



WASHINGTON STATE  
**CRIMINAL JUSTICE TRAINING COMMISSION**  
19010 1<sup>ST</sup> AVENUE SOUTH, BURIEN, WA 98148

---

**COMMISSION MEETING PUBLIC TESTIMONY**

Thursday, December 5, 2019

10 AM

**COMMISSION MEMBERS PRESENT:**

Jeff Myers (Chair), Chief, Hoquiam Police Department  
Ken Hohenberg, (Vice-Chair), Chief, Kennewick Police Department  
Laura Wells, Citizen at Large  
Brian Burnett, Sheriff, Chelan County  
Joshua Kelsey, Sergeant, Lynnwood Police Department  
Robert Latter, Sergeant, Clark County  
Dan Satterberg, Prosecuting Attorney, King County  
De'Sean Quinn, Councilman, Tukwila  
Penelope Sapp, Lieutenant, Kitsap County Jail  
Steve Sinclair, Secretary, Department of Corrections  
Robert Snaza, Sheriff, Lewis County  
John Batiste, Chief, Washington State Patrol

**WSCJTC STAFF PRESENT:**

Sue Rahr, Executive Director  
Lisa Mulligan, Deputy Director  
Marisa O'Neill, Executive Assistant  
Monica Alexander, Manager, Advanced Training Division  
Dan Christman, Program Manager, Advanced Training Division  
Donna Rorvik, Manager, Quality & Standards Unit  
Zola Campbell, Program Specialist, Advanced Training Division  
Tisha Jones, Manager, Certification Unit  
Ethan Swenson, Administrative Assistance, Information Technology Unit

**GUESTS PRESENT:**

Tienney Milnor, Assistant Attorney General, WA State Attorney General  
Justin Kato, Assistant Attorney General, WA State Attorney General  
Juan Peralez, UNIDOS  
Amy Darling, NTT  
Kimberly Mosolf, Attorney, Disability Rights WA  
Teresa Taylor, Executive Director, WACOPS  
Sonja Joseph, NTT  
Al Compaan, Chief, Edmonds PD  
Lynette Buffington, Executive Director, WAFOP

**OPENING**

*Jeff Myers, Commission Chair*

**Chair Myers** called the meeting to order at 10:02 AM.

**Marisa O'Neill** conducted a roll call of the Commissioners. A quorum was present.

**Chair Myers** announced the meeting was being livestreamed and video recorded with real-time transcription services also being provided. **Chair Myers** also clarified that the minutes for the November 26, 2019 Commission Meeting will be reviewed in the March 11, 2020 Commission Meeting.

### EXECUTIVE DIRECTOR'S REPORT

*Sue Rahr, Executive Director*

#### Spokane Valley Sheriff's Office

**Director Rahr** indicated to the Commission that the Spokane County Sheriff's Office will seek to operate their own basic law enforcement academy by presenting their arguments to the Commission during the March 2020 Commission Meeting.

#### Ad Hoc Summit Planning Committee

*Sue Rahr, Executive Director*

**Director Rahr** provided the Commissioners with a list of members to be appointed to the LETCSA Ad Hoc Summit Planning Committee.

After reviewing the candidates, **Commissioner Satterberg** moved to accept the list.

**Commissioner Snaza** seconded. **The motion passed unanimously.**

#### Law Enforcement Training and Community Safety Act (LETCSA)

**Director Rahr** presented to the Commission RCW 43.101.080 which defines what authority the Commission has regarding rulemaking. **Director Rahr** also provided the Commission with a handout outlining the updated final draft of WAC Chapter 139-12, Law Enforcement Training and Community Safety Act – Independent Investigations Criteria. **Director Rahr** informed the Commission that one of the challenges throughout the process in drafting this WAC is having enough specificity in order to be understood but flexible enough to be tailored to the needs of individual communities.

**Director Rahr** then went over the changes between this current draft and the previous draft presented to the Commission during the November 26, 2019 Commission Meeting.

Page 1 saw a change at the bottom which swapped the phrase, "*has always been,*" to, "*should be.*"

Page 4, at the end of the definition for Independent investigative team (IIT), the sentence, "*A single law enforcement agency, such as WSP, may fulfill this function,*" was added.

Page 7 had two changes. Both changes were adding the clarifying phrase, "*of deadly force,*" when referring to independent investigations.

Page 12 had two bullet points where the language was changed to be more consistent, swapping *should* with *must*.

Page 14 saw two changes, with the first being a swap from, “*which includes,*” to, “*which may include.*” The second change reinserted the phrase, “*soliciting names and,*” into the second bullet point.

Page 15 had a swap of the word *board* with *panel* in the second bullet point.

Page 16 added language that experience may be substituted as equivalent for training. The qualifier, “*but not in a lead position,*” was added regarding IIT members who do not meet the training requirements.

Page 17 had two changes, the first being the insertion of, “*or appropriate equivalent experience,*” and the second changed the minimum annual hours of training from 16 hours down to 8 hours.

Page 18 switched the language, “*IIT shall train as a unit at least semiannually,*” to, “*IIT shall train as a unit at least annually.*”

Page 19 refined the final sentence, including both investigators and non-law enforcement community representatives in the language.

### WAC Rule Review

*Sue Rahr, Executive Director*

On page 2, **Commissioner Kelsey** asked why the investigation is termed a criminal investigation as opposed to a deadly force investigation until the criminality aspect has been determined. **Commissioner Wells** suggested using the language, “*the investigation must be conducted in the same manner as a criminal investigation.*” **Commissioner Kelsey** moved to approve the amended language. **Commissioner Sinclair** seconded the motion. **The motion passed unanimously.**

On page 4, **Commissioner Burnett** suggested amending the language under the Independent investigative team (IIT) definition which specified the single law enforcement agency as WSP and instead to replace it with, “*a single law enforcement agency may fulfill the independent investigative function provided it is not an involved agency.*” **Commissioner Burnett** moved to approve the amended language. **Commissioner Batiste** seconded the motion. **The motion passed unanimously.**

**Commissioner Kelsey** suggested striking the inclusion of two non-law enforcement community representatives in an IIT as a mandate and instead include them as an option. **Commissioner Kelsey** moved to approve the amended language. **Commissioner Batiste** seconded the motion. **The motion failed to pass.**

On page 5, **Commissioner Snaza** recommended adding the qualifier *police use of* to make the definition of Member Agency read as, “*Each of the agencies that enters into a written agreement to investigate the police use of deadly force in their geographical region.*” **Commissioner Snaza** moved to approve the amended language. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

On page 6, **Commissioner Burnett** asked for clarification regarding whether the WAC 193-12-030 references standards or factors. **Commissioner Kelsey** recommended using the term *principles* for all instances of the term *factors*. **Commissioner Kelsey** moved to approve the amended language. **Commissioner Batiste** seconded the motion. **The motion passed unanimously.**

**Commissioner Snaza** recommended reworking the last sentence in the Independent investigation criteria, to be rewritten as, "*These standards are necessary for the involved agency and the public to ensure the actions taken by the IIT are independent, transparent, credible, and communicated in a manner that results in a compliant and complete investigation in a manner that builds public trust.*" **Commissioner Snaza** moved to approve the amended language. **Commissioner Kelsey** seconded the motion. **The motion passed unanimously.**

On page 7, **Commissioner Wells** suggested inserting *police use* in the two instances of the phrase, "*investigation of deadly force,*" so that it now reads as, "*investigation of police use of deadly force.*" **Commissioner Wells** moved to approve the amended language. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

**Commissioner Kelsey** recommended striking the phrase, "*in any way,*" and moving the entire section to page 8 preceding the paragraph dealing with specialized equipment. In addition to this move, the paragraph would end with the added phrase, "*except as follows.*" **Commissioner Kelsey** moved to approve the amended language. **Commissioner Wells** seconded the motion. **The motion passed unanimously.**

On page 8, **Commissioner Wells** suggested rewording the specialized equipment sentence to read as follows, "*Specialized equipment belonging to the involved agency may not be used by the IIT unless no reasonable alternative exists, the equipment is critical to carrying out the independent investigation, and the use is approved by the IIT Commander.*" **Commissioner Burnett** recommended also striking the word *strictly* and replacing it with the word *appropriately.* **Commissioner Wells** moved to approve the amended language. **Commissioner Burnett** seconded the motion. **The motion passed unanimously.**

On page 9, **Chair Myers** recommended to the Commission that the language in bullet point two be changed to the following, with the additional instructions being broken up into subsets, "*A minimum of two non-law enforcement community representatives will be assigned to each IIT for the following duties: a) to participate directly in the vetting, interviewing, and/or selection of IIT investigators. Existing teams will have until January 2021 to ensure that investigators have gone through this process as described above.*" **Commissioner Wells** moved to approve the amended language. **Commissioner Satterberg** seconded the motion. **The motion passed unanimously.**

**Commissioner Snaza** recommended the insertion of the qualifier, "*non-law enforcement,*" in the section regarding confidentiality agreement violations with regards to the mentioned representative. **Commissioner Snaza** moved to approve the amended language. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

**Commissioner Burnett** suggested to the Commission that the line, "*either declines to file charges or the criminal case is concluded,*" is struck and replaced with the line, "*makes a filing decision.*" **Commissioner Burnett** moved to approve the amended language. **Commissioner Sapp** seconded the motion. **The motion failed to pass.**

On page 12, **Commissioner Snaza** recommended changing the fourth bullet point to read as, "*The independent investigation will follow accepted best practices for homicide investigations published and annually updated by the WSCJTC.*" **Commissioner Snaza** moved to approve the amended language. **Commissioner Sinclair** seconded the motion. **The motion passed unanimously.**

On page 14, **Commissioner Sapp** recommended inserting the phrase at the end of the second bullet point, "*by the chief and/or sheriff.*" **Commissioner Sapp** moved to approve the amended language. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

**Commissioner Burnett** suggested changing the first sentence of the second bullet point to the following, "*At least two impartial non-law enforcement community representatives who have credibility with and ties to the community.*" **Commissioner Burnett** moved to approve the amended language. **Commissioner Kelsey** seconded the motion. **The motion failed to pass.**

On page 18, **Commissioner Kelsey** recommended changes in subsection vi to include the following language, "*Investigators assigned to an IIT are expected to have a work history free of sustained finding of serious misconduct and/or a pattern of sustained complaints and a personal history free of demonstrable bias or prejudice against community members that may be impacted by police use of deadly force.*" **Commissioner Kelsey** moved to approve the amended language. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

**Commissioner Sinclair** informed the Commission there are no rules in the WAC which address the applicability to limited authority agencies who have full commissions.

**Commissioner Satterberg** requested a scope call from the Attorney General's Office with regards to Initiative 940 and WAC 139-11 and whether it covers limited commissioned officers, state corrections officers, county corrections officers, municipal corrections officers, and warrant officers.

**Chair Myers** entertained a motion for the implementation of WAC 139-12-010 with corrections. **Commissioner Sinclair** moved to adopt WAC 139-12-010 with corrections. **Commissioner Sapp** seconded. **The motion carried.**

## **NEW BUSINESS**

### **Resolution Proposal**

*De'sean Quinn, Commissioner*

**Commissioner Quinn** presented to the Commission a Commission Resolution, as an effort in foundational partnership, supporting additional legislation to develop LETCSA to include an accountability process that includes the collection and analysis of data related law enforcement use of deadly force, collection of completed deadly force investigations, and a completely independent review of each investigation in order to determine if each investigation complies with rules adopted for independent investigations with the goal to report the findings to the public. Additionally, the Commission Resolution proposes adding another Commission position under the category "*Citizen At Large*" to be representative of the eastern side of the state.

**Commissioner Hohenberg** suggested a change which would insert the phrase, "*best practices in,*" which would change the sentence to read as follows, "*The Commission supports additional legislation to further develop the Law Enforcement Training and Community Safety Act to include an accountability process that includes best practices in the collection and analysis of data...*"

**Chair Myers** and **Commissioner Kelsey** proposed reworking the final two sentences in the first paragraph to read as follows, "*...and a completely independent review of each investigation to determine if it complies with WAC Chapter 139-12.*" **Commissioner Quinn** moved to accept

the amended language into the resolution. **Commissioner Sinclair** seconded the motion. **The motion passed unanimously.**

**Commissioner Quinn** moved to adopt the resolution with the amended language. **Commissioner Wells** seconded the motion. **The motion carried.**

### **Approval of Meeting Minutes**

**Chair Myers** called for review and approval of the meeting minutes from September 2019. There were two typos to be amended.

**Commissioner Hohenberg** moved to approve the amended September 2019 minutes. **Commissioner Kelsey** seconded the motion. **The motion passed unanimously.**

### **Variance Requests**

*Tisha Jones, Certification Manager*

**Tisha Jones** provided the Commissioners with a packet containing a variance request for Michael Bradshaw of the Skokomish Tribal Police.

After reviewing the packet, and hearing testimony **Commissioner Batiste** moved to approve the application. **Commissioner Kelsey** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing variance request for Nathan Sanger of the Vancouver Police Department.

After reviewing the packet, and hearing testimony **Commissioner Latter** moved to approve the application. **Commissioner Batiste** seconded the motion. **The motion passed unanimously.**

### **K9 Report**

*Tisha Jones, Certification Manager*

**Tisha Jones** provided the Commissioners with a report from the latest K9 workgroup. The makeup of the workgroup has not changed since the September 12, 2019 Commission Meeting.

Total teams in the state include 47 Bomb, 9 Bomb with Open Air, 104 Narcotics, 17 Narcotics with marijuana odor and scent, and 135 Patrol.

Certified Evaluators since the last meeting include Trooper Joshua McKorkle – Washington State Patrol, in the Explosives Detection discipline; Deputy Kristi Bridgman – King County Sheriff's Office, in the Explosives Detection discipline; and Trooper Tobin Haapala – Washington State Patrol, in the Explosives Detection discipline.

Total certified evaluators throughout the state include 12 Explosive Detection, 22 Narcotics, and 38 Patrol.

After reviewing the report, **Commissioner Kelsey** moved to accept the report. **Commissioner Sinclair** seconded the motion. **The motion passed unanimously.**

### **Hearing Panel Member Application**

*Kayla Wold, Hearing Coordinator*

**Kayla Wold** provided the Commissioners with three applications, all voted and reviewed together. The three candidates were as follows:

Chief Harris – Mattawa Police Department

Chief Jenkins – Pullman Police Department

Chief Tanksley – Blaine Police Department

After reviewing the candidates, the applications for the three chiefs was moved by **Commissioner Snaza**. **Commissioner Sapp** seconded. **The motion passed unanimously.**

**Chief for a Day**

*Tisha Jones, Certification Manager*

**Tisha Jones** informed the Commission that Chief for a Day will take place August 20, 2020. A lottery process will take place to select 15 total children to participate in the event.

**Corrections Officer Certification**

*Jeff Myers, Commission Chair*

**Chair Myers** informed the Commission there is a legislative agenda item to recognize or encourage corrections officer certification. **Commissioner Sinclair** requested that an official agenda item regarding this topic be included in the March 11, 2020 Commission Meeting.

**Additional New Business**

**Chair Myers** asked if anybody else had anything further. Hearing none, he adjourned the meeting at 2:38 PM.

Next Meeting: March 11, 2020, 10 AM, WSCJTC

|              |   |                         |
|--------------|---|-------------------------|
| Written by:  | <br>_____<br>Marisa O'Neill, Executive Assistant | <u>09/09/20</u><br>Date |
| Reviewed by: | <br>_____<br>Susan L. Rahr, Executive Director   | <u>9/10/20</u><br>Date  |
| Approved by: | <br>_____<br>Jeff Myers, Commission Chair        | <u>09-09-20</u><br>Date |