



WASHINGTON STATE
CRIMINAL JUSTICE TRAINING COMMISSION
19010 1ST AVENUE SOUTH, BURIEN, WA 98148

COMMISSION MEETING

Wednesday, June 15, 2022
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Jeffrey Anaya, Officer, Vancouver Police Department
Nickeia Hunter, Citizen at Large
Sonia Joseph, Citizen at Large
Bart Logue, Civilian Oversight over Law Enforcement
Trishandra Pickup, Citizen at Large
Tim Reynon, Tribal Representative, Puyallup Tribe
Kurtis Robinson, Citizen at Large
Penelope Sapp, Chief, Kitsap County Jail
Dan Satterberg, Prosecuting Attorney, King County
Robert Snaza, Sheriff, Lewis County
Annalesa Thomas, Citizen at Large

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Kevin Zeller, Assistant Director
Chad Arceneaux, Assistant Director of Certifications
Lacey Ledford, Executive Assistant
Marisa Peer, Manager, HR
Bart Hayes, Manager, Advanced Training Division
Dave Campbell, Commander, Basic Training Division
Sean Hendrickson, Manager, Applied Skills Division
Megan Saunders, Manager, Communications
Jeff Wilcox, Manager, Information Technology Unit
Mike Devine, Manager, Certifications Division
Dusty Pierpoint, Investigator, Certifications Division
Valerie Jenkins-Weaver, Program Manager, Certifications Division
Deborah Jacobs, Policy Specialist
Renee Berry, Confidential Secretary
Norma Moreno, Confidential Secretary
Derek Zable, Records Manager
Ethan Swenson, Administrative Assistant, Information Technology Unit

GUESTS PRESENT:

Justin Kato, Assistant Attorney General, WA State Attorney General
TVW

OPENING

Jeff Myers, Commission Chair

Chair Myers called the meeting to order at 10:02 AM.

Lacey Ledford conducted a roll call of the Commissioners. A quorum was present.

Chair Myers announced that this meeting was being hosted on Zoom instead of in-person.

Chair Myers announced that a special meeting would take place on June 22, 2022, to discuss Commissioner bylaws.

OLD BUSINESS

Resolution Supporting Legislation to Address Reserve Officers

Tim Reynon, Commissioner

Commissioner Reynon presented to the Commission a resolution which spoke of the roles and responsibilities of the agency and recognized that the work done to implement Senate Bill 5051 did not cover reserve officers in an adequate manner considering that reserve officers have the same authority as general peace officers yet do not fall under the same statutory training requirements. **Commissioner Reynon** added that this resolution directs and authorizes staff to work on legislation to correct this oversight. **Chair Myers** stated that Senate Bill 5051 lumped all special commissioned officers together in haste to complete the bill, noting that all reserve officers are special commissioned officers are reserve officers, adding that a specialty commissioned officer does not have certain legal authority and does not operate in the manner of RCW 10.93.020 statute definition. **Chair Myers** indicated that agency requested legislation is quite an ask and that it would be beneficial to keep proposed legislation focused only on addressing reserve officers. **Commissioner Reynon** stated that if warrant and special commissioned officers are excluded from legislation that the state would still have other officers who exercise full law enforcement authority and are not regulated in the same manner other officers in the state. **Chair Myers** replied in stating that the inclusion of warrant and special commissioned officers would make for a more difficult request for legislation, adding the training distinctions between the different types of officers could make it easier for reserve officers to be addressed by legislation.

Commissioner Thomas stated a desire to address defining roles in who is commissioned and authorized to carry a weapon and who reviews actions of reserve officers involved in an incident. **Chair Myers** answered that specialty commissioned officers may be armed for the purpose of protection but cannot use their weapons for enforcements or making an arrest.

Commissioner Snaza added that new legislation was passed that forced some departments to take guns away from some limited authority individuals due to new liabilities.

Commissioner Satterberg commended **Commissioner Reynon** on the work done for this resolution, adding the need to professionalize the individuals who are doing full police work but are not regulated in the same manner. **Commissioner Reynon** recommended approving the resolution with a focus solely on reserve officers but also reaching out to the Attorney General's Office and legislative staff to reference statutes that reference these other types of officers with the intent for the Commission to address those officers at a later point.

Chair Myers moved to adopt the resolution with modifications to section 4, section 7, and section 7(B). **Commissioner Reynon** seconded the motion. **The motion passed unanimously.**

Certification Policies

Complaint Handling

Deborah Jacobs introduced this policy as describing procedures for handling complaints. **Commissioner Logue** stated that the practice of taking any complaint submitted to the Commission is important to not limit the process in any manner but to ensure the Commission can prioritize complaints. **Chair Myers** stated that based on statute the Commission has sole discretion to determine what to investigate and that there needs to exist a process to sort out complaints that do not have basis. **Commissioner Logue** added that every complaint needs to be screened even if it is from a chronic complainant. **Assist Director Arceneaux** indicated the desire to ensure that an investigation would take place if there was a need for an investigation.

Commissioner Logue added that there needs to be classifications as criminal elements are immediate reported outside of the administration process while other complaints will not rise to the level of decertification. **Mike Devine** stated that all complaints are received, assigned a tracking number, assigned to an investigator for initial review, and are then reviewed for elements for decertification standard, adding that a complainant will be formally informed whether the complaint did not meet standards or if it is under further investigation.

Commissioner Reynon stated the desire to not want the policy to be discretionary for staff to ask for further clarification or not and instead to have staff ensure sufficient information is gathered from the complainant. **Commissioner Robinson** indicated the policy should include a notification to the complainant of hearing panel members with an opportunity for any conflicts of interests to be voiced. **Derek Zable** added that in streamlining policies the procedure is to reference a different policy which provides outlines in lieu of redundancy.

Commissioner Robinson noted that the reference to the prosecuting attorney's office in Section E(2) should be omitted, that Section E(2) should also have a reference to WAC 139.01.020, and that Section G should add language at the end indicating that the Commission can consider previous complaints against the same officer even if those previous complaints did not rise to a statement of charges. **Commissioner Anaya** cautioned the Commission on being careful surrounding the language referencing multiple complaints against an individual where none reached the preponderance of evidence as this process could be abused by a serial complainant or individuals who group together to main anonymous complaints. **Commissioner Sapp** provided insight into a grievance system used in her jail which tracks all complaints, indicating that if a pattern emerges, there is value in digging deeper. **Chair Myers** indicated that the use of the word "*may*" makes the practice permissive instead of mandatory.

Chair Myers asked about the retention and destruction of complaints that are made where misconduct is not found. **Derek Zable** stated that the Commission is not destroying any complaints filed by on new statutes derived from Senate Bill 5051.

Chair Myers sought clarity regarding the phrase, "*Commission staff shall consider whether to consider matters on this basis.*" **Assistant Director Arceneaux** indicate it references the preponderance of evidence standard on whether investigations will move forward. **Chair Myers** pointed out that the preceding sentence indicated the very same and suggested wordsmithing.

Anonymous Complaints

Chair Myers stated that to whatever extent the Commission can make it clear, the Commission can never guarantee confidentiality or anonymity, especially if a complaint turns into a criminal matter.

Conflict of Interest

Commissioner Reynon noted that the policy states that a panel member who is accused of having a conflict of interest shall determine if they have a conflict of interest and wondered if the provision in the Administrative Procedure Act would apply in this situation, whether a complainant would have one chance to recuse a panel member and if the replacement had similar conflicts the complainant could not again raise the issue of conflict of interests.

Assistant Director Arceneaux indicated that RCW 34.05.425 deals specifically with this process. **Chair Myers** pointed out that this policy reads as if it is the hearing panel members who make the determination regarding their own conflict of interest and stated that this responsibility should rest with the Administrative Law Judge. **Assistant Director Arceneaux** indicated that legal guidance should be sought to clarify this issue, adding that the language exists as it is due to it being statutorily driven. **Commissioner Reynon** stated that RCW 34.05.425 refers to the initial automatic dismissal of an Administrative Law Judge and asked if the Administrative Law Judge can be the one to make the determination on whether a panel member has a conflict of interest. **Chair Myers** added that the statute only applies to the presiding officer and not other panel members, suggesting that this be sent to the Attorney General's Office.

Commissioner Reynon suggested language changes to Section 5(A) and a reference to RCW 34.12.050. **Chair Myers** indicated that the proposed language might be better suited in the Hearing Panels Member policy and that issues with the Administrative Law Judge would be addressed by the Administrative Appeals Act and Administrative Hearings.

Commissioner Logue mentioned that conflicts of interest should be caught as early as possible, adding the desire to have a process that screens conflicts of interest. **Chair Myers** stated that there is a process to address late-game conflicts of interest and that the Hearings Coordinator will have a basis of interest ahead of time to avoid last minute issues.

Commissioner Reynon expressed a desire to ensure follow-ups on referrals were being acted upon, via monitoring and informing the Commission of the outcome of the investigation with the requisite responsibilities to take next steps.

Chair Myers suggested that questions the Commissioners have should be sent to the executive director who will discuss with the Attorney General's Office and stated that edits will be made to the policy and presented in the next meeting.

EXECUTIVE SESSION

Chair Myers announced that there would be no executive session. **Chair Myers** asked if anyone had anything further. Hearing none, he thanked the Commissioners and recessed the meeting at 12:02 PM.

Next Meeting: June 22, 2022, 10 AM, WSCJTC

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| Written by: | <u><i>Lacey Ledford</i></u> Lacey Ledford, Executive Assistant | <u>8/31/22</u> Date |
| Reviewed by: | <u><i>Monica Alexander</i></u> Monica Alexander, Executive Director | <u>8/31/22</u> Date |
| Approved by: | <u><i>De'Sean Quinn</i></u> De'Sean Quinn, Commission Chair | <u>8/31/22</u> Date |