHB 1530 Wine special license plates
- ESHB 1629 Aerial imaging technology
- ESHB 1630 Weapons/certain meetings
- SHB 1655 Safety rest areas
- HB 1669 PSERS disability benefits
- ESHB 1699 Work in retirement/schools
- SHB 1701 LEOFF benefits
- SHB 1703 911 emergency communications
- SHB 1706 Truck drivers/restrooms
- SHB 1732 Long-term care/delay
- ESHB 1733 Long-term care/exemptions
- SHB 1773 Assisted outpatient treatment
- E2SHB 1815 Catalytic converter theft
- ESHB 1956 Incarcerated individuals/PRA
- SB 5518 OT licensure compact
- SSB 5564 Employee assistance programs
- SSB 5631 CDLs/human trafficking
- SSB 5644 Behavioral health co-response
- SSB 5741 Patches pal license plates
- SSB 5791 LEOFF benefits
- E2SSB 5796 Cannabis revenue
- 2SSB 5793 State boards, etc./stipends
- SSB 5910 Hydrogen