



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

COMMISSION MEETING
Thursday, December 8, 2021
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Jeffrey Anaya, Officer, Vancouver Police Department
John Batiste, Chief, Washington State Patrol
Jared Couch, Sergeant, Upper Skagit Police Department
Nickeia Hunter, Citizen at Large
Katrina Johnson, Citizen at Large
Sonia Joseph, Citizen at Large
Joshua Kelsey, Sergeant, Lynnwood Police Department
Walter Kendricks, Citizen at Large
Trishandra Pickup, Citizen at Large
De'Sean Quinn, Councilman, Tukwila
Tim Reynon, Tribal Representative, Puyallup Tribe
Kurtis Robinson, Citizen at Large
Penelope Sapp, Chief, Kitsap County Jail
Dan Satterberg, Prosecuting Attorney, King County
Robert Snaza, Sheriff, Lewis County Sheriff's Office
Annalesa Thomas, Citizen at Large
Ken Hohenberg, Chief, Kennewick Police Department

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Kevin Zeller, Assistant Director
Lacey Ledford, Executive Assistant
Marisa Peer, Manager, HR
Bart Hayes, Manager, Advanced Training Division
Dave Campbell, Commander, Basic Training Division
Sean Hendrickson, Manager, Applied Skills Division
Mike Devine, Manager, Certifications Division
Megan Saunders, Manager, Communications
Jeff Wilcox, Manager, Information Technology Unit
Alex Buijs, Program Manager, Advanced Training Division
Valerie Jenkins-Weaver, Program Manager, Certifications Division
Renee Berry, Confidential Secretary
Norma Moreno, Confidential Secretary
Ethan Swenson, Administrative Assistant, Information Technology Unit

OPENING

Jeff Myers, Commission Chair

Chair Myers called the meeting to order at 10:01 AM.

Norma Moreno conducted a roll call of the Commissioners. A quorum was present.

Chair Myers announced that this meeting was being hosted on Zoom instead of in-person.

Chair Myers informed the Commissioners that Senate Bill 5051 report was submitted in December which covers budgetary concerns and impacts class sizes, as well as recommendations moving forward, such as certifications for reserve officers and clarifying reserve and commissioned officers. **Director Alexander** later shared that reports for Senate Bill 5051 and House Bill 1099 have been submitted and are available on the CJTC website.

Appointment of Vice-Chair

Chair Myers informed the Commission that **Chief Ken Hohenberg** would be retiring in February 2022, and his previous appointment as Commission Vice-Chair had been vacant since the Commission was changed. **Chief Ken Hohenberg** welcomed the new Commissioners and suggested the replacement of Vice-Chair be **Commissioner Quinn**. **Commissioner Reynon** supported this appointment and shared that his experiences with **Commissioner Quinn** have been terrific and that he believes **Commissioner Quinn** to have the utmost integrity.

Commissioner Quinn recognized the kind words from his fellow Commissioners and mentions his positive experiences working with current Commissioners all the way back when the special task force started.

Commissioner Batiste moved to approve the appointment of **Commissioner Quinn** as Vice-Chair. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

Complaints Received

Chair Myers stated that Senate Bill 5051 changed the way complaints against peace officers and corrections officers can be received and investigated by the Commission, who can now initiate investigations on their own volition. **Chair Myers** shared that policy determining how this will be accomplished is underway but stated that it is important for Commissioners to be as neutral as possible in individual cases.

Approval of Meeting Minutes

Chair Myers called for review and approval of the meeting minutes from the November 4, 2021, Commission Meeting.

Commissioner Sapp moved to approve the minutes. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Organizational Structure Changes and Staff Introductions

Director Alexander informed the Commission that Lacey Ledford has been appointed as the executive assistant while Norma Moreno will take over as the confidential secretary for the

Assistant Director. **Director Alexander** also recognized several staff members for their service to the agency.

Audit/Valuation of Training

Director Alexander shared with the Commission that an external auditor is being asked to validate the training and curriculum provided by the agency and that an update will be provided in the March Commission Meeting.

BLEA Updates

Director Alexander updated the Commission that there are currently six classes underway on the Burien campus, five BLEA classes and one COA class, with a wait time of four months. **Director Alexander** stated that classrooms are being setup with the potential to have 12 classes on campus by April. **Commissioner Sapp** asked if there are plans to run concurrent COA classes, with **Director Alexander** responding that staffing and budget are needed for that to occur. **Commissioner Snaza** shared that due to the new 10-week academy, new corrections officers are much better prepared than when it was only a 4-week academy and recommends that other Commissioners attend some COA classes. **Director Alexander** stated that due to staffing shortages, Chief Ake of Tacoma Police Department provided staff for night mocks and Chief Wang of Federal Way Police Department has committed to assisting with night mocks staffing as well.

NEW BUSINESS

Canine Model Policy

Mike Devine, Manager, Certifications Division

Mike Devine informed the Commission that House Bill 1054 required a new canine model policy, and to draft this policy a panel was created with 24 members, who met 10 separate times, and through the course of small group discussions and presentations, drafted the canine model policy. **Commissioner Joseph** shared a concern about dogs being used disproportionately on black and brown communities and asked if this policy address usage on when and how dogs are utilized. **Mike Devine** stated that history of race in policing is written into the policy as law enforcement officers are required to attend a robust history of race and policing course and is required for annual updates. In addition, this policy was crafted to adhere to legislative mandates about the use of force and de-escalation as close as possible. **Commissioner Thomas** shared her pleasure at seeing both law enforcement officers and community members as a part of this task force and asked for clarity on how the policy addresses the requirements to use de-escalation tactics before using force. **Mike Devine** specified Section 4, Subsection A3 mentioning the RCW and de-escalation training in the proposed policy. **Chair Myers** further clarified stating that the policy refers to 10.120.020 and reasonable care, how it addresses appropriate canine deployment, and how it talks about tactics other than deploying a canine.

Commissioner Johnson stated her understanding that canines are a force tool built upon pain compliance and wanted to know how this policy addresses not utilizing pain compliance and how this will be tracked. **Mike Devine** replied that there is a use of force reporting form available on the website and that if it is a canine use of force then a supplemental document is sent and used for tracking, in addition House Bill 5259 is being developed and includes reporting requirements to the Office of the Attorney General, which will include ethnicity, age,

and location of victims of use of force by canines. **Commissioner Johnson** sought clarification that the consequence of unlawful deployment is decertification. **Mike Devine** clarified that the proposed policy includes substantial reporting requirements which could include decertification of the officer and disbandment of the canine team.

Commissioner Robinson posed a question regarding who is qualified to put the animals through pre-testing and training, that there's no set policy other than a checklist and responsibilities for individual agencies to submit team evaluation, and that there doesn't seem to be any tracking information regarding the handling or the teams themselves. **Mike Devine** stated that the policy changes certification process to include name, date, and the person of home agency attesting that training standards were met for certification.

Commissioner Hunter was interested in hearing about the overall efforts made to reduce incidences of violence, specifically canine bites. **Mike Devine** shared that one of the solutions was to greatly enhance reporting standards and duties of the handler and agency after a use of force event with a canine and clarified that Section 8 of the proposed policy includes nine separate reporting requirements, with the second adhering to LETCSA use of force mandates.

Commissioner Reynon offered an amendment to the policy in Section 2, Subsection ii recognizing that the while the list isn't all inclusive it does not address language barriers and suggests adding language barriers as one of the factors to consider before deploying canines. **Chair Myers** noted no objection to the amendment.

Commissioner Reynon asked if there was any discussion regarding an independent review of use of force incidences involving canines. **Mike Devine** answered that an independent review is under consideration as this baseline policy moves forward toward an advisory panel. **Chair Myers** noted that this proposed policy is attempting to recognize that agencies should have a robust internal review process for any use of force, including canine use of force, and that it is important not to remove an agency's ability to hold their own staff accountable.

Commissioner Johnson asked if the task forced discussed leaving whether reporting of incidences up the officer was a defect, and if so, what safeguards were in place to address this possibility. **Mike Devine** stated that it is incumbent upon an entire agency to adopt the proposed model policy and that the second aspect of the policy was adding reporting requirements, further stating that this policy was adopted in part by reviewing policies from across the state, including small and large agencies and even the Washington State Police Canine Association to make this policy as robust as possible. **Chair Myers** shared that this potential defect might come forward in future discussions but that it is common for canine officers to maintain a log of every action they perform, noting possible issues of improper reporting potentially being causes for decertification. **Commissioner Robinson** stated that there are current laws which require reporting to start when an animal is taken out of the vehicle and/or onsite. **Mike Devine** clarified stating that when a canine is taken out of a vehicle for a law enforcement purpose that there is a reporting standard which goes into logs, and that along with the logs, the model policies added a recommendation for a urine reporting and the recommendation to enhance training standards to include training logs, deployment logs, and use of force reporting. A recommendation was also made by enhancing requirements in the model policy regarding medical assistance for anybody contacted by police canine, detailing injuries by reporting to supervisor or chain of command and photographing the injuries. **Mike**

Devine finished by stating that agencies will be required by the model policy to maintain deployment, training, and routine maintenance logs.

Commissioner Snaza moved to approve the new Canine Model Policy with the additions suggested by **Commissioner Reynon**. **Commissioner Kendrick**s seconded the motion. **The motion passed unanimously.**

Hearing Panel Member Application

Kayla Wold, Certifications Program Manager

Kayla Wold provided the Commissioners with the applications for Sheriff Clay Myers of Kittitas County Sheriff's Office as a Hearing Panel Member.

Chair Myers disclosed that while he has no relation to Sheriff Myers, his son works for Kittitas County under Sheriff Myers.

Commissioner Johnson asked if incoming hearing panelist applicants can be subject to background checks pursuant to WAC 43.101.095. **Commissioner Snaza** asked for clarity on the type of background check **Commissioner Johnson** is requesting as applicants already must submit a cover letter and resume. **Commissioner Johnson** clarified that she is wanting a background check which covers an applicant's history regarding integrity, honesty, and extremism. **Chair Myers** stated that the Commission might not have statutory authority to conduct background checks for these appointments, instead the Commission can only require background checks upon initial hiring due to the Peace Officer Certification Act. **Commissioner Johnson** shared that if academy recruits are required to take a background check, then these hearing panelist applicants should also be subjected to a background check. **Commissioner Snaza** asked if same background checks given to academy recruits should also be conducted for the non-law enforcement panelists, including polygraph test, psychological evaluation, and a background investigator.

Justin Kato informed the Commission that Senate Bill 5051 is changing the makeup of the Hearing Panel from four law enforcement appoints and one civilian appointment which will see more civilians on the panel. **Justin Kato** specified one of the civilians on the panel will be required to be from the Commission. **Justin Kato** further informed the Commission that under the current law, all law enforcement officers in the state of Washington have gone through the background requirements 43.101 but that while there are no requirements subjecting civilians of the Commission or hearing panel to these background checks, it might be in the power of the Commission to enforce this change. **Justin Kato** stated it might be appropriate to pass rules to narrow potential appointments or solicitations for citizens at large but that these would be policy decisions.

Commission Quinn shared that if the Commission makes a policy decision for background checks that it would only apply to civilian appointments as all law enforcement officers already receive their background checks. **Justin Kato** stated that while he will have to review the federal polygraph act and verify requirements of WAC 43.101, that the Commission may have the power to enforce more background checks to law enforcement and civilians.

Commissioner Robinson was concerned about the propensity of extremism affiliations in law enforcement communities and wants to ensure that there is a way to maintain a standard to exclude panelists with extremism affiliations. **Commissioner Johnson** asked if it is possible to obtain the name of hearing panel applicants prior to the meetings. **Chair Myers** expressed

appreciation for **Commission Johnson** and wondered if there was a mechanism to send out the applications well in advance.

After reviewing the application, **Commissioner Snaza** moved to accept. **Commissioner Sapp** seconded. **The motion passed unanimously.**

Litigation Update

Justin Kato, Assistant Attorney General, Office of the Attorney General

Justin Kato provided an update to the Commission regarding the Appeal made under the Appeals Act filed by Spokane Sheriff Ozzie Knezovich in Spokane Superior Court, that oral arguments took place on November 5, 2021, and that the Judge issued a ruling that affirmed the Commission's decision and denied Spokane County Sheriff's Office's petition. **Justin Kato** further stated that the Court ruled in the Commission's favor on every issue, that the matter is moot pursuant to RCW 43.101, and that the Court will issue a final order. **Justin Kato** finished by saying that Spokane County has the right to appeal and that the Commission should know whether an appeal is filed prior to the March Commission Meeting.

Established Commission Rules

Jared Couch, Commissioner

Commissioner Couch stated to the Commission that he discovered no standing rules exist when it comes to selecting the Chair, Vice-Chair, or when to submit agenda items. **Chair Myers** stated that he has worked with staff in the past to handle all these items but shared that having guidelines would be preferable. **Commissioner Couch** shared concerns regarding urgent issues and not being able to address them until the next Commission Meeting, at which **Chair Myers** reminded the Commission that staff exists for day-to-day operations.

OLD BUSINESS

WAC 139-12-030 Discussion

Monica Alexander, Executive Director

Director Alexander reintroduced WAC 139-12-030 proposed changes to the Commission.

Section 1 Subsection b – regarding where the Independent Investigation Team (IIT) Commander would present a limited briefing with the chief or sheriff whose officer is the subject of the independent investigation, **Chair Myers** said that he sees both sides of the issue but wanted to ensure the home agency receives facts or a basis of what happened if a law enforcement officer is hurt or killed, sharing that agencies have reached out to him stating nobody wants to gain knowledge other than facts and hopes to be able to manage the sharing of only facts and also independence while maintaining full transparency. **Commissioner Quinn** asked if revising this section was one of the recommendations of the Attorney General's report. **Director Alexander** stated that it was not a recommendation but a suggestion for revision while the WAC was open. **Chair Myers** shared his experiences from being involved in these limited briefings as a Chief of Hoquiam, stating that they are a presentation which includes the initial 911 call and an overview of the facts of what was found to have happened and lacks statements and transcripts, which is useful since as a Chief he needs to explain to the mayor what occurred, who needs to explain to the city council what occurred, who needs to speak to the community about what occurred, but added that there is potential for the tainting of internal investigation as these need to remain separate from the independent investigation.

Commissioner Robinson stated that if the chief or sheriff can receive a limited briefing then that same briefing should be made available to the public, expanding that if the limited briefing is not appropriate to be shared with the public, then it also would not be appropriate to share it with the chief or sheriff. **Commissioner Pickup** shared that the media has been used as a narrative for the defense, for the narrative to manipulate the community, and that in many cases there is evidence of coverups or collusion, which limited briefings can help facilitate.

Commissioner Thomas remarked that limited briefings create the public perception of undue influence, adding that the public should be updated about the circumstances surrounding these incidences and that it should not come from the involved agency. **Commissioner Quinn** asked if it would be appropriate to create a policy defining limited briefings. **Chair Myers** shared that there could still be limited briefings but that these briefings would have to be provided for everybody. **Commissioner Reynon** stated that the IIT has a defined process to provide weekly updates to the public and that eliminating limited briefings does not remove this requirement with the community. **Commissioner Satterberg** warned that any time an agency is denied information regarding an employee who used deadly force that there may be unintended consequences not yet considered, and further stated that since there have not been cases of abuse after the adoption of the WAC, eliminating limited briefings can become a big problem. **Commissioner Robinson** stated that trust between law enforcement and the community has been broken and the Commission has a responsibility to heal that breach. **Commissioner Hunter** agreed that there is a need for transparency across the board. **Commissioner Johnson** shared a need to shift the way things have been done in the past to restore trust. **Commissioner Quinn** qualified that any change made by the Commission needs to be legal. **Chair Myers** stated that as this is a WAC, agencies would be required to follow it. **Justin Kato** clarified that only the Commission, Legislation, or an appeal to the courts could undo the WAC.

Commissioner Robinson moved to approve the amended language to WAC 139-12-030 Section 1 Subsection b. **Commissioner Reynon** seconded the motion. **Commissioners Quinn, Robinson, Reynon, Hunter, Thomas, Pickup, Joseph, and Johnson** voted to approve. **Commissioners Kelsey, Snaza, Satterberg, Sapp, Couch, Anaya, and Chair Myers** voted to oppose. **Commissioner Kendrick** abstained. **Commissioners Batiste and Webb** were absent. The motion passed.

Section 2 – regarding transparency, **Chair Myers** stated he supports the changes in this section, especially in removing the section where community representatives in an IIT could face criminal charges while law enforcement members in an IIT would not have that same restriction. **Commissioner Reynon** asked why the Commission make the use of the standard conflict of interest form discretionary instead of maintaining a standard form across the state, and that due to the passage of the previous section, there is a need to eliminate chiefs and sheriffs from this section. **Director Alexander** stated that there has been a lot of angst about the forms as agencies want to utilize their own forms. **Commissioner Reynon** further asked how the Commission guarantees that minimum standards are utilized throughout the state without having a standard form. **Commissioner Quinn** shared his belief that the Commission should not limit agencies who have a more robust conflict of interest form. **Chair Myers** stated that perhaps the Commission set a minimum standard form but not cap to other more robust forms. **Commissioner Robinson** suggested the wording for an amendment that agencies *shall or must use a minimum standard conflict of interest form, such as the one developed by the WSCJTC*. **Chair Myers** suggested instead verbiage of *agencies may use standard conflict of interest form not developed by the Commission as long as it meets the minimum standards of the form*.

Commissioner Sapp moved to approve the amended language to WAC 139-12-030 Section 2, with suggested amendments, including the elimination of Section 2 Subsection 3.

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


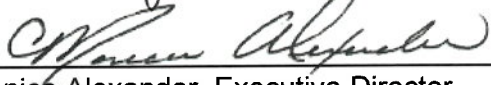

Section 4 Subsection C – regarding credibility, **Commissioner Quinn** shared his support of the proposed changes. **Chair Myers** shared his concern regarding having the names of the community representatives of an IIT published on the CJTC website. **Commissioner Robinson** stated that Commissioners need to take some responsibility for what the Commission is asking of community representatives.

Commissioner Quinn moved to approve the amended language to WAC 139-12-030 Section 4 Subsection C. **Commissioner Kendrick**s seconded the motion. **The motion passed unanimously.**

EXECUTIVE SESSION

Chair Myers announced that there would be no executive session. **Chair Myers** asked if anyone had anything further. Hearing none, he adjourned the meeting at 1:04 PM.

Next Meeting: February 23, 2022, 10 AM, WSCJTC

Written by:	 _____ Lacey Ledford, Executive Assistant	<u>2/23/22</u> Date
Reviewed by:	 _____ Monica Alexander, Executive Director	<u>2/23/22</u> Date
Approved by:	 _____ Jeff Myers, Commission Chair	<u>2/23/22</u> Date