



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

COMMISSION MEETING

Wednesday, March 13, 2024
10 A.M.

COMMISSION MEMBERS PRESENT

De'Sean Quinn (Chair), Councilmember, City of Tukwila
Penelope Sapp (Vice Chair), Chief, Kitsap County Jail **(Virtual)**
Erik Scairpon, Chief, Marysville Police Department
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Mike Webb, Attorney General's Office Designee **(Virtual)**
Tim Reynon, Tribal Representative, Puyallup Tribe
Darryl Barnes, Officer or First Line Supervisor, Adams County Sheriff's Office **(Virtual)**
Jeffrey Anaya, Officer or First Line Supervisor, Vancouver Police Department **(Virtual)**
Nickeia Hunter, Community Member **(Virtual)**
Annalisa Thomas, Community Member **(Virtual)**
Trishandra Pickup, Community Member **(Virtual)**
Bart Logue, Member with Civilian Oversight Over Law Enforcement

Present after Roll Call:

Katrina Johnson, Community Member
Sonja Joseph, Community Member **(Virtual)**
Walter Kendrick, Community Member – East of Cascades **(Virtual)**
Kurtis Robinson, Community Member – East of Cascades **(Virtual)**

WSCJTC STAFF PRESENT

Monica Alexander, Executive Director
Renee Berry, Policy and Accreditation Manager
Jerrell Wills, Deputy Director **(Virtual)**
Kimberly Bliss, Assistant Director, Certification
Valerie Jenkins-Weaver, Operations Manager, Certification **(Virtual)**
Kayla Wold, Hearings Coordinator
Lacey Ledford, Legislative Liaison

OPENING

De'Sean Quinn, Commission Chair

Chair Quinn called the meeting to order at 10:01 A.M.

Renee Berry conducted a roll call of the Commissioners. A quorum was present. **Chair Quinn** thanked the Commissioners for being present and welcomed them to the meeting.

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Director Alexander provided an update on the legislative session that ended on March 7, 2024. The Washington State Criminal Justice Training Commission (WSCJTC) was able to get nine additional classes for corrections in 2025 and one additional class in 2024. This will reduce the wait time for these classes, which is currently on a two-year backlog. The WSCJTC also received more money from the legislature for basic academy instructors and first responder wellness training. In addition, the WSCJTC received funding to explore a regional academy in the Kitsap County area; however, the WSCJTC does not consistently have 30 recruits from the peninsula region needed to fill a class.

Director Alexander spoke about the regional academies. The WSCJTC is working on setting up the Snohomish County regional academy. The third class at the Pasco academy started on Monday, March 11, 2024. The Vancouver academy class graduates on May 21, 2024. The WSCJTC should be able to reduce the backlog of classes with the funding from the legislature for additional classes. The first corrections officer academy class in Vancouver will start on May 7, 2024. **Director Alexander** emphasized how much it helps the recruits to train in the areas where they live, so that candidates are not eliminated from the profession if they are interested. There is evidence that the regional academy model is working.

Commissioner Thomas asked how the WSCJTC decides what location of Basic Law Enforcement Academy (BLEA) a candidate attends, how the instructors for satellite academies are chosen, and how their instruction is evaluated. **Director Alexander** responded that if a recruit is within 50 miles of a regional academy location, the WSCJTC will assign them to that location. If the WSCJTC is unable fill a class to 30 students, then the WSCJTC will offer a spot in the class to a student on the waitlist at the Burien academy. Instructors at the regional academies should come from police agencies in those areas. They apply and go through an interview process, including interviews with Director Alexander and Deputy Director Wills. Instructors also need a letter from their chief endorsing their assignment to the WSCJTC. Regional Commander Dave Miller and Regional Deputy Commander Mike Russey visit the regional academies to provide oversight.

Director Alexander informed the Commissioners that the WSCJTC is in the process of BLEA training accreditation and certification through International Association of Directors of Law Enforcement Standards and Training (IADLEST). After obtaining IADLEST accreditation, the plan is to seek accreditation through Commission on Accreditation for Law Enforcement Agencies

(CALEA). Once accredited, the WSCJTC will be the only police academy in the United States with that accreditation. **Deputy Director Wills** added that the WSCJTC constructs its curriculum and implements the legislative and legal mandates for training using the Worldwide Instructional Design System (WIDS). In addition, WSCJTC now has a small team of auditors and evaluators on site that evaluate instruction at the regional academies and headquarters. **Commissioner Logue** asked if the audits only track the BLEA academies, or if they also include post-academy audits. **Deputy Director Wills** explained that former recruits can fill out a survey to ensure that the outcome of their training is being seen by their post-academy trainers.

Director Alexander explained that the WSCJTC has grown from 60 to 120 employees and has run out of space at the Burien campus. During the next legislative session, the WSCJTC will be seeking a new location, whether it is a new location entirely or rebuilding its current location. The hope is to have a world class facility to provide world class training.

CHAIR'S REPORT

De'Sean Quinn, Commission Chair

Chair Quinn acknowledged this is the first implementation of a hybrid Commission meeting. He offered suggestions to ensure every commissioner feels seen and heard.

Commissioner Robinson commented on the hybrid meeting and thanked everyone for efforts to improve effective engagement. **Director Alexander** explained that more monitors would be installed in the commission room for better visuals.

CERTIFICATION REPORT

Kimberly Bliss, Assistant Director, Certification

Assistant Director Bliss provided an update on staffing. Currently six of nine funded positions for investigators are filled. The Certification Division plans to hire a second Chief Investigator and create two investigative teams, one under each Chief Investigator.

Assistant Director Bliss explained that the Certification Division created a new process for voluntary surrenders of certifications. Nine officers have surrendered their certifications since December. If an officer that surrendered their certification petitions for reinstatement, there is a file that the Certification Division can look back on. **Chair Quinn** asked if the officer is required to say why they surrender. **Assistant Director Bliss** replied that the officer does not have to say why they are surrendering. Very few officers petition for reinstatement. When a petition for reinstatement comes in, the Certification Division determines if the officer meets the standard for getting a hearing. **Commissioner Logue** asked what the standard for getting a hearing means. **Assistant Director Bliss** said if an officer has been mandatorily revoked, there are certain conditions they must meet. **Commissioner Logue** asked if the Certification Division

writes summaries of the surrenders. **Assistant Director Bliss** responded that investigators write a summary memo for those cases for the case file. There were two petitions for reinstatement from 2023. Every surrender results in a final order of revocation, which goes up on the public database and gets reported to the National Decertification Index.

Assistant Director Bliss responded to a request from several Commissioners at the last Commission meeting to provide an update on the Certification Division's case backlog.

- 2018 – two remaining cases set for hearing
- 2019 – all cases are completed
- 2020 – four investigations remain to be completed; three are set for hearing; five are with the Attorney General's (AG) office
- 2021 – there are 17 open cases remaining; 12 are with the AG's office for charging; four are with the Hearing Coordinator to be set for hearing

Assistant Director Bliss provided an update on hearings. There were three hearings in 2023. Nine hearings are scheduled between now and August. Six hearings are waiting to be scheduled. A large number of cases are with the AG's office waiting to be charged. The Certification Division is starting to get to a point where it can no longer schedule within a 90-day period because there aren't enough Administrative Law Judges or Assistant Attorney Generals to make it possible. The Certification Division is hoping to get more funding for this during the next legislative session. There are also a number of criminal cases pending before a hearing can be scheduled.

Commissioner Robinson asked for clarification on the breakdown of closed cases (i.e., how many fall outside of the WSCJTC's authority and how that is defined). **Assistant Director Bliss** promised to address this question when she presented on the data.

Commissioner Reynon requested that the Certification Division provide updates on the case backlog moving forward.

Commissioner Logue asked if it is too soon to know why there is an increase in the request for hearings. **Assistant Director Bliss** responded that some of the previously scheduled hearings involved egregious misconduct that was harder for the officer to fight. Some of the newly scheduled hearings fall under the new law where officers were already disciplined by their agencies, and they may feel like they can fight the charges. **Commissioner Logue** asked if any of the cases with newly requested hearings originated from complaints rather than discipline or termination from agencies. **Assistant Director Bliss** stated she can provide that information at the next Commission meeting.

Assistant Director Bliss gave an update on the summaries of certification hearings that were provided in the commission packet. **Chair Quinn** expressed appreciation for the transparency in providing the summaries. **Commissioner Logue** further appreciates that the hearing summaries include cases where the officer's certification was not revoked and where the WSCJTC did not meet the burden of proof.

The Commissioners would like the report of hearing outcomes to be included in the packet moving forward.

Assistant Director Bliss presented an index with links to the laws in Washington State governing officer conduct, which was requested by **Commissioner Pickup**. **Commissioner Logue** requested that the index also be included with the hearing examiner assignments.

Assistant Director Bliss presented two options to the Commissioners that would allow the Certification Division enough time to prepare data for the Commission meetings. A majority of commissioners agreed on the option that would provide them three months of data, but not data for the month immediately preceding the Commission meeting.

Assistant Director Bliss addressed Commissioner Robinson's question from earlier. In some cases, the WSCJTC will administratively close a case without conducting an investigation if it falls outside of the WSCJTC's jurisdiction (e.g., the subject of the complaint is not a certified officer, rudeness or demeanor complaints that violate an agency's policy but not the RCW, etc.).

Commissioner Robinson suggested the WSCJTC create subcategories to clarify the reason for closure. **Assistant Director Bliss** agreed and explained that the WSCJTC just started the process of grouping closed cases into subcategories (e.g., duplicate case, not a certified officer, insufficient information, etc.).

Commissioner Logue expressed interest in seeing data from the Certification Division regarding the outcomes of community-initiated complaints compared to agency-reported complaints.

Assistant Director Bliss noted that the WSCJTC often receives both a complaint and an agency report on the same case. The Certification Division will try to track and present this data in future reports with the new case management system.

Commissioner Robinson asked for clarification on the "Open Pending Expiration" category on the data report. **Assistant Director Bliss** provided an example where an officer is incarcerated in a different state and unavailable for an interview regarding their certification. Given that the officer hasn't worked for years, the WSCJTC could place them into an "Open Pending Expiration" category and let their certification expire. The case would not look like an active investigation since it is not being worked on. **Commissioner Reynon** clarified that this category should not be used to delay investigations. **Assistant Director Bliss** agreed.

Commissioner Webb asked whether the WSCJTC's subpoena power extends beyond Washington State. **Assistant Director Bliss** stated she would double check.

Commissioner Dreveskracht asked whether there are conflicting findings between the investigation of the employing agency and the WSCJTC's own investigations and if the WSCJTC tracks this. **Assistant Director Bliss** doesn't believe that this is common but will look into it.

Commissioner Logue expressed surprise that an incarcerated person can have an active certification. **Assistant Director Bliss** noted that these officers would be on the National Decertification Index while waiting for their certification to expire.

Commissioner Johnson asked if there was any risk, in these circumstances, for an officer to seek employment before the expiration of their certification. **Assistant Director Bliss** said it would be unlikely the officer would get hired by an agency in Washington State, because the prospective employer would have to do a certification check with the WSCJTC and be informed of the pending case. Ultimately, the agency makes the decision whether to hire the officer. The WSCJTC can place a flag on the officer in the National Decertification Index while the case is pending.

NEW BUSINESS

Approval of Meeting Minutes

Chair Quinn called for review and approval of the meeting minutes from December 13, 2023. **Chair Quinn** motioned to approve. **Commissioner Reynon** seconded the motion. The motion passed unanimously.

Canine Evaluator Applications

Valerie Jenkins-Weaver, Certification Operations Manager

The WSCJTC has five K9 Evaluator applications from the Washington State Patrol (WSP). None of them have any complaints. One of the five received re-training in Emergency Vehicle Operation Course (EVOC), but nothing substantial raised a concern. One application is a recertification, and the others are new. **Commissioner Logue** made a motion to approve. **Commissioner Anaya** approved. The motion passed unanimously.

Skamania County Training Variance Request

Valerie Jenkins-Weaver, Certification Operations Manager

Valerie Jenkins-Weaver presented a variance request submitted to the Executive Director by Sheriff Scheyer of Skamania County Sheriff's Office. The request concerned an officer whose certification expired on June 7, 2023. Under these circumstances, the officer would be required

to attend the BLEA academy. He was previously hired by Clark County Sheriff's Office in 2013. He resigned in lieu of termination in 2016 from Clark County. He was hired at Woodland Police Department. He resigned from that position in 2019 with no reported misconduct. His certification expired in 2023.

Sheriff Scheyer offered comments in support of her request. She indicated that based on her review of his application and background materials, the officer was a good candidate. She believed his difficulties at Clark County stemmed from conflict with a particular supervisor. She also indicated that her agency is currently suffers from a severe staffing shortage. Accordingly, **Sheriff Scheyer** requested that the officer be allowed to attend the BLEA equivalency academy.

Commissioner Hunter commented that it would be beneficial to the community to provide the officer with adequate training. Five years is a significant amount of time to pass with the changing of laws in that time.

Commissioner Dreveskracht asked about the alleged misconduct that led to the officer's separation from Clark County. **Sheriff Scheyer** indicated the misconduct had something to do with the response to a burglary

Commissioner Johnson asked whether there was misconduct at Clark County or an issue with the officer's supervisor, as implied by Sheriff Scheyer. **Sheriff Scheyer** indicated there may have been a personal issue with a supervisor at Clark County.

Commissioner Thomas asked what the officer has been doing since he was last employed in law enforcement. **Sheriff Scheyer** said the former officer has been operating his own company.

Commissioner Reynon asked why this officer resigned from Woodland Police Department after a few months. **Sheriff Scheyer** indicated there was a problem with his third Field Training Officer (FTO) at Woodland Police Department.

Commissioner Pickup stated she has inadequate information to proceed today.

Commissioner Reynon made a motion to deny the request. **Commissioner Dreveskracht** seconded the motion.

Commissioner Robinson believes it is in the best interest of all parties that this officer undergoes the full training academy.

Chair Quinn commented that having worked on the language of the Washington Administrative Code (WAC) and the intended clarity, he takes the language very seriously, especially in the case of extenuating circumstances. He stated he will join others in denying the request.

Commissioner Scairpon stated he understands the issues law enforcement agencies are facing with low staffing; however, he supports the direction of the conversation toward denying the variance request and hopes that more training would make the officer more successful.

Commissioner Robinson called for a vote. The motion to deny the variance request passed unanimously.

Polygraph

Chair Quinn allowed Commissioner Scairpon time to provide information to the Commissioners on polygraph protocol. **Commissioner Scairpon** said at his agency, the candidate fills out a personal history questionnaire for the agency and for the polygraph examiner. When the candidate is hooked up to the polygraph machine, the polygraph examiner goes through the questionnaire with the candidate and asks follow-up questions to establish a physiological response. The Chief reviews the final background packet and personal history questionnaires.

Certification Hearing WACs

Kayla Wold, Hearings Coordinator

WAC 139-06-070 – Conference and Hearing Procedures

Minor language changes to remove the passive voice, provide consistency and add clarity and transparency. The following numbers were added: (13), (14).

WAC 139-03-070 – Burden and Standard of Proof

Cleaned up and clarifies the standard of proof and who holds the burden. The following numbers were added: (1), (2), (3), (4).

Commissioner Reynon motioned to approve the proposed WAC amendments. **Commissioner Scairpon** seconded the motion. The motion passed unanimously.

24-Hour Annual In-Service WAC

WAC 139-05-300 – Requirement for In-Service Training

The WAC was updated to expand the definition of “Certified Officer” to include certified corrections officers and certified limited authority officers.

Commissioner Dreveskracht motioned to approve the proposed WAC amendments. **Vice Chair Sapp** seconded the motion. The motion passed unanimously.

Hearing Panel Member Application

Kayla Wold, Hearings Coordinator

Kayla Wold introduced the candidate profile for Tionna Miller, who is applying for the position of background and expertise in police accountability.

The panel member’s application was unanimously approved.

Chair Quinn adjourned the meeting at 12:24 P.M.

Next Meeting: June 12, 2024, 10 A.M., WSCJTC

Written by:	<u>Lauren Caputo Allen</u> Lauren Caputo Allen, Community Liaison Manager	6/12/2024 Date
Reviewed by:	<u>Monica Alexander</u> Monica Alexander, Executive Director	6/12/2024 Date
Approved by:	<u>De'Sean Quinn</u> De'Sean Quinn, Commission Chair	6/12/2024 Date