



**WSCJTC
CERTIFICATION DIVISION
IMPLEMENTATION OF
E2SSB 5051**

PREPARED BY

Washington State Criminal Justice Training Commission

Certification Division

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INTRODUCTION

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 Senate Bill 5051 (E2SSB 5051). This bill enhanced Chapter 43.101 of the Revised Code of Washington (RCW) and related statutes regarding state certification and revocation standards for oversight and accountability of peace officers and corrections officers. The bill also provided 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.

As required by Section 27 of E2SSB 5051, this report details the progress of implementation of the act. The report will discuss:

- Creation of the WSCJTC Certification Division and the fulfillment of newly budgeted FTE's and other staffing requirements.
- Collaborative development and adoption of Washington Administrative Code (WAC) sections, policies, and procedures necessary for implementation of E2SSB 5051.
- WSCJTC monitoring and enforcement of law enforcement agency reporting requirements under E2SSB 5051.
- Processes for handling complaints of law enforcement misconduct.
- Certification investigations concerning allegations of misconduct.
- The Certification Hearings Program.
- Data concerning complaints alleging misconduct and law enforcement agency mandatory reporting that may invoke WSCJTC Certification Division jurisdiction.
- Creation of the public facing Certification Database regarding law enforcement officer certification investigations.
- Challenges created by increased workflows, the need for additional staffing and budget allocations, and recommendations.

CREATION OF THE WSCJTC CERTIFICATION DIVISION

The WSCJTC Certification Division was formed in July 2021 to implement E2SSB 5051 and provide statewide certification oversight for approximately 13,000 certified peace and corrections officers pursuant to the agency's expanded mandate. Prior to July 2021, WSCJTC provided peace officer certification oversight through a single Program Manager due to the agency's pre-E2SSB 5051 narrow statutory jurisdiction in this area and corresponding limited number of certification matters. E2SSB 5051 necessitated rapid growth to meet the requirements of new statutory mandates, beginning with recruitment of a Certification Division Manager, who was appointed on July 1, 2021, and incorporation of the existing Program Manager/Operations Manager position. Further staffing followed by recruitment and hiring of a Chief Investigator, four (4) Investigators, a Forms and Records Analyst, and two (2) Administrative Assistants. The investigation team was fully staffed as of August 2022. The Certification Division also benefited from recruitment and hiring of an Assistant Director and a Confidential Secretary to provide executive level management.

WSCJTC overcame a number of hiring obstacles in staffing the Certification Division, some of which were exacerbated by the COVID-19 pandemic. Nevertheless, due to the importance of this Division's work and mission, the WSCJTC did not compromise its hiring standards. The Certification Division is currently organized as follows:



COMMUNITY COLLABORATION – DEVELOPMENT OF WACS, POLICIES, AND PROCEDURES

E2SSB 5051 became law on July 25, 2021, and ushered in a new era of law enforcement oversight and agency reporting requirements. In response, WSCJTC slowed processing misconduct cases and began working in close collaboration with community and law enforcement stakeholders as well as subject matter experts to adopt the rules, policies, and procedures necessary for implementation of E2SSB 5051. Specifically, the law required WSCJTC to “work in collaboration with interested parties and entities in developing the policies, procedures, and rules, and must take into account issues regarding when and how the commission may appropriately exercise authority in relation to simultaneous investigations and disciplinary processes, and how the commission may exercise available remedies in a manner that is appropriate to case circumstances and consistent with the goals of this act.”

The collaborative process resulted in the creation or amendment of thirty-five (35) WACs, policies, and procedures, including but not limited to, WAC 139-06-040 *Investigation and appeal – Procedures for misconduct*, WAC 139-17-010 *Complaint submission and investigation*, and WAC 139-06-060 *Hearing panels, along with Anonymous Complaints, Complaint Handling, Conflict of Interest, Prioritization of Certification Investigations, and Certification Investigations* policies, all governing the manner in which WSCJTC investigators handle and investigate cases of alleged misconduct. These rules, policies, and procedures provide significant guidelines for WSCJTC as well as stakeholders, consistent with the goals of E2SSB 5051. A full list of WACs, policies, and procedures created or amended is appended to this report.

¹ Policies necessary for implementation of E2SSB 5051 were adopted by a unanimous vote of the WSCJTC Commissioners following community collaboration and rigorous Commissioner review and amendment as well as opportunity for stakeholder input during Commission meetings.

MONITORING AND ENFORCEMENT OF AGENCY REPORTING REQUIREMENTS

E2SSB 5051 imposed new reporting requirements upon law enforcement agencies which allow WSCJTC to quickly address matters that may affect an officer's ability to maintain a peace or corrections officer certification. Codified under RCW 43.101.135, in pertinent part the reporting requirements provide:

(1)(a) Upon separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency shall notify the commission within 15 days of the separation date on a personnel action report form provided by the commission.

(b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct.

(2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall:

(a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime. Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction, plea, or other case disposition immediately to their agency; and

(b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105

MONITORING AND ENFORCEMENT OF AGENCY REPORTING REQUIREMENTS - CONTINUED

WSCJTC developed Notice of Separation (Form 1902), Reporting Use of Force, Discipline, Criminal Charges or Suspension (Form 1915), and Canine Reporting (Form 1916); each an “Agency Report(s)” to facilitate compliance with reporting requirements, and for law enforcement agencies to utilize these Agency Reports to provide statutory information to WSCJTC. Agency Reports are entered into WSCJTC’s system upon receipt and, as each Agency Report relates to an individual law enforcement officer and a specific incident, they are maintained and may be reviewed in conjunction with any investigation into alleged misconduct involving the officer.

Since passage of E2SSB 5051, WSCJTC has noted a significant increase in Agency Reports.

Agency Reports	July 2020 - July 25, 2021	July 25, 2021 - June 2022	July 2022 - November 2022
All Agency Reports	1263	1858	405
Notice of Separation (Form 1902)	1263	1705	308
Use of Force, Discipline, Criminal Charges or Suspension, Canine Reporting (Form 1915, 1916)	--	153	97
Agency Reports Alleging Statutory Misconduct	64	77	28

MONITORING AND ENFORCEMENT OF AGENCY REPORTING REQUIREMENTS - CONTINUED

WSCJTC is monitoring compliance with law enforcement agency reporting requirements under RCW 43.101.135. The Certification Division has taken a two-pronged approach with our law enforcement stakeholders on this issue – (i) education of law enforcement officials about statutory reporting requirements, and (ii) compliance audits beginning in 2023 to assist agencies in their reporting efforts.

Moreover, Certification Division staff analyze each Agency Report to determine whether there is cause to believe WSCJTC’s decertification jurisdiction under RCW 43.101.105 has been invoked, and to determine whether any pattern or practice of misconduct exists. Where there is cause to believe decertification jurisdiction is invoked by incidents or occurrences contained in an agency report, the matter is investigated by staff in accordance with WSCJTC policy.

Law enforcement officials have generally been eager to receive support from WSCJTC around proper compliance with statutory reporting requirements; indeed, many agencies are self-initiating contact with WSCJTC to resolve questions around compliance with reporting requirements. The WSCJTC looks forward to the continued cooperation of law enforcement agencies as we work together to ensure reporting requirements under RCW 43.101.135 are met.

COMPLAINTS

E2SSB 5051 provided a channel for citizens to lodge complaints against a law enforcement officer's certification through WSCJTC. The WSCJTC facilitates intake and investigation of such complaints in accordance with the newly adopted Complaint Handling Policy which provides, in pertinent part:

1. Any person may file a complaint with the Commission that may invoke the Commission's authority to deny, revoke, or suspend any officer's certification. See RCW 43.101.145(1).

1. If the complainant has not yet filed a complaint with the subject officer's employing agency, the Commission will refer that complaint to the employing agency sheriff, chief, or their designee for an internal investigation. Further, the Commission will follow up with the employing agency and, once the agency has completed its investigation, shall request the investigative file. Any referral to the officer's employing agency does not preclude the Commission from [conducting] its own investigation.
 - a. Any person may submit a complaint against a certified officer alleging a violation of RCW 43.101.105. See RCW 43.101.145(1).
 - i. The Commission shall receive and consider all complaints, including those from anonymous and third-party sources.
 - ii. Inquiring about a complainants' age, sex, race, nationality, immigration status, or any other information about their identity not directly relevant to the complaint is strictly prohibited.
 - iii. Language translation shall be made available when needed. The Commission shall offer translation services without cost to any complainants for whom English is not their first language.
 - b. Commission staff shall make reasonable efforts to accommodate members of the public who wish to file a complaint but need assistance to do so, including taking the complaint by phone or in-person.

COMPLAINTS - CONTINUED

WSCJTC accepts written complaints and supplemental information in any form. As part of this initiative, the Certification Division also created an online portal in an effort to increase access to members of the public seeking to make a complaint regarding a law enforcement officer's certification. The complaint portal is meant to initiate the review and investigation process for allegations of misconduct – it is only the beginning of the Certification Division's engagement with complainants, and it affords staff an opportunity to intake the complaint into our system, give the matter a case number for tracking purposes, and to assign an investigator to follow up with the complainant. Complainants reporting certification concerns via the portal receive an acknowledgement email with the WSCJTC email address hyperlinked (certificationcomplaints@cjtc.wa.gov) so they may email staff prior to investigator assignment if needed.

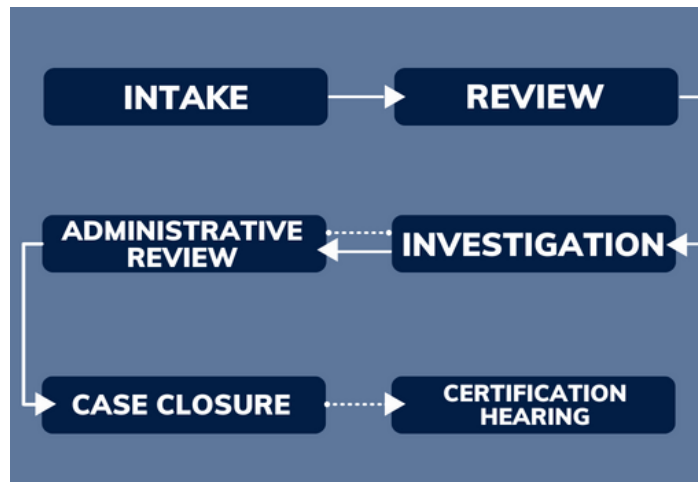
Since E2SSB 5051 took effect on July 25, 2021, a total of 141 complaints have been received.

Complaints	July 2020 - July 25, 2021	July 25, 2021 - June 2022	July 2022 - November 2022
	0*	72	69

*complaint reporting was not established prior to July 25, 2021

OVERVIEW OF MISCONDUCT AGENCY REPORT AND COMPLAINT PROCESSING

The Certification Division processes Agency Reports and Complaints of law enforcement misconduct in the following manner:



- Intake – The complaint or Agency Report is logged. The complainant is notified their complaint has been received, a staff member will be in contact with them and of the email address they may use to recontact us and/or submit additional information.
- Review – The Chief Investigator or Operations Manager performs initial review of the matter and assigns it to an investigator in accordance with the WSCJTC Prioritization of Certification Investigations Policy.
- Investigation – A WSCJTC Investigator conducts a fair, independent, objective, thorough and timely investigation and completes an investigation report.
- Administrative Review – The investigation report is forwarded through an administrative review path which includes the Chief Investigator, Certification Division Manager, and Assistant Director. At each level of administrative review, the report may be approved or returned to the investigator for additional investigation.
- Case Closure – Upon administrative approval of the investigation report, the interested parties are informed of the outcome of the investigation as well as their right to seek additional review and/or resubmit a complaint based on substantial new evidence. Where an investigation concludes that qualifying misconduct more likely than not occurred, and it is determined that there is cause to believe an officer’s certification should be denied, suspended, or revoked, decertification proceedings are commenced by the filing of a statement of charges (SOC).

OVERVIEW OF MISCONDUCT AGENCY REPORT AND COMPLAINT PROCESSING - CONTINUED

- Certification Hearing – WSCJTC is represented by the Washington Attorney General's Office in prosecution of certification actions against officers for whom an investigation concludes that qualifying misconduct more likely than not occurred, and there is cause to believe the officer's certification should be denied, suspended, or revoked. Certification hearings are presided over by the Washington Office of Administrative Hearings in accordance with the Administrative Procedures Act (Chapter 34.05 RCW) and other applicable law.

CERTIFICATION INVESTIGATIONS

WSCJTC Certification Division is currently budgeted four (4) full time investigators. A certification investigation concerning any of Washington's 13,000 certified peace and corrections officers may commence on WSCJTC's receipt of a complaint or request from any member of the public including law enforcement or corrections agencies and certified officers, upon receiving an Agency Report, or on the commission's own initiative under RCW 43.101.105 and WAC 139-06-040.

Following WSCJTC's adoption of E2SSB 5051 implementing WACs, policies, and procedures, the Certification Division quickly pivoted to triaging complaints and Agency Reports that accumulated during the rules and policy making phase. On June 30, 2022, the Certification Division undertook a review of all certification cases in light of its new Prioritization of Certification Investigations Policy (the "Prioritization Policy") to determine appropriate prioritization and assignment of matters for investigation. The case review was completed on August 21, 2022. Since then, misconduct cases are being assigned for investigation in accordance with the Prioritization Policy which provides, in pertinent part:

In conducting certification investigations, investigators will prioritize those matters, which implicate one or more of the below factors. These include but are not limited to uses of force that violate law or policy and that could be expected to cause physical injury, affiliation with extremist organizations, sexual harassment, acts of prejudice or discrimination against protected groups, conduct falling short of professional and ethical standards that undermines public trust, or shows an unwillingness to uphold their sworn oath.

- The allegation(s) fall under one or more of the mandatory denial or revocation categories contained in RCW 43.101.105(2).
- The allegation(s), if true, indicate the officer poses a danger of causing injury to members of the public. Whether occurring on or off-duty, the officer is alleged to have committed conduct that constitutes a felony, without regard to conviction per RCW 43.101.105(3)(j)(i).

CERTIFICATION INVESTIGATIONS - CONTINUED

- The officer is alleged to have engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property per RCW 43.101.105(3)(j)(iii).
- The officer is alleged to have engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer; RCW 43.101.105(3)(e).
- The officer is alleged to have engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status; RCW 43.101.105(3)(h).
- The officer is alleged to have had affiliation with one or more extremist organizations; RCW 43.101.105(3)(i).
- The officer is alleged to have committed sexual harassment as defined by state law; RCW 43.101.105(3)(f).

Unless otherwise directed, certification investigations for which any of the above criteria are not present shall be prioritized for handling in the assigned investigator's discretion, to ensure timely, thorough, and efficient disposition of all matters.

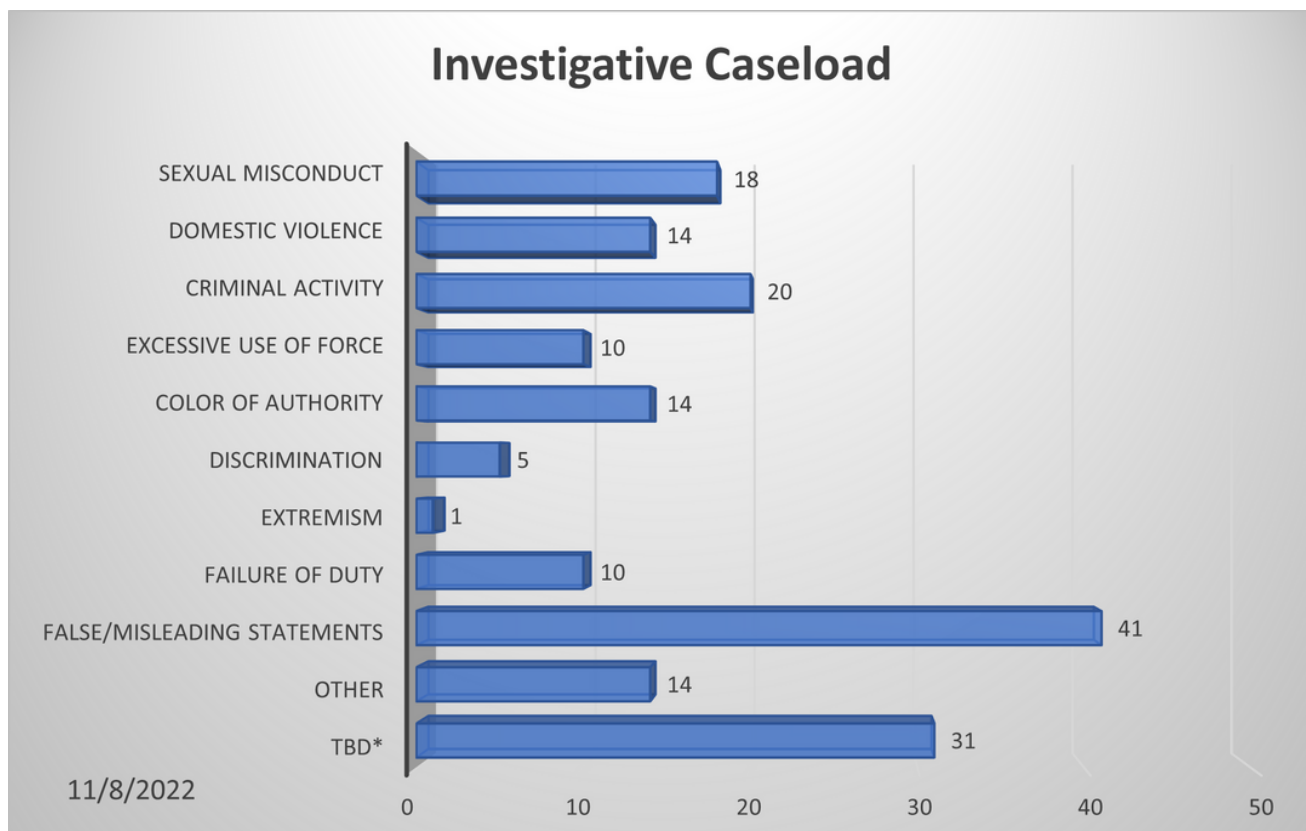
Within the Prioritization Policy framework, Certification Division staff are guided by principles of "no further harm" – this means misconduct allegations are flagged as higher priority where the allegations, if true, indicate an officer has the present means and ability to cause unlawful physical or other harm through exercise of official authority.

CERTIFICATION INVESTIGATIONS - CONTINUED

Certification investigations are conducted in a fair, independent, objective, thorough, and timely manner. Investigators are directed to base decisions on the strength of the evidence and adherence to the applicable law as applied to the facts of the case. In conducting such investigations, investigators are prohibited from automatically accepting the credibility judgments or investigative conclusions of other investigating agencies or prosecuting authorities. When an investigator reviews agency or prosecutorial files, or otherwise investigates, he or she must do so independently and may reach a different conclusion from the employing agency. In addition to reviewing internal investigation files on a matter and any prosecutorial records, the investigator is expected to conduct additional independent investigation, particularly where their professional judgment indicates (i) the evidence reviewed is not sufficient to form a complete investigation, or (ii) there is indicia that the agency investigation was not conducted in a fair, unbiased, and objective manner.

INVESTIGATIVE CASELOAD

The Certification Division’s caseload of E2SSB 5051 misconduct matters pending or under active investigation was significantly impacted by a necessary slowing in the processing of misconduct cases and undertaking of work in close collaboration with stakeholders and subject matter experts to adopt the rules, policies, and procedures for implementation of E2SSB 5051. The current caseload consists of pre and post E2SSB 5051 matters and fluctuates as existing and new cases are continuously triaged, investigated, and closed within WSCJTC protocols. The existing investigative caseload is comprised of 178 cases:



*TBD indicates more information / documentation is needed before assigning to a category

CERTIFICATION HEARINGS

When an investigation results in findings that qualifying misconduct more likely than not occurred and there is cause to believe an officer's certification should be denied, suspended, or revoked, decertification proceedings are commenced by filing a statement of charges (SOC). WSCJTC has adapted its Certification Hearings Program to facilitate the due process decertification hearing requirements under E2SSB 5051.

The Certification Hearings Program is currently budgeted for and staffed with one (1) full-time Hearing Coordinator who manages all aspects of the hearings program, including but not limited to working in partnership with the Washington Office of Administrative Hearings (OAH), who's administrative law judges sit as non-voting presiding officers during officer decertification hearings. Moreover, the program is maintained separate and apart from Certification Division operations in order to maintain its independence and freedom from the appearance of conflicts of interest.

The WSCJTC was also required pursuant [RCW 43.101.380](#) to appoint a panel comprised of individuals meeting specific statutorily diverse criteria to hear certification actions. In fulfilling this requirement, WSCJTC advertised and solicited panel members through stakeholder outreach, Commission meetings, and advertisement on the Commission's website. The result is a diverse hearing panel member list that meets statutory requirements and can be drawn upon to adjudicate certification actions.

In addition, the Commission developed a hearing panel member handbook that provides panel members with the necessary resources to assist them with understanding their role during the certification hearings process.

Continuous outreach and input from community advocates and law enforcement professionals during the WAC and policy development was utilized in development of hearing panel guidelines.

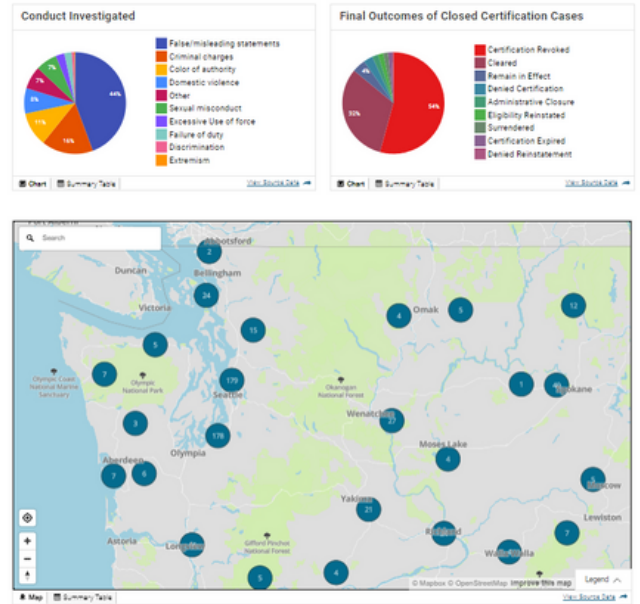
CERTIFICATION HEARINGS CASELOAD

The Certification Division works in collaboration with the Washington Attorney General's Office to prosecute certification actions through administrative proceedings. WSCJTC's full capability to try certification cases to a hearing panel was realized in August 2022 when sufficient hearings panel members were recruited and onboarded. At present, 10 cases have been filed. An additional 15 cases are pending finalization of SOC for filing and service to commence certification action against officers for whom an investigation has resulted in findings that qualifying misconduct more likely than not occurred and there is cause to believe an officer's certification should be denied, suspended, or revoked. The pace of filing and volume of cases pending hearing is expected to rapidly increase in 2023, and additional resources are likely to be needed to support the Certification Hearings Program, including but not limited to, administrative staffing and/or a program specialist.

DECERTIFICATION DATABASE

RCW 43.101.400 mandated the WSCJTC to publish a database of historical and active misconduct investigations and their outcomes. The database represents all misconduct cases going back to 2002.

The database was published on June 29, 2022, ahead of legislative deadlines after approximately 400 hours of research, data curation, relevant document retrieval and redaction, definition drafting, and the creation of visual aids such as charts and graphs. At the time of publication there were 625 misconduct cases. Following the initial database launch, WSCJTC received feedback from community stakeholders. An additional 200 hours were dedicated to implementing suggestions that further enhanced and improved the database for the benefit of the public, watchdog groups, law enforcement agencies, and other stakeholders.



On September 28, 2022, the database was relaunched and. It continues to promote transparency and accountability with regard to law enforcement conduct for the communities of Washington. The dataset is downloadable, searchable, machine readable, and exportable. Documents are also provided through URL links contained within the dataset so that if a member of the public would like to know more, they can download specific documents related to a case. Because of the volume of records associated with a decertification case, instructions on how to submit a public records request are provided if anyone wants the entire record.

The database is published on Data.WA.gov, the official Washington state government open data portal, and administered through Washington Technology Solutions (WaTech). The database was published on Data.WA.gov at no additional cost to the WSCJTC for development and publishing. WSCJTC incurred no additional budget challenges, and therefore significant taxpayer funds were saved.

ANTICIPATED CHALLENGES

A period of change is never without challenges. The Certification Division has seen a rapid and significant increase in demand for service that is expected to outstrip its current staffing and information technology (IT) capacity to timely and effectively perform its new role in investigating statewide allegations of law enforcement officer misconduct, initiating decertification proceedings against officers who have committed qualifying misconduct, and supporting complainants and victims of misconduct.

The Certification Division is currently understaffed with only four (4) investigators who are responsible for investigating all allegations of statutory misconduct, one (1) Operations Manager responsible for analyzing and tracking all Agency Reports for the Certification Division, and minimal administrative and IT support services. Immediate staffing needs include three (3) additional FTE positions, case management software, and records management software to effectively deliver services under E2SSB 5051's law enforcement accountability mandate.

- Community Liaison Program Manager: Since the effective date of E2SSB 5051, the Certification Division has received 141 complaints from members of the public regarding alleged law enforcement misconduct and 105 enforcement agency reports of potential misconduct that may invoke WSCJTC's decertification jurisdiction – each complaint or Agency Report may involve victims of alleged misconduct. At present the Certification Division does not have a staff person with a specifically desired skillsets designated to serve as a liaison between complainants and victims of misconduct, WSCJTC, and the administrative investigations and hearing process. The Community Liaison Program Manager would provide support to complainants and victims of law enforcement misconduct throughout the administrative investigations and hearings process. This includes acting as liaison between certification division staff and the hearings coordinator, strategic planning relative to program development, educating complainants/victims about the administrative process, serving as primary point of contact for complainants/victims regarding the status and progress of their complaint, building public trust through interactions with complainants/victims, compiling data and generating reports regarding the liaison program.

ANTICIPATED CHALLENGES - CONTINUED

- Certification Program Specialist: The Certification Division's Operations Manager has analyzed over 2000 Agency Reports for potential law enforcement officer misconduct since E2SSB 5051 became law. Additionally, thus far in 2022, the Operations Manager has evaluated more than 500 agency or officer requests for approvals impacting officer certification status. The number of annual Agency Reports and requests are expected to increase in 2023 and beyond. Currently, one (1) program manager is responsible for processing and evaluating all such reports and requests. The Certification Division is experiencing a backlog due to a lack of capacity. The Certification Program Specialist would be responsible for processing and evaluating law enforcement Agency Reports, canine evaluator and team certification requests, lateral equivalency certification requests, and variance requests. This includes but is not limited to intake, review, and analysis of Agency Reports and certification requests; tracking law enforcement internal investigations; researching and gathering records; analysis and fact-finding; generating reports and memoranda; making recommendations to the operations manager regarding handling of matters within the Specialist's purview, and other related tasks.
- Administrative Assistance: The Certification Division receives an average of 730 email inquiries from the public per month. Additional administrative support is needed to respond to general inquiries concerning certification matters, process initial intake of complaints of alleged law enforcement misconduct, process and properly store records as directed by law, and assist with general administrative tasks.
- IT Systems: Funding for a public records management software to effectively respond to increasing public records requests, and case management software to add, track, and manage cases that may require formal investigation— including use of force complaints, disciplinary claims, and employee misconduct—within the integrated database functionality, both are needed.

CONCLUSION

The WSCJTC has made tremendous progress implementing E2SSB 5051. The WSCJTC formed the Certification Division, which has been fully staffed within budget allocations, to implement E2SSB 5051 and provide statewide certification oversight for approximately 13,000 certified peace and corrections officers pursuant to the agency's expanded mandate. WACs, polices, and procedures were developed working in close collaboration with community and law enforcement stakeholders as well as subject matter experts. Law enforcement agency reporting requirements under [RCW 43.101.135](#), are being monitored and enforced with our law enforcement stakeholders through (i) education of law enforcement officials about statutory reporting requirements, and (ii) compliance audits beginning in 2023 to assist agencies in their reporting efforts.

Moreover, a review of all certification cases in light of WSCJTC's case Prioritization Policy was completed. Law enforcement misconduct cases are being investigated in accordance with the rules, policies, and procedures, and when an investigation results in findings that qualifying misconduct more likely than not occurred and there is cause to believe an officer's certification should be denied, suspended, or revoked, decertification proceedings are being commenced by filing a statement of charges (SOC). The WSCJTC has published a database of historical and active misconduct investigations and their outcomes, with a dataset that is downloadable, searchable, machine readable and exportable.

Nevertheless, challenges to the continuation of effective implementation of E2SSB 5051 have arisen. The Certification Division has seen rapid and significant increase in demand for service that is expected to outstrip its current staffing and information technology (IT) capacity to timely and effectively perform its new role in investigating statewide allegations of law enforcement officer misconduct, initiating decertification proceedings against officers who have committed qualifying misconduct, and supporting complainants and victims of misconduct. The WSCJTC is meeting these challenges through legislative funding requests for additional staffing and IT support.

APPENDIX

Appendix of WACs, policies, and procedures created or amended during implementation of E2SSB 5051.

WACs

- **General administration and definitions.**
 - [139-01-100](#) Description of the central and field organization
 - [139-01-310](#) Definitions for Title 139 WAC
- **Law Enforcement**
 - [139-05-200](#) Requirements of basic law enforcement training for officers
 - [139-05-210](#) Process for equivalency
 - [139-05-241](#) Sponsored reserve officer requirements for basic law enforcement academy training
 - [139-05-911](#) Tribal certification
 - [139-05-915](#) Canines- Training and certification
- **Certification**
 - [139-06-010](#) Certification
 - [139-06-020](#) Agency reporting requirements – Force, separation, and investigation
 - [139-06-030](#) Investigative authority and duty to cooperate
 - [139-06-040](#) Investigation and appeal – Procedures for misconduct
 - [139-06-050](#) Statement of charges and notification for hearing
- **Hearings and Outcomes**
 - [139-06-060](#) Hearing panels
 - [139-06-070](#) Conference and hearing locations
 - [139-06-080](#) Filing of documents for hearings
 - [139-06-100](#) Outcomes for determinations of misconduct – Suspensions, probations, retraining.
 - [139-06-110](#) Final order
 - [139-06-130](#) Standards for readmission to academy, certification after denial and reinstatement of certification.
 - [139-06-140](#) Hearing on petition for eligibility for certification or reinstatement of certification
 - [139-06-150](#) Terms of suspension and retraining
 - [139-06-160](#) Miscellaneous

APPENDIX - CONTINUED

- **Conditions of employment**
 - 139-07-010 Conditional offers of employment
 - 139-07-020 Background information
 - 139-07-030 Psychological examination
 - 139-07-040 Polygraph examination of other truth verification
- **Complaints**
 - 139-17-010 Complaint submission and investigation
- **Procedures**
 - 139-03-010 Adoption of model rules of procedure

Policies

- Anonymous Complaints Policy
- Complaint Handling Policy
- Conflict of Interest Policy
- Prioritization of Certification Investigations Policy
- Hearing Panel Membership Policy
- Penalties and Sanctions Considerations Policy
- Certification Hearing Notices and Outcomes Policy
- Certification Investigations Policy

Standard Operating Procedures

- Certification Hearing Process (New Law, New Panel)
- Division Processes
 - Chapter 1: WSCJTC Vision, Mission, and Values
 - Chapter 2: Forms Management
 - Chapter 3: Canine Evaluator and Team Certification Processing
 - Chapter 4: Equivalency Application Processing
 - Chapter 5: Warrant Officer Applications
 - Chapter 6: Database Maintenance & Updates
 - Chapter 7: CertMail Management & Processing
 - Chapter 8: Agency Reports (form 1902, 1915, 1916)
 - Chapter 9: Complaints of Alleged Misconduct
 - Chapter 10: Investigation Procedure
 - Chapter 11: Administrative Review of Certification Matters