



WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Susan L. Rahr, Executive Director

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November 23, 2020

WASPC Membership

Re: Summary of Key Information from Training Commission Briefing at WASPC Fall Conference

Thanks are extended to our stakeholders who attended the online briefing at the virtual WASPC conference last week. I suspect it was a little hard to follow as we tried to stuff 20 pounds of information into a 5 pound time slot. And of course, technical issues (on our end) also got in the way of us sharing some important documents. I hope this summary of the key information we intended to convey will be helpful for everyone going forward. Please don't hesitate to contact me directly if you have any questions or concerns at srahr@cjtc.wa.gov.

New BLEA Commander and COVID Update

Johnny Alexander is our new BLEA Commander. He reported that we've had a positive COVID test from a recruit, but it did not spread to others. This was accomplished with a "soft closure" which means we had recruits shift to online training only until we passed the 14-day contagion threshold.

*New Update – Because of the elevated risk of recruits and staff being exposed over the Thanksgiving and Christmas holidays, we made a final decision to schedule a soft closure after each of those holiday weekends. Your training coordinators should have received information about this. Again, we don't stop training. But we do move as much as possible online, creating a 14-day window at the end of each holiday weekend. This may cause some minor delays in graduation dates. However, that is preferable to having to do a full shutdown if we get an outbreak.

The expanded Corrections Academy is currently being developed and will become the standard soon after July 2021. Because the physical skills training is not yet complete, we do not have an update for the COA Physical Ability Test (PAT).

New PAT Test and Process for BLEA

The purpose of the PAT is to reduce the chance of a recruit getting injured during the 5 month academy training program. It is not intended to measure their fitness for the job of peace officer. We are changing the PAT to make it *more relevant* to the current Control and Defensive Tactics (C/DT) program. The changes will also make it much easier to administer. This is especially important during the pandemic because agencies are required to test their own recruits. (Or contract with PST or another vendor to do so.)

The current test requires a 1.5 mile timed run, a 300 meter timed sprint, sit-ups and push-ups.

We no longer require long class runs during the 720-hour curriculum. An analysis of student injuries shows that most injuries happen in the process of getting up and down from the mats. Common sense dictates that using squat thrusts is a more relevant way to determine the recruit's stamina and ability to rapidly move up and down from the mats. The push-ups and sit-ups are still relevant to assess an adequate level of core body and upper body strength to perform the other physical drills.



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The new PAT will consist of squat thrusts, sit-ups, and push-ups. The C/DT team is currently testing recruits and analyzing the data from over 10,000 PAT tests administered by Public Safety Testing. From that analysis, the time allowed, and number of repetitions will be established. We will post a video on our website by Dec. 1 demonstrating the proper method for performing squat thrusts. The push-ups and sit-ups will be the same.

If you are concerned that the new test will be too easy, I encourage you to try and do 35 squat thrusts in 3 minutes, which is the time frame and repetitions we are anticipating. Additionally, there is no reason any agency can't continue to require their own candidates to do the 1.5 mile run and 300-meter sprint.

From January 1 – March 1, 2021, we will accept PAT results using either the current PAT (with runs) or the new PAT. Beginning March 1, 2021 we will only accept results from the new test.

If you have any questions or concerns, please contact Jerrell Wills at jwills@cjtc.wa.gov

Master Instructor Certification Program

For many years the bar has been very high for an officer to obtain a Master Instructor (MI) Certification. Unfortunately, even after an extraordinarily long training program and investment by both the agency involved and the CJTC, there are many MI's who do not use that training and certification to train others in their own agency or others in the state. We have re-examined the efficacy of the program and are making the following changes:

Instead of requiring the MI's to receive 400 hours of initial training before they can instruct, the new program only requires 200 hours of training. After each of the first two 80-hour training blocks, the MI's are required to provide 200 hours instruction on what they've just learned to students in their agency or region. The requirement to provide instruction reinforces what they just learned, and it provides badly needed instruction to officers in the trainer's agency and region. Overall, the MI's spend half as much time *receiving* training and far more time *delivering* training.

The former program did not create the large and effective cadre of instructors needed to deliver the training required under LETCSA. It had to be changed.

The new program was developed by a respected group of experienced MI's and all the current MI's in the state were given the opportunity to provide input and feedback. The consensus across the board is the new program is more effective.

Again, if you have any questions about the changes, please contact Jerrell Wills.

Patrol Tactics Instructor Program (PTI)

This training is necessary to create a cadre of instructors to deliver the 24-hour In-Service course for de-escalation in patrol tactics required under LETCSA. Please see our website for details. <https://www.cjtc.wa.gov/training-education/defensive-tactics/patrol-tactics-instructor>

TASER

We are now providing TASER training in BLEA. We are increasing our cadre of certified instructors and will eventually be able to provide recertification to our stakeholders.



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ABLE Training

We are building our cadre of trainers to deliver this peer intervention training program. Please see our website for details. <https://www.cjtc.wa.gov/resources/able-project>

21st Century Police Leadership (21 CPL)

This new leadership development program was complete and ready for launch when the pandemic hit. We had to pivot and re-design the delivery methodology so the class can be delivered remotely, without losing the impact of the material. The final pilot of the remote delivery will be complete in December. We anticipate delivering virtual classes early in 2021. Please see our website for details about the training. <https://www.cjtc.wa.gov/training-education/21-cpl>

Cognitive Command (C2) and the C2 App

We are working with Representative Lovick to solicit funding from the legislature to put the C2 training app on the phone of every officer in the state. The app that has been used in BLEA for recruits to do their daily cognitive exercises is now capable of delivering a variety of training modules. See the landing page of our website for a great video about the C2 program in BLEA. <https://www.cjtc.wa.gov/>

Independent Investigations Teams and LETCSA Requirements

The Training Commission will meet virtually on **Dec. 9, 2020** at 1000 and during the meeting will discuss the questions listed below. Before you read the responses to the questions below, please remember a couple things about the scope and authority of the Commission related to LETCSA.

- The Commission can change WACs, but the process is lengthy and bureaucratic. Changes suggested in December could not be adopted before June 2021. **However, the Commission may consider drafting a letter of guidance, to the law enforcement agencies in the state, offering clarification about the purpose existing rules and their intention to modify WACs.**
- The deadlines imposed by LETCSA could not be achieved and this has created confusion and frustration.
- The Commission has no oversight authority over agencies conducting investigations and does not track the use or investigations of deadly force.

* I strongly encourage you to read the WAC, and review all related documents posted on our website.

<https://www.cjtc.wa.gov/letcsa/about-letcsa#IndependentInvestigations> You will find links to:

- All relevant WACs,
- Best Practices Guidelines,
- Conflict of Interest Form,
- Confidentiality Agreement,
- First Aid Guidelines, IIT Fact Sheet,
- IIT Requirements for Obtaining a Lead Investigator Certificate, and
- IIT Lead Investigator Application.

Questions from WASPC members about Independent Investigations:

1. Selection and utilization of non-law enforcement representatives

- This WAC was deliberately written to be very broad as it applies to hundreds of jurisdictions, which



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each have unique needs and resources. The rule intends each local police chief to be able to supply a list of potential representatives to the IIT Commander to be utilized for investigations. The process for soliciting and selecting the representatives is left to the discretion of the local jurisdiction. The number of representatives is also left to the local jurisdiction, with two being established as a minimum. In most jurisdictions, a pool of far more than 2 representatives will be necessary to achieve the goal of this rule, which is to provide a trusted “set of eyes and ears” from the community in the IIT to validate the integrity of the investigative process. In highly diverse communities, it may be necessary to have many representatives prepared to be called into service.

*I will be recommending that the Commission include the purpose and goals of this rule in a letter of guidance to stakeholders.

2. [Getting the required 24-hr. de-escalation training for IIT Lead Investigators](#)
 - Due to the pandemic, many of these classes had to be cancelled. We are working to continue building our regional training cadre to deliver the training. The previously mentioned letter from the Commission will address the reality that the training has not been widely available making it impossible for IIT’s to meet the requirements of this rule.
3. [Allowing Internal Investigation personnel from the involved agency to sit in on the IIT Criminal Investigation interview of the involved officer](#)
 - This has been a hotly debated topic in some counties and there is not a clear consensus among prosecutors and Chiefs and Sheriffs. While the current WAC clearly states that the Administrative investigation should not be impeded by the Criminal Investigation, other language in the WAC, about not sharing information between the involved agency and the IIT may need to be clarified. This topic will be on the agenda of the Dec. 9 Commission meeting.
4. [Weekly public updates](#)
 - The WAC requiring weekly updates has become a problem for some families that find it a painful reminder over the course of a long investigation. Until the Commission is able to amend the WAC, IIT’s should work with the family liaison to minimize the frequency of repetitious updates containing no new information. Again, the letter of guidance from the Commission, mentioned above, may address this.
5. [When is the case considered complete \(PAO takes a year to make a decision\)](#)
 - Per the WAC, the case is considered closed when the prosecutor either files charges or officially declines the case. There is no other language that has been suggested at this time. Those who have issues with this should suggest changes to the Commission.
6. [Phase IV Accountability model](#)
 - [The attached slide shows the model that was suggested to the statutory stakeholders](#) during the negotiated rulemaking process and has been shared with legislators. At this point, there is no formal plan or proposal to implement it. In my opinion something like this is a necessary stopgap. There is a great deal of frustration from the public and media, not knowing how agencies are held to account for following the rules.



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New Bill for Peace Officer Certification and Revocation

You have likely heard about the 40+ page draft bill that is circulating. It was drafted by Senator Pedersen and a companion bill will likely be drafted in the House by Representative Goodman. The new language makes very expansive (and very expensive) changes to the current certification statute. I won't go into the details here. Once the final draft is introduced, the Commission will be briefed, and that information will be shared with WASPC. In the meantime, **please be aware that the "Notice of Separation" has been changed. The infamous "BOX" that you were required to check, stating whether the officer was terminated for disqualifying misconduct, has been removed from the form.** Instead, the Chief or Sheriff (or designee) must summarize the reasons for the termination and the Commission will determine if the behavior constitutes disqualifying misconduct. This form will go into effect on Dec. 1, 2020. Here is a link to our website where can download a copy of the form.

https://www.cjtc.wa.gov/docs/default-source/certification/notice-of-peace-officer-separation_rev12012020.pdf?Status=Master&sfvrsn=36a42f25_3