



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

COMMISSION MEETING

Wednesday, September 13, 2023
10 AM

COMMISSION MEMBERS PRESENT:

De'Sean Quinn (Chair), Councilman, Tukwila
Penelope Sapp (Vice Chair), Chief of Corrections, Kitsap County Sheriff's Office
Ken Roske, Chief, Pasco Police Department
Erik Scairpon, Chief, Marysville Police Department
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Mike Webb, Attorney General Designee
Tim Reynon, Tribal Representative, Puyallup Tribe
Darryl Barnes, Officer or First Line Supervisor
Nickeia Hunter, Citizen at Large
Walter Kendricks, Citizen at Large – East of Cascades
Annalisa 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

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Renee Berry, Executive Assistant
Jerrell Wills, Deputy Director
Lacey Ledford, Legislative Liaison
Megan Saunders, Manager, Communications
Mike Devine, Manager, Certification Division
Valerie Jenkins-Weaver, Program Manager, Certification Division
Alex Buijs, Program Manager, LETCSA
Kimberly Bliss, Assistant Director, Certification Division
Jennifer Pendray, Program Manager, Coroner/ Medical Examiner
Norma Gastelum, Confidential Secretary
Ed Wade, Assistant Director, Support Services
Bart Hayes, Manager, Advanced Training Division
Derek Zable, Records Manager
Kayla Wold, Hearings Coordinator

OPENING

De'Sean Quinn, Commission Chair

Chair Quinn called the meeting to order at 10:03 AM

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. He commended **Director Alexander** on excellent leadership and congratulating her for the 2023 Governor's Award for Outstanding Leadership award nomination.

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Director Alexander reminded the Commission of first graduating class from the WSCJTC Pasco Regional Academy on 9/14/2023. She thanked **Commissioner Roske** for the partnership and support with the regional academy. WSCJTC is working on opening the next regional academies in Skagit and Clark counties. **Director Alexander** gave updates on the status of the future regional academies and their importance of allowing more people to have access to training and still be able to go home to their families each day. The goal is also to reduce wait times for attendance in the Basic Law Enforcement Academy (BLEA).

Commissioner Barnes asked if there was an update regarding regional Corrections Academies. **Director Alexander** explained that the BLEA regional academies are the priority due to the legislative funding, staffing, and campus space. She stated that the Correctional Academy class size has been increased to help decrease wait times.

Kimberly Bliss was introduced as the new Certification Assistant Director.

CERTIFICATION REPORT

Mike Devine, Certification Division Manager

Mike Devine provided an update on the Certification Report. He provided an edit to the month of June. Instead of intake of 49, it should list 70. **Commissioner Reynon** asked for clarification on when the data was pulled for the report. **Mike Devine** responded that they are the current statistics on the report. **Commissioner Joseph** asked if the June and July stats roll over. **Mike Devine** explained that they are the current monthly case statistics. **Chair Quinn** asked to clarify if the stats represent an action. **Mike Devine** confirmed that the numbers represent an action taken. **Chair Quinn** asked about the category of "lack of jurisdiction". **Mike Devine** gave examples of cases that do not fall under the WSCJTC's statutory authority. **Commissioner Logue** asked for the stats of cases after they are sent to the Attorney General's Office and have completed the hearing process. **Mike Devine** responded that this can be provided.

Commissioner Webb asked a clarifying question if the data pulled was "point of time" statistics. **Mike Devine** confirmed that they were. **Commissioner Webb** asked if the retroactive reviews were complete or pending. **Mike Devine** explained they are beginning to seat hearing panels under the new law. **Commissioner Scairpon** asked if there is a complaint against federal law enforcement, does the complaint get forwarded to the appropriate jurisdiction. **Mike Devine** confirmed that it does. **Commissioner Thomas** asked to have a glossary created of the terms being used for the Certification Report. **Mike Devine** confirmed that a glossary will be created. **Commissioner Thomas** inquired that now that the division is fully staffed with additional investigators, how will the backlog of cases be addressed? **Mike Devine** answered that the Certification Division is not currently fully staffed. He gave an update on the investigator positions and current case load stats. The Certification Division is also in the process of purchasing a more advanced case management system. **Commissioner Reynon** asked if the

case monthly numbers listed in the report were cumulative. **Mike Devine** explained the monthly numbers and the intake process. Under the review process, the case numbers carry over. **Commissioner Logue** asked a clarifying question regarding intake plus current case numbers and those that are sent out. In addition, he asked if investigators were having to ask for additional documentation from what was initially provided. **Mike Devine** confirmed that at times, additional information is requested by investigators.

OLD BUSINESS

WAC language for the Coroner/Medical Examiner Certification & Scope of Authority

Jennifer Pendray, Program Manager, Coroner/ Medical Examiner and Derek Zable, Records Manager

After the last Commission meeting, staff engaged the AG based on the recommended language. We first set to determine if the recommended language was within the scope of authority provided to the WSCJTC. Unfortunately, much of the language was outside that scope. These conversations helped staff amend the WAC language to the authority provided to the WSCJTC in RCW 43.101.480. Also, the powers provided in RCW 43.101.080 provide no additional authority.

Jennifer Pendray gave a review of the development of WAC 139-27 for RCW 43.101.480. This requires the Commission to certify successful completion of medicolegal forensic investigation training required or exemption from the training requirement. Changes were made to the WAC from the suggestions from the last Commission meeting. The language was discussed, and the Attorney General's Office was consulted. Expanding scope beyond training is not permitted under the RCW.

Amended WAC Language:

WAC 139-27-010(2)(b): Removal of (b) from Good standing due to a lack of legal authority to have ethics requirements as a condition of certification.

WAC 139-27-020(3): The notice of ineligibility was added to establish the responsibility of the agency to notify the commission of ineligibility of a certificant at any time during the certification period.

WAC 139-27-120: Added to require the WSCJTC to collaborate with interstate and local agencies regarding certification eligibility regarding the status of their required industry licenses and/or certifications.

Decrease in re-certification time: The timeframe between recertification was reduced from five years to three years (with a corresponding decrease of continuing education from 45 hours to 30 hours). This was done to reflect the concerns by the commission of a long period between re-certification and subsequent confirmation that the certificant has maintained their good standing.

Commission Scairpon expressed his thanks to Jennifer Pendray for clarifying the Commission's questions regarding the scope of the RCW. **Commission Reynon** asked a question regarding if the certification training requirements were included within the WAC

amendments and within the scope of the Commission. **Jennifer Pendray** confirmed yes. **Commission Logue** asked what happens if a complaint regarding coroner/medical examiners comes through to the WSCJTC portal. **Jennifer Pendray** explained that medical examiner complaints would go to the American Board of Pathology.

Chair Quinn called for public comment. None received.

Vice Chair Sapp moved to approve the WACs. **Commissioner Scairpon** seconded the motion. **Commission Reynon** asked a question regarding a suggestion he made at the previous Commission Meeting regarding curriculum under WAC 139-27-070 and not adding cultural competency training to the list. **Jennifer Pendray** explained that it is already included in the Next of Kin training. **The motion passed unanimously.**

Independent Investigation Team (IIT) Best Practices

Alex Buijs, Program Manager, LETCSA

Alex Buijs provided a timeline of the IIT Best Practices document. At the June 2023 Commission Meeting, the final approval of the proposed edits was postponed so that WSJCTC staff could coordinate with the Office of Independent Investigations (OII) and ensure the document aligns with their agency statute and practices. Representatives from IIT leadership also participated in discussions regarding these final edits.

Page 4 – Involved Officers

Current proposed language: “There shall be no communication (in any format) between any involved officer(s), witness officer(s), or other officer(s) until all interviews have been conducted by the OII or IIT.”

New proposed edit: “Communications on scene between involved officer(s) and other witnesses should be limited to statements made for immediate operational and/or safety needs. There should be no additional communication about the incident until all interviews have been completed by OII or the IIT or statements have been provided thereto.”

Commission Reynon commended the coordination of the OII and IIT. He asked about the Commission subcommittee and the need to be able to review Commission materials. **Alex Buijs** explained her understanding was that the Ad Hoc Committee was focused on the interview considerations. **Commissioner Logue** relayed his appreciation of the work done. He asked if the stakeholder’s questions and concerns have been captured and addressed. He also reiterated the importance of the subcommittee but stated that the annual review will be occurring soon. **Alex Buijs** gave the timeline of stakeholder engagement. **Commissioner Logue** stated as long as she can affirm that stakeholder engagement has occurred, he is satisfied with that. **Commissioner Scairpon** expressed that he enjoyed working on the subcommittee and there is benefit to the document moving forward. **Chair Quinn** reminded the Commissioners that previously the document was ready to be approved but needed additional stakeholder engagement. **Alex Buijs** asked if the annual review of the IIT Best Practices will include the subcommittee. **Chair Quinn** suggested it depending on the need for it. **Commissioner Scairpon** recommended moving through the material to discuss. **Commissioner Reynon** stated the importance of being able to fully review each draft. **Commissioner Logue** expressed his willingness to assist in the process. He appreciated the

summary document that was provided. **Chair Quinn** stated he would like a pre-briefing before the briefing with involvement of the subcommittee. **Alex Buijs** reminded the Commission of the upcoming annual review to further make edits.

Page 4 – Involved Officers

New proposed edit: “Communications on scene between involved officer(s) and other witnesses should be limited to statements made for immediate operational and/or safety needs. There should be no additional communication about the incident until all interviews have been completed by OII or the IIT or statements have been provided thereto.”

Alex Buijs shared that comments were previously provided from IIT Commanders and with consultation with the OII, their edits were agreed upon. **Commissioner Reynon** asked for clarification in regard to the “no communication” to “communication for operational and safety.” **Alex Buijs** responded that there were constitutional rights that were expressed to us. **Commissioner Logue** gave an example of the need for communication at the scene.

Commissioner Logue moved to approve Page 4 as written. **Commissioner Joseph** seconded the motion. **The motion passed unanimously.**

Page 5 – Involved Agency Responsibilities

Current proposed language: “a. The notification to the OII and IIT should simultaneously occur. If the OII accepts the investigation, the IIT shall still be notified and respond to the scene of the incident. The involved agency would relinquish control of the scene to the IIT in accordance with RCW 43.102.120.”

New proposed edit: “a. The OII receives the initial notification of the incident and the need to respond in accordance with RCW 43.102.120. If the OII accepts the investigation, the IIT shall still be notified of the incident in accordance with WAC 139-12-030(1)(b).”

Commissioner Joseph asked a clarifying question about the process of accepting the investigation. **Alex Buijs** responded that the OII makes the initial determination and has the authority during the investigation in alignment with the RCW. **Commissioner Logue** asked if during the annual review, if additional edits can be included to the IIT Best Practices document. **Alex Buijs** confirmed. **Commissioner Reynon** asked if we are hoping for a uniformed approach to incidents. **Commissioner Scairpon** explained that the IIT Best Practices document is a best fit given the resources in the area. **Alex Buijs** stated the edits align the document with RCW and WAC. **Commissioner Scairpon** stated that notifications have started, but the response from the OII has not. Once the response from the OII is initiated, work will be required again to align the document. **Commissioner Roske** stated that the IIT Best Practices are good recommendations.

Commissioner Kendricks moved to approve the edits as written. **Vice Chair Sapp** seconded the motion. **The motion passed unanimously.**

Commissioner Kendricks asked when specifically, is the document up for annual review. **Chair Quinn** reiterated the need for the process for annual review. **Alex Buijs** stated the original document was released first September 2020. The review began in March of 2022 with

stakeholders. She asked if the future annual review would involve the subcommittee. **Chair Quinn** responded yes.

Current proposed language: “2. ... Statements made to the involved agency supervisor should be extremely brief and limited...”

New proposed edit: “2. ... Public safety statements made to the involved agency supervisor should be extremely brief and limited...”

Current proposed language: “a. The public safety statement can only be administered by the employer of the involved officer. If the public safety statement starts with, “You are being ordered/directed/compelled to answer the following questions...” The involved officer’s responses to these questions are considered compelled, and they cannot be considered by the IIT Investigators. If public safety information is obtained voluntarily, it may be used by the IIT.”

New proposed edit: “a. A public safety statement may be a compelled statement. Prior to disclosing the contents of a public safety statement to OII or the IIT, the involved agency shall describe the context, including whether the involved officer was told he or she was being ordered/directed/compelled to answer any questions. If public safety information is obtained voluntarily, it may be used by the OII or IIT.”

Commissioner Joseph asked if the difference was including the language “public safety” and in the second section, it describes the differences. **Alex Buijs** confirmed.

Vice Chair Sapp moved to approve the edits as written. **Commissioner Dreveskracht** seconded the motion. **The motion passed unanimously.**

Page 6 – Involved Agency Responsibilities

Current proposed language: “5. Give all evidence in their possession to the OII or IIT.”

New proposed edit: “5. Provide evidence as requested to the OII or IIT as lawfully and legally required.”

Commissioner Scairpon moved to approve the edits as written. **Commissioner Thomas** seconded the motion. **Commissioner Reynon** asked a question regarding the edit for not giving all of the evidence or the reason behind the inclusion of “lawfully and legally required.” **Commissioner Pickup** asked why all the evidence would not be included. **Commissioner Scairpon** gave scenarios where this may be the case. **Alex Buijs** stated that it is covered in the next proposed edits. **Commissioner Pickup** requested that future packet have listed changes from the draft to the final materials provided for Commission meeting. **Alex Buijs** responded that the only difference between the draft and final meeting packet was that her presentation notes were included. **Commissioner Johnson** reiterated the need to have listed changes from the draft and final, as well. **Commissioner Joseph** stated her concerns for reviewing and approving the entire IIT Best Practices document in the current Commission meeting. **Renee Berry** stated that the timetable of receiving the meeting materials were agreed upon in the bylaws. **Commissioner Reynon** stated it would be helpful to identify new information when the final meeting packet has been sent and a redline version of edits included. **Chair Quinn** requested a process improvement of the meeting packet to include redline versions.

Commissioner Webb proposed a motion to approve the edits with the understanding that the next quarterly meeting there will be more time to discuss the annual review process. **Commissioner Scairpon** seconded the motion. **Executive Director** recommended approving the document and moving forward including redline versions of edits. **Commissioner Scairpon** told the Commission that the current document in place is deficient and doesn't reference the OII. **Commissioner Kendrick**s asked if what is being asked is moving the document forward, with the recommendation of the Executive Director, with the expectation of future edits as needed. **Chair Quinn** confirmed. **Commissioner Thomas** requested a date set for the annual review. **Commissioner Kendrick**s asked if the Chair had the authority to request special meetings. **Chair Quinn** confirmed. **Commissioner Logue** summarized that the previous document was brought forward but asked for further stakeholder and OII feedback. That has been completed and incorporated into the proposed document. Since the document is a best practices document and not a WAC, there is room for maneuvering. Every time the approval is pushed off, the Commission is further out of compliance with a WAC. He suggested willingness to participate on the subcommittee.

Commissioner Webb moved to approve IIT Best Practices with the understanding that there will be a date chosen for the next annual review and convene a subcommittee for ongoing work and feedback. **Commissioner Kendrick**s seconded the motion. **Commissioner Scairpon** suggested the date of next September for the review. **Commissioner Reynon** requested that in the interim between now and September 2024, the subcommittee would be convened to review proposed edits anytime prior to September 2024 to the Commission. **The motion passed unanimously.**

Executive Director Alexander requested that suggestions to how the Commission would like the proposed future process to be compiled and sent out, to send to **Renee Berry**. **Commissioner Hunter** stated as long as the information clearly shows the language that was before and what is being proposed to change, and how the change impacts the outcome, that will help the process move forward smoother. **Commissioner Thomas** asked about the subcommittee members. **Chair Quinn** stated the previous subcommittee would reconvene including **Commissioner Logue, Commissioner Thomas, Commissioner Hunter, Commissioner Pickup, Commissioner Reynon, Vice Chair Sapp, and Commissioner Scairpon.**

Commissioners took at break at 11:51 AM. The Commission meeting resumed at 12:04 PM.

NEW BUSINESS

Approval of Meeting Minutes

Chair Quinn called for review and approval of the meeting minutes from the June 14, 2023, Commission Meeting.

Vice Chair Sapp moved to approve the minutes. **Commissioner Kendrick**s seconded the motion. **The motion passed unanimously.**

Canine Evaluator Application

Valerie Jenkins-Weaver, Certification Operations Manager

Valerie Jenkins-Weaver stated that the request is for the approval of Corporal Nathan Lerma from Mill Creek Police Department to be certified as K-9 Evaluator

She stated that all the officer is in good standing and in compliance with WSCJTC training standards.

Commissioner Reynon motioned to approve. **Commissioner Hunter** seconded the motion. **The motion passed unanimously.**

Limited Authority WACs

Valerie Jenkins-Weaver, Certification Operations Manager, Lacey Ledford, Legislative Liaison and Derek Zable, Records Manager

The intent of these WAC changes is to update WAC 139-01-310, WAC 139-05, and WAC 139-06 to incorporate limited authority peace officers' certification requirements under RCW 43.101 after the passing of Substitute House Bill 1132. The WACs also received overall clean-up to enhance clarity, improve public comprehension, and edit minor grammatical errors.

WAC 139-01-310 - Definitions for Title 139 WAC

WAC 139-05-200 - Requirement of basic law enforcement training for officers

Commissioner Reynon asked if the revisions to the WACs were to add limited authority peace officers. If so, should "Washington" be included. **Valerie Jenkins-Weaver** responded that she didn't think so. He further asked about "supplemental training being necessary by the Commission. **Valerie Jenkins-Weaver** referred to Substitute House Bill 1132.

WAC 139-05-210 Process for equivalency

WAC 139-06-020 Agency reporting requirements—Force, separation, and investigation.

WAC 139-06-040 Investigation and appeal—Procedures for misconduct.

WAC 139-06-050 Statement of charges and notification for hearing.

WAC 139-06-070 Conference and hearings procedures

WAC 139-06-100 Outcomes for determinations of misconduct- Denial, suspension, probation, revocation, retraining, or dismissal of the statement of charges

Chair Quinn called for public comment. None received.

Commissioner Kendricks moved to approve the WACs. **Commissioner Johnson** seconded the motion. **The motion passed unanimously.**

Hearing Panel Applications

Derek Zable, Records Manager

Derek Zable requested approval of hearing panel applications: Mon-Cheri Barnes, Member of the Public; Alicia Briones, Expertise Police Accountability; Adam Paczkowski, Expertise Background in Police Accountability, and Michael Morrison, Sheriff.


Commissioner Joseph asked if it is a volunteer position or paid positions. **Derek Zable** responded that they are volunteer positions. **Vice Chair Sapp** motioned to approve.

Commissioner Joseph seconded the motion. **Commissioner Kendricks** asked if the applicants were in good standing and meet all requirements. **Derek Zable** responded that Kayla Wold, Hearing Coordinator, confirmed they met all requirements. **The motion passed unanimously.**

Chair Quinn adjourned the meeting at 12:26 PM.

Next Meeting: December 13, 2023, 10 AM, WSCJTC
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Written by:  December 13, 2023
Renee Berry, Executive Assistant Date

Reviewed by:  December 13, 2023
Monica Alexander, Executive Director Date

Approved by:  December 13, 2023
De'Sean Quinn, Commission Chair Date