



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

COMMISSION MEETING

Wednesday, December 14, 2022
10 AM

COMMISSION MEMBERS PRESENT:

De'Sean Quinn (Chair), Councilman, Tukwila
Penelope Sapp (Vice Chair), Chief, Kitsap County Jail
Robert Snaza, Sheriff, Lewis County
Tim Reynon, Tribal Representative, Puyallup Tribe
Jared Couch, Sergeant, Upper Skagit Police Department
Nickeia Hunter, Citizen at Large
Walter Kendricks, Citizen at Large
Annalesa Thomas, Citizen at Large
Trishandra Pickup, Citizen at Large
Sonia Joseph, Citizen at Large
Katrina Johnson, Citizen at Large
Bart Logue, Civilian Oversight over Law Enforcement
Anita Khandelwal, Public Defender
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Erik Scairpon, Chief, Marysville Police Department
Ken Roske, Alternate (Chief), Pasco Police Department

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Chad Arceneaux, Assistant Director of Certifications
Ed Wade, Assistant Director
Lacey Ledford, Executive Assistant
Bart Hayes, Manager, Advanced Training Division
Henry Gill, Commander, Basic Training Division
Christine Rickert, Assistant Commander, Basic Training Division
Sean Hendrickson, Manager, Applied Skills Division
Megan Saunders, Manager, Communications
Mike Devine, Manager, Certifications Division
Dusty Pierpoint, Investigator, Certifications Division
Valerie Jenkins-Weaver, Program Manager, Certifications Division
Alex Buijs, Program Manager, LETCSA
Renee Berry, Confidential Secretary
Norma Moreno, Confidential Secretary
Derek Zable, Records Manager
Kayla Wold, Hearings Coordinator

Serena Anastasio, Assistant to the Commander, Basic Training Division
Christine Rickert, Assistant Commander, Basic Training Division

GUESTS PRESENT:

Justin Kato, Assistant Attorney General, WA State Attorney General

OPENING

De'Sean Quinn, Commission Chair

Chair Quinn called the meeting to order at 10:00 AM.

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

Chair Quinn announced that this meeting was being hosted on Zoom instead of in-person due to the ongoing COVID-19 federal emergency proclamation that an in-person meeting could not be safely done but accommodations provided to the public to participate and provide input in the meeting.

Chair Quinn introduced **Commissioner Couch**, who announced his resignation from the Commission due to his new position as Chief of Police. He stated that he had informed the Governor's Office. **Commissioner Couch** expressed his hope for the role to be filled adequately and the importance of having a voice for Tribal Law Enforcement on the Commission. **Commissioner Couch** expressed his gratitude to the Commission and staff for their work during his time on the board.

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Director Alexander updated the Commission that there are currently eight classes on the Burien campus with 253 students. She stated that a Corrections class graduated last Tuesday, December 6th. **Director Alexander** informed the Commission that there are currently 226 people on the academy waitlist, with an estimated six to eight-month wait time.

Director Alexander then updated the Commission that she and Senator Lovick visited Skagit Valley College. She stated the potential expansion of classes to that campus. **Director Alexander** expressed her hope to open more regional academies and subsequently— decrease registration wait time while increasing the number of officers serving the community.

Director Alexander updated the Commission that she called the Chair and Vice Chair to inform them that agency legislation is being run. **Director Alexander** stated that she is working toward changing agency legislation and RCW for Tribal Police to no longer pay full price for BLEA classes. **Director Alexander** stated that the current goal is for the pricing reduction to match what other agencies are paying. **Director Alexander** then updated the Commission on Pasco's newly appointed Assistant Commander and expressed a positive construction status with approval from DES to lease a building. **Director Alexander** stated that this will likely positively impact the officer waitlist.

CERTIFICATION REPORT

Chad Arceneaux, Assistant Director of Certifications

Chad Arceneaux stated that a certification-specific report is now a recurring agenda item. **Chad Arceneaux** then reminded the group that SB5051 became effective in July 2021. After this, certification division staff collaborated with community stakeholders and law enforcement stakeholders to develop the rules of the road, WACs, and other policies. **Chad Arceneaux** stated that these policies enabled the processing of complaints and misconduct cases under the new law that was adopted at the end of June 2022.

Chad Arceneaux provided comparable staffing sizes to other states who perform similar duties to the Certification division. He also provided other information related to the current state of the certification division's work, staffing, and duties, including receiving 405 use of force reporting forms.

Commissioner Snaza inquired about receiving agency reports regarding the use of force and whether accountability for the misconduct is taking place. **Commissioner Snaza** continued by asking if Certifications contacts agencies when noting a lack of accountability. In response, **Chad Arceneaux** replied that jurisdiction is limited to agency reports that implicate misconduct over RCW43.101.105. He continued by stating that receiving agency reports of misconduct under RCW 43.101.105 leads to an investigation. **Chad Arceneaux** stated that agencies have the right to discipline officers the way they see fit. **Commissioner Dreveskracht** requested information on where numbers can be tracked and found. To specify, **Commissioner Dreveskracht** offered the example of specifics on the number of complaints in a year that resulted in an investigation. **Commissioner Dreveskracht** stated that with this information, he believes that advocating on the agency's behalf for more resources and staff will improve. **Chad Arceneaux** responded that he is happy to bring these numbers to the meetings as part of the regular Commission agenda.

Chad Arceneaux then informed the group that the public-facing database created by SB5051 is also available. He then clarified that the database tracks conduct that has been investigated but does not include information on complaints. **Director Alexander** informed the Commission that these statistics will be sent to the Commissioners and provided for future meetings.

OLD BUSINESS

IIT Best Practices

Alex Buijs, Law Enforcement Training, and Community Safety Act Program Manager

Alex Buijs introduced herself to the Commission and opened with old business from October concerning requested edits and motions made by Commissioners on the Independent Investigation Team Best Practices. **Alex Buijs** informed the Commission that updates on mentioned IIT Best Practices and staff research are available in the IIT packet provided and available online.

RCW 43.102.010

The first request was from **Commissioner Hunter** for the addition of definitions of the involved agency and the involved officer. The request was previously tabled in October. After further research, it was not included in the document, as it is not supported by RCW 10.114.011.

Involved Agency Responsibility

Access to relevant evidence if there is a preceding criminal event

The request was made by **Commissioner Bendiksen**, who filled in for **Commissioner Batiste**. **Alex Buijs** informed the Commission that Washington State Patrol offered additional language. **Alex Buijs** stated that after further research, it was determined that “if the evidence in question relates to the use of deadly force by a peace officer, then there shall be no sharing of that evidence with the involved agency.” The language provided by the Washington State Patrol was then modified with the additional language: “The agency identified to investigate the preceding crime(s) may have access to relevant evidence for the purposes of preserving community safety and make custodial decisions/actions as necessary and required by law.”

On Scene Venue Agency Supervisor Responsibilities

Commissioner Thomas requested verbiage in the document to prohibit any officer from discussing the case in any format until all interviews have been completed. This was **voted on and approved** to be added to the document. Additional language was added to number nine.

Alex Buijs opened the floor for questions.

Commissioner Snaza requested clarification on whether the language was trying to prevent the supervisor from providing an overview of the situation. **Alex Buijs** responded that the public safety statement concerning this can be found earlier in the document. After being shown the statement, **Commissioner Snaza** stated that the officers involved will likely speak to their attorneys, field representatives, and mental health professionals. **Alex Buijs** expressed her understanding of the language being discussed as separate from concerns over attorneys or mental health, but rather discussing officers on scene who are involved. **Commissioner Thomas** stated that a brief statement made to the Commander that comes on the scene would be appropriate; however, statements made to the officers involved are trying to be prevented. **Commissioner Thomas** continued by confirming the right of officers to seek counsel. **Alex Buijs** stated that conversations with an attorney and mental health professional are protected under RCW. **Alex Buijs** suggested adding language to clarify this. **Commissioner Snaza** agreed and expressed his thanks.

Independent Investigation Team Responsibilities

Alex Buijs stated that **Commissioner Reynon** had requested that the notification to the Governor's Office of Indian Affairs be placed earlier in the document, specifically within 24 hours of a fatal use of force. The language was added following RCW 10.114.021 and placed under number four. **The motion passed unanimously.**

Alex Buijs introduced another request from **Commissioner Reynon** regarding the timeliness of the Conflict of Interest Form completed by someone brought in to assist with the investigation after the 72-hour deadline. With the addition of new language under number five, **the motion passed unanimously.**

Alex Buijs stated that **Commissioner Reynon** requested additional language in the Conflict of Interest Form. The language he offered was placed under number six. **The motion passed unanimously.**

Alex Buijs moved on to discuss language that was crossed out on the document. A request made by **Commissioner Thomas** was voted on and approved in October. **Alex Buijs** informed the Commission that after further review, WSCJTC staff is imploring the Commission to reconsider, as the language is already present in the IIT Conflict of Interest Form provided by WSCJTC.

Commissioner Thomas moved for the language to be restored to the Best Practices Document about misconduct. **Commissioner Thomas** stated the importance of having this language as a reference for the State Auditor's Office. **Commissioner Reynon** voiced his agreement and expressed his understanding of conflict of interest and a pattern of misconduct as different issues. **Commissioner Reynon** seconded the motion.

Vice Chair Sapp asked if there was any discussion. **Commissioner Scairpon** inquired about the logistics of adding this language back into the document. **Commissioner Scairpon** asked for clarification on whether the addition will place responsibility on the Commander in the investigation to verify the misconduct status of each investigator. **Commissioner Reynon** confirmed that this is true. **Commissioner Thomas** recommended that individuals on an IIT team receive an annual misconduct check. **Commissioner Scairpon** suggested the Commission look at the credibility section in WAC 139-12-030 at a later time. **Commissioner Snaza** expressed his support for an annual misconduct check. **Commissioner Snaza** referenced the annual IIT training and lead agency rotation as a feasible period for review. **Chair Quinn** expressed his support for **Commissioner Snaza's** statement. **Commissioner Hunter** expressed her support for the annual check. **Commissioner Reynon** suggested the addition of a signature line on the Conflict of Interest form for CEOs to certify a lack of misconduct at the time of appointment. **Alex Buijs** confirmed that this modification is possible and asked for further details concerning the request. **Alex Buijs** stated that the Conflict of Interest form was originally adopted by the Commission, and therefore may need to be modified at a later meeting.

Alex Buijs suggested adding the annual review to a WAC update and not Best Practices. **Commissioner Snaza** asked if a language change from CEO to IIT Commander would be more beneficial. **Commissioner Snaza** agreed with the language change and the additional criteria to WAC 139-12-030. **Commissioner Reynon** expressed his concern for misconduct needing confirmation at the time of the incident. **Commissioner Snaza** supported the suggested addition under WAC 139-12-030 and proposed additional language that allows for the immediate removal of officers with misconduct. **Chair Quinn** asked for a comment from **Derek Zable**. **Derek Zable** stated that if filed today, the soonest WAC reviewal would be the Commission meeting in June. **Alex Buijs** suggested preparing all of the recommended WAC edits, including the one being suggested, at the same time. **Commissioner Thomas** expressed a need for the language to be in the Best Practices document without waiting for amendments in the WAC. **Chair Quinn** inquired about memorializing this motion in the WAC. **Chair Quinn** summarized the intention of the Commissioners to keep the language in the Best Practices document until it can later go through the process of being added to the WAC. **Commissioner Scairpon** moved to memorialize an annual check-in of misconduct in the Best Practices document with the direction to each agency that contributes an investigator to immediately report misconduct to the IIT for

potential removal. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

Chair Quinn asked if there were any necessary additions to the motion. **Alex Buijs** asked for the additional language to be clarified. **Commissioner Scairpon** provided language that reads, “During the IIT’s annual training, an audit shall occur of any sustained misconduct on IIT members. Any sustained misconduct found for an IIT member will result in immediate removal from the IIT. Any misconduct that occurs between this annual review shall be immediately reported by the agency head or designee to the IIT commander.”

Commissioner Thomas asked for the additional line regarding misconduct reports before the annual review. The new addition reads, “any misconduct that occurs between this annual review shall be immediately reported by the agency head or designee to the IIT commander.”

Chair Quinn asked staff to clarify any further requirements regarding memorializing this motion in the WAC. **Derek Zable** clarified that a motion is not necessary, as staff will be able to aid this intention without an official action being called.

Chair Quinn asked if there was any additional discussion. Seeing none, he called for a final vote on the motion. **The amended motion passed unanimously.**

Interview Considerations

Alex Buijs stated that **Commissioner Reynon** had provided specific examples of interview techniques that he requested be added to the document. This motion was previously tabled. **Commissioner Reynon** began the discussion by expressing a lack of accountability in the language suggested by IIT. **Chair Quinn** suggested the addition of a list of best practices to address **Commissioner Reynon’s** concerns without adding arbitrary language. **Commissioner Reynon** moved for that language to be included within Interview Considerations. **Commissioner Dreveskracht** seconded the motion. **Deputy Director Jerrell Wills** informed the Commission that best practices for the IIT investigators are regulated and managed by the Commission and are included within the investigator's training. **Alex Buijs** stated that the best practices **Jerrell Wills** referred to are in the WAC. After further discussion, **the motion was tabled.**

Impacted Family Access

Alex Buijs moved on to the final request from the last quarterly meeting. **Commissioner Reynon** requested an edit to the language regarding the impacted family’s access to the remains of a deceased individual. **Alex Buijs** stated that the motion was previously tabled. **Alex Buijs** stated that WSCJTC would not have any further authority over remains due to state law. Regarding the request, an additional sentence was added to the Family Liaison Responsibility.

Alex Buijs stated that the tabled motion concerning Interview Techniques would be the only piece needing review. **Commissioner Logue** stated that he is willing to work with **Commissioner Reynon** and another law enforcement professional on the tabled motion before the next Commission Meeting. **Commissioner Scairpon** offered his assistance. **Chair Quinn** moved to form a subcommittee for the three individuals to address the tabled request in preparation for the meeting in March. **Vice Chair Sapp** seconded the motion. **The motion passed unanimously.**

NEW BUSINESS

WAC Rules Available for Public Hearing

Derek Zable, Records Manager

Derek Zable, in place of the Hearing Coordinator Kayla Wold, asked for the Commission to refer to the application packet on the expert in police accountability who needed approval to be a hearing panel member.

Vice Chair Sapp moved to approve the hearing panel member's application from the expert in police accountability. **Commissioner Scairpon** seconded the motion. **The motion passed unanimously.**

Derek Zable presented the letter of changes to the Commissioners concerning the WAC and gave a summary of the amendments.

Commissioner Hunter moved that the WAC sections 139-05-210 and 139-05-240 be amended with additional language. **Commissioner Thomas** seconded the motion.

Derek Zable stated that he received a public comment related to **Commissioner Hunter's** motion. The public comment stated that WSCJTC should have standards when examining recruits' performance and behavior while receiving training at the academy. **Derek Zable** expressed concern over the request to change the language from shall to may, as he believes it would not have the desired impact. **Commissioner Reynon** brought up that the public comment is looking to allow the WSCJTC the ability to remove recruits who are not mentally fit to be a law enforcement officer. **Derek Zable** mentioned that process exists under current policy with in the Basic Training Division to hold recruits accountable to agency standards.

Christine Rickert informed the Commission that the Basic Training Division is in the middle of redevelopment and redraft for the Basic Training Academy. The redevelopment will include a revamping of evaluation and testing measurements for recruits. **Christine Rickert** stated that these placements will aid the academy in identifying recruits who are struggling outside of an academic nature. **Vice Chair Sapp** referred to WAC 139-05-242 and asked for clarification on terminated recruits having the ability to get reinstated after 24 months. **Director Alexander** confirmed the current language, stating that after 24 months, recruits can request reinstatement. **Vice Chair Sapp** suggested this section be looked into while other WACs are also up for amendment. **Commissioner Logue** raised concerns about checks and balances over officer behavior at the academy. **Director Alexander** agreed that further review of the WACs is necessary for checks and balances. She then stated that the current curriculum changes include behavioral review and testing that will aid in this. **Commissioner Arceneaux** referenced WAC 139-05-242 and RCW 43.101.105 as existing laws that may address the Commission's concerns.

Commissioner Thomas asked for a timeline regarding the new curriculum. **Director Alexander** stated the target date as January 20th, 2023.

Commissioner Logue inquired if instructors can remove recruits from training if their behavior is concerning. **Director Alexander** clarified that WSCJTC does not hire law enforcement officers. They remove officers from the training program and do not certify them if they are not

mentally fit or show signs of a lack of mental fitness. **Director Alexander** stated that the officer in question would be sent back to their agency. **Director Alexander** expressed her support for changes to the WACs.

Commissioner Hunter moved to table her previous motion. **Vice Chair Sapp** seconded the motion. **The motion passed unanimously.**

Derek Zable asks the Commission if they would like to do one final vote after hearing all of the WAC amendments. **Chair Quinn** clarified with the Commission, then agreed to **Derek Zable's** suggestion. **Derek Zable** then presented the listed changes in the WACs with help from **Christine Rickert**.

- **WAC 139-01-310 Definitions**
- **WAC 139-05 Basic Law Enforcement**
- **WAC 139-05-210 Process for Equivalency**
- **WAC 139-05-220 Background Requirements for Admission in the Basic Law Enforcement Academy**
- **WAC 139-05-230 Physical Requirements for Admission to the Basic Law Enforcement**
- **WAC 139-05-240 Completion Requirements of Basic Law Enforcement Academies**
- **WAC 139-05-242 Readmission to the Basic Law Enforcement Academy**
 - **Christine Ricket** stated that there was a public comment concerning this section. Christine Ricket stated that mandated training required by law is not specified in the WAC and has been added to the curriculum section with its corresponding links.
- **WAC 139-05-250 Basic Law Enforcement Curriculum**
- **Changes to WAC 139-05-0250**
- **Repeal WAC 139-05-900 Tribal Certification (being relocated to 139-06)**
- **WAC 139-06-015 Tribal Certification**
- **WAC 139-06-030 Investigative Authority and Duty to Cooperate**
- **WAC 139-06-100 Outcomes for Determinations of Misconduct**
- **WAC 139-07 Conditions of Employment**
- **WAC 139-07-020 Background Information**

- **WAC 139-07-040 Polygraph Examination or Other Truth Verification Assessment**
- **WAC 139-10-230 Corrections Officer Academy Eligibility and Curriculum**
- **Changes to WAC 139-10-230**

Commissioner Reynon moved to approve the proposed WAC amendments. **Commissioner Hunter** seconded the motion. **The motion passed unanimously.**

Approval of Meeting Minutes

Chair Quinn called for review and approval of the meeting minutes from September to October 2022. **Vice Chair Sapp** moved to approve the meeting minutes. **Commissioner Scairpon** seconded the motion. **The motion passed unanimously.**

EXECUTIVE SESSION

Chair Quinn announced that there would be no executive session. **Chair Quinn** asked if anyone had anything further. Hearing none, he thanked the Commissioners and adjourned the meeting at 1:19 PM.

Next Meeting: March 8, 2023, 10 AM, WSCJTC
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Written by:	<i>Lacey Ledford</i>	3/8/23
	Lacey Ledford, Executive Assistant	Date
Reviewed by:	<i>Monica Alexander</i>	3/8/23
	Monica Alexander, Executive Director	Date
Approved by:	<i>De'Sean Quinn</i>	3/8/23
	De'Sean Quinn, Commission Chair	Date