

# CONCISE EXPLANATORY STATEMENT

WAC Chapter 139-11

Law Enforcement Training and Community Safety Act  
Summary of rulemaking and response to comments

June 2019



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# Program Contact Information

This Concise Explanatory Statement is available on the Washington State Criminal Justice Training Commission's website at:

[https://fortress.wa.gov/cjtc/www/index.php?option=com\\_content&view=article&id=495&Itemid=438](https://fortress.wa.gov/cjtc/www/index.php?option=com_content&view=article&id=495&Itemid=438)

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## **I. Reasons for Adopting the Rule**

The goal of this negotiated rulemaking period is to implement and enforce parts of Initiative Measure No. 940 passed in November 2018 and chapter 4, Laws of 2019 (Substitute House Bill 1064) signed into law February 2019, now referred to as the Law Enforcement Training and Community Safety Act (LETCSA). This Concise Explanatory Statement provides information about WSCJTC's permanent rule adoption in chapter 139-11 of the Washington Administrative Code (WAC) regarding LETCSA and the requirements of training for law enforcement.

Revised Code of Washington (RCW) 43.101.455 requires WSCJTC to create rules that adopt training hour and curriculum requirements for initial and continuing violence and de-escalation training for law enforcement officers and also establish a means by which they will receive these trainings. This rulemaking must be adopted within six months after December 6, 2018.

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.

Before WSCJTC files an adopted rule with the code reviser, the agency must prepare a Concise Explanatory Statement of the rule. Per RCW 34.05.325, the Concise Explanatory Statement shall:

1. Identify the reasons for adopting the rule,
2. Describe the differences between the text of the proposed rule as published in the Washington State register and the text of the rule as adopted, other than editing changes, stating the reasons for the differences, and
3. Summarize all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

WSCJTC may send the Concise Explanatory Statement to any person upon request.

## **II. Differences Between the Proposed Rule and Adopted Rule**

The differences between the proposed rule and the adopted rules are summarized below. WSCJTC made these changes in response to input received from individuals, to ensure clarity and consistency, and to meet the intent of the authorizing statute.

### **WAC 139-11-010 Definitions**

- Added/removed language so that the section reads: “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 prudent: (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.”

### **WAC 139-11-020 Requirements of training for law enforcement**

- Changed “increasing” to “managing” in section (1)(a)(i) and (2)(a)(i)
- Modified language in section (1)(g) and (2)(g) from “threatening due” to “demonstrating unusual behavior related”
- Added/removed language so that the section (1)(l) and (2)(l) reads: “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”
- Added to the end of (1)(m) and (2)(m): “, 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”
- Removed the word “unintended” in (1)(r) and (2)(r)
- Added an additional point under (1)(r) and (2)(r) so that (1)(s) and (2)(s) now states: “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”
- Shifted the previous (1)(s) and (2)(s) to (1)(t) and (2)(t) and added/removed language so that it now reads: “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...”

### **WAC 139-11-050 Community Input**

- Added/removed language so that the section reads: “(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 web site: (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 Dec. 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.”

#### **WAC 139-11-060 Miscellaneous**

- (3) was removed from this section as it is now incorporated into section 139-11-050

### **III. Summary of Rulemaking Activities**

Prior to submitting the CR-102 to the Code Reviser’s Office, Commission staff held four meetings with the “Statutory Stakeholders” group, two “public engagement meetings”, one meeting with impacted family members, and attended eight community forums held by other organizations. The term “Statutory Stakeholders” refers to a group of representatives of stakeholder groups identified in RCW 43.101.455.

Community members and stakeholders submitted input via email, US Mail, an online input form, public engagement meetings and community forums. This input was collated into an Excel spreadsheet where the Commissioners had access to it via a secure online platform.

During this time, there were also two Commission meetings where members of the public were able to provide testimony and input in front of the Commission. There was one Commission meeting at WSCJTC in Burien and one at the Spokane Convention Center in Spokane.

Commission staff released a preliminary draft of the WAC rules before the CR-102 was filed. Statutory Stakeholders and the public were able to provide input that added, removed, and modified the language in that draft.

### **IV. Comments and Input on the Proposed Rules**

- **Comment and Input Period**

The public comment and input period for this rulemaking began January 25, 2019 and ended June 6, 2019.

- **Summary of Input and Comments Received and the Commission’s Response**

Commission staff have reviewed and analyzed the input and comments received on the proposed rules in detail and have provided responses to them in the table below. The table is organized by category and illustrates where you may see the input in the rules, or a reason why it may not fit into the “rules” category. While this table represents a summary of input received, some individual comments may not be listed if the issue raised would be redundant.

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
<b>Alternatives to Arrest</b>	<ul style="list-style-type: none"> <li>We have community resources available, instead of booking someone.</li> </ul>	<b>WAC 139-11-020 (1)(r) and (2)(r)</b> Examining alternatives to jail, booking, and arrest and the impacts on members of the community
	<ul style="list-style-type: none"> <li>Alternatives to Jail and Booking should be left to department policies and procedures</li> </ul>	<b>WAC 139-11-020 (1)(r) and (2)(r)</b> Examining alternatives to jail, booking, and arrest and the impacts on members of the community
<b>BLEA</b>	<ul style="list-style-type: none"> <li>Self-discovery of (recruit's) own biases</li> </ul>	<b>WAC 139-11-020 (1)(e) and (2)(e)</b> Recognizing and mitigating impact of implicit bias on the officer's perceptions and reactions
	<ul style="list-style-type: none"> <li>Require more interaction with all types of people; each week a recruit would have lunch with a person from different walks of life: Muslim, Christian, Jewish, Black, White, Indian, so when they come out onto the streets, they already have that. (Burien PEM Feb. 21, 2019)</li> </ul>	<b>WAC 139-11-020 (1)(e) and (2)(e)</b> Recognizing and mitigating impact of implicit bias on the officer's perceptions and reactions
	<ul style="list-style-type: none"> <li>Build and improve the Basic Training (Burien PEM Feb 21, 2019)</li> </ul>	<b>Curriculum Design</b>
	<ul style="list-style-type: none"> <li>"Cultural competency is the tailored approach." (Burien PEM Feb. 21, 2019)</li> </ul>	<b>WAC 139-11-020 (1)(m) and (2)(m)</b> 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...
	<ul style="list-style-type: none"> <li>Make bias training regional: Specific to the LEO's community, so they have a better understanding of the people within their community, not just a state-wide model. (Spokane PEM March 1, 2019)</li> </ul>	<b>WAC 139-11-040 (4)</b> ..."The training will be delivered by a cadre comprised of Commission certified instructors" (from across the state, who will in turn teach regionally.)



TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
<b>Community Oriented Policing</b>	<ul style="list-style-type: none"> <li>• Building trust with the community. (Burien PEM)</li> </ul>	<b>WAC 139-11-020 (1)(d) and (2)(d)</b> Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics
<b>Crisis Interaction</b>	<ul style="list-style-type: none"> <li>• No armed or uniformed officers in the room. A civilian expert and plain clothes (<i>officer</i>) to be the only one directly interacting with the person in a mental health crisis. No big crowds of officers laughing and talking like something traumatic is not going on. Patience, quiet voices, and compassion. (Online Input)</li> </ul>	<b>WAC 139-11-020 (1)(a)(iii) and (2)(a)(iii) and (1)(m) and (2)(m)</b> Managing the pace of an interaction; 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...
<b>Culture</b>	<ul style="list-style-type: none"> <li>• Military (Veteran) Community. (Online Input)</li> </ul>	<b>WAC 139-11-020 (1)(m) and (2)(m)</b> 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...
	<ul style="list-style-type: none"> <li>• Deaf Community (Online Input)</li> </ul>	<b>WAC 139-11-020 (1)(p)(iv) and (2)(p)(iv)</b> Persons who have barriers to hearing, understanding, or otherwise complying with law enforcement officers
	<ul style="list-style-type: none"> <li>• Racially Diverse Community. (Online Input and Burien PEM)</li> </ul>	<b>WAC 139-11-020 (1)(m) and (2)(m)</b> 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...
<b>De-escalation Training</b>	<ul style="list-style-type: none"> <li>• Re-think current training – “Not as effective as we thought (Burien PEM)</li> </ul>	BLEA Curriculum is currently under review

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• How are we building, implementing, and delivering the de-escalation curriculum? (Burien PEM)</li> </ul>	Addressed once rule making is completed
	<ul style="list-style-type: none"> <li>• Who is actually building the curriculum, and are they SME in mental health? (Burien PEM)</li> </ul>	<b>WAC 139-11-040 (4)</b> Continuing training will be developed by Commission staff in partnership with subject matter experts from across the State and across various related disciplines.
	<ul style="list-style-type: none"> <li>• How are we keeping that curriculum present with emerging best practices? (Burien PEM)</li> </ul>	<b>WAC 139-11-040 (4)</b> Continuing training will be developed by Commission staff in partnership with subject matter experts from across the State and across various related disciplines.
	<ul style="list-style-type: none"> <li>• Create partnerships between law enforcement and non-law enforcement while building policies (Burien PEM)</li> </ul>	<b>WAC 139-11-050 (1)</b> 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...

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	<p><b>The big picture of I-940 is to:</b>            (1) recognize that training works, with the goal of providing officers “greater skills to resolve conflicts without the use of physical or deadly force” and            (2) address governance by changing the standard for justifiable use of deadly force, setting a state-wide policy on the rendering of first aid, requiring completely independent investigations, providing for notification of Tribal governments, and involving the impacted community in policy development. (Email)</p>	<p><b>WAC 139-11-020</b> 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..."</p>
	<ul style="list-style-type: none"> <li>• <b>Trauma Informed Approach:</b> Avoid re-traumatizing those who the officers interact with. (Email)</li> </ul>	<p><b>WAC 139-11-020 (1)(a)(iv) and (2)(a)(iv)</b>            Engaging in communication to gain cooperation to increase options for resolving the incident and reduce the likelihood of injury to all parties involved</p>
<p><b>Drug Addiction Recognition and Recovery Training</b></p>	<ul style="list-style-type: none"> <li>• Four hour interaction with people in recovery from drug and substance abuse, with a focus on diversity, very concerned about the policemen not feeling comfortable in different diverse communities. (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
<p><b>First Aid Training</b></p>	<ul style="list-style-type: none"> <li>• “Render” first aid - what does that mean? (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(t) and (2)(t)</b> 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.'</p>
	<ul style="list-style-type: none"> <li>• Officers need training in post-shooting trauma care, not "first aid." (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>
	<ul style="list-style-type: none"> <li>• Protect the officer and allow injured person to be helped in a “Timely manner” (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(t)(ii) and (2)(t)(ii)</b> 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"; <b>(1)(t)(iii) and (2)(t)(iii)</b> 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.</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• Transition from shooting – Securing the Scene – Providing Care (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(t)(iii) and (2)(t)(iii)</b>  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.</p>
	<ul style="list-style-type: none"> <li>• Varying degrees of care: Basic First Aid vs. Post Trauma Care (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(t)(iii) and (2)(t)(iii)</b>  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</p>
	<ul style="list-style-type: none"> <li>• Care <i>under</i> fire vs. care <i>after</i> fire (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>
	<ul style="list-style-type: none"> <li>• “Am I (or is it) safe to do my job?” (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(t)(iii) and (2)(t)(iii)</b>  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</p>
	<ul style="list-style-type: none"> <li>• "I would like to learn more about the CJTC schedule and plan for developing these (first aid) guidelines." (Email)</li> </ul>	<p><b>Website Design</b></p>
	<ul style="list-style-type: none"> <li>• Learning to Triage patients. What injured party gets attention first? (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>
	<ul style="list-style-type: none"> <li>• Keeping in mind the sanctity of life and the value of human life, how should officers be guided in terms of their application of first aid? (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(t)(ii) and (2)(t)(ii)</b> 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";</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• It is important to consider the first aid from a mental health context; If someone is in crisis, what are the first aid things that an officer can do to help reduce the tenseness there and to de escalate those scenes? (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>
<p><b>Good Faith Standard</b></p>	<ul style="list-style-type: none"> <li>• RCW 9A.16.040 now includes language for use of deadly force by peace officers: “A peace officer shall not be held criminally liable for using deadly force in good faith, where "good faith" is an objective standard which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.” (Email)</li> </ul>	<p><b>WAC 139-11-020 (1)(k) and (2)(k)</b> Understand the "good faith" standard as stated in RCW 9A.16.040 (4) (a)</p>
<p><b>Mental Health Training</b></p>	<ul style="list-style-type: none"> <li>• Recognition of major mental health conditions (Email)</li> </ul>	<p><b>WAC 139-11-020 (1)(f) and (2)(f)</b> Recognizing patterns of behavior in individuals that may be related to mental or behavioral health issue or other disability, per 43.101.427 (5)</p>
	<ul style="list-style-type: none"> <li>• Ability to access the mental health of the different populations (Spokane PEM)</li> </ul>	<p><b>Curriculum Design</b></p>
	<ul style="list-style-type: none"> <li>• Mental Health First Aid for Youth &amp; Adult (On-line submission and Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(p)(i) and (2)(p)(i)</b> Learning about effective communication with youth</p>
<p><b>Police Best Practices</b></p>	<ul style="list-style-type: none"> <li>• There’s a feeling there’s a lack of diversity training in the hiring process. (Spokane PEM)</li> </ul>	<p><b>Local Level Employee Screening</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• There's a need for humility; being humble and approachable to the community. (Spokane PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(c) and (2)(c)</b>  Understanding emotional intelligence and self-awareness <b>(1)(m) and (2)(m)</b> 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...</p>
	<ul style="list-style-type: none"> <li>• The Commission should work with area agencies to hire police officers of color outside of the Seattle/King County region, with recruitment occurring nationwide. (Email)</li> </ul>	<p><b>Info to be shared with Commissioners</b></p>
	<ul style="list-style-type: none"> <li>• State-wide policies and Lexipol: Many WA LE agencies contract with Lexipol to develop policies. The CJTC should insure that Lexipol is fully informed of the work underway in WA State, the purpose and goals of this work, and that the Lexipol product needs to be updated to keep current with the new law and outcomes. (Email)</li> </ul>	<p><b>Info to be shared with Commissioners</b></p>
	<ul style="list-style-type: none"> <li>• Concerned about (lateral) officers who come to a diverse community from one that is not diverse. (Burien PEM)</li> </ul>	<p><b>Info to be shared with Commissioners; WAC 139-03-030</b> Request for exemption, waiver, extension or variance</p>
	<ul style="list-style-type: none"> <li>• <b>Building trust with the community and different ways to do that.</b> We talked about racial profiling and the impact that that has on people's willingness to call or trust officers. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(d) and (2)(d)</b>  Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• <b>Community policing</b> and making sure that officers know the people and businesses in their neighborhoods and taking the steps to make those contacts. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(n) and (2)(n)</b> 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</p>
	<ul style="list-style-type: none"> <li>• <b>Inviting the community in</b> to meet &amp; talk with officers about what is causing issues of trust and what can officers do to develop a better environment. (Burien PEM)</li> </ul>	<p><b>Info to be shared with the Commissioners</b></p>
	<ul style="list-style-type: none"> <li>• <b>Uniformity in Training:</b> Should this training be uniform across the State and looking at it from different aspects that perhaps first aid training is pretty uniform, perhaps some other aspects of the training might not be as uniform as communities vary widely across the state and kind of within the guidelines that the Commission sets, what does that look like and is the training exactly identical from jurisdiction to jurisdiction or are there differences. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-040 (1)</b> All curricula will be reviewed and approved consistent with Commission policies and procedures. <b>(2)</b> All training and student performance will be assessed consistent with current Commission policies and procedures.</p>
	<ul style="list-style-type: none"> <li>• <b>Care After Fire vs. Care Under Fire:</b> e.g. An officer may not have time to tend to the injured because they are actively engaged with someone trying to commit violence on them or others. So, is the scene safe to bring in the fire, EMS, paramedics, or can the officer render aid. When officers do medicine, they have to focus on the procedure, and they lose focus on everything else around them. (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>



TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
<b>Redundancy</b>	<ul style="list-style-type: none"> <li>• If a Law Enforcement Agency already has mandated annual de-escalation training of at least 8 hours, I do not believe more training must be mandated. (Email)</li> </ul>	<p><b>WAC 139-11-030</b> 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.</p>
	<ul style="list-style-type: none"> <li>• The legislature needs to look at adding funding and personnel to upcoming and past unfunded mandates. (Email)</li> </ul>	<p><b>Info to be shared with Commissioners</b></p>
	<ul style="list-style-type: none"> <li>• Agencies are already struggling to recruit personnel; funding for police academy seats are limited; retirements are coming; and I am not sure how / when we will catch up. (Email)</li> </ul>	<p><b>Info to be shared with Commissioners</b></p>
	<ul style="list-style-type: none"> <li>• Some LE Agencies require 40 hours of CIT / de-escalation training, very similar to what is being proposed. Request that the Commission consider an option that would allow a department to request a waiver for all, or even a portion of the new training requirements. (Electronic and Burien PEM)</li> </ul>	<p><b>WAC 139-11-030</b> 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.</p>
<b>Testing</b>	<ul style="list-style-type: none"> <li>• Multiple and continuing tests: I want assessment, multiple assessments over time, repeated assessments, the same way you do with firearm training. Demonstrate your competence here. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-040 (2)</b> All training and student performance will be assessed consistent with current commission policies and procedures.</p>
	<ul style="list-style-type: none"> <li>• Not just sitting in a classroom for 8 hours (Burien PEM)</li> </ul>	<p><b>Curriculum Design</b></p>
<b>Trainers and Training</b>	<ul style="list-style-type: none"> <li>• Use those officers who demonstrate successful de-escalation techniques (Burien PEM)</li> </ul>	<p><b>Info to be shared with Commissioners</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• 40-hours of intensive mandated training, every two years to include: 1) Mandated Training, 2) Less Lethal Options, 3) De-escalation Training, 4) Implicit Bias Training. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-060 (1)</b> 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</p>
	<ul style="list-style-type: none"> <li>• We want experts to deliver the training to the officers. (Spokane PEM)</li> </ul>	<p><b>WAC 139-11-040 (4)</b> 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.</p>
	<ul style="list-style-type: none"> <li>• CJTC should be aware of who their students and graduates are, and use them for mentors and trainers for the greater community. (Spokane PEM)</li> </ul>	<p><b>Instructor Certification</b></p>
	<ul style="list-style-type: none"> <li>• In-person training, mock-scenarios, and reality-based training. (Email)</li> </ul>	<p><b>WAC 139-11-040 (4)</b> A variety of educational methods will be employed including classroom lectures, mock scenarios, and physical skill development practice.</p>
	<ul style="list-style-type: none"> <li>• Students Videotape and self-evaluate themselves.</li> </ul>	<p><b>Curriculum Design</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• A trauma informed approach can save lives. If officers are able to recognize and understand symptoms of trauma, they will most likely avoid using lethal force when dealing with one who is traumatized / mentally ill. (Email)</li> </ul>	<p><b>WAC 139-11-020 (1)(g) and (2)(g)</b> 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) <b>(1)(h) and (2)(h)</b> Proper use of non-lethal defensive tactics to gain physical control when necessary</p>
	<ul style="list-style-type: none"> <li>• As a disabled veteran I would like to have someone in committee, on hand, or involved in training staff who is a disabled veteran; who can relate to issues such as body range movement, communicating with vets who are depressed and / or dealing with anxiety, and those with PTSD. (Email)</li> </ul>	<p><b>WAC 139-11-040 (4)</b> Continuing training will be developed by Commission staff in partnership with subject matter experts from across the State and across various related disciplines.</p>
	<ul style="list-style-type: none"> <li>• <b>School resource officers</b> have a unique role, I recommend that curriculum based on the new law be developed for this specialized work to reflect the goals of undoing racism and addressing the school-to-prison pipeline. This also relates to the curriculum on diversion” which is section (5) subsection (2)(b) of the new law. I understand this is a potentially controversial topic, but I would be remiss to leave it off the table. (Email)</li> </ul>	<p><b>WAC 139-11-020 (1)(l) and (2)(l)</b> 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</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• <b>Hearing from the victims</b> is a very important part of the learning process. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-050 (1)</b> 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.</p>
	<ul style="list-style-type: none"> <li>• Recommend "<b>guided immersion</b>" training that helps trainees meet people from different cultures and learn about them and their about their own reactions to these people. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1)(n) and (2)(n)</b> 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</p>
	<ul style="list-style-type: none"> <li>• What are the qualifications of the trainers? (Family Mtg.)</li> </ul>	<p><b>WAC 139-11-040 (4)</b> ...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.</p>
	<ul style="list-style-type: none"> <li>• Reconsider the 200 hours of BLEA Training. (Family Mtg.)</li> </ul>	<p><b>Info to be shared with Commissioners</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• Consider <b>family members as Subject Matter Experts</b>. (Family Mtg.)</li> </ul>	<p><b>WAC 139-11-050 (1)</b> 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.</p>
<p><b>Training Rules</b></p>	<ul style="list-style-type: none"> <li>• Additional and on-going (process), not to be mixed with the existing 24 hour continuing education. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-060 (1)</b> 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</p>
	<ul style="list-style-type: none"> <li>• De-escalation training not mixed with 24 hours of continuing education. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-060 (1)</b> 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</p>
	<ul style="list-style-type: none"> <li>• On-going Role for Community Stakeholders: It seems appropriate for the CJTC to create a community advisory committee that would regularly review and comment on CJTC curriculum. (Email)</li> </ul>	<p><b>WAC 139-11-050 (1)</b> 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.</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• I want the Commission to consider, acknowledge, or recognize our training as we look at these new standards. Sometimes it's difficult to keep people on the street because all the training we do, but it's extremely valuable training, I want to recognize that. (Burien PEM)</li> </ul>	<p><b>WAC 139-11-050 (1)</b> 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.</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<p><b>Suggested language change:</b></p> <ul style="list-style-type: none"> <li>• “For the purposes of this section violence de-escalation means tactics, action, and communication methods used by officers to <b>attempt to</b> achieve the following objectives:”</li> <li>• While you could conceivably add “attempt to” in each section, it would probably suffice to put it in the above sentence.</li> <li>• And – 1) b. – “Increase the distance between the officer and the person involved <b>when possible and safe for the officer to do so.</b>”</li> <li>• There are videos and reports showing officers attempting to gain separation (distance) which posed a hazard to the officer and in a least two incidents I know of, ended up with the officers being killed.</li> <li>• <b>Regarding item 2 (m) (Now WAC 139-11-020 (1)(r) and (2)(r)):</b> – I’m not sure how this would be presented to officers/recruits, but basic policies and decisions on arrests, bookings and such should be left to the policies</li> </ul>	<p><b>WAC 139-11-010</b> For the purposes of this section the term violence de-escalation means...</p> <p><b>WAC 139-11-020 (1)(r) and (2)(r)</b> Curriculum Design to include mechanism to deliver this training. * i.e. Classroom, On-line, Briefing Training, etc.</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<p>and procedures of the department. I agree that officers should have latitude based on circumstances and offering training which covers options “which are consistent with department policies and procedures” is fine, but it should be clear (and maybe it is in the training outline). (Email)</p>	
	<ul style="list-style-type: none"> <li>• Confusion with the rules regarding annual training, versus 40-hour training, versus the three-year-rotation training. In addition that the rules reference a “paramount duty” and would request that term be changed. (Commission Meeting)</li> </ul>	<p><b>WAC 139-11-060 (1)</b> 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 <b>and</b> <b>WAC 139-11-020 (1)(t)(ii) and (2)(t)(ii)</b> Understanding.... the solemn duty...</p>



TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<p><b>RE: Proposed Rule 3B</b>, please consider starting the consideration of the impact of stress upon the application process.</p> <ul style="list-style-type: none"> <li>• The Commission should consider looking outside the traditional definitions of mental health, with an emphasis on Post-Traumatic Stress on all people, but especially people of color.</li> <li>• It is not just black people who suffer from Post-Traumatic Stress due to our national history, but people of all colors all over America.</li> <li>• The Commission should consider these alternative definitions of mental health be included within the training.</li> </ul> <p>(Commission Meeting)</p>	<p><b>Info to be shared with Commissioners</b></p>
	<ul style="list-style-type: none"> <li>• The Commission should address the issue of <b>continued collaboration</b> throughout and after the rulemaking process is complete, about how the community will be involved in the development of curriculum, the evaluation process, and in ensuring the statutes are being followed.</li> </ul> <p>(Commission Meeting)</p>	<p><b>WAC 139-11-050 (1)</b> 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.</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
<p><b>Training Topics (Curriculum Design)</b></p>	<ul style="list-style-type: none"> <li>• <b>Interpersonal Training:</b> Multi-cultural and LGBTQ communities. (Spokane PEM)</li> </ul>	<p><b>WAC 139-11-020 (1) (m) and (2) (m)</b>  Understanding how culture and differences in experiences, histories, and social norms impacts community perceptions of law enforcement and employing cultural humility skills; <b>WAC 139-11-020 (1) (o) and (2) (o)</b>  Learning about the history of police interaction with the LGBTQ+ communities...</p>
	<ul style="list-style-type: none"> <li>• Don't prejudge the situation or rush in--mental illness can make circumstances much more complex than they seem, and pre-determinations and rash reactions have lethal consequences. Treat individuals and families as though they are experiencing a natural disaster. Everyone is in fight/flight/fear. (Online Input)</li> </ul>	<p><b>Curriculum Design</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• Provide first aid to mentally ill; emotionally disturbed; band aid on emotion; teaches skills stranger exhibiting stress; (time commitment); interaction - training with diverse community members; best practices police districts; trained on recognize what drugs people are on so they can help understand what's going on; enhanced CIT training; increased bias training; more experiential (mental illness history) CIT Training; interaction- background; past drug histories who are in recovery; cultural - diversified- experiential- training; scenarios training with officers; do the officers- h; minimum requirement for first aid- experiential training; different cities can raise the expectation; add more to the requirements population based</li> </ul>	<p><b>Curriculum Design</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<p>We recommend (guided) immersion training with different communities to help trainees meet people from different cultures / histories and learn about them and their own reactions to these people.</p> <p>We're real interested about helping people discover their own bias by interacting with people, with gentle coaching. So we dreamt up at least three major categories. <b>1)</b> We want this four hour interaction with people with mental health background, <b>2)</b> We want it with people in recovery from drug and substance abuse, different ethnic groups, and we focused a lot on diversity, very concerned about the police not feeling comfortable in different diverse communities. <b>3)</b> There are best practices in other police districts. we could find out all over the state where those recommended practices are. <b>4)</b> We were concerned about people who may be transferred from a non-diverse community into a diverse one that they would need to pass certain training requirements before they were able to go into the field. (Burien PEM)</p>	<p><b>Curriculum Design</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<p><b>First Aid and Care:</b> The police don't need more training in first aid, they need training in post shooting trauma care. How does an officer make the transition from shooting a person, to securing the scene – to providing care? Not just how do you stop the bleeding, but how do you change your mindset, from that adrenaline filled moment to now I'm going to try to save this person's life. (Burien PEM)</p>	<p><b>WAC 139-11-020 (1)(t) and (2)(t)</b> 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.</p>
	<ul style="list-style-type: none"> <li>• <b>Explicit and Implicit Bias:</b> This element impacts communities as diverse as immigrants and LGBTQ, as well as an understanding of what underlies the disparate and disproportionate impacts on Native Americans and people of color. (Email)</li> </ul>	<p><b>WAC 139-11-020 (1) (e) and (2) (e)</b> Recognizing and mitigating the impact of implicit and explicit bias on the officer's perceptions and reactions</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• <b>The History of Race and Policing:</b> How far back; Jim Crow era, or further? (Spokane PEM)</li> </ul>	<p><b>WAC 139-11-020 (1) (l) and (2) (l)</b> 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;</p>
	<ul style="list-style-type: none"> <li>• <b>Decision Making for Use of Force:</b> VirTra (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1) (j) and (2) (j)</b> Use of a decision-making simulator ("shoot don't shoot")</p>
	<ul style="list-style-type: none"> <li>• <b>Decision Making for Use of Force (not VirTra):</b> Recruits learn from an autistic person about the impact of noise and lights on their ability to communicate (and comply) is part of scenario-based training. (Email)</li> </ul>	<p><b>WAC 139-11-020 (1) (p) (iv) and (2) (p) (iv)</b>  <b>Learning about effective communication and interaction with:</b> Persons who have barriers to hearing, understanding, or otherwise complying with law enforcement officers</p>
	<ul style="list-style-type: none"> <li>• <b>Emotional Intelligence (Triggers and Officer Awareness):</b> What triggers going hands on, for anything from DT to First Aid? (Burien PEM)</li> </ul>	<p><b>WAC 139-11-020 (1) (c) and (2) (c)</b>  Understanding emotional intelligence and self-awareness</p>
	<ul style="list-style-type: none"> <li>• <b>ASL and Language Training</b> (Spokane PEM)</li> </ul>	<p><b>Curriculum Design</b></p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• <b>How to be a Good Listener</b> (Email)</li> </ul>	<p>Curriculum Design</p>
	<ul style="list-style-type: none"> <li>• <b>Good Patrol Tactics</b> to include time, distance, cover, and other factors is vital. We should not build in a “<b>duty to retreat</b>” standard and we should not interpret anything I’ve seen as something which establishes a mandate. (Email)</li> <li>• <b>Tactics</b>- when they are called to 911 it is because of a situation tactics according to situation, officers assume situation is serious, they react with fear and danger. Better training to get exact idea of what situation is before they go out- is it endangering single person, others or the community? (Vancouver Mtg.)</li> </ul>	<p><b>WAC 139-11-020 (1) (a) and (2) (a)</b> Patrol tactics, actions and communication methods that de-escalate situations when appropriate to reduce the likelihood of injury to all parties involved...</p>
	<ul style="list-style-type: none"> <li>• <b>Outcomes:</b> We may try the best tactics and de-escalation possible and things still occur and sometimes the situation presented by the person causing the issue prevents us from attempting many or all of the steps sought through this training outline/document.</li> </ul>	<p>Curriculum Design</p>
	<ul style="list-style-type: none"> <li>• <b>Less Lethal Options</b> (Burien PEM and Email)</li> </ul>	<p><b>WAC 139-11-020 (1) (h) and (2) (h)</b> Proper use of nonlethal defensive tactics to gain physical control when necessary</p>
	<ul style="list-style-type: none"> <li>• In my view it is crucial that there be developed a <b>less lethal way</b> that the police will always use first; to get someone to comply with them when the person involved is mentally ill, impaired, or uncooperative. (Anonymous Email)</li> </ul>	<p><b>WAC 139-11-020 (1) (h) and (2) (h)</b> Proper use of nonlethal defensive tactics to gain physical control when necessary</p>

TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• <b>Enhanced CIT</b> (Email)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>Stress:</b> Regarding proposed <b>Rule 3B</b>, the Commission should consider studying the impact of stress early in the application process. (Email)</li> </ul>	<b>WAC 139-11-020 (1) (b) and (2) (b)</b> Recognizing and managing the impact of stress on the officer’s perceptions and reactions
	<ul style="list-style-type: none"> <li>• <b>Family &amp; social relationship skills and Support Systems</b> (Online Input)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>PTSD training for 1st responders</b> (Email)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>“Victim’s Panel”</b></li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>LEO Weapons training so officers can better defend themselves.</b> (Online Input)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>Officer suicide needs to be addressed:</b> Working through traumatic experiences will benefit the officer, their family, and the community. (Email)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>“Guided Immersion Training:”</b> 4-hours of guided immersion training. (Burien PEM)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>Drug Addiction Recognition and Recovery Training</b> (Email)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>Racial Profiling</b> (Burien PEM)</li> </ul>	Curriculum Design
	<ul style="list-style-type: none"> <li>• <b>Officer Mindset and Communication</b> (Family Mtg)</li> </ul>	Curriculum Design



TOPICS	COMMUNITY INPUT	PROPOSED RULE(S)
	<ul style="list-style-type: none"> <li>• <b>Disability Awareness</b> (Family Mtg.)</li> </ul>	<p><b>WAC 139-11-020 (1) (g) and (2) (g)</b> Use of techniques and communication strategies to calm persons who appear to be agitated or threatening due to a mental or behavioral health issue or other disability, per 43.101.427 (5)</p>
	<ul style="list-style-type: none"> <li>• <b>Timely Application of First Aid</b> (Family Mtg.)</li> </ul>	<p><b>WAC 139-11-020 (1)(t)(iii) and (2)(t)(iii)</b>  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</p>