



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

COMMISSION MEETING
Wednesday, March 8, 2023
10 AM

COMMISSION MEMBERS PRESENT:

De'Sean Quinn (Chair), Councilman, Tukwila
Penelope Sapp (Vice Chair), Chief, Marysville Police Department
Ken Roske, Alternate (Chief), Pasco Police Department
Rosemary Kaholokula, Incumbent Prosecuting Attorney or Municipal Attorney
Erik Scairpon, Chief, Marysville Police Department
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Designee for John Batiste, Paul Cagle
Darryl Barnes, Officer or First Line Supervisor
Jeffrey Anaya, Officer or First Line Supervisor
Walter Kendricks, Citizen at Large
Annalesa Thomas, Citizen at Large
Trishandra Pickup, Citizen at Large
Kurtis Robinson, Citizen at Large
Sonia Joseph, Citizen at Large
Katrina Johnson, Citizen at Large
Bart Logue, Civilian Oversight over Law Enforcement

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
Madelyn Ellison, Administrative Intern, Human Resources

GUESTS PRESENT:

Justin Kato, Assistant Attorney General, WA State Attorney General
Teresa Taylor, Executive Director, WACOPS
Leslie Cushman, WCPA
Tommy Oaks, GMB
TVW

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 in person due to the end in the Governor's emergency proclamation. **Chair Quinn** expressed his gratitude to the Commissioners for being present.

Chair Quinn introduced and welcomed **Commissioner Kaholokula** and **Commissioner Barnes** to the Commission.

Chair Quinn asked **Attorney General Justin Kato** and **Assistant Attorney General Taryn Jones** to further speak on the Governor's Proclamation. **Representative Attorney General Justin Kato** stated that once emergency declarations end, open public meetings must go back to in-person. Remote meetings are only allowed when emergency declarations are in place.

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Director Alexander updated the commission that graduations are happening frequently. **Director Alexander** expressed her thanks to **Commander Gill** and his team for helping conduct graduation and check in new recruits. **Director Alexander** also expressed her thanks to the **Communication Manager** and her team for continuing to livestream during graduations.

House Bill 1586

Director Alexander expressed her concern for the legislation concerning House Bill 1586. **Director Alexander** stated that the bill would bring a work group to WSCJTC. She then expressed that her main concern aligns with comments she has previously made over a lack of allotted time. **Director Alexander** went into detail concerning requirements that included formulating the workgroup, the hiring process of someone to facilitate said work group, and a report written for the governor and legislature. **Director Alexander** stated that completing these requirements within the limited timeline is not realistic or feasible. **Director Alexander** also noted that some workgroup members will be participating in addition to their day jobs. This will require flexibility in terms of scheduling workgroup meetings. **Director Alexander** clarified that WSCJTC is willing to complete this work but would like the proper amount of time to do so correctly.

Regional Academy Opening

Director Alexander updated the Commission on the decision to open a regional academy in Pasco. **Director Alexander** noted **Commissioner Roske's** work to speed line the opening process due to a current academy waitlist of 236 people. Each class is limited to 30 people. Subsequently, the current academy wait time is 9 months. **Director Alexander** expressed her

concern, noting that officers are unable to work until they receive certification, while still being paid by the agency that hired them. **Director Alexander** reminded the Commission that it was asked of them to move the opening from the end of July to May 1st in hopes of opening a second regional academy within the year. **Director Alexander** expressed the importance of regional academies while noting the long-term intention of having academies for people to attend near their homes. **Director Alexander** then announced that the Pasco ribbon cutting ceremony will be held on May 3rd at 2:00 pm. She noted that Governor Inslee, Senator Lovick, and several other legislators will be in attendance. **Director Alexander** extended an open invitation to the Commissioners.

WSCJTC Updates

Director Alexander stated that WSCJTC is currently working on obtaining a new facility. **Director Alexander** explained that the current facility lacks infrastructure to hold hybrid classes and extend accessibility for all of WSCJTC's functions, including Commission meetings. **Director Alexander** provided context with an example that if a commissioner wanted to attend the meeting online, they would have the ability to watch a livestream, but not participate because of a lack of resources. **Director Alexander** stated that she informed the Office of Financial Management and the Department of Enterprise Services of her intention to move into a new building by 2025. She expressed the need for a new facility that will provide the space for the amount of classes being held. **Director Alexander** then expressed her thanks to Deputy Director Wills for providing further information on how WSCJTC should be functioning.

Director Alexander then informed the Commission that WSCJTC is currently working on a job task analysis of officers after they leave the academy. The intention is to assess how their basic training has impacted their work.

Director Alexander expressed her thanks to the Commission and staff for all of their hard work. **Director Alexander** opened the floor for questions.

Commissioner Thomas inquired about the policies that would allow someone to graduate from the academy with a record similar to that of Timothy Rankine. **Commissioner Thomas** expressed her concern over graduating officers purely based on academics and asked for details on the other policies in place.

Director Alexander responded that the academy has dismissed officers for other reasons apart from academics. **Director Alexander** clarified that CJTC does not fire or hire officers. They are sent back to their agency, and in some circumstances, said officers will not be allowed to come back. Other times, CJTC has allowed officers to reapply after a 2-year period where their application is then reassessed. Depending on the offense, officers may be allowed to reapply sooner. **Director Alexander** added that there are officers dismissed due to academics – such as failing classes or failing three or more tests. **Director Alexander** then offered to share information concerning the process for dismissal.

Concerning the Pursuit Policy, **Commissioner Kendrick** asked what a reasonable time frame for completion would be. **Director Alexander** explained that if the policy was received by July 2023, the study could be completed and reported back to the legislators by July 2024. **Director Alexander** noted that this would leave time for discussion concerning the policy before the start of legislation in January 2025.

Commissioner Logue referred to **Commissioner Thomas'** inquiry and expressed his concern. He gave an example of instructor(s), who are seasoned officers, stating someone should not be an officer in a formal memo to a department. **Commissioner Logue** stated that although the

academy does not hire or fire officers, the academy has the power to not certify officers when instructors express their concern. **Commissioner Logue** asked for verification on a specific process in place that ensures instructor concern is taken into account, even if an officer is succeeding academically.

Director Alexander ensured that she listens to the TAC officers and Commander who are frank about officer progress. When instructors express concern about an officer, the process of sending them back to their agency begins. Once again, **Director Alexander** stated that she will send the Commission the documentation concerning the process and requirements of an officer's reapplication after dismissal. **Director Alexander** stated that although she cannot speak to what happened before she got to CJTC, she can offer information on how the process is currently being conducted.

Commissioner Thomas asked for clarification on if an officer who is sent back to their agency cannot work as a police officer until they graduate from the academy. **Director Alexander** confirmed the statement.

Commissioner Robinson expressed his concern on whether the academy is providing training and services to help officers that are struggling in certain areas of training. Commissioner Robinson added that if an officer's struggle is mitigatable and caught early on, support can and should be provided.

Director Alexander responded that the process of dismissal being discussed is for individuals who are not fit to be officers. **Director Alexander** stated that the academy ensures skills are taught during their grading and constant assessment. She then noted that if an officer shows a lack of morals and competence while under constant supervision at CJTC, then action must be taken.

Commissioner Robinson expressed his thanks.

Director Alexander stated that the process of trainee dismissal begins once the TAC officer, Commander, or anyone involved in training brings up a concern. Once an officer is sent back to their agency, depending on the offense, they are allowed to reapply. **Director Alexander** confirmed that the process is formal and documented. **Director Alexander** stated that the academy understands the potential lawsuits dismissals bring. This encourages further documentation of the process.

Commissioner Logue inquired about what would happen if a lawsuit concerning an officer's dismissal is lost.

Representative Attorney General Justin Kato clarified that this has happened in the past. He stated that as a result of CJTC losing the lawsuit, the officer had been placed back into the academy.

Commissioner Logue asked if there would be a way for the Commission to receive updates on the current lawsuit concerning dismissal. **Director Alexander** agreed to the request.

Commissioner Logue asked if the Commission could play a role in confirming and participating in dismissal decisions. **Director Alexander** responded that moving forward, the Commission may support the decisions. Director Alexander stated that considering CJTC has the most understanding and information on the matter, they must do what they believe is best for the profession and the community.

CERTIFICATION REPORT

Chad Arceneaux, Assistant Director of Certifications

Chad Arceneaux provided a recap on last year's ending numbers. Last year, the certification division received 1,867 agency reports. He defined agency reports as "any report required under RCW 43-101 and 135." **Chad Arceneaux** provided context that considering the current staffing of one manager dedicated to said section, the agency report number is large. He then clarified that agency reports do not simply reflect misconduct. They range from retirements, uses of force, and canine deployments that do not necessarily include misconduct – to instances of sexual assault that would invoke authority of an investigation under 43-101-105. Of the agency reports, 86 of them were notices of separation that related to officer misconduct. Other reports that have potential misconduct were 47. There were 166 third party citizen complaints received through the portal or any other written form. There were 9 investigations from the division itself. There were 34 matters where there was a lack of jurisdiction. **Chad Arceneaux** then stated that last year, of the misconduct related matters, 57 resulted in decline. There were 31 referred to the attorney general's office. There were 12 out of 20 officers who had their certifications revoked based on investigations.

This year, there have been 242 reports as of the end of February. Of those, there have been four notices of separation for misconduct. There have been 55 reports of potential misconduct. 16 complaints of potential misconduct. Four self-initiated investigations. Nine matters they received that there was no jurisdiction for. Four matters referred to the attorney general's office. 12 matters were filed and five matters that resulted in officers losing their certification thus far this year.

Chad Arceneaux stated that there is an effort to alleviate current staffing issues. There are five certification investigation officers and one person for the operations unit. Chad Arceneaux informed the Commission that Certifications is trying to at least recruit a temporary person to help in that department. As of the end of last month there have been 168 cases pending investigator assignment and 86 open and active investigations. This means that before the fifth person was added, it was a caseload ratio of about 20 cases per investigator. Other large agencies cover 3-6 cases per caseload. **Chad Arceneaux** stated that their case load is very high in comparison to their counterparts in other law enforcement agencies. The same can be said for the number of investigators that we have. While the recommendation of the industry is one investigator per 100 sworn officers, we are at one investigator per 2,600 officers. Two short-term independent contracted investigators are currently assisting with backlog cases.

Commissioner Joseph inquired if it was possible to get a copy of the plan for the backlogs. **Chad Arceneaux** responded that there is not a written document. He added that the investigators are bound to follow the priority framework that was created in collaboration with community stakeholders. Prioritization policy dictates which cases are addressed first. **Chad Arceneaux** then stated that to address the issue, they've sought to work with independent contractors who are not bound by the same restrictions.

Commissioner Joseph inquired if it was possible to receive a copy of the report. **Chad Arceneaux** agreed to send the report.

Commissioner Pickup inquired if there were circumstances that would ignite an immediate decertification process. **Commissioner Pickup** mentioned an example of officers convicted of rape who have been fired from their agencies but still hold certification.

Chad Arceneaux responded that people who have been convicted will have their certification revoked. He stated that the main issue is a lack of staff and therefore lack of people able to process those documents.

Commissioner Pickup clarified if that meant there was no one able to conduct the desertification process. Commissioner Pickup expressed her concern for this, considering the severity of the matter.

Chad Arceneaux expressed his agreement of the serious matter. He clarified that because there are only five investigators, they are trying to work within the priority policy they've been given. **Chad Arceneaux** then stated that regardless of documented desertification, convicted felons cannot be police officers. He added that the priority is to process decertification of people with misconduct who are allowed to work until the process is complete.

Commissioner Logue inquired if Certifications had vacancies in their department. **Chad Arceneaux** responded that they are technically at maximum staffing, which means legitati0on would need to be changed to continue hiring.

Commissioner Logue inquired if the findings are published for the public. **Chad Arceneaux** responded that the database is open on the certifications webpage.

Chad Arceneaux responded to an inquiry from **Commissioner Johnson** that the reporting agencies are diligently trying to comply. Currently, Certifications does not know if agencies are compliant with 135's reporting requirements. **Chad Arceneaux** stated that Certifications is working with the state auditor's office to create a statewide program to see if agencies are reporting and doing so accurately. The goal is to implement said program by the summer of this year. Until the program launches, Certifications is trying to educate agencies about their responsibility and duty concerning this.

Commissioner Thomas stated that she was recently contacted by a citizen with a complaint. **Commissioner Thomas** read the public comment that she had received from a citizen about an officer who had received multiple complaints over the span of ten years including multiple incidents of excessive force.

Chad Arceneaux acknowledged that the allegations stated in the public comment are concerning. He then stated that if there are complaints that relate to a specific case, he cannot speak on any active investigation with the Commission. **Commissioner Thomas** expressed her severe concern with the public comment. **Chad Arceneaux** stated that assuming this is an active case, unfortunately, he cannot speak to this.

Chair Quinn inserted himself to facilitate the conversation. **Chair Quinn** stated that public comments concerning such issues could be sent to any of the Commissioners. He then opened the issue by inquiring about contextual pieces that can help the Commission better understand how to approach such a topic.

Commissioner Robinson expressed that he believes this points to a need for more time. **Commissioner Robinson** proposed that the Commission set up the time, space, and resources available to the commission to address this.

Chair Quinn added that meetings do not have to be in person. He then expressed the importance of letting staff respond to these issues, because it might get at the root of the information needed. **Chair Quinn** suggested an initial step to track the questions that were

articulated and get a recommendation from staff on how to proceed afterward before directly going into a meeting.

Director Alexander stated that a lack of resources is a large part of the issue. She expressed her concern for overworking staff who are conducting the cases and are aware of the importance of this work. **Director Alexander** noted that without the resources to conduct these investigations, the problem can not be solved.

Commissioner Thomas inquired about how the lack of resources will be addressed. **Director Alexander** responded that it is addressed through legislative process.

Chair Quinn stated that a byproduct of people speaking up when they see misconduct is an increase in case loads. He expressed that the Commission has an obligation to make sure we understand and advocate holistically for additional resources and first understand the depth of the problems.

Commissioner Thomas inquired if the Commission as a body, has the authority to go to the government with these issues.

Director Alexander stated that since the Commission works for the governor, the Commission must advocate for resources while the Governor's budget is being allocated. Formal submissions of needs to financial management and our budget office will need to happen early on for them to be met.

Chair Quinn called for break at 11:42

Chair Quinn called the meeting back to order at 11:53

Chair Quinn called for a consensus to alter the agenda. The first request was to extend the agenda for 30 minutes. The second request was to move Variants and Canine up as the next agenda items, while tabling the IIT Best Practices. **Commissioner Kendrick** moved to approve the agenda adjustment. **Commissioner Kaholokula** seconded the motion. **The motion passed unanimously.**

VARIANCE

Mike Devine, Certifications Division Manager

Variance application from the Tulalip Tribal Police Department by **Chief Sutter** and **Officer Bruner**.

They requested variance to wave his certification reinstatement with permission for him to attend the state equivalency academy. **Mike Devine** stated that the Certifications Division reviewed the application, and he does meet the requirements.

Chief Sutter thanked the Commission for the consideration of his request for variance. Chief Sutter spoke to Officer Bruner's law enforcement career as Chief of police for five years at the Neah Bay Police Department. Chief Sutter noted Officer Bruner's 22 years of law enforcement experience and qualifications.

Officer Sutter introduced himself to the Commission and described his 22 years of experience as an officer.

Chair Quinn opened for questions.

Commissioner Robinson moved to approve the motion.

Vice Chair Sapp seconded the motion. **Motion passed unanimously.**

Application For Four Canine Evaluators

Mike Devine stated that the requests were for recertification for one evaluator and the approval of three additional evaluators.

He stated that all officers are in good standing and in compliance with WSCJTC training standards.

Commissioner Barnes requests to recuse from voting on Officer Stewart. Commissioner Anaya requests to recuse from voting on Officer Epperson.

Officer Kevin Miller to be recertified. **Commissioner Kendricks** motioned to approve.

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

Officer Devin Bagby to be approved as a Canine Evaluator. **Commissioner Logue** motioned to approve. **Commissioner Anaya** seconded the motion. **The motion passed unanimously.**

Officer Rocky Epperson. Commissioner Anaya recused. **Vice Chair Sapp** motioned to approve. **Commissioner Logue** seconded the motion. **The motion passed unanimously.**

Officer Nicholas Stewart to be hired. **Commissioner Barnes** recused. **Commissioner Logue** motioned to approve and seconded. **The motion passed unanimously.**

Update on Canine Workgroup Panel/ Canine Model Policy

Mike Devine provided K9 Workgroup Advisory panel updates – training standards and best practices. Currently, two active members represent the interests of WSPCA, two active members represent the interests of the Pacific Northwest Law Enforcement Canine Association, two active Canine professionals representing the interests of unaffiliated associations, and one to two CEO-level law enforcement professionals.

Asking for an additional community member and a commission member on the panel. Mike Devine stated to notify Operations Manager Valerie Weaver if interested.

OLD BUSINESS

Approval of Meeting Minutes

Chair Quinn called for review and approval of the meeting minutes from December 14th, 2022. Commissioner Sapp motioned with a second from Commissioner Joseph. Robinson and Kaholokula abstained. The motion passed unanimously.

Commissioner Kendricks suggested an extension of time to the meeting.

Commissioner Robinson suggested an extension to three hours for future meetings.

Chair Quinn adjourned the meeting at 12:34 PM.

Next Meeting: June 14, 2023, 10 AM, WSCJTC

Written by:	<u>Lacey Ledford</u>	<u>6/14/23</u>
	Lacey Ledford, Executive Assistant	Date
Reviewed by:	<u>Monica Alexander</u>	<u>6/14/23</u>
	Monica Alexander, Executive Director	Date
Approved by:	<u>De'Sean Quinn</u>	<u>6/14/23</u>
	De'Sean Quinn, Commission Chair	Date