



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

COMMISSION MEETING

Wednesday, October 19, 2022
10 AM

COMMISSION MEMBERS PRESENT:

De'Sean Quinn (Chair), Councilman, Tukwila
Penelope Sapp (Vice-Chair), Chief, Kitsap County Jail
Jeffrey Anaya, Officer, Vancouver Police Department
Shannon Bendiksen, Assistant Chief, Washington State Patrol
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Nickeia Hunter, Citizen at Large
Sonia Joseph, Citizen at Large
Walter Kendricks, Citizen at Large
Trishandra Pickup, Citizen at Large
Tim Reynon, Tribal Representative, Puyallup Tribe
Dan Satterberg, Prosecuting Attorney, King County
Erik Scairpon, Chief, Marysville Police Department
Annalesa Thomas, Citizen at Large
Mike Webb, Attorney General Designee

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Ed Wade, Assistant Director
Chad Arceneaux, Assistant Director
Lacey Ledford, Executive Assistant
Bart Hayes, Manager, Advanced Training Division
Henry Gill, Commander, Basic Training Division
Sean Hendrickson, Manager, Applied Skills Division
Jeff Wilcox, Manager, Information Technology
Megan Saunders, Manager, Communications
Mike Devine, Manager, Certifications Division
Tom Hill, Program Manager, Reserves Academy
Alex Buijs, Program Manager, LETCSA
Derek Zable, Records Manager
Norma Gastelum, Confidential Secretary
Antonio Asencio-Pigmon, Administrative Assistant, LETCSA
Ethan Swenson, Administrative Assistant, Information Technology

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 10:03 AM.

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

Chair Quinn announced that **Commissioner Kelsey** would be resigning from his position on the Commission.

OLD BUSINESS

Certification Policies

Commissioner Joseph inquired about the status of the four Certification policies requested for review: Penalties and Sanctions, Investigations for Decertification, Hearing Panel Membership, and Notifications for Decertification Hearings Outcomes. **Director Alexander** stated that three of these policies have been sent to Commissioners for review with one policy still awaiting approval.

NEW BUSINESS

Reserve Officer Training

Tom Hill, Program Manager

Tom Hill presented to the Commission an informative review regarding the current and historical practices of the Reserve Officer Training program, stating that the earliest recorded mention of a reserve officer in Washington State was from 1968 but that it was not until 2004 when agencies were first required to notify the Commission on the separation of a reserve officer. **Tom Hill** reminded the Commission that Reserve Officers were not included in the LETCSA mandates, that they are not certified and instead receive a certificate of training which does not subject them to the same rules of certification and decertification as general authority peace officers, adding that the Commission cannot decertify a reserve officer as a result. **Tom Hill** showed that over time, the training hours required to receive a Reserve Officer Certificate has increased, from a previous 220 hours to a now more robust 365 hours of training, noting that no RCW or WAC determines any minimum amount of training required for an individual to receive a Reserve Officer Certificate, while indicating that the curriculum WAC 139-05-250 has added Reserve Academy into its language. **Tom Hill** stated that most agencies that host reserve academies exceed the minimum number of training hours, adding that there can be difficulties in finding qualified instructors for a Reserve Academy, adding that without a qualified instructor, some classes, such as diversity training, cannot be performed or taught during an academy.

Tom Hill informed the Commission that there are currently 308 certified Reserve Officers in the state, with 137 coming from 29 county agencies, 165 coming from 62 city agencies, and six coming from four tribal agencies.

Tom Hill stated that Senate Bill 5051 included requirements to provide to the Governor's Office a report intending to clarify the reserve role in the state of Washington and to authorize the Commission with direct oversight. The suggestions of the report were broken up into four categories: Academy, Certifications, RCW-WAC Revisions, and Mandated Training Requirements. **Tom Hill** presented to the Commission the recommendations and suggestions for each category.

With regards to the Academy recommendations, WSCJTC recommended more specificity about who could instruct in a reserve academy, the minimum required hours to be established at 360 hours with a suggested 360 additional post academy training hours to be conducted with a state-trained field training officer, and recommended removing the term *provisional* when referencing a reserve officer given general authority in the event of an emergency or staffing issue.

With regards to Certification recommendations, WSCJTC recommended that reserve officer certification would be required when called upon by their general authority agency, which would allow for certification revocation.

With regards to RCW-WAC Revisions recommendations, WSCJTC recommended adding guidance for retiring officers looking to transition into reserve officer status, that reserve officers be required to complete a Basic Law Enforcement Reserves Academy prior to serving in uniform or enforcing state laws, establishing a minimum and maximum number of eligible hours worked each week to remain in good standing as a reserve officer, and establishing rules precluding reserve officers from taking home equipment.

With regards to Mandated Training Requirements recommendations, WSCJTC recommended that any newly created legislative mandates should also apply to reserve officers and that all mandatory training for general authority peace officers should also apply to reserve officers.

Tom Hill provided the Commission information surrounding some sheriff's offices use of volunteer posses, adding that there are no WAC or RCW references to a sheriff's office posse, members, or administration of such programs, though indicating that most posse members are citizen volunteers who assist a sheriff's office during times of emergency, search and rescue, or parade control. **Tom Hill** concluded by saying that there are no rules regarding the use of these volunteer member groups.

Commissioner Reynon reminded the Commission that a resolution addressing some of the mentioned recommendations was drafted and sought updates regarding the status of any legislation which might address the resolution. **Director Alexander** answered that there is a bill written regarding limited authority officers, which could allow for the inclusion of reserve officers, but added that the capacity to train reserve officers would be an issue, as there is a current eight month wait time for the Basic Law Enforcement Academy and adding 308 reserve officers to the waitlist would further compound the backlog. **Commissioner Reynon** shared a concern that reserve officers are still carrying weapons with the authority to use those weapons, adding the importance for anybody authorized to use weapons to have the same training requirements and accountability as general authority officers. **Director Alexander** stated that based on the law as written, reserve officers can use weapons without those same training requirements, emphasizing the need to word the law properly. **Chair Quinn** added that without these requirements being in RCW or WAC, it would be unlikely to get funding. **Commissioner Webb** asked if a fiscal note with a null and void clause would be sufficient. **Director Alexander** stated that it would not alleviate the backlog but would instead make it worse, adding the need for time to plan to determine how to implement a reserve academy in a proper manner. **Commissioner Thomas** added that reservists need to be considered when looking to move locations to a larger facility which would be able to accommodate more classes and implement a reserve academy without issue.

Commissioner Thomas asked how often the diversity training course is omitted from a reserve academy due to the lack of a qualified instructor. **Tom Hill** responded by stating that the WAC does not require the LETCSA mandated diversity training to be included in the reserve

academy, making it an optional class which to date has not been added to the curriculum due to the inability to find a qualified instructor to teach the classes. **Commissioner Scairpon** inquired about the location of the reservists in the state of Washington. **Tom Hill** answered that the reserve officers are located all throughout the state, rural and urban, adding that 29 of the state's 39 counties utilize reserve officers.

Commissioner Hunter asked if it would be possible to put a moratorium on the reserve program or disband it altogether until it can be put into law and properly funded. **Director Alexander** indicated that this could have a great impact on some agencies throughout the state. **Commissioner Scairpon** mentioned an upcoming Chief and Sheriff's Association meeting and would gauge the potential impact of this moratorium. **Chair Quinn** added that there is a risk associated with the use of reservists and that risk needs to be included in the conversation regarding pausing the use of reserve officers, further stating that the Commission needs to look at the issue holistically.

[LETCSA Independent Investigation Team \(IIT\) Best Practices Guidelines](#)

Alex Buijs, LETCSA Program Manager

Alex Buijs presented to the Commission revisions made to the LETCSA IIT Best Practices Guidelines. **Commissioner Hunter** recommended revising the definition of *Involved Agency* to match the definition used in RCW 43.102.010, adding that the definition as written is not broad enough, which is the same problem as the definition for *Involved Officer*. **Justin Kato** stated that the definitions between the RCW and the guidelines need to be consistent, though not necessarily identical, adding the need to review the RCW more closely and conduct more research before providing a recommendation. **Chair Quinn** recommended waiting to have more internal conversation after the review from the Assistant Attorney General. **Alex Buijs** reminded the Commission that this document has more flexibility in its creation since it is not an RCW or WAC.

Assistant Chief Bendiksen inquired about the reference of evidence going to the IIT, asking that if there is an urgency to provide evidence immediately, and the agency providing that evidence is going to be conducting investigations using that evidence, if there was an opportunity to provide clear indications as to when the transfer of evidence would occur as it might halt active investigations due to the transfer of information and evidence. **Chair Quinn** asked if it is possible to get more feedback or research on how these conversations regarding coordination between IIT and involved agencies have gone in the past. **Assistant Chief Bendiksen** indicated that there is concern regarding the complete lack of timelines surrounding this language. **Alex Buijs** asked for a recommendation of language within the document, to which **Assistant Chief Bendiksen** indicated a willingness to provide.

Commissioner Thomas suggested a change in language which prevents involved officers from discussing a case to apply to all officers on the scene so that discussions cannot occur amongst themselves, which would further apply to the IIT and the venue agency, extending this requirement throughout the investigation until interview are completed.

Commissioner Thomas moved to amend the language in Procedure C Section 11. **Vice-Chair Sapp** seconded the motion. **The motion passed unanimously.**

Commissioner Reynon indicated a desire to change the language in procedure section D regarding the filling out of a conflict-of-interest form as soon as possible and wanting to ensure we treat all forms the same, whether it is a community member, an officer is initially appointed to the IIT, or an officer appointed as a substitute.

Commissioner Reynon moved to amend the language in Procedure D. **Commissioner Dreveskracht** seconded the motion. **The motion passed unanimously.**

Commissioner Reynon inquired about the individual responsible for determining whether a conflict exists, indicating that the language references the non-law enforcement representative will review the form but that it reminded unclear whether it was that community representative who makes the decision or the IIT Commander, adding that the decision should be made by both collaboratively.

Commissioner Reynon moved to amend the language in Procedure D. **Commissioner Scairpon** seconded the motion. **The motion passed unanimously.**

Commissioner Thomas expressed a desire that along with the conflict-of-interest form that the IIT Commander verify using agency provided information that IIT members are free from misconduct, allowing that IIT Commander are required to follow up with agencies if reports are not received, disqualifying team members if misconduct is found. **Alex Buijs** asked for clarification regarding who is providing information to whom. **Commissioner Thomas** clarified that an IIT Commander does not have access to an IIT member's work history and history of misconduct and are instead reliant upon the employing agency to provide that information, stating a desire to ensure the information is provided to the IIT Commander when an individual initially joins an IIT and subsequently receives reports if an IIT member commits misconduct after joining.

Commissioner Thomas moved to amend the language in Procedure D. There was no second to this motion. **The motion passed unanimously.**

Commissioner Reynon expressed confusion on the Best Practices document referring to interview techniques to utilize industry best practices, stating a desire to clarify what is meant by the term best practices and to provide tangible examples of interviewing techniques. **Chair Quinn** asked if it is possible more research be conducted and the document be amended to reflect this suggestion, to which **Alex Buijs** consented.

Commissioner Reynon indicated that the reference to tribal liaison be included in an earlier section of the guidelines instead of at the bottom for ease-of-use purposes.

Assistant Chief Bendiksen referenced the remark to amend WAC 139-12 to reflect adding definitions for the *criminal background information* with regards to section 1's News Media Considerations and suggested, for the sake of open communication and to ensure transparency with the community, that criminal background history is only shared with regard to what is occurring in the incident under investigation.

Certification Review

Commissioner Hunter inquired about the feasibility of the Commission adding an agenda item to each Commission meeting to provide an update regarding the work performed by the Certification division, adding that it would be helpful to be informed of their activities and metrics. **Chair Quinn** worried about the impact adding such a requirement would have on the individual workloads of those in that division, to which **Director Alexander** indicated the additional workload would be manageable.

Commissioner Hunter moved to add an ongoing Certification Review agenda item. **Commissioner Kendricks** 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 12:11 PM.

Next Meeting: December 14, 2022, 10 AM, WSCJTC
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Written by:	<u><i>Lacey Ledford</i></u>	<u>12/14/2022</u>
	Lacey Ledford, Executive Assistant	Date
Reviewed by:	<u><i>Monica Alexander</i></u>	<u>12/14/2022</u>
	Monica Alexander, Executive Director	Date
Approved by:	<u><i>De'Sean Quinn</i></u>	<u>12/14/2022</u>
	De'Sean Quinn, Commission Chair	Date