



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

COMMISSION MEETING

Wednesday, June 22, 2022
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
De'Sean Quinn (Vice-Chair), Councilman, Tukwila
Jeffrey Anaya, Officer, Vancouver Police Department
Jared Couch, Sergeant, Upper Skagit Police Department
Sonia Joseph, Citizen at Large
Walter Kendricks, 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
Robert Snaza, Sheriff, Lewis County
Annalisa 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

OPENING

Jeff Myers, Commission Chair

Chair Myers called the meeting to order at 10:01 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.

Commissioner Couch announced to the Commission that while he is serving as interim police chief for his department, he will be recusing himself from any voting that may occur.

OLD BUSINESS

Resolution Supporting Legislation to Address Reserve Officers

Chair Myers addressed some of the changes made in the resolution, including the statutory definition of a reserve officer, addressing the lack of oversight of reserve officers, a reserve officers' official role, addressing a reserve officers' indistinguishability from regular officers, creating consistency in terms used, and the action of the Commission to authorize the executive director to advocate. **Commissioner Couch** asked if an officer is working for another agency and moves to a reservist role with another agency, would a fully commissioned officer need to be reviewed when transitioning into a reservist role. **Chair Myers** stated that if an officer moves agencies then they should be subject to the entire process, but if the role shift occurs within the same agency then it should be okay for the officer to not go through the process.

Commissioner Snaza agreed with that assessment adding that moving agencies requires full background checks and a polygraph. **Mike Devine** reiterated that if a change of employers occur a background check and polygraph is required, but if an officer remains in good standing with the home agency and move to a reserve status then those are not required. **Chair Myers** indicated that if someone is working full-time at one agency and as a reservist at another agency, then this change would ensure everybody is held to the same standard.

Commissioner Reynon moved to adopt the resolution. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

Certification Policies

Complaint Handling

Commissioner Reynon inquired about the omission from the policy regarding considering complaints involving the same officer as directed by the Commission in the previous Commission Meeting. **Assistant Director Arceneaux** admitted that this was an oversight and would be corrected.

Commissioner Reynon moved to add the language, "*If Commission staff do not file a statement of charges against the subject officer, they may nevertheless use the information and evidence gathered as a result of this complaint in considering later complaints and investigations involving the same officer.*" **Commissioner Anaya** seconded the motion. **The motion passed unanimously.**

Complaint Handling

Vice-Chair Quinn moved to approve the policy as amended. **Commissioner Kendricks** seconded the motion. **The motion passed unanimously.**

Anonymous Complaints

Commissioner Thomas expressed a desire to address reasonable efforts made to protect anonymity despite the fact it cannot be guaranteed.

Commissioner Thomas moved to add the language, "...staff will make every reasonable effort to preserve it." **Vice-Chair Quinn** seconded the motion. **The motion passed unanimously.**

Anonymous Complaints

Vice-Chair Quinn moved to approve the policy as amended. **Commissioners Reynon and Sapp** seconded the motion. **The motion passed unanimously.**

Conflict of Interest

Chair Myers asked if staff had heard back from the Attorney General's Office based on concerns that the Commission recommended the agency address. **Assistant Director Arceneaux** indicated that proposed changes were made to be consistent with the guidance staff received. **Commissioner Reynon** stated that there exists a conflict in asking the person-being asked to be removed due to a conflict of interesting being able to make their own determination, suggesting that if the Attorney General's Office states this cannot be changed then the Commission should monitor this activity and look to address it in the future. **Chair Myers** added that while trepidation exists, there is a need to move forward and an ability to readdress while noting that an individual ignoring a conflict of interesting claim would open up any ruling to an appeal.

Commissioner Reynon moved to approve the policy as presented. **Vice-Chair Quinn** seconded the motion. **The motion passed unanimously.**

Conflict of Interest Form

Commissioner Reynon expressed a desire to amend several sections, including adding clarifying language regarding what employing agency means, offering an opportunity for explanation after complainant and allegedly harmed, adding a question addressing knowing an officer under review with an option to provide details. **Chair Myers** stated that the Commission is not just looking for conflicts of interests with the officer in question but instead is looking for conflicts of interest with anybody related to a case, as the Commission does not want to set up appeals based on capricious and arbitrary claims. **Assistant Director Arceneaux** indicated that the form is meant to be a screening sheet and that answering yes to any question is not an automatic dismissal. **Commission Reynon** explained the benefit of having all the information displayed upfront. **Commissioner Thomas** highlighted the importance of drawing attention to information for expedient exploration. **Vice-Chair Quinn** stated that it is better to establish an easily understood process to move forward. **Chair Myers** stated that the questions should be numbers for easy reference and that an area for further explanation is included.

Commissioner Robinson moved to approve the Conflict of Interest Form with the following adjustments: *Summary explanation box if someone selects yes; numbering the questions; clarifying an employing agency; adding "or members of their immediate family."; change "harmed" to "impacted" or "involved"; adding in disclaimer whose purpose is to address potential conflict, the intent is to promote transparency and that checking yes to any of the questions below does not automatically disqualify an individual from participating in the process, please*

use the space below to explain. **Vice-Chair Quinn** seconded the motion. **The motion passed unanimously.**

Prioritization of Certification Reviews

Commissioner Joseph shared with the Commission a list of additions she would like to see added to the list of considerations when prioritizing certification reviews. **Chair Myers** stated that by including the proposed additions to the priority list, staff wants to focus on those which cause physical harm while the proposed inclusions address professional harm to law enforcement. **Assistant Director Arceneaux** stated that the current language in the policy may address the concerned conduct, adding that the current wording is intended to allow staff to focus on the most egregious conduct and conduct that may otherwise go unaddressed, some having civil rights connotations, further stating that the intent was to not add everything to the list of priorities as it would not allow for staff the necessary flexibility to manage their caseload. **Commissioner Reynon** indicated that the proposed language is from RCW statute and that staff already has this obligation based on the law. **Commissioner Robinson** indicated the criticality to name the misconduct as it brings to the forefront the actions which are swept away as a key to rebuilding and restoring public trust, especially since sexual harassment is a priority for the community. **Chair Myers** reminded the Commission that this policy addresses the prioritization of which cases are addressed first. **Vice-Chair Quinn** added that egregious acts will come to the top of the list and that the proposed includes things that were not perceived as egregious but in fact are and have created harm and a standard of practice, warning that if the Commission allows for the discretion of the investigators, a lot of what is proposed has previously been ignored, which allowed for it to become culture and then a larger problem.

Vice-Chair Quinn considered the funding aspect of implementation. **Commissioner Couch** expressed that if these cases are needing investigation that the Commission should prioritize funding for these investigations. **Chair Myers** stated that intent without implementation is just intent. **Commissioner Robinson** affirmed that intent needs follow through and that it is the responsibility of the Commission to name the direction and figure out how to get there. **Chair Myers** noted the many investigations the Commission has received and act upon have come from agencies, some being presented and others requiring additional work, which has placed a huge responsibility upon the Commission all while noting that funding has been slow. **Commissioner Thomas** reaffirmed that naming these acts and putting them in place ensures they do not get overlooked and provides further benefit when presenting the lists of cases to legislators. **Commissioner Anaya** agreed that good documentation from the investigators addressing what they can and cannot review could be presented to legislators and make it for an easier sell, especially is cases are missed.

Commissioner Joseph moved to include the following additions, "*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,*" as a part of the list. **Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

Commissioner Joseph stated that prior misconduct cases need to be a priority area. **Chair Myers** asked if incidents occurring before the July 25, 2021, date should be a priority or to be considered. **Commissioner Joseph** clarified that it should just for consideration.

Commissioner Reynon expressed to make clear that prior cases are a part of the priority and are not lost among other cases.

Commissioner Joseph moved to add the language, "*...the standards and process under RCW 43.101.105 Regarding probation, remedial, training, suspension, denial and revocation apply to conduct during both before and after July 25th, 2021, and specifically to the conduct that the officer new or should have known violated law or policy and that impacts suitability to serve and or where there is a pattern of misconduct that continues after July 25th 2021*".

Commissioner Robinson seconded the motion. **The motion passed unanimously.**

Commissioner Joseph proposed additional language changes to the policy. After review, **Chair Myers** stated that the proposed language would reaffirm that while these actions are priorities, actions not included are still considered.

Commissioner Joseph moved to add the following language, "*... complaints alleging serious misconduct RCW 43.101.105 should not go uninvestigated simply because they fall outside of the categories above; whether occurring on or off duty, 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); misconduct occurring before July 25, 2021 may be considered, consistent with Commission policy decision of March 30, 2022.*" **Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

Prioritization of Certification Reviews

Commissioner Reynon moved to approve the policy as previously amended. **Commissioner Joseph** seconded the motion. **The motion passed unanimously.**

WAC and Certification Policies Commission Review

Commissioner Thomas expressed a desire to implement a placeholder to go back at a later date and review if things are working as intended. **Vice-Chair Quinn** stated that the Commission needs to be informed of the impact but also to learn from the process and what changes could be made to ensure the intended implementation occurs, which can inform the Commission on future potential legislative action. **Chair Myers** hoped to get recaps in the executive director reports.

Commissioner Thomas moved to have the Commission review the adopted Certification WACs and Policies in June 2023 to see if revisions or updates are needed. **Commissioner Logue** seconded the motion. **The motion passed unanimously.**

Commissioner Joseph made a second request for four additional policies related to SB 5051: 1) penalties and sanctions, 2) investigations for decertification 3) hearing panels membership, and 4) notification of certification hearings and outcomes

Chair Myers stated that no formal motion is necessary, that staff will email the four policies to Commissioners and that the policies can be considered, and action taken on them at a special meeting if requested by Commissioners or at the September 14 meeting.

Chair Myers also stated that staff will send out the revised policies that the commissioners had changed during their meetings and Commissioners can bring them back for review if needed.

NEW BUSINESS

Bylaws

De'Sean Quinn, Vice-Chair

Vice-Chair Quinn thanked the subcommittee, **Commissioners Logue, Reynon, and Sapp**, and stated that the goal was to make a best attempt at providing structure of bylaws for Commissioners with the goal to work together to make decisions as one body. **Commissioner Reynon** suggested that Commissioners send in any comments or changes to **Vice-Chair Quinn** and the subcommittee will reconvene and review proposed changes prior to a final version being presented at a future Commission Meeting.

Commissioner Robinson moved for a special meeting to occur on July 13, 2022, for review and approval of the Bylaws. **Vice-Chair Quinn** seconded the motion. **The motion passed unanimously.**

Chair and Vice-Chair Vote

Commissioner Couch suggested tabling the discussion out of respect to the Chair and allow for more Commissioners to attend. **Chair Myers** indicated that he would remain Committee Chair until June 30, 2022, when the term expires, at which point **Vice-Chair Quinn** would step in as Interim Committee Chair. **Commissioner Joseph** suggested this vote be added as an agenda item for the July 13, 2022, special meeting.

Commissioner Sapp moved to add the Chair and Vice-Chair Vote to the agenda for the July 13, 2022, special meeting. **Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

CLOSING

Jeff Myers, Commission Chair

Chair Myers stated that he has spent the last 13 years on this Commission, with the last 10 serving as the Chair, stating that is has been an honor and adding that there has been a lot of change, including four executive directors and many Commissioners who have come and gone, all dedicated to the task before them, commending the new Commission and its members. **Chair Myers** expressed the privilege he has felt being able to learn from each of the Commissioners, from their history and passion that brought them to this position.

Chair Myers reminded the Commissioners that respect is earned, hard to obtain, and easy to lose, and advocates walking a mile in the shoes of others as there are things in his career that he never wishes to see again and that every law enforcement officer in the state has shared similar experiences, adding that he has seen people at their worst, doing things unconscionable, and bearing witness to these events on a daily basis. **Chair Myers** shared that whatever brought each Commissioner to this Commission, whether it was through advocacy or law enforcement or as a community member, that they are all part of the solution, doing important work, and impressing upon them to ask questions, to do research, to respectfully disagree, and to make decisions.

Chair Myers also reminded the Commissioners to celebrate their accomplishments and the accomplishments of the recruits, to never lose sight of who we serve, which is not a particular interest, profession, perspective, or agenda, but instead it is the citizens of the state of

Washington. **Chair Myers** encouraged and promoted all voices to the table. **Chair Myers** reminded the Commissioners that they are regulating an industry of a profession and that each Commissioners has ideas of what needs to be done to do the job, stressing the need to have credibility with those the Commission trains and over whom they have accountability, adding that this is an opportunity to support the profession and move it forward.

Chair Myers concluded by stating that it has been an honor to be the chair and be on the Commission for so many years.

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 adjourned the meeting at 12:17 PM.

Next Meeting: July 13, 2022, 10 AM, WSCJTC
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Written by:	<u><i>Lacey Ledford</i></u>	<u>8/31/22</u>
	Lacey Ledford, Executive Assistant	Date
Reviewed by:	<u><i>Monica Alexander</i></u>	<u>8/31/22</u>
	Monica Alexander, Executive Director	Date
Approved by:	<u><i>De'Sean Quirm</i></u>	<u>8/31/22</u>
	De'Sean Quirm, Commission Chair	Date