



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

COMMISSION MEETING
Wednesday, March 11, 2009
10 AM

COMMISSION MEMBERS PRESENT:

Anne Kirkpatrick, Chief, Spokane Police Department
Brenda Stonecipher, Everett City Council
Craig Thayer (Chair), Sheriff, Stevens County Sheriff's Office
Mike Johnston (Vice Chair), Sergeant, Bellingham Police Department
Ned Newlin, Chief of Corrections, Kitsap County Sheriff's Office
Shon Small, Detective, Benton County Sheriff's Office
William Elfo, Sheriff, Whatcom County Sheriff's Office

WSCJTC STAFF PRESENT:

Al Isaac, Manager, Professional Development Division (PDD)
Brandon Rogel, Program Manager, Corrections Division
Brian Elliott, Manager, Financial Division
Debbie Mealy, Deputy Director
Doug Blair, Certification Manager
Greg Baxter, Manager, Human Resources
Jean E. Meyn, Assistant Attorney General, Attorney General's Office
Michael D. Parsons, Executive Director
Rachelle Parslow, Registrar Supervisor, PDD
Rex Caldwell, Commander, Basic Law Enforcement Academy
Sonja Hirsch, Confidential Secretary
Sue Hubbard, Program Manager, Corrections Division
TaraShea Nesbit, Curriculum Designer, Organizational Development & Standards
Wesley Anderson, Manager, Facilities Division

GUESTS PRESENT:

Kevin Bovenkamp, Organizational Development Director, DOC
Michael Merringer, President, WA Association of Juvenile Court Administrators
Mike Harum, Sheriff (Chelan County), BLETSE Chair
Robert Moore, Central Washington University and BCTSE Member

INTRODUCTION

The Chair called the meeting to order at 10:01 AM without a quorum present. Self-introductions followed.

Agenda items were taken out of order due to no quorum.

COMMISSIONER WELCOME

Michael D. Parsons, Executive Director

The Director introduced the Kitsap County Chief of Corrections Ned Newlin and read his biography.

Commissioner Newlin was appointed to the Commission on February 6, 2009, to fill the “employee of county correctional system” vacancy.

BOARD ON CORRECTIONS TRAINING, STANDARDS, & EDUCATION (BCTSE)

Robert Moore, Board Vice Chair

A gap analysis is currently being conducted to look at the curriculum that has been developed and assessing the work that is being engaged in by various employees from different arenas. The Board will help ensure the training that goes on is consistent with the job.

The Board has also discussed the use of force at the various juvenile detention facilities. The training at the WSCJTC may or may not be appropriate, so the Board is determining whether or not changes need to be made.

The job task analysis has been completed for all corrections academies with input from other disciplines.

The Board has explored the concept of Problem Based Learning.

The Board welcomed new member Margaret Gilbert, Associate Superintendent of the Washington Corrections Center for Women.

The Board is currently being reviewed by the Governor and may be eliminated in 2010.

BOARD ON LAW ENFORCEMENT TRAINING, STANDARDS, & EDUCATION (BLETSE)

Sheriff Mike Harum, Board Chair

The Board’s leadership has changed. Sheriff Michael Brasfield will be retiring soon; therefore, Chelan County Sheriff Mike Harum was elected as Chair and WSU Professor Mike Gaffney was elected as Vice Chair.

The Board continues to work on the following:

- The Equivalency Academy and how it will be configured. Suggestions will be presented to the Commission at a later date.
- Professor Gaffney’s progress on the longitudinal study.

- The Governor's proposal to eliminate the Board. The Chair has made some calls to express his concerns with eliminating the Board, and he feels the issue has been somewhat resolved. He will make follow-up phone calls.

The Chair stated the cost of the Boards is minimal as they are essentially volunteers who create a work product that is extremely valuable to the WSCJTC and state.

Sheriff Harum stated he doesn't believe people know the purpose and responsibilities of the Boards and Commission; therefore, he will work on educating people.

Commissioner Kirkpatrick joined the meeting at 10:10 AM; however, her attendance did not establish a quorum.

EXECUTIVE DIRECTOR'S REPORT

Michael D. Parsons, Executive Director

TaraShea Nesbit

TaraShea Nesbit currently works as the Instructional Designer and Project Manager within the Organizational Development and Standards Division.

She moved to Seattle with her family in 2007 after receiving her Master's degree at Washington University in St. Louis. Her background is in education, and she has designed, developed, and taught undergraduate courses and Problem Based Learning courses for face-to-face, online, and blended-learning settings. She has also facilitated courses for instructors preparing to teach for the first time.

In her spare time she enjoys reading, riding bikes, and exploring the natural surroundings of the Pacific Northwest with her boyfriend and their large Saint Bernard.

Her recent projects at the WSCJTC include working with teams to develop online learning classrooms and face-to-face courses, including Instructor Development and Problem Based Learning curricula. She is proud to be a part of the WSCJTC's mission to provide innovative training for law enforcement, corrections, and other public safety professionals in the state of Washington.

Al Isaac

Al began his involvement with adult training and education and criminal justice while pursuing a 30-year career in the U.S. Army. Al's Army career spanned combat commands and key command and staff positions in Army-wide training and leadership development. An Infantry platoon leader and commander of two companies; a battalion, brigade, and Post Garrison; he was also a classroom and field instructor; co-author of a textbook; and section supervisor of an instructor group. He was team chief of the Professional Development of Officers Study and Director of the Army's Training and Training Technology Study. Thereafter, he was Director of Army-wide Individual Training covering entry level and follow-up professional development training and supervised the development of the Army Civilian Leadership Training Program.

As a Brigade Commander, he had executive responsibility for a 24-bed Army confinement facility. As Garrison Commander (city manager) of Fort Lewis, he had executive responsibility for law enforcement operations and a 144-bed Joint Service confinement facility. After departing the Army and before joining the WSCJTC, Al was

administrator of a 160-bed county juvenile detention center. He served on the BCTSE and was a member of the Board's Curriculum Review Task Group.

While at the WSCJTC, Al served initially as manager of the Corrections Division. He now serves as manager of the Professional Development Division providing post-academy refresher and advanced skill development training and education to criminal justice personnel statewide. Al graduated from the University of Oregon; the U.S. Army Infantry, Ranger, and Airborne Schools; the U.S. Army Command and General Staff College; and U.S. Army War College. He earned a Master's Degree in Public Administration from Shippensburg University.

Al's professional passion is planning, programming, and coordinating the best advanced criminal justice training and education for the WSCJTC's stakeholders. Personal passions are family, golf, hiking, and skiing.

Mr. Isaac added that it is a great place to work and a tremendous team to be on.

Possible Agency Reorganization/Consolidation

The Management Team will be looking at consolidating and reorganizing within the WSCJTC; however, no decisions will be made until after the budget is released.

Budget

The Senate's budget will be released around March 23. When the Governor submitted her budget, the state's deficit was approximately \$5 billion; however, it is now closer to \$8 billion.

A hearing was held before Representative Darneille of the Ways and Means Committee. She inquired as to why the state pays for criminal justice training. Don Pierce, WASPC Executive Director, provided his historical perspective as to why this path of training had been taken and why it has continued. She then asked why chiefs and sheriffs send people to the academy for training who they know will fail. The Director replied that he was not aware that chiefs and sheriffs were sending people to the academy who they knew would fail. Her concern was that people of the state are paying for people to go through the academy who should not be here. Her suggestions were that either the recruit who fails should reimburse the state for the money or chiefs and sheriffs should reimburse the money to the state. The Director has not heard anything further from Representative Darneille.

In the newspaper, Representative Darneille discussed giving every state agency that's under her particular responsibility a 20 to 25 percent cut.

A bill was passed that reinstated some of the Governor's cuts early on regarding the limitation of purchases: no purchases over \$5,000, no out of state travel for training or other purposes, a hiring freeze, and a limitation on contracts.

To date, the WSCJTC has received a \$19,000 budget cut. This is only the first of several anticipated cuts.

The Governor asked each agency to provide five items that could be cut within our or other agency's budgets. The WSCJTC suggested the following cuts:

1. Eliminate the accreditation processes through CALEA and ACA, which would save the agency approximately \$12,000 per year.
2. The agency currently receives approximately \$300,000 for Critical Incident Training that the state has asked the WSCJTC to provide. There is more than enough money to provide the training; therefore, it was suggested to cut the funding by 50 percent.
3. The WSCJTC currently receives \$200,000 per biennium for meth funding; and has received that amount for the last eight years. Approximately two-thirds of the money goes to buy equipment for small agencies. Since this has been going on for so long most agencies have the equipment they need; therefore, two-thirds of this funding could be cut.
4. It was suggested to cut the pass-through funding for the Small Agency Crime Task Force.
5. The final suggestion was a suggestion from the agency's Facility Manager on how to deal with the LEEDs program. The state, by virtue of the LEEDs program, spends tens of millions of dollars a year adding on to structures being built.

The Governor will then discuss the suggestions with her Large Agency Cabinet members, and the suggestions will be sent to the Legislature.

Basic Law Enforcement Academy

The number of students being sent to the Basic Law Enforcement Academy has slowed down significantly and currently there is no waiting list. One class was recently cancelled, so another class could be filled. The same concerns are being addressed regarding the upcoming class in Spokane. The numbers are reflecting that employees are not leaving and when they do agencies are not able to fill the vacancies.

Problem Based Learning

The agency is going forward with Problem Based Learning. A few speed bumps have been experienced, but no major hurdles. One of the concerns was that there were both traditional and PBL classes going on at the same time, which causes perception issues. All classes are now PBL. There are rumors that PBL is not going to do what it was designed to do and somehow the graduates are going to come out and not be able to perform the duties of a law enforcement officer.

A Field Training Officer (FTO) meeting was recently held on campus and the Director challenged them to fix the belief that recruits should forget everything they learned at the academy so the FTOs could teach them what they really needed to know. He told the attendees that if the BLEA is teaching something they shouldn't be, to inform the staff because nothing can be done if the academy staff is not aware.

There will be growth issues during the transition from traditional style learning to the PBL style. The WSCJTC is committed to PBL, it is a solid program, and graduates of the PBL style will be better officers than what agencies have received in the past. Professor Gaffney will be conducting the study to compare the traditional academy with the PBL academy and determine the differences in the product.

Learning Management System

The WSCJTC is about a third of the way into the project and continuing to move forward with the Learning Management System (LMS). It will consolidate the agency's databases, allow agencies to retrieve their own records, and students will not have to

submit Public Disclosure Requests as they will be able to obtain their training record by accessing the LMS. There will be benefits to both the WSCJTC and their customers.

Physical Ability Test

At the December Commission Meeting there was an ongoing dialogue concerning the PAT. Assistant Attorney General Jean Meyn provided the Director and Commissioners with the information they requested at the December meeting. The Director suggested that the Commission make a decision on how to address the issue. In addition, the Director suggested that a study be done to establish a basis for a job related PAT. It is only logical that when an individual comes to the WSCJTC, the training that we are doing with that individual is preparing them for a job; therefore, the PAT should have some relationship with the job they are being hired to do. It should also relate to the training they will be doing, which is our concern so they do need to be physically fit.

The study should begin in July 2009 on the corrections side, which would establish what the PAT should consist of that relates to the job, training, and not be disparate in terms of women or other minorities. It seems that this would be the only way that would be defensible at some point in time.

The Chair stated it is important that students meet the requirements so they are not injured during the training process and be able to tie the PAT to job performance. This study will hopefully resolve the issues that have been discussed previously.

The Director stated it will take some time to develop the survey as there are a lot of pieces to put together.

We do not want a test that is difficult for chiefs and sheriffs to administer in their local area or one that requires a special machine where applicants will have to travel 50 or 100 miles to test. To keep the integrity and look at what a peace officer or corrections officer does, it will require balance to put the study together. A preliminary report will be provided in June.

Commissioner Small asked, until the study, what is the fix.

The Director stated we will continue with the PAT we have always done.

PAT FOR JUVENILE CORRECTIONS OFFICER ACADEMY

Michael Merringer, President, WA Association of Juvenile Court Administrators

At the December Commission Meeting a request was made to temporarily reduce the number of pushups from 15 to 10.

Mr. Merringer asked the Commissioners to reconsider their decision of December 10 to not adjust the PAT for juvenile corrections officers.

The issue is not that female detention officers can't pass the PAT, because they can. The issue is that the PAT seems to be the overriding element that they must make their hiring decisions on. Applicants who may have an excellent skill base will not be considered since they can't pass the PAT.

It is unknown why the females are unable to pass the pushup portion of the PAT. The current situation is that the WSCJTC is impacting their ability to hire the best applicants. Every female detention officer that Mr. Merringer sends to the WSCJTC is right on the line as far as being able to pass the PAT, which is after they have already passed the local PAT.

He is not sure why 15 pushups are important; however, he understands that standards are standards. However, the temporary request is to reduce the number of pushups from 15 to 10 until the job task analysis can be completed.

Commissioner Stonecipher asked how the reduction will improve the number of successful candidates. What percentage of the applicants who failed at 15 pushups would be able to pass doing 10 pushups?

Mr. Merringer was not able to provide the numbers and indicated 10 was an arbitrary amount.

Island County currently invites everyone who is interested to participate in the local PAT once they pass they are then interviewed. The PAT seems to be the predominant fact of how they make their hiring decisions.

The Director stated a test is designed for some people to pass and some people to fail. In a recent administration of the PAT three women failed the run and sit-ups; however, they passed the pushups. Based on that, there is no reason to change the standards.

Ms. Hubbard stated that many women, who do not pass the PAT, fail as a result of the pushups. There are some, but it is not an overwhelming number.

On the WSCJTC website there is a 16-week program of how to prepare for the PAT.

Commissioner Small asked Mr. Merringer how much notice candidates are given before they are to perform the PAT.

Mr. Merringer said in law enforcement, from a very young age, people want to be police officers; therefore, they are motivated to do whatever they need to do to do that. He doesn't know if people have a dream of being a detention officer. They may have incredible skills, but not sure if they have the internal motivation.

He has seen some incredible core strength in some of the females; however, he does not see a lot of upper body strength without them having to train in that regard.

Commissioner Johnston stated that he is not opposed to the request since the Commission has made exceptions for the Department of Corrections. He is sympathetic to the situation.

The Chair stated due to not having a quorum, no action can be taken on this issue.

Commissioner Elfo stated more information will be available in regard to the PAT.

Commissioner Johnston asked Mr. Merringer if waiting would affect their hiring ability. If so, he suggested the Commission hold a Special Meeting to discuss this topic.

Commissioner Small asked Mr. Merringer how many people they need to hire.

Mr. Merringer stated Island County currently only needs on-call employees, which does not require them to come to the academy. Statewide, he is unsure. He stated the issue is not who is out there waiting, it is the question of whether or not they can change their hiring practices.

Commissioner Small asked if they are that short of staff that they have to pay overtime, etc.

Mr. Merringer didn't have that information, but could provide it if needed. He stated there currently is not an urgency, but wanted to provide the Commissioners with background information in reference to the current problem.

Commissioner Stonecipher stated she works out all the time and would find it difficult to do 15 pushups. She agrees with Commissioner Johnston to temporarily reduce the number of pushups.

Commissioner Newlin expressed a concern that if the request is granted then the Commission may have every jail manager, sheriff, or police chief asking for a reduction. He doesn't want the Commission to have to deal with this issue at every meeting.

Commissioner Johnston said this is already happening because of the waiver that was granted for the Department of Corrections, which he was not in favor of.

Commissioner Elfo suggested tabling the discussion until the June meeting.

Commander Caldwell stated it is possible that the number of pushups increases as a result of the study. He stated that most are assuming the number of pushups required will go down. What happens if it goes up at the end of the study?

Commissioner Stonecipher added that if the PAT is a one-time requirement, the test is meaningless and it shouldn't matter how many pushups a person can do.

Mr. Merringer understands the PAT is required for the defensive tactics portion of the academy. He asked if a study has ever been done to determine if they can do 15 pushups, they will be able to go through the class without being hurt.

More discussion followed regarding the standards and the ideas of why they exist.

Mr. Blair stated the PAT was introduced to corrections in the 1990s. The PAT was based somewhat on job related requirements because at that time they were developing the defensive tactics for corrections which was based upon the requirements for corrections officers. The PAT was developed as a measurement of upper body strength and endurance to be able to complete the academy without getting injured. The PAT is related to the training, because the training is job related.

Commissioner Stonecipher stated that if the study determines the standard is to complete 20 pushups to be able to do the job and then a person does not pass the defensive tactics training but was able to complete the 20 pushups, then the syllabus is

wrong. We first need to determine the level of physical agility needed to be a law enforcement officer, and then build the curriculum accordingly.

Mr. Bovenkamp stated the Department of Corrections received a waiver to reduce the number of pushups from 15 to 10 and were able to increase their hiring, and then they went to no PAT and did not see any increase in injury. However, the level of physical fitness of the DOC personnel is not as high as it has been in the past; however, they were able to hire those with the skills needed.

Mr. Merringer stated they do not want to mitigate the quality of employees they hire in their detention facilities, because they ultimately hold the liability. They do not want to downgrade their quality of applicants, but to make a stronger emphasis on other skills.

The Chair asked if there is a desire to hold a Special Meeting for this topic.

Commissioner Johnston asked Mr. Merringer to inform the Director or the Chair if a hiring crisis occurs, so the Commission can address the issue.

Mr. Merringer asked if the Commission was confident the study would be done within six months.

Mr. Elliott stated the state currently has a freeze on personal service contracts through the end of June, which may be extended. This would affect the study if the Commission wants to hire someone outside the agency to do the study.

Commissioner Kirkpatrick stated her understanding was that Mr. Bragg would do the study.

The Director stated Mr. Bragg will do a majority of the study; however, there is an individual from Canada the agency may contract with.

STAFF REPORTS

Legislative Update

Larry Erickson, Deputy Director

The Legislature is currently still in session. The WSCJTC has two bills. The first bill addresses the certification hearing process, and would allow peace officers from the Department of Fish & Wildlife, university campuses, and ports to serve as panel member. The bill passed the Senate 97 to 0, and is on to the House. The second bill addresses the standards for psychological testing. The bill passed the House and is up for action in the Senate.

On the 10th of every month a report is distributed on how much money the state collects. Last month the state collected \$97 million less than anticipated, and the last was only \$40 million less.

The state currently has a \$9.2 billion deficit. The next forecast comes out March 19, which will report a larger deficit. The state has never had a deficit like this; therefore, substantial cuts will be made. The state will have to cut approximately 25 percent of its budget, which will be spread out among the agencies.

It was projected that the BLEA would hold 30 classes during 2009-2010 and 29 classes during 2010-2011, which is far more than what has been done in the past. Deputy Director Erickson and Deputy Director Mealy reported that 30 classes are not necessary. If 10 classes were cut, it would save the WSCJTC approximately \$2 million.

In regard to Representative Darneille, she is strongly looking at the cities and counties picking up either full or partial cost of training. A proposal may be made for the state to stop paying the full cost or share the cost with cities and counties.

The House and Senate budgets will be released soon.

The agency had a few capital projects in the budget, such as the dormitory which was thought to be supported and moving along. It has been suggested to merge the WSCJTC and the Washington State Patrol; therefore, moving the WSCJTC to the WSP academy campus. It was then suggested to send the training to community colleges, etc.; therefore, Senator Brandland has asked for a study to look at this issue. The study will cost the state approximately \$88,000 to \$100,000. In addition, this would be an outside contract, and there is currently a freeze on outside contracts; therefore, the study would have to be approved by the Office of Financial Management, the House, and the Senate.

He stated the Commission was under review this past October and were considering putting all training under the WSP. It is very important for Commission members to regularly attend the Commission meetings so action can be taken. He stated if a Commissioner is not interested in being on the Commission, they should remove themselves.

Commissioner Kirkpatrick asked if the makeup of the panel could be changed.

Deputy Director Erickson stated it can be changed, but would have to be done through a bill to change the language of the RCW.

Commissioner Kirkpatrick is interested in restructuring the makeup of the Commission membership to those who have a vested interest and will be committed to attending the meetings.

The Chair stated there are only four meetings per year and the members of the Commission have very busy schedules, but the meetings should be the first meetings of the year to be placed on the calendar.

He stated that Ms. Hirsch is very good at contacting all of the Commissioners before each meeting to determine whether a quorum will be established. There was supposed to be a quorum at today's meeting.

Ms. Hirsch stressed that it is very important for Commissioners who have confirmed their attendance to notify her if they can no longer attend. This will give her time to find a member who can at least call in to constitute a quorum to vote on action items.

Commissioner Elfo stated the ex officio are members not by choice, and are appointed by statute. If a Chief, Sheriff, or other member on the Commission is not regularly

attending, they can be replaced; however, this cannot be done with those in the ex officio appointments.

Commissioner Kirkpatrick stated it is not a personality issue, but why attend if they do not have a vested interest and it has no impact on them or their agency.

The Director suggested the Commission create a subcommittee to discuss restructuring the membership.

The Chair will have the Director send an email to the Commissioners to determine those who are interested in being on the subcommittee.

Hearing Panel Member

Doug Blair, Certification Manager

No quorum, so no action could be taken.

OLD BUSINESS/NEW BUSINESS

Debbie Mealy, Deputy Director

Deputy Director Mealy made a report on behalf of Cheryl Price, Accreditation/Public Disclosure Coordinator, in relation to WAC Rule changes.

The WAC in regard to firearm instructors will be updated to include Bail Bond Recovery Agents, and a presentation will be made to the Commission in June.

In addition, the WACs relating to public disclosure that were introduced to the Commission in September will be up for final action in June.

The CALEA onsite assessment is scheduled for April 13-16. The call-in session will be held from 9 to 11 AM on April 15. The phone number to call is 206/835-7334.

APPROVAL OF MEETING MINUTES

No quorum, so no action could be taken.

BOARD VACANCIES/APPOINTMENTS

No quorum, so no action could be taken.

TRAINING EXTENSION/VARIANCE REQUEST

No quorum, so no action could be taken.

The meeting was adjourned at 11:32 AM.

Next Meeting: June 10, 2009, at 10 AM

Written by:

Sonja Hirsch, Executive Assistant

Date

Reviewed by:

Michael D. Parsons, Executive Director

Date

Approved by:

Sheriff Craig Thayer, Commission Chair

Date