

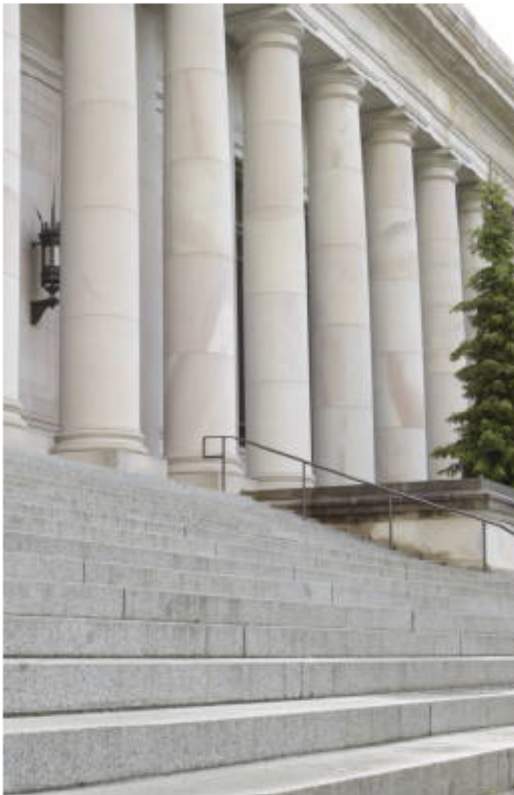


State Oversight and Accountability of Peace and Corrections Officers - E2SSB 5051

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

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"TRAINING THE GUARDIANS OF DEMOCRACY"

Establish high standards and exceptional training to ensure that criminal justice professionals in Washington State have the knowledge and skills to safely and effectively protect the life, liberty, and property of the people they serve.

SENATE BILL E2SSB 5051

EXECUTIVE SUMMARY

Established in 1974, the Washington State Criminal Justice Training Commission (WSCJTC) was created by [RCW 43.101.020](#) to provide training and set standards for criminal justice personnel in the state of Washington. In 2001, [RCW 43.101.095](#) enacted a statewide certification/certification revocation process for peace officers. During the 2021 Legislative Session, the Washington State Legislature approved [Senate Bill \(SB\) 5051](#) which was signed into law by Governor Jay Inslee as Engrossed 2nd Substitute 5051 (E2SSB). E2SSB 5051 enhanced the Revised Code of Washington (RCW) Chapter 43.101 and related statutes regarding state certification and revocation standards for oversight and accountability of peace officers and corrections officers. The bill also provided the WSCJTC authority as the state agency with responsibility for law enforcement accountability, setting forth goals of integrity, effectiveness, professionalism, public trust, and constitutional policing:

RCW 43.101.020 (2) The purpose of the Commission shall be to establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The Commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of this state and United States. In carrying out its duties, the commission shall strive to promote public trust and confidence in every aspect of the criminal justice system.



Gov. Jay Inslee signed a dozen bills that will improve accountability for law enforcement in Washington State, and will create the nation's strongest police accountability system. The governor, joined by community members and families of those impacted, signed the bills at the Eastside Community Center in Tacoma. 05/18/2021

E2SSB 5051 strengthens state oversight, accountability, and certification of peace officers and corrections officers by:

- Modifying the Commission’s composition to provide for a majority (15) non-law enforcement representatives.
- Expanded oversight authority of the Commission to include issuing public recommendations to the governing body of a law enforcement agency regarding command decisions.
- Defining that the Commission may act as the authority to revoke certification based upon misconduct rather than requisite conviction.
- Defining that the Commission may act either on its own initiative or upon request of an officer’s employer. The Commission will no longer have to wait to act – until all available civil service appeals, collective bargaining remedies and other avenues for disciplinary appeals.
- Commission rules to reinstatement of certification must align with its responsibilities to enhance public trust and confidence in law enforcement profession and correctional system.
- Per RCW 43.101.095(4) requires the release of personnel files to the employing agency and the Commission, including disciplinary, termination, civil or criminal investigation, or other records or information directly related to any certification or decertification matter(s) before the Commission.

Additionally, every peace officer or corrections officer must facilitate a review of any of their social media accounts immediately upon request by a representative of the Commission for the exclusive purpose to investigate alleged conduct that could result in a revocation action.

The purpose of this report to the governor and the appropriate committees of the legislature is to detail the following:

- (1) The average total number of peace officers each year who must complete the basic law enforcement academy training and the certification process without delay in order to begin work as full-time officers;
- (2) The other categories of officers, and the average total number of such officers, who must complete the basic law enforcement academy training, the certification process, or both, prior to being authorized to enforce the laws of this state on a part-time, as called-upon, or volunteer basis;
- (3) Recommendations for amendments to update and align definitions and categorization of types of officers as set forth in statute and administrative rule, to eliminate ambiguity or inconsistencies and provide better clarity for law enforcement agencies, the WSCJTC and the public as to the different types of officers, their authority, and their obligations to fulfill the requirements of chapter 43.101 RCW and other chapters;
- (4) The current backlog for admission to the basic law enforcement academy and the approach taken by the criminal justice training commission to prioritize admission to training when there is insufficient capacity to meet the demand;
- (5) The current and projected need for the number of basic law enforcement academy classes in order to meet the requirements of chapter 43.101 RCW and other chapters, and recommended funding to meet the projected need; and
- (6) Any other related recommendations.

BACKGROUND AND CONTEXT

Prior to 2001, the primary function of the WSCJTC was to provide basic law enforcement training for peace and reserve officers. Successful completion of the basic law enforcement training was and is, a requisite to the continuation of employment for new officers with a law enforcement agency.

In 2001, the Legislature introduced a statewide certification/certification revocation process for peace officers. In 2005, the Legislature further required employing agencies to conduct background checks, including polygraph and psychological evaluations, for all new hire peace and reserve officers.

In 2020, the Legislature instituted training and certification requirements for correction officers, substantially the same as those required for peace officers.

State of Washington training standards and guidelines governing general authority, limited authority, specially commissioned (reserve officers), tribal and correctional officers are codified in the RCW and the WAC. The state of Washington has thousands of armed officers exercising authority within its communities each day. Many of these agencies face significant systemic obstacles, and other restrictions when attempting to access training offered by the Commission. Although their powers of authority vary by classification, the depth and frequency of training is not commensurate to the level of service and overwatch to the communities in the state.

As a legal mandate, general authority peace officers must attend the WSCJTC's 720-hour Basic Law Enforcement Academy (BLEA), and correctional officers must attend the 10-week Correctional Officers Academy (COA). However, limited authority officers are not legally mandated to attend WSCJTC's BLEA. Most often agencies select personnel who have previously held a retired peace officer certification within the previous two years.

Tribal police officers are non-mandated to attend BLEA and due to the long wait times to attend the academy, tribal police officers typically attend the Indian Police Academy (IPA) within the Federal Law Enforcement Training Center (FLETC), and then apply to attend the Basic Law Enforcement Equivalency Academy (BLEEA). Specially commissioned (reserve officers) attend a regional Basic Law Enforcement Reserve Academy (BLERA) ranging from 249 – 360 hours. Although the WSCJTC recommends minimum hours of attendance, there is no current mandate set in WAC or RCW, even though the WSCJTC is the "sponsoring agency" and provider of each certificate of completion.

This report will describe and distinguish the total number of law enforcement personnel who must complete BLEA, BLEEA, BLERA, and the certification process prior to being authorized to enforce the laws of this state whether part-time, as called-upon, or as a volunteer:

- General authority
- Limited authority
- Specially commissioned - reserves
- Tribal police officers

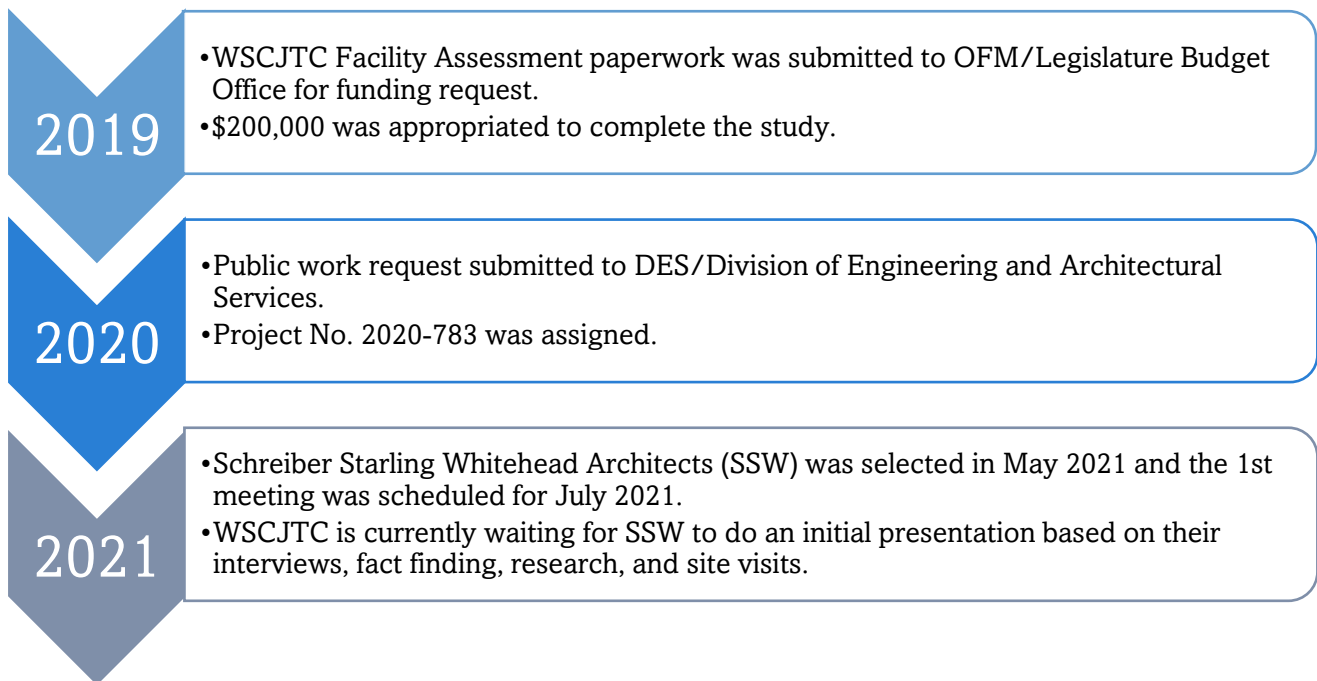
The report will also identify recommendations for amendments to definitions, classification of officers as set in statute or administrative code, provide clarity, eliminate ambiguity, and align the understanding held by the WSCJTC, law enforcement, and the public. The final recommendation will address the backlog for admission to BLEA and BLEEA and a proposal to rectify systemic inequities facing law enforcement agencies coupled with a projected assessment of the need for appropriate funding for future BLEA and BLEEA classes.

A facility assessment is underway and is not complete at the time of this report. The assessment will illuminate any gaps in capacity between course demand, staff, and our facilities.

WSCJTC FACILITY ASSESSMENT STUDY

Due to an aging facility, infrastructure, and limited footprint, in August 2019 former WSCJTC Executive Director Sue Rahr asked WSCJTC staff to research and prepare a request for a facilities study assessment. The objective was to determine the feasibility of the facility and if the campus structures would support the anticipated increases in training demands. The WSCJTC staff collaborated with their assigned DES project manager to complete a scope of work and selected an architecture consultant to help develop a proposal.

Representative Tina Orwall and Senator Karen Keiser were the members who sponsored the capital budget request for their respective chambers. In addition, Representative Steve Tharinger, Chair of the House Capital Budget Committee, worked on drafting the bill language.



BASIC LAW ENFORCEMENT ACADEMY Peace Officers

BLEA is Washington's mandated training academy for all city and county entry-level peace officers in the state. Through a centralized training model, Washington ensures all officers are equipped with the same base-level understanding of their responsibility to the communities they serve, standards to uphold, and education for effective community-oriented policing. To facilitate this training, the WSCJTC hires training officers from agencies throughout the state and current subject matter experts.

The knowledge and skills taught in the BLEA provide a link to post academy training programs. The content and teaching methods are based upon the goal to provide scientifically valid and legally defensible law enforcement training. BLEA teaches Washington law enforcement personnel to make decisions within their legal authority to increase safety for all persons involved in a critical situation and decrease the likelihood of a physical force application.

With a focus on a guardian model of policing, students attend a wide array of courses throughout the 720 academy hours. In 2005, the WSCJTC, by way of [WAC 139-05-250](#) identified the following core subject areas to include common threads of communication, community policing and professional ethics throughout:

- Orientation and history of policing
- Criminal law
- Criminal procedures
- Patrol procedures
- Crisis intervention
- Emergency vehicle operation course
- Report writing
- Traffic law
- Firearms
- Defensive tactics
- Criminal investigation

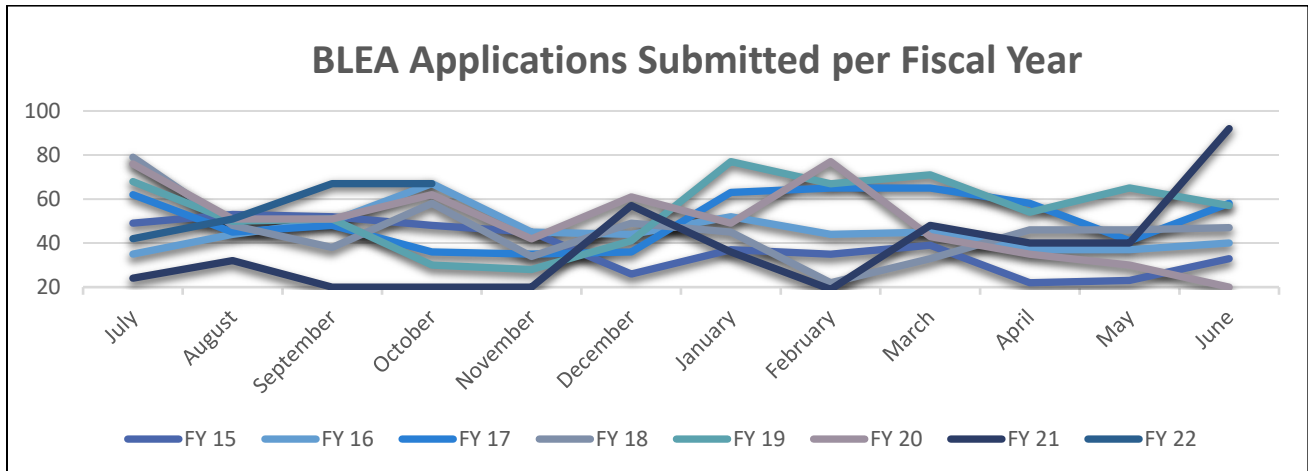
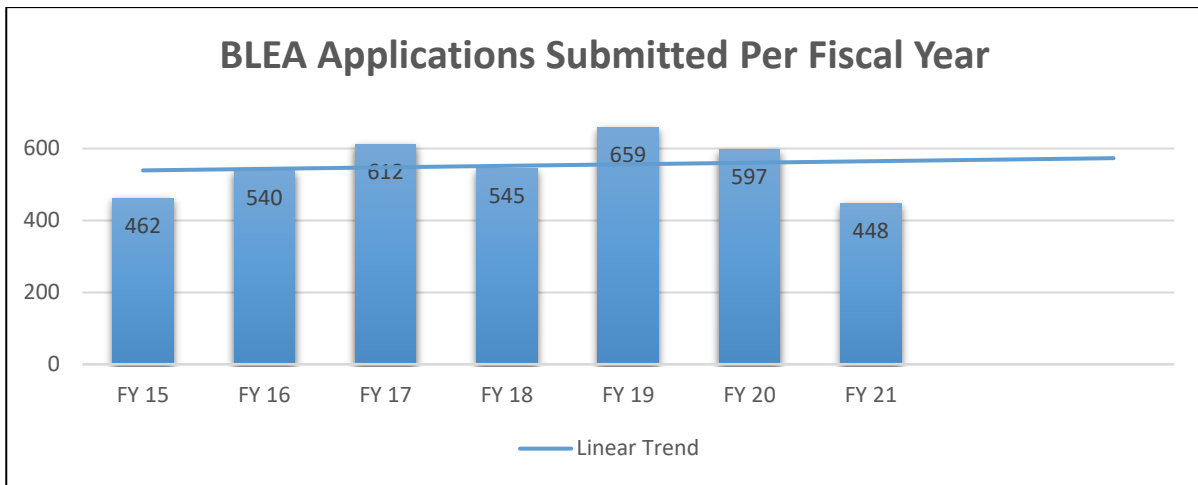
The BLEA must be completed by fully commissioned law enforcement officers of a city, county, or political subdivision of the state of Washington per [WAC 139-05-200](#) and [RCW 43.101.200](#).

- Mandated agencies: City, County, State Universities, Dept. of Fish & Wildlife, and Railroad.
- Non mandated agencies: Tribal Police, Gambling Commission, Liquor & Cannabis Board, WA State Parks & Recreation, Arson Investigators, DNR and Reserves.

Washington State does not allow for self-sponsorship to attend BLEA. All students must first be hired by a law enforcement agency who will submit application materials on their behalf. Training must be commenced within six months of hire.

BLEA and BLEEA Enrollment: 1/1/2018 - 6/10/2021

TYPE	BLEA	BLEEA	TOTAL
County Sheriff's Office	1164	210	1273
Corrections	0	1	1
Federal	0	1	1
Higher Education	50	11	61
Marshal	0	2	2
Police Agencies	2535	298	2823
Railroad	0	8	8
Tribal	41	114	154
Gambling Commission	3	7	10
Tribal Natural Resource Enforcement	0	13	13
Liquor & Cannabis Board	52	3	55
Parks & Recreation Commission	3	0	3
Fish & Wildlife	65	0	65
			4469



BASIC LAW ENFORCEMENT ACADEMY Other Categories

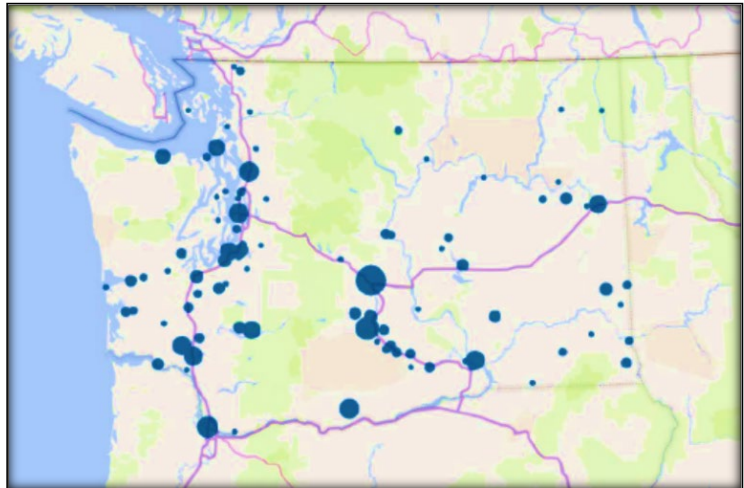
RESERVE OFFICERS (Specially Commissioned)

[RCW 10.93.020\(5\)](#) definition of specially commissioned Washington peace officer for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

[RCW 10.93.090](#) explains: A specially commissioned Washington peace officer who has successfully completed a course of basic training prescribed or approved for such officers by the Washington State Criminal Justice Training Commission may exercise any authority which the special commission vests in the officer, throughout the territorial bounds of the state, outside of the officer's primary territorial jurisdiction under the following circumstances:

1. The officer is in fresh pursuit, as defined in [RCW 10.93.120](#); or
2. The officer is acting pursuant to mutual law enforcement assistance agreement between the primary commissioning agency and the agency with primary territorial jurisdiction.

Washington State has an active reserve officer program. While the number of reserve officers has declined in the past few years, there are still 104 agencies in the state that currently support 327 active reserves as part of their agency rosters.



AGENCIES UTILIZING RESERVES

104 agencies in the state currently support 327 active reserves

Airway Heights PD	1	Grand Coulee PD	1	Moxee PD	3	Selah PD	5
Algona PD	2	Granger PD	3	Normandy Park PD	2	Shelton PD	1
Arlington PD	1	Grant County SO	1	Okanogan County SO	1	Snohomish County SO	11
Asotin County SO	2	Grays Harbor County SO	1	Orting PD	1	Soap Lake PD	2
Asotin PD	1	Island County SO	8	Pacific County SO	2	South Bend PD	1
Benton County SO	2	Kalispel Tribal Public Safety Dept	1	Pacific PD	3	Spokane PD	9
Black Diamond PD	1	King County SO	11	Palouse PD	2	Spokane Tribal PD	1
Castle Rock PD	10	Kittitas County SO	19	Pasco PD	5	Stevens County SO	1
Centralia PD	3	Kittitas PD	1	Pe Ell PD	1	Sunnyside PD	3
Chelan County SO	3	Klickitat County SO	10	Pierce County SO	9	Swinomish PD	1
Clallam County SO	2	Lakewood PD	5	Port Angeles PD	5	Tenino PD	2
Clark County SO	13	Lewis County SO	9	Port Gamble S'Klallam PD	1	Thurston County SO	5
Clarkston PD	2	Lincoln County SO	2	Port Orchard PD	1	Tieton PD	4
Cle Elum PD	1	Long Beach PD	1	Port Townsend PD	2	Toledo PD	3
College Place PD	1	Longview PD	1	Poulsbo PD	1	Toppenish PD	1
Columbia County SO	2	Lynden PD	1	Prosser PD	3	Twisp PD	2
Connell PD	4	Lynnwood PD	1	Pullman PD	1	Upper Skagit Tribal PD	1
Cosmopolis PD	4	Mabton PD	1	Puyallup PD	1	Wahkiakum County SO	4
Cowlitz County SO	10	Mason County SO	2	Puyallup Tribal PD	2	Wapato PD	1
Douglas County SO	2	Mattawa PD	1	Raymond PD	2	Washougal PD	1
Duvall PD	1	McCleary PD	1	Reardan PD	4	Westport PD	1
Ellensburg PD	6	Milton PD	6	Richland PD	1	Whitman County SO	5
Everson PD	2	Montesano PD	1	Roy PD	1	Yakama Nation PD	1
Franklin County SO	5	Morton PD	4	Ruston PD	2	Yakima County SO	15
Garfield County SO	1	Moses Lake PD	4	San Juan County SO	1	Yelm PD	4
Goldendale PD	1	Mountlake Terrace PD	2	Seattle PD	1	Zillah PD	3

The Reserve Academy class can range between 249 hours and 360 hours in length. The Reserve Academy curriculum adopted by the Commission is designed similar to that of BLEA, including student performance objectives for each instructional block. It is designed to provide reserves with the basic knowledge and skills required for safe, proper, and effective law enforcement service.

In 2016, the Commission mandated that reserve officers have the same in-service training requirements under [WAC 139-05-300\(2\)](#). Effective January 1, 2016, every reserve officer as defined by [WAC 139-05-810](#) will complete a minimum of twenty-four hours of in-service training annually.

1. The in-service training requirement for each newly appointed reserve peace officer must begin on January 1st of the calendar year following their appointment as a result of successful completion of the basic reserve law enforcement academy, basic reserve academy equivalency process, or approved waiver as provided by [WAC 139-03-030](#).
2. Training may be developed and provided by the employer or other training resources.
3. The commission will publish guidelines for approved in-service training.
4. As of July 1, 2018, the twenty-four hours must include the successful completion of the training commission's two-hour annual online crisis intervention course prescribed under [RCW 43.101.427](#).

KEY FINDINGS

In the last 10 years, January 1, 2011 through January 1, 2021, the WSCJTC held 86 reserve academies, training 900 students. During the time period, a yearly average of nine reserve academies occurred, training on average 90 students. Although considered to have the same power and authority when called into service by their primary agency, newly created or amended WACs and RCWs usually remain silent as it relates to reserve officers.

- A WAC or RCW does not exist to define minimum or maximum allowable hours worked; weekly, monthly, or annually.
- Reserve officers are not considered certified peace officers, nor do they attain any form of certification. Reserve officers are not included in the certification revocation process and as such they cannot be entered into the National Decertification Index (NDI). Currently, the WSCJTC Learning Management System (LMS) adds a cautionary flag to the profile of the reserve officers with reported issues.
- WAC 139-05-810 provides an exception to an agency's requirement to give a conditional offer without submitting to a polygraph assessment or psychological examination even though the RCW states otherwise.

RECOMMENDED CHANGES

These recommendations are intended to clarify the role of the Reserve Officer Program in Washington state by providing guidance to local agencies as well as clarity for the WSCJTC's directed oversight of the program. The recommendations will not resolve all the challenges facing the WSCJTC's oversight of the Reserve Officer Program, but in the public interests would address the most significant issues of safety and accountability.

Academy

Reserve Instructors

- Demonstrate strong knowledge and background in the subject matter they instruct
- Certified as Patrol Tactics Instructor (PTI)
- Each instructor would complete the WSCJTC Instructor Certification Program (ICP)

Hours

- 360 hours of the Reserve Academy should consist of Applied Skills Training
- Post academy training would consist of 360 hours as a student of a Field Training Officer or Patrol Training Officer (FTO/PTO) program with a WSCJTC certified training officer

WSCJTC will move to eliminate the use of the term "provisional" - this term is not defined or supported by any WAC or RCW

Certification

Reserve Officer certification would be required when called upon by their general authority agency. This would allow for certification revocation by the WSCJTC, if needed

RCW-WAC Revision

WSCJTC will provide guidance through the WAC or RCW for general authority peace officers who retire (separate) and seek to become a reserve officer

WSCJTC to clarify through WAC and RCW that all reserve officers must complete Basic Law Enforcement Reserve Academy before eligibility to serve in uniform or enforce laws of the state

WSCJTC would establish minimum and maximum eligible hours worked each week to remain in good standing as a reserve officer

WAC rules will be created precluding take-home equipment for reserve officers and "on call" use of reserve officers

Mandated Training Requirements

Any newly created legislation mandates should apply to reserve officers

All mandatory training for general authority peace officers should apply to reserve officers

LIMITED AUTHORITY

[RCW 10.93.020](#) defines: Limited authority Washington peace officer means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

The state of Washington has approximately 19 industries employing some version of limited authority law enforcement officers.

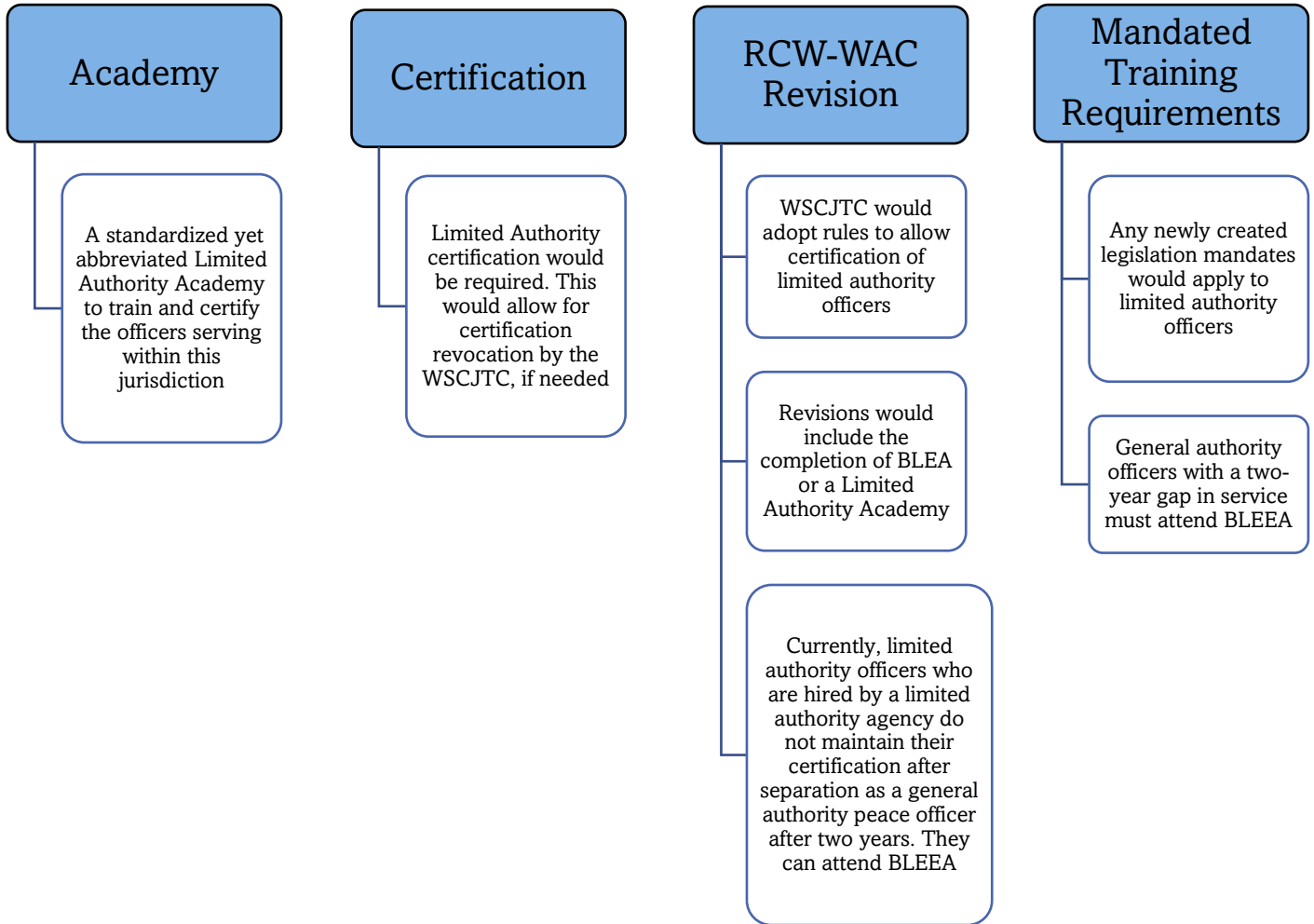
Limited Authority Agency	Armed Personnel
Washington State Patrol Fire Marshal's Office	No
Washington State Patrol Commercial Vehicle Enforcement	Yes
Bremerton Police Department (Warrant Officer)	Yes
WA State Gambling Commission	Yes
WA Utilities and Transportation Commission	No
Bellingham Police Department (Warrant Officer)	Yes
WA State Office of Insurance Commissioner	Yes
WA State Office of Superintendent	No
WA State Lottery Commission	No
WA State Office of Attorney General Medicaid Fraud Control Division	No
King County Sheriff's Office	Yes
WA State Department of Social and Health Services	No
Amtrak Railroad	Yes
WA State Liquor and Cannabis Board	Yes
WA State Department of Natural Resources	Yes
WA State Department of Agriculture	No
WA State Department of Corrections	Yes
WA State Parks & Recreation	Yes
WA State Office of Independent Investigations	No

KEY FINDINGS

Under current rules, limited authority officers cannot acquire or maintain certification from the WSCJTC even if they previously held certification as general authority peace officer or attend the WSCJTC BLEA.

Many limited authority agencies send newly hired officers to BLEA, pursuant to a Memorandum of Understandings to ensure they receive a basic level of law enforcement training. Currently, limited authority officers are awarded a certificate of completion as opposed to being certified. While statutory definition distinguishes between limited authority and general authority officers, many limited authority agencies would prefer that the same peace officer certification be awarded upon completion of the WSCJTC BLEA.

RECOMMENDED CHANGES



TRIBAL POLICE DEPARTMENTS

During the 2008 Regular Legislative Session, the Legislature enacted Chapter 224, Laws of 2008 ([EHB 2476](#)) which authorized tribal police officers to act as general authority Washington state peace officers. State law provides that tribal police officers shall be recognized and authorized to act as general authority Washington peace officers, subject to the requirements stated in [RCW 10.92.020](#).

Under state law, a tribal police officer recognized and authorized to act as a general authority Washington peace officer has the same powers as any other general authority Washington peace officer to enforce state laws in Washington, including the power to make arrests for violations of state laws within the exterior boundaries of the reservation or as authorized under [RCW 10.93.070](#) and [RCW 10.92.020](#).

RCW 43.101.157 Tribal police officer certification.

(1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the Commission. To ensure clarity regarding the requirements with which the tribal government and its police officers must comply should the tribal government request certification, a tribal government may first request consultation with the Commission.

(2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the Commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers.

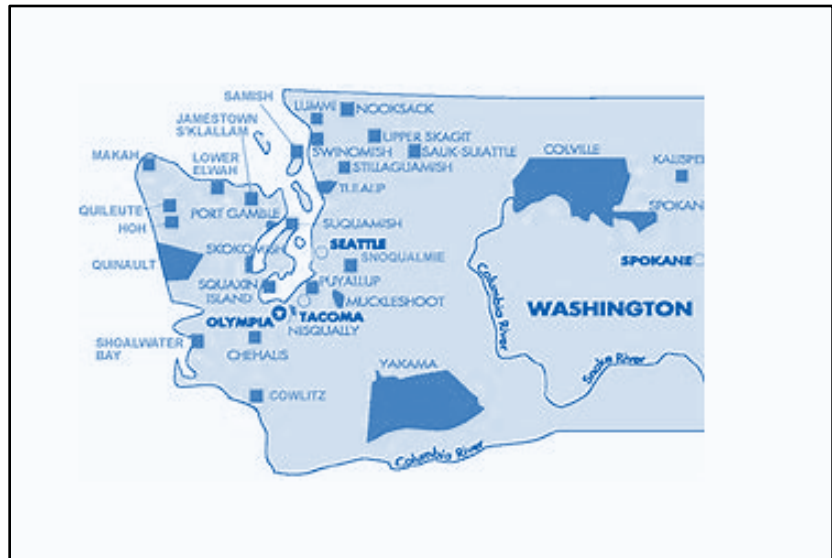
RCW 43.101.230 Training for tribal police officers and employees authorized Conditions.

Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010 shall be provided training under this chapter if: (a) [(1)] The tribe is recognized by the federal government, and (b) [(2)] the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

The WSCJTC has formal Memorandums of Agreement (MOA) with 26 of the 29 tribal police departments in the state of Washington and they adhere to the same pre-hiring standards and training requirements as any peace officers in the state.

WSCJTC/Tribal Interagency Agreements listed by Tribe:

Chehalis
Colville
Colville - *Natural Resource Enforcement*
Cowlitz
Kalispel
La Push - Quileute
Lower Elwha
Lummi Nation
Muckleshoot
Nisqually
Nooksack
Port Gamble S'Klallam
Port Gamble S'Klallam - *Department of Natural Resources Fish and Wildlife Police of Washington*
Puyallup
Quinault
Shoalwater Bay
Skokomish
Snoqualmie
Spokane
Squaxin Island *Department of Public Safety and Justice*
Stillaguamish
Sauk-Suiattle
Suquamish
Swinomish
Tulalip
Upper Skagit



KEY FINDINGS

Tribal law enforcement agencies are categorized as non-mandated in the state of Washington. Tribal police officers applying to the BLEA or BLEEA are subjected to system obstacles which delay and discourage entry due to being wait-listed by their non-mandated status. Mandated agencies are instead given priority entry due to compliance with the training requirement completion of six months. Tribal law enforcement agencies, in addition to wait-listing, are charged full costs fees between \$15,000 - \$22,000 per student while mandated agencies pay 25 percent of these costs.

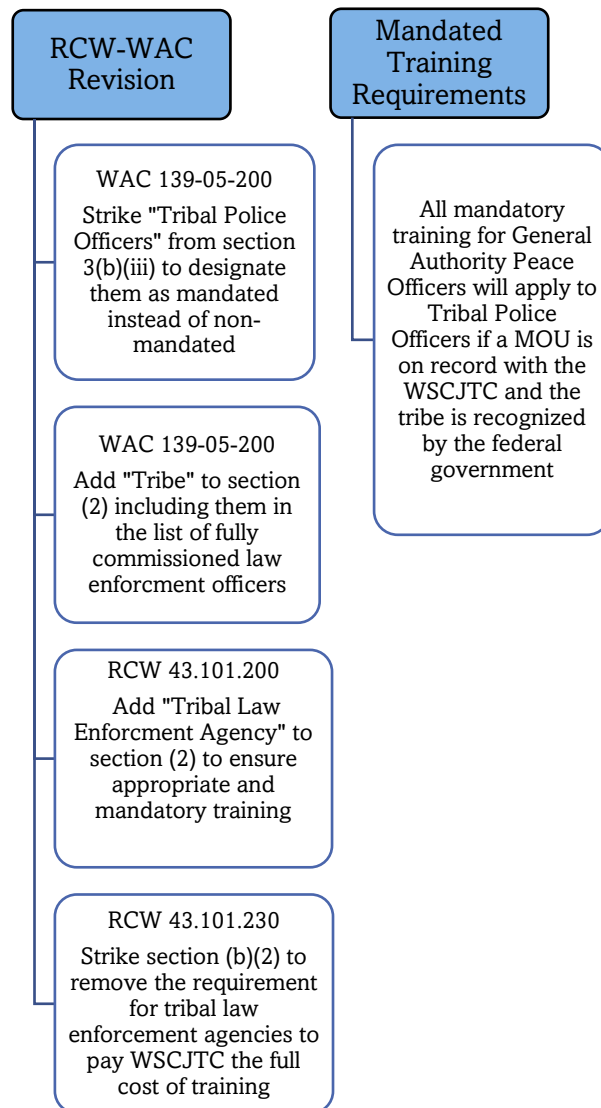
In order to receive timely certification and specific training, tribal police officers attend 597.5 hours of the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico and then apply to attend BLEEA to receive their state certification. It's clear that FLETC serves an important service and introduction to providing public safety to Indian Country and Federal Law Enforcement, but it may not align or prepare officers necessarily with Washington state policing to include current

legislative mandates including Violence De-escalation, Duty to Intervene, Use of Force, or Certification Standards. It is important to note that FLETC tuition, lodging, and meals are free to tribal police officers (travel not included). This is significant compared to the unsubsidized costs of BLEA and BLEEA. Additionally, many tribal police officers attend a four to eight-week in-house, pre-academy training program where they receive introductory training in criminal law, use of force, ethics, and firearms familiarization, and then complete two weeks of post-academy training before beginning their three-to-four-month Field Training Officer (FTO) training.

Many tribal police officers are a force multiplier as it relates to enforcing Washington State Law, in coordination and cooperation with state, county, and city agencies. Allowing tribal agencies equal access to affordable and mandated training as general authority peace officers supports tribal communities and their neighbors which is good public policy.

Historically, tribal police officers and the communities they serve have not received equitable access to training that enhances the integrity, effectiveness, and professionalism deserving them. The Commission intends to establish appropriate state commitment and funding to ensure public trust and confidence is established, supported, and remains throughout Indian Country.

RECOMMENDED CHANGES



DEFINITION RECOMMENDATIONS

E2SSB 5051 Section 1 defines peace officer as having the same meaning as general authority officer under RCW 10.93.020. Peace officer is defined differently than reserve officer. Reserve officer is defined to include limited authority and specially commissioned officers as defined by RCW 10.93.020.

Section 8 (subsection1) states: As a condition of employment, all Washington peace officers, and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the Commission. The requirement for certification only extends to peace officers and corrections officers, but not reserve officers, therefore, the Commission concludes there is no mandate that reserve officers be certified.

KEY FINDINGS

Reserve officers should attend WSCJTC sanctioned reserve officer academy, and upon completion become certified and specially commissioned by their Sheriff or Chief.

Section 9 (subsection9) states, any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer if the reserve officer is certified pursuant to RCW 43.101.095.

This language indicates that if a reserve officer is certified, they are subject to certification revocation, the same as a peace officer.

Although E2SSB 5051 connects reserve/limited authority/specially commission officers, the language does not require certification by the WSCJTC.

As noted, RCW 43.101.200 (both the old and new versions) exempt reserve officers from the requirement of completing BLEA, which is a requirement of certification. The plain language of these statutes makes it clear that a certification is not required for reserve officers.

CURRENT STATE OF LAW

Under E2SSB 5051, RCW 43.101.010 was amended to include a definition for reserve officer:

When used in this chapter: Reserve officer means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes:

- a) Specially commissioned Washington peace officers as defined in RCW 10.93.020;
- b) Limited authority Washington peace officers as defined in RCW 10.93.020;
- c) Persons employed as security by public institutions of higher education as defined in [RCW 28B.10.016](#); and
- d) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in [RCW 28A.150.010](#) and who are authorized to use force in fulfilling their responsibilities. [RCW 43.101.010\(11\)](#).

This is a very broad definition that includes specially commissioned Washington peace officer as a subset. Prior to E2SSB 5051, reserve officer was not a stand-alone defined term in the RCW. Instead, it was included in the definition of specially commissioned Washington peace officer under RCW 10.93.020(5), whereby reserve peace officer seemed to be a subset of specially commissioned Washington peace officer, which was a more inclusive term:

As used in this chapter: Specially commissioned Washington peace officer, for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state. RCW 10.93.020(5). RCW 10.93.020 also provides a definition for “limited authority Washington peace officer:

As used in this chapter: Limited authority Washington peace officer means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter. RCW 10.93.020(6).

Neither RCW 10.93.020(5) nor (6) were amended by E2SSB 5051 or any other legislation from the most recent term, so they remain unchanged. While RCW 10.93.020 was amended in ESHB 1267, (5) and (6) were unchanged.

What the Legislature has done is created differing definitions for these terms that mean different things in the differing chapters of the RCW. While it’s understood that this could cause confusion to a layperson, it is fairly clear that these definitions apply only to their respective chapters of the RCW. The definitions that have been changed by E2SSB 5051 only apply to Chapter 43.101 RCW, as is clearly stated in the statutory language. The plain language is clear and there is no ambiguity here – the definitions only apply to the chapter for which they are provided.

The local jurisdictions throughout the State do not draw their authority to issue full or limited commissions from RCW 43.101. That comes from elsewhere in state law. The definitions provided in E2SSB 5051 only apply to the subject matter provided in RCW 43.101, such as the standards for pre-employment background checks and certification. The definitions do not apply to the commissioning of officers as that subject matter is not included in RCW 43.101. and E2SSB 5051 does not change the definition of reserve, specially commissioned, or limited authority peace officers for commissioning purposes.

BASIC LAW ENFORCEMENT ACADEMY Backlog

CLASS SELECTION PRIORITIZATION PAST PRACTICES

Historically, recruits from mandated law enforcement agencies were assigned to a BLEA class on a first come, first served basis, based on the date that the application packet was received. Non-mandated law enforcement agencies were put on a waiting list. Mandated agencies were reminded that they didn't have to wait until they had hired a recruit. However, they were to submit a complete packet which includes: Statement of Fitness, Liability Release, and Application Page.

Exceptions:

- Agencies that provided Training, Advising, and Counseling (TAC) officers were prioritized, and every effort was made to get recruit's entry to a class within 90 days of application.
- Agencies that provided training vehicles were moved up the list when a recruit spot became available.
- Small agencies received extra consideration whenever possible due to the impacts of a vacancy and officer safety.
- Other exigent circumstances are taken into consideration whenever possible.

WSCJTC accomplished these exceptions by filling alternate positions to ensure that no agency lost an academy spot once they received a start date.

BASIC LAW ENFORCEMENT ACADEMY FUNDING

Washington State has been nationally recognized for their progressive and effective police training, in part because of its centralized model. In 1984, the legislature created the model and a funding mechanism that functioned exceptionally well, until 2009. The Public Safety and Education Account (PSEA), a dedicated account funded by a surcharge on traffic citations, fully funded law enforcement training and other public safety measures. However, since the account was eliminated during the recession, those special surcharge fees continue to be collected and deposited, but now into the general fund with no designation for law enforcement training.

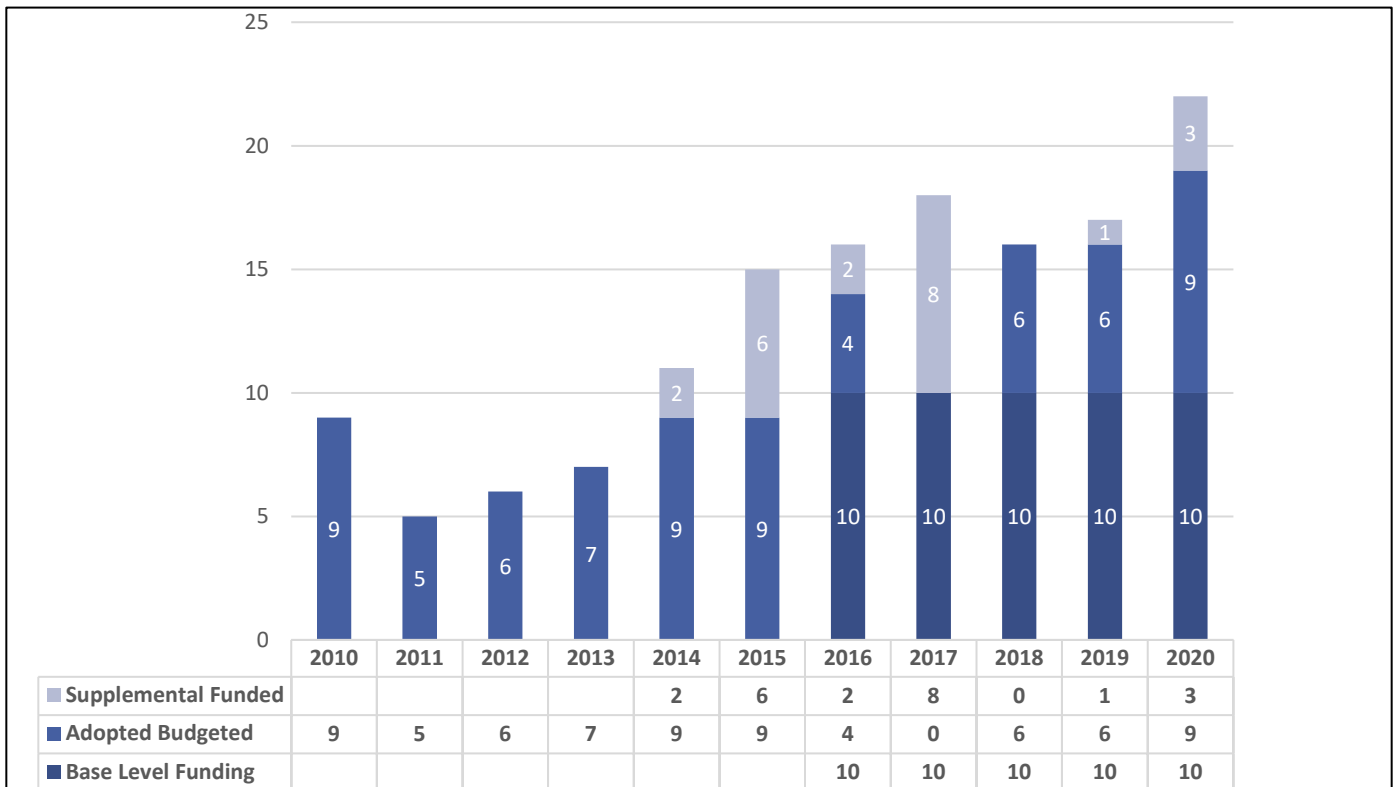
This has become a problem since a major surge in hiring began statewide in 2013 and has tripled the demand for BLEA classes since 2009. This hiring surge has two significant and simultaneous drivers:

- (1) Economic recovery has allowed agencies to fill hundreds of vacancies held during the recession and,
- (2) An unprecedented number of police retirements.

In Fiscal Year 2021, the WSCJTC was funded for 15 BLEA classes in the base budget, to train 450 students per year with 30 students per class. However, since 2013, the academy has

consistently experienced a demand for training nearly double that level. Because each year has been underfunded to meet the demand, a significant backlog has built up creating hardship and frustration for local agencies having to wait up to seven months for a recruit to attend BLEA. Local agencies incur an extraordinary expense of paying recruits while waiting for a BLEA spot, and there is an increased public safety risk of low staffing and tired law enforcement officers required to back-fill for staffing shortages. This will create a financial hardship on local agencies as they would be paying a new hire salary and benefits but not have the additional body on patrol for over a year. An urgent safety issue is created as law enforcement agencies are understaffed and existing officers will need to work overtime for prolonged periods as the law enforcement agency don't have sufficient officers to cover all shifts until new officers are trained.

Basic Law Enforcement Academies by Fiscal Year



For the past several years, the WSCJTC has submitted supplemental budget request to meet the training needs. Unfortunately, the lag time in the supplemental process makes it impossible for the BLEA classes to be added before the end of the fiscal year leading to a persistent wait list and delay for training. (See above graph).

During the past seven years, the WSCJTC has received an average of 552 applications per year. The WSCJTC estimates that it will receive at least 564 new applications per year in Fiscal Year 2022 and 600 new applications in Fiscal Year 2023.

The WSCJTC will need a minimum of 19 BLEA classes per year, to train 570 students, to keep up with the demand and eliminate the backlog.

In the supplemental budget request, the WSCJTC has requested an additional four classes in Fiscal Year 2022 and five classes in Fiscal Year 2023. This would increase the funding for 19 classes in Fiscal Year 2022 and 20 classes in Fiscal Year 2023.

BASIC LAW ENFORCEMENT ACADEMY BACKLOG

The BLEA backlog can be solved by increasing the base level of funding to 20 classes in Fiscal Year 2023. We have reviewed the data for the past five years and see no evidence that the demand for training is going to subside any time in the next five years. In fact, all indications are that retirements are going to increase, driving up the need to hire more officers. Many counties are adding officers for public safety contracts with growing transit authorities and local airports. The academy stands ready to respond to any type of proviso requiring annual reporting of the level of demand for training.

Basic Law Enforcement Academy		
Cost to add 4 classes to eliminate backlog		
BLEA Class Expenses	FY 2022	FY 2023
Totals	\$440,039	\$440,039
Total expense to eliminate backlog	\$303,237	\$2,220,947

CONCLUSION

For decades underrepresented communities have expressed concerns and fears about the over policing of their neighborhoods. After recent national and local video footage of police interactions leading to the deaths of Black and Brown people surfaced, there began a collective expression of concern and momentum to reform the industry of law enforcement. Across the country and in the state of Washington, law enforcement stands at the precipice of the greatest change in community engagement since its inception.

This opportunity must not be squandered or ignored, but rather embraced and underscored by police leadership and its partners. The communities that are served will no longer accept resistance or refusal to the necessary change and expect the WSCJTC to serve as the assessors of the police adherence and the realization that policies and practices must change. Being a police officer remains a noble and selfless profession, so respectful and earnest community accountability is the only acceptable conclusion.

In the last five years the WSCJTC has trained more than 2,841 officers. We believe with proper training, great communication, support of the legislators and community we will continue to be the best training facility in the nation.

The WSCJTC strives to build upon the hard work and reputation established in the previous decade. We appreciate the opportunity to take a deep dive into the challenges and gaps in our system, and the recommendations to follow. The support we enjoy from our partners and legislators will allow us to continue training the thousands of Guardians of Democracy for many more decades to come.

