



WASHINGTON STATE  
**CRIMINAL JUSTICE TRAINING COMMISSION**  
19010 1<sup>ST</sup> AVENUE SOUTH, BURIEN, WA 98148

---

**COMMISSION MEETING**

Wednesday, May 4, 2022  
10 AM

**COMMISSION MEMBERS PRESENT:**

Jeff Myers (Chair), Chief, Hoquiam Police Department  
Jeffrey Anaya, Officer, Vancouver Police Department  
Jared Couch, Sergeant, Upper Skagit Police Department  
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability  
Nickeia Hunter, Citizen at Large  
Katrina Johnson, Citizen at Large  
Sonia Joseph, Citizen at Large  
Walter Kendricks, Citizen at Large  
Anita Khandelwhal, Public Defender  
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  
Annalesa Thomas, Citizen at Large  
Mike Webb, Attorney General Designee

**WSCJTC STAFF PRESENT:**

Monica Alexander, Executive Director  
Jerrell Wills, Deputy Director  
Kevin Zeller, Assistant Director  
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  
Kayla Wold, Hearings Coordinator

Ethan Swenson, Administrative Assistant, Information Technology Unit

#### **GUESTS PRESENT:**

Justin Kato, Assistant Attorney General, WA State Attorney General  
Teresa Taylor, Executive Director, WACOPS  
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.

#### **NEW BUSINESS**

##### **Preliminary Review of Certification WAC**

##### **WAC 139-01-100 Description of Central and Field Organization**

**Chair Myers** indicated there was concern from WSCJTC staff and the Executive Director that confusing language occurred, moving to modify the WAC to be consistent with agreed upon language. **Commissioner Robinson** asked if the Chair possesses the ability to make a motion. **Chair Myers** stated that the Chair position does not give up their function as a commissioner and has voted on motions in the past, but as a matter of course has typically not made a motion though felt as a chair it would be appropriate to bring this to the Commission's intention due to the concern shared from the Executive Director. **Commissioner Reynon** asked for more clarification on the portion addressing the Commission approving agency policies that establish or change the direction of the Commission. **Chair Myers** indicated the goal to identify commissioners set agency policy, but the executive director writes the policies and procedures. **Commissioner Reynon** stated that policies is a broad term, that commissioners do not write policy but instead establish policies staff implement and that there needs to be a clear delineation between policy and internal policy and procedures. **Chair Myers** added the desire to clarify defined roles. **Director Alexander** shared her concern that as the agency is writing Standard Operating Procedures and internal policies for the agency, it becomes confusing when the definition states the Commission will write policies for the agency. **Chair Myers** suggested adding "*internal*" for "*internal policies*," and **Commissioner Robinson** suggested adding "*internal*" for "*internal functions*." **Chair Myers** and **Commissioner Sapp** had no objections.

**Commissioner Reynon** asked what role commissioners play in the development of the strategic plan for the agency as it seems like it is currently in the purview of the Executive Director. **Chair Myers** stated that commissioners should be involved in the development of the strategic plan and thinks commissioners should address the strategic plan if it does not meet the Commission's needs. **Deborah Jacobs** shared that she believes it is implicit in the WAC but can add a qualifier such as, "*With Commission approval*." **Chair Myers** recommended creating a new sentence addressing the strategic plan. **Deborah Jacobs** suggested language to be added. **Director Alexander** shared that putting together the strategic plan was time consuming and assistance with the framework would be helpful.

**Chair Myers** moved to revise the proposed WAC to add that, “*The Commissioners approve agency policies that establish or change the direction of the Commission, and the director and staff implement the policies through daily operations. The Commission has empowered the Executive Director to make decisions regarding all internal functions related to the operation of the WSCJTC. This means that the Executive Director is responsible for all personnel decisions, pending litigation, managing the agency’s fiscal processes, development and implementation of internal policies and procedures, and establishing an operational plan for the future of the agency. The Executive Director will develop the strategic plan for the future of the agency with input and final approval from the Commissioners.*” **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-01-310 Use of Force Definition**

**Deborah Jacobs** stated that staff recommends not including the definition for Use of Force. **Chair Myers** added that the Attorney General warned to not go beyond what legislation allows the Commission to do and to not include language the Commission does not have purview over, adding that leaving out the definition eliminates the ambiguity. **Commissioner Robinson** withdrew his motion from the April 27, 2022, WSCJTC Commission Meeting. **Commissioner Thomas** agreed with withdrawing the motion. **Chair Myers** indicated that staff attempted to encapsulate changes requested regarding the definition of officers.

**Commissioner Robinson** moved to remove the definition of Use of Force and not include it in the adoption of the WAC. **Commissioner Logue** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-01-310 Use of Force Definition**

**Commissioner Robinson** recommended sourcing out policy definition of Use of Force to be applied in certifications matters to be presented to the Commission for review. **Chair Myers** stated that RCW 10.118 Use of Force Reporting Requirements has a comprehensive list of what the state requires for Use of Force and it can provide clear guidance, adding that staff could recommend referencing existing statutes as referencing chapters adopts change.

**Commissioner Robinson** moved for staff to create a workgroup to create a definition of Use of Force by July 2022. **Commissioner Reynon** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-01-310 Certified Officer Definition**

**Chair Myers** stated that staff attempted to be more inclusive with the definition of officers, adding other definitions of officers beyond peace and certifications, such as reserve, limited authority, and special commissioned, but noted that the Commission only regulates commissioned peace officers and corrections officers. **Commissioner Reynon** asked if the different status of officers were defined in statute and if those definitions are being utilized in the WACs. **Chair Myers** answered that the definitions are in RCW 10.93 and added that there might be a need to have the legislature clarify the terms. **Commissioner Reynon** wanted to ensure the Commission moves forward with asking for a legislative fix to not being able to regulate or oversee reserve officers, limited authority officers, or special commissioned officers that wield law enforcement authority and the weapons that come with that authority, suggesting an agency-requested legislation. **Chair Myers** reminded the Commission that limited commission and special commissioned officers work full-time while reserve officers work part time as volunteers, though reserve officers want the recognition and professional expectations,

asking the Executive Assistant to place this agency-requested legislation on the agenda for the June 8, 2022, Commission Meeting, giving **Commissioner Reynon** time to come up with a resolution draft so the request cannot be misconstrued as a lobbying state employee and instead will be an advocacy on behalf of the Commission.

**Commissioner Satterberg** moved to include the officer definitions. **Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

### **WAC 139-05-200 Requirements of Training for Officers**

**Chair Myers** introduced this WAC as referencing officers as certified officers to ensure what is required of them when it comes to training, who goes to training, and the submission of proper forms.

**Commissioner Reynon** moved to approve the WAC as written. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

### **WAC 139-05-210 Process for Equivalency**

**Commissioner Reynon** mentioned that when talking about a certified officer that the purpose for equivalency is to determine whether an officer's current training, knowledge, and skills are equivalent to what is required for certified peace officers in Washington State, asking if these officers seeking equivalency are currently certified officers or if the equivalency training seeks to certify these officers, additionally referencing that reserve, military, or federal training is not approved by the agency but asking whether FLETC training is approved. **Chair Myers** answered that FLETC has long been recognized as a valid academy. **Valerie Jenkins Weaver** clarified that the agency has a reciprocity sheet which looks at the training, certifications, and history of the officer. **Commissioner Couch** added that BIA academy has a long-standing approval with the state of Washington, wanting to ensure that relationship remains unchanged as it is how tribal officers proceed with training. **Valerie Jenkins Weaver** stated that the agency looks at all academies, including looking at the training officers have had since attending their initial academy, adding that while FLETC and BIA are approved academies, if a license or certification is under review or revoked, an officer is not eligible to attend the equivalency.

**Chair Myers** recommended inserting, "*An officer seeking certification*" in the first section of the WAC. **Deborah Jacobs** shared a concern from the community ensuring the Commission has authority to decline equivalency candidates and that section 8 of this WAC was added to address those concerns. **Commissioner Reynon** mentioned that section 7 of the WAC states a decision to request is at the discretion of the Sheriff or Chief, asking if a Sheriff or Chief has the discretion to decide whether an officer needs to go through the equivalency process. **Chair Myers** answered that state statutes precede WACs, and that RCW requires all full-time law enforcement and corrections officers to attend the academy within a certain point in time, which means the employing Sheriff or Chief must give the officer standing to be in that process. **Chair Myers** suggested wordsmithing section 1 as it was missing a word.

**Commissioner Anaya** moved to approve the WAC with the recommended changes. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

### **WAC 139-05-241 Sponsor Law Enforcement Basic Training**

**Chair Myers** mentioned that this WAC is specific to reserve officers, adding that while the Commission has been very deliberate in definitions for reserve officers, Senate Bill 5051 passed and grouped all officers together. **Chair Myers** recommends the strategic plan looks at reserve

officers. **Commissioner Logue** added that in Spokane there is a requirement that the ombudsman position attend the reserve academy but that there was a legal question of whether that position could attend the academy as it was not included in the definition. **Chair Myers** stated that normally reserve officers are sponsored by local agencies and so long as they meet the requirements to enter the academy, they can attend.

**Commissioner Logue** moved to approve the WAC as written. **Commissioner Kendricks** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-05-300 Requirement for Inservice Training**

**Chair Myers** introduced this WAC and recognized the requirement previously established by the Commission for ongoing 24-hour training for peace or tribal officers. **Kayla Wold** pointed out that section 5 was changed, replacing the *Commission Auditor* to the *Commission Deputy Director*. **Chair Myers** asked if it was prudent to specify a position that does not always exist or if it would be better to specify *Executive Director or designee*. **Derek Zable** clarified that the deputy director position is codified by the Office of Financial Management, ensuring this position will continue to exist.

**Commissioner Anaya** moved to approve the WAC as written. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-05-911 Tribal Certifications**

**Chair Myers** introduced this WAC as a new section added for tribal certification. **Commissioner Couch** asked how this differs from the current practice of tribal certification. **Valerie Jenkins Weaver** answered that this section does not differ from current practices but clarifies the process for agencies to be certified to certify their officers.

**Commissioner Reynon** moved to approve the WAC as written. **Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-05-912**

**Chair Myers** informed the Commission that staff recommended repealing WAC 139-05-912 in its entirety. **Commissioner Reynon** asked what was included in that WAC. **Valerie Jenkins Weaver** answered that it was a WAC referencing RCW 48.48.060. **Derek Zable** explained that RCW 48.48.060 was repealed, and the Commission no longer has the granted authority over the training of fire marshalls.

**Commissioner Reynon** moved to approve the WAC as written. **Commissioner Logue** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-05-915 Canines and Training Certification**

**Chair Myers** introduced this WAC as the addition of the model policy as required by statute. **Commissioner Thomas** proposed replacing the word *should* with *shall*. **Deborah Jacobs** stated that staff has no opinion on the content, only the process, and suggests the language change goes through the individuals who developed the policy. **Chair Myers** acknowledged the time and effort of the workgroup to develop this policy and left it up to the commissioners on whether this should go back to the workgroup for approval. **Commissioner Thomas** stated a desire to push this through as it is clarifying language. **Commissioner Johnson** agreed with the desire to push this change through. **Chair Myers** instructed staff to circle back with the

workgroup and ask if a member wished to address the Commission before the final adoption of the WAC. **Commissioner Robinson**, as a member of the workgroup, supported this change.

**Commissioner Thomas** moved to approve the WAC while changing “*should*” to “*shall*.”

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

### **WAC 139-05-915 Canines and Training Certification**

**Chair Myers** introduced this WAC and asked if there was any discussion regarding the rest of the changes.

**Commissioner Robinson** moved to approve the WAC as written and amended.

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

### **WAC 139-06-010 Certification**

**Commissioner Sapp** pointed out that the first paragraph of the WAC does not make sense as there are issues in referencing peace officers but omitting corrections officers. **Chair Myers** asked if the inclusion of Tribal Police Officer is defined as such elsewhere. **Valerie Jenkins Weaver** indicated that it is defined as Tribal Police Officer. **Commissioner Couch** asked if the Commission had previously referenced Tribal Peace Officer. **Valerie Jenkins Weaver** answered that it had previously been Tribal Police, but the change had been made to eliminate the distinction between Tribal and Peace. **Chair Myers** asked what is written on the certification. **Valerie Jenkins Weaver** clarified that *Peace Officer* is written, indicating that previously RCWs made a distinction between the two but new mandates made the distinction redundant and *Peace Officer* certification encompasses both parties. **Commissioner Couch** stated that in the past, the difference was Peace Officers were general authority while Tribal Peace Officers were officers employed by tribes. **Valerie Jenkins Weaver** clarified that the definition says employed by a certified tribe, indicating that the application references both RCWs and that this is just a process change. **Chair Myers** indicated that a certified tribal officer does have general authority. **Commissioner Reynon** expressed gratitude at the change stating that he had been hearing from Tribal Police Officers that they had been treated differently by other officers.

**Commissioner Logue** indicated that the wordsmithing in section 2 is off, that partial phases exist in lined out section. **Chair Myers** suggested including “*officers to be certified*” in the WAC. **Commissioner Anaya** asked at what point does denying certification come into play. **Valerie Jenkins Weaver** explained that denying instances exist within the law, that previously certification was granted at the beginning of the academy with certification being withdrawn as necessary, with the change now being that certification now occurs at the end of the academy. **Chair Myers** added that during the academy or prior to receiving certification, if the Commission becomes aware of something in a background that is spurious, this section can be referenced, and certification denied.

**Commissioner Sapp** moved to approve the WAC as amended. **Commissioners Anaya** and **Logue** seconded the motion. **The motion passed unanimously.**

### **WAC 139-06-020 Agency Reporting Requirements**

**Chair Myers** introduced this WAC indicating that it includes instructions on when an agency must notify the Commission when certain events occur. **Deborah Jacobs** called attention to changes made clarifying who shall submit reports, the addition of certified where needed, and

removing reserve officer as the agency does not have the granted authority. **Chair Myers** indicated that most of this WAC comes straight out of statute.

**Commissioner Satterberg** moved to approve the WAC as written. **Commissioner Reynon** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-06-030 Investigative Authority – Duty to Cooperate**

**Chair Myers** introduced this WAC indicating that it includes instructions on when an agency must notify the Commission when certain events occur. **Deborah Jacobs** called attention to changes made clarifying who shall submit reports, the addition of certified where needed, and removing reserve officer as the agency does not have the granted authority. **Chair Myers** indicated that most of this WAC comes straight out of statute.

**Commissioner Reynon** moved to approve the WAC as written. **Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-06-030 Investigative Authority – Duty to Cooperate**

**Deborah Jacobs** brought up feedback received from WCPA recommending adding a revision to this WAC to explicitly state that unless requirements exist in RCW to make a disciplinary action, the Commission has the authority to conduct an investigation, but mentioned that this RCW reference occurs in WACs 139-06-040 and 139-17-101. **Chair Myers** felt it would be redundant to have that reference in this WAC when it exists in the next chapter.

**Commissioner Reynon** stated that to eliminate any ambiguity on whether the Commission has the authority to initiate an investigation, adding it to this section would help add clarity.

**Commissioner Reynon** moved to approve the WAC with the addition of restating, “*the authority of the Commission to conduct an investigation either concurrently or consecutively to any internal or criminal investigation conducted by the employing agency.*” **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

#### **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 12:00 PM.

Next Meeting: May 11, 2022, 10 AM, WSCJTC
---

Written by:	<u>Lacey Ledford</u>	<u>6/15/22</u>
	Lacey Ledford, Executive Assistant	Date
Reviewed by:	<u>Monica Alexander</u>	<u>6/15/22</u>
	Monica Alexander, Executive Director	Date
Approved by:	<u>Jeff Myers</u>	<u>6/15/22</u>
	Jeff Myers, Commission Chair	Date