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I-940 link <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Initiatives/Initiatives/INITIATIVE%20940.PL.pdf>

SHB 1064 link <http://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1064-S.SL.pdf>

WAC 139-11 Training link <https://app.leg.wa.gov/wac/default.aspx?cite=139-11&full=true&pdf=true>

WAC 139-12 Independent Investigations draft link <http://lawfilesexternal.wa.gov/law/wsr/2019/21/19-21-178.htm>

I-940/SHB 1064 Implementation Matrix

Element	Outcome	Statute Citation	Important Dates
Violence De-escalation <ul style="list-style-type: none"> • Training Required 	WAC 139-11-020 (1) requires that of the 720 hours of basic academy training, a minimum of 200 hours must be violence de-escalation and mental health training (28% of the total).	RCW 43.101.450	Training starts 12/6/19
Mental Health <ul style="list-style-type: none"> • Training Required 	See above.	RCW 43.101.452	Training starts 12/6/19
Violence De-escalation and Mental Health Curriculum Requirements Established	RCW 43.101.455 (Section 5 of I-940 and section 1 of SHB 1064) included a list of curriculum topics, (a) through (h), and community advocates were successful in adding clarifying language for more context that advanced and protected community interests. <u>See Addendum A</u> , with clarifying language in the WAC flagged in yellow highlight.	RCW 43.101.455 and WAC 139-11	WAC adopted 7/6/19
First Aid Required	WAC 139-12 makes it clear that “preservation of life” is the goal of policing and at the scene, first aid is a priority. <u>See Addendum B</u> .	RCW 36.28A.445	12/6/18
Malice and Good Faith Removed <ul style="list-style-type: none"> • Objective standard in place 	The de facto immunity in the statute is removed and replaced with an objective standard that incorporates the term “necessary.” These definitions are part of WAC 139-12. <u>See Addendum C</u> .	RCW 9A.16.040	12/6/18
Independent Investigations <ul style="list-style-type: none"> • Independent investigations required • Involved agency blocked from investigation • CJTC to adopt criteria 	State law requires where deadly force “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.” This investigation is external to the involved agency. The law requires it be “completely independent of the agency whose officer was involved in the use of deadly force.” The	RCW 10.114.011 And WAC 139-12 (final not adopted as of date this document prepared)	12/6/18 effective date Rule adoption for criteria required by 12/6/19

	<p>CJTC must adopt rules establishing criteria to determine what qualifies as an independent investigation. The draft rule makes clear that this is a criminal homicide investigation, and it provides for protocols for internal administrative review.</p> <ul style="list-style-type: none"> • The rule addresses the independence requirement by: <ul style="list-style-type: none"> ○ Clear separation between the involved agency and the investigation team ○ Requirements addressing the character and history of the members of the investigation team. ○ Including at least two community representatives in the process, whose role includes vetting the investigation team members. ○ The investigators must have: <ul style="list-style-type: none"> ▪ Honorable conduct (no history of lying, etc.) ▪ No conflict of interest with the involved agency. <p>The rule adopts 5 factors as a framework - Independence; Transparency; Communication; Credible process; and Credible investigators. Credible process includes reviewing the evidence of the decision-making of the officer who used deadly force. <u>See Addendum D.</u></p> <p>The rule also addresses transparency by:</p> <ul style="list-style-type: none"> ○ Assigning a family liaison. ○ Requiring press releases at least weekly. 		
Tribal Notification	The training WAC includes specific training on tribal sovereignty and culture and reflects the requirement to notify Tribes of the death of a Tribal member. The draft independent investigation WAC includes a requirement that if a Tribal member is killed, the Tribe must be kept informed during the investigation.	RCW 10.114.021	12/6/18
Community Stakeholders <ul style="list-style-type: none"> • List of required community advocates specified in state law 	<p>The statutory list is: 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.</p> <ul style="list-style-type: none"> ○ The WACs refer to this list and adds “family members who have lost loved ones in fatal encounters with police.” 	Footnote to RCW 43.101.455	12/6/18
Accountability	WAC 139-11 requires annual summits, one held on each side of the State, to get input and requires a working roster of community and family members.	WAC 139-11-050	

Addendum A.

Curriculum must address the following, per WAC 139-11:

- Recognizing and managing the impact of stress on the officer's perceptions and reactions;
- Understanding emotional intelligence and self-awareness;
- Understanding the psychology and foundational principles of procedural justice to build trust and rapport, including training on ethics;
- Recognizing and mitigating the impact of implicit and explicit bias on the officer's perceptions and reactions;
- Recognizing patterns of behavior in individuals that may be related to mental or behavioral health issue or other disability, per RCW 43.101.427(5);
- 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);
- Proper use of nonlethal defensive tactics to gain physical control when necessary;
- 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;
- Use of a decision-making simulator ("shoot don't shoot") and cognitive exercises to improve accurate recognition of threats and proper level of force response;
- Understand the "good faith" standard as stated in RCW 9A.16.040 (4)(a);
- 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;
- Understanding how culture and differences in experiences, histories, and social norms impacts community perceptions of law enforcement and employing cultural humility skills, with the goal of learning about respectful and effective approaches with communities of color including, but not limited to, Black Americans, African Immigrants, Latinxs, Native Americans, Asian Americans, Pacific Islanders, American Muslims, Sikhs, and Arabs;
- 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;
- Learning about the history of police interaction with the LGBTQ+ communities and learning about respectful and effective communication and interaction with these communities;
- Learning about effective communication and interaction with:
 - Youth;
 - Individuals who have experienced domestic violence, sexual assault, or human trafficking;
 - Immigrant and refugee communities, and those with limited English proficiency;
 - Persons who have barriers to hearing, understanding, or otherwise complying with law enforcement officers.
- Learning about the systemic challenges facing indigent populations, the nature of crimes and poverty, and the cycle of recidivism for those experiencing poverty;
- Examining alternatives to jail, booking, and arrest and the impacts on members of the community and public safety;

- 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;
- 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.

Addendum B.

From draft WAC 139-12:

- **Purpose** section includes these sentences:

"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 preservation of life has always been at the heart of American policing."

- **Definition** section includes this:

"**Initial incident response** – This is the period in time immediately following a deadly force incident when involved agency personnel on scene and other first responders immediately take actions to render the scene safe and provide or facilitate life-saving first aid to persons at the scene who have life threatening injuries. Then the involved agency will immediately call the IIT and the primary focus of the involved agency shifts to the protection and preservation of evanescent evidence in order to maintain the integrity of the scene until the IIT arrives. Once the IIT arrives, and the IIT commander has the appropriate resources on scene, the involved agency will relinquish control of the scene to the IIT."

Addendum C.

- From RCW 9A.16.040, definition added to WAC 139-12:

"(4) 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."

- From RCW 9A.16.010, definition added to WAC 139-12:

"(1) "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended."

Addendum D.

"In order for investigations to be viewed as credible it is critical to demonstrate that the procedures followed are consistent, known to the public, and rooted in best practices for homicide investigations, with particular attention focused on those unique areas of evidence relevant to the officer's decision-making process."