



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

COMMISSION MEETING

Wednesday, September 9, 2009
10 AM

COMMISSION MEMBERS PRESENT:

Anne Kirkpatrick, Chief, Spokane Police Department
Bill Boyce, Citizen at Large
Craig Thayer (Chair), Sheriff, Stevens County Sheriff's Office
Jeff Myers, Chief, Hoquiam Police Department
John Batiste, Chief, Washington State Patrol
Laura Laughlin, Special Agent in Charge, Federal Bureau of Investigation (Seattle)
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
Thomas Metzger, Prosecuting Attorney, Pend Oreille County
William Elfo, Sheriff, Whatcom County Sheriff's Office

WSCJTC STAFF PRESENT:

Al Isaac, Manager, Special Projects
Al Ervin, TAC Officer, Corrections Division
Brandon Rogel, Program Manager, Corrections Division
Brian Elliott, Manager, Financial Services
Debbie Mealy, Deputy Director
Doug Blair, Certification Manager
Greg Baxter, Manager, Human Resources
Jean E. Meyn, Assistant Attorney General, Attorney General's Office
John Ledeman, TAC Officer, Corrections Division
Lee Brandt, North Central Regional Training Manager, DTS Division
Marylou LaLonde, Financial Analyst 5, Financial Services
Michael D. Parsons, Executive Director
Rachelle Parslow, Registrar Supervisor, DTS Division
Rex Caldwell, Commander, BLEA
Sacheie Coaxum, Registrar, DTS Division
Sonja Hirsch, Executive Assistant
Steve Lettic, Manager, DTS Division
Sue Hubbard, Program Manager, Corrections Division
Wesley Anderson, Manager, Facilities Division

GUESTS PRESENT:

Bill Overby, Skagit Valley College
Garry Tollefson, Skagit Valley College
Kevin Bovenkamp, Organizational Development Director, DOC
Mike Gaffney, Professor (WSU), BLETSE Chair
Shelley Williams, Attorney General's Office

INTRODUCTION

The Chair called the meeting to order at 10:02 AM with a quorum present. Self-introductions followed.

COMMISSIONER WELCOME

Michael D. Parsons, Executive Director

The Director introduced Hoquiam Police Chief Jeff Myers.

Commissioner Myers was appointed to the Commission on July 16, 2009, to fill the "incumbent police chief" vacancy.

The Director received a copy of a letter Commissioner Eldon Vail sent to Kim Tanaka in the Governor's office, which stated he was resigning from his position as a Commission member due to workload issues and the recent legislative changes removing corrections officers from the Commission's jurisdiction. In addition, Secretary Vail suggested the position be filled by Kevin Bovenkamp who is currently the training director for the Department of Corrections.

A copy of Secretary Vail's letter was provided to the Commissioners.

APPROVAL OF MEETING MINUTES

Commissioner Johnston made a motion to approve the meeting minutes of June 10, 2009. Commissioner Batiste seconded the motion. The motion carried unanimously.

Commissioner Johnston made a motion to approve the meeting minutes of August 12, 2009. Commissioner Myers seconded the motion. The motion carried unanimously.

ADMINISTRATIVE EXEMPTION

Doug Blair, Certification Manager

Chief John Calkins, Pacific Police Department

Chief Calkins is a LEOFF I retiree; therefore, if he were certified as a Washington State Peace Officer it would have jeopardized his retirement. The City Mayor recently suggested the Chief be commissioned; however, the only way for the Chief to be commissioned is through an administrative exemption.

Mr. Blair briefly went over the Chief's credentials and stated that he meets all of the criteria; therefore, the staff's recommendation is to approve the administrative exemption.

Commissioner Newlin made a motion to approve the administrative exemption for Pacific Police Chief John Calkins. Commissioner Johnston seconded the motion. The motion carried unanimously.

Commissioner Kirkpatrick joined the meeting at 10:13 AM.

Director Marlin Fryberg, Tulalip Tribal Police Department

Mr. Fryberg's position is unique as it is similar to a mayor or public official who the chief of police works for. His title is Director of Public Safety, and he was appointed by the tribal council.

He is requesting an administrative exemption because the Commission has approved other directors of public safety and, therefore, he would like to be approved for an administrative exemption in the event he should have to take enforcement action under an exigent circumstance.

His background, under normal circumstances, would not allow him to be certified or attend the Basic Law Enforcement Equivalency Academy.

The Commission has certified chiefs and directors of public safety who have served in a chief's position. The Tulalip Tribal Police Department has a chief who serves under Mr. Fryberg; however, the chief has the hierarchy.

Commissioner Elfo asked if the Commission has ever approved an administrative exemption for a person who has never attended a basic law enforcement academy.

Mr. Blair confirmed that there are sheriffs and police chiefs who have been granted an administrative exemption without going through a basic academy.

Commissioner Small stated that with a chief and other law enforcement personnel under him, he does not see a reason to grant the exemption for Mr. Fryberg.

Mr. Blair stated that Mr. Fryberg is an administrator who oversees the law enforcement personnel; therefore, the exemption would allow him to invoke the authority for required supervision, agency management, or manpower replacement.

Mr. Fryberg was a police officer from 1997 to 2002. He did not attend the Bureau of Indian Affairs Academy; therefore, he is not eligible to attend the Basic Law Enforcement Equivalency Academy.

Mr. Blair suggested the WSCJTC do away with the WAC regarding administrative exemptions and stated that technically there should only be two choices (1.) A person could be a director of public safety and administer a police agency without wearing a gun and badge and enforcing the law or (2.) A person could be a certified peace officer in the position of chief of police or director of public safety and meet the requirements of certification.

It is essentially, instead of being an exemption from the training, it is an exemption from certification.

Commissioner Small made a motion to deny the administrative exemption for Director Marlin Fryberg of the Tulalip Tribal Police Department. Commissioner Johnston seconded the motion.

Commissioner Elfo stated he would feel more comfortable if Director Fryberg had gone to at least some type of basic law enforcement academy.

More discussion followed and it was suggested to postpone the discussion until more information could be obtained and all options are explored.

The motion was restated, and a vote was taken by a show of hands. **The motion failed by a vote of 4 to 5.**

Commissioner Myers made a motion to postpone the discussion for further information from Mr. Fryberg regarding his status, commission authority, and whether or not he fits the exemptions as outlined in RCW and WAC.

Commissioner Boyce seconded the motion. The motion carried by a vote of 8 to 2.

WAC RULE REVIEW

Sonja Hirsch, Rules Coordinator

WAC 139-05-825

Basic reserve law enforcement academy certificate of equivalency.

Reason for change:

This is a new WAC that will establish a process to grant a basic reserve law enforcement officer a certificate of equivalency for persons who have incurred a break in service as a Washington reserve law enforcement officer and desire to return to service as a reserve law enforcement officer.

Persons who have elected to serve as volunteer reserve law enforcement officers may have a break in service as a reserve law enforcement officer. If a reserve law enforcement officer incurs a break in service in excess of twelve consecutive months, the officer's recognition as a reserve law enforcement officer is considered to have lapsed. This WAC establishes a process of certain conditions that must be met for a person who has been a reserve law enforcement officer and incurred a break in service to have that person's status and recognition as a reserve law enforcement officer reinstated.

In regard to (3)(a) and (b), **Commissioner Elfo** asked if the reserve officer would have to successfully pass the psychological and polygraph test after the break in service.

Mr. Blair stated the officer would have to have a new psychological and polygraph test conducted if hired by a different law enforcement agency, but not if employed by the agency where they were last employed if the break in service was less than 24 months.

If the changes are approved, they will go into effect 31 days after filing.

Commissioner Johnston made a motion to approve the changes for filing. Commissioner Small seconded the motion. The motion carried unanimously.

Commissioner Laughlin joined the meeting at 10:44 AM.

Chapter 139-37 WAC

Certified firearms instructors – private security, private investigators, and bail bond recovery agents.

Reason for change:

The following amendments to Chapter 139-37 WAC are being proposed to include bail bond recovery agents and provide simple language updates. In addition, the title has been changed from Firearms certification – instructors – records to Certified firearms instructors – private security, private investigators, and bail bond recovery agents.

A meeting was held this morning and it was decided that (1)(b) would be removed, which states “Pays an administrative fee of twenty-five dollars; and”.

Commissioner Elfo asked why the fee is being removed.

Rachelle Parslow stated the WSCJTC does not have a processing fee in place as the students currently pay for training costs.

Mr. Blair stated that the cost to be certified as a firearms instructor is approximately \$650.

If the changes are approved, they will go into effect 31 days after filing.

Commissioner Kirkpatrick made a motion to approve the changes for filing. Commissioner Batiste seconded the motion. The motion carried unanimously.

**Chapter 139-07 WAC
Conditions of employment.**

Reason for change:

This new chapter is being proposed as the result of legislation passed in the form of HB 1324 and SB 5157 requiring the WSCJTC to set the standard for conducting pre-employment psychological examinations for peace officers and reserve law enforcement officers. Setting this standard in WAC will provide a minimum standard for psychological examinations. This standard does not currently exist in Washington State.

Those who will be affected are persons seeking employment as a fully commissioned peace officer or a fully commissioned reserve law enforcement officer as required under RCW 43.101.080(19); peace officers and reserve law enforcement officers hired after July 24, 2005; and peace officers whose certification has lapsed as a result of a break in service in excess of 24 consecutive months as a fully commissioned peace officer under RCW 43.101.125 as required by RCW 43.101.105(2).

This new language will go before the Commission in December. If approved, the new language would go into effect 31 days after filing.

Corrections WACs

Changes were made to WACs 139-10-210, 139-10-236, and 139-10-540 as a result of SSB 5987. The requirement to obtain basic corrections officer training through the WSCJTC does not apply to Department of Corrections (DOC) employees who work for the prisons division. The DOC is responsible for identifying training standards, designing training programs, and providing training for those employees. The Secretary of the DOC must consult with experts and corrections professionals and solicit input from labor organizations in designing its training requirements. The WSCJTC and the DOC share the responsibility of developing and defining training standards and providing training for

community corrections officers employed within the community corrections division of the DOC.

These changes were filed using the expedited rule making and went into effect on September 5, 2009.

STAFF REPORT

Hearing Panel Members

Doug Blair, Certification Manager

The WSCJTC staff recommended adding the following individual as a panel member for certification hearings:

- ◆ Anthony Hernandez, Sheriff, Jefferson County Sheriff's Office

Commissioner Batiste made a motion to appoint Sheriff Hernandez as a hearing panel member. Commissioner Johnston seconded the motion. The motion carried unanimously.

Equivalent Academies Update

Steve Lettic, DTS Division Manager

As a follow up to the discussion in June, Twisp Police Chief Rick Balam requested a waiver for Officer Ryan Marshall to attend the equivalency academy. Officer Marshall previously worked for five years as a park ranger for Washington State Parks and Recreation.

Officer Marshall graduated from Western Washington University with a Bachelor of Arts degree in 1997, and he attended the WSCJTC's Corrections Officers Academy in December 1998, the 200-hour Coast Guard Boarding Officer School in October 2002, and the 700-hour Washington State Parks Academy.

Commissioner Elfo expressed his concern for the possibility of others using academies such as this instead of attending the Basic Law Enforcement Academy (BLEA).

The Chair stated the original request was to consider the Washington State Parks Academy as an equivalent to the BLEA; this request is for a specific individual.

The Deputy Director stated that the chief, based on this person's education and training, feels he would be successful at completing the equivalency academy.

Commissioner Johnston made a motion to allow Twisp Police Officer Ryan Marshall to attend the Basic Law Enforcement Equivalency Academy. Commissioner Small seconded the motion. The motion carried unanimously.

Corrections TAC Introductions

Brandon Rogel, Corrections Division

The following officers joined the meeting briefly to be introduced:

Officer Al Ervin

Al has been employed as a corrections officer with the Renton City Jail since 1999 where he served as a field training officer (FTO) and a FTO coordinator. Prior to that, he served as a United States Marine and worked as a high school safety officer.

In addition, Al is one of two in the state that are certified as a jail officer through the American Jail Association.

Officer John Ledeman

John has been a corrections officer for King County Department of Adult and Juvenile Detention since 2005 where he served as an acting sergeant. In addition, he worked in the mental health unit for the past three years and as an FTO.

BLEA TAC Introductions

Commander Rex Caldwell, Basic Law Enforcement Academy

The following officers joined the meeting briefly to be introduced:

Corporal Monica Matthews

Monica has been employed by the Washington State Patrol for 11 years. She has been with the BLEA for approximately two and a half years and teaches traffic, BAC, and SFSTs. In addition, she is a FTO for the WSP. Prior to law enforcement, she served in the military.

Officer Raphael Park

Raphael has been employed by the Bellevue Police Department for six years and was a member of patrol, FTO, SWAT, and is a DT instructor. For the BLEA, he teaches criminal investigations.

EXECUTIVE DIRECTOR'S REPORT

Michael D. Parsons, Executive Director

Staff Introductions

The following staff members were introduced:

Marylou LaLonde is the Financial Analyst 5 and works in the Lacey Office. She is responsible for supervising two staff members, processing payroll and health benefits, etc.

She began her fiscal career as a fiscal tech at the Grand Forks Air Force Base in North Dakota and was promoted to sergeant prior to the normal recommended time of service. She received her bachelor's degree while on active duty. After six years, she was honorably discharged to allow her to take care of her family. She then became a bookkeeper with Crib Steel before she moved to Olympia in 1993. She then took a non permanent job as a job specialist with Employment Security where she assisted with bilingual and Spanish speaking clients. In 1995 she accepted a payroll tech job with the Attorney General's Office before coming to the WSCJTC in August 2000.

She earned an associate's degree in accounting in 1987 from the University of North Dakota, a finance degree from Community College of the Air Force in 1988, and her Bachelor's of Science degree in Management from Clark College in 1989. In addition,

she has taken Vietnamese, medical terminology, anatomy, and some studies in occupational therapy.

She is a native of California and has been married to her husband for 20 years. She has a son who is attending his junior year at the University of North Dakota.

She loves to travel, bicycle ride, watch Michigan football, and help in the community.

Sacheie Coaxum is a native Seattleite who has worked for the WSCJTC for four years. She is the post academy juvenile corrections registrar. Recently, her duties have been expanded to include the Instructor Certification Program (ICP) as well as Career Level Certification.

Prior to working for the WSCJTC, she enjoyed working in the medical field for five years and for five years in the accounting arena prior to that.

She enjoys reading, shopping, cooking; however, most of her personal time is spent running in circles with a husband, two children, and their family dog.

Physical Ability Test (PAT) for Corrections

Since the last Commission Meeting, staff members have met with several juvenile court administrators and some of the jail administrators. The Director would like to request that the Commission reduce the number of pushups from 14 to 10 for the Juvenile Corrections Officers Academy.

This reduction is being requested on the basis that it has been a lengthy debate, and the Director is unsure it has any merit or great consequences. In talking extensively with those affected, they very much want to be a part of the WSCJTC and appreciate the standards the WSCJTC sets; however, they have a sincere desire to be able to hire who they need to hire.

Commissioner Kirkpatrick made a motion for a permanent reduction to the number of pushups from 14 to 10. Commissioner Newlin seconded the motion. The motion carried with one opposed.

PAT Study for Corrections

The Commission had looked at the PAT and is considering conducting a study to validate the PAT primarily for the Corrections Officers Academy.

While Bob Bragg has the expertise to perform the study, he does not have the time to conduct the study in an efficient and effective manner. If, the WSCJTC were to hire someone to come in and do the study, it would cost over \$50,000.

It is not an issue at this point in time. In addition, the Director does not see the WSCJTC dedicating the resources that it does not have for something that is not an issue.

WSCJTC Study

The Legislature mandated a study to look at how the WSCJTC does training. The study group is looking at comparing Washington State with ten other states (Arizona, California, Florida, Illinois, Massachusetts, Minnesota, Nevada, Oregon, Pennsylvania,

and Wisconsin) in terms of the way they conduct training as well as what it costs to do training in each of those states.

Like us, Oregon has one central academy where everyone goes through. Other states do it in a variety of combinations to include community colleges, four-year colleges, and some agencies do their own training.

A study was sent out to members of the study group, which was then sent out to some chiefs and sheriffs. The study asks chiefs and sheriffs their thoughts on conducting training at community colleges, the training academy moving to Shelton, and much more.

All of the information will be compiled into a draft study by the end of September. The group conducting the study is the Police Executive Research Forum (PERF) out of Washington, D.C. who was paid approximately \$100,000 to conduct the study. The study will consist of information obtained during a visit to the WSCJTC, a visit to the WSP Academy, the results of the survey, the information from the other ten states, and the fiscal information provided by the WSCJTC. The study group will then have an opportunity to look at the draft and make comments.

The study group is scheduled to tour the Oregon Academy on September 28. If Washington State was to build a similar academy, it would cost several million dollars.

Per ESHB 1216, the Office of Financial Management (OFM) shall allot funds for the dormitory construction at the WSCJTC only after the recommendation of the steering committee participating in the analysis in section 1057 of this act has been provided to the legislative fiscal committees and submitted to the OFM for review.

Section 1057 states that the OFM shall contract with the PERF to conduct an analysis of options for delivering basic law enforcement training to local law enforcement agencies and the WSP. The OFM shall establish a steering committee to advise the OFM and direct the work of the contractor. The steering committee shall include a representative of the Governor, a representative of the Washington Association of Sheriffs and Police Chiefs, a representative of the WSCJTC, a representative of the WSP, a member of the Senate, and a member of the House of Representatives.

The analysis shall include, but is not limited to:

1. Evaluation of the existing academy resources of the WSP and the WSCJTC, basic law enforcement academy, including the ability to meet demand for training, the potential for growth, and the condition of the facilities; and
2. Evaluation of the modes for delivering the training, including but not limited to: The use of community colleges for criminal law instruction; the use of distance learning at community and technical colleges; maintaining separate, geographically separate academies for the WSCJTC and the WSP; sharing facilities but maintaining separate curricula and instructors; and the consolidating instruction and facilities.

The OFM shall submit the final report to the Legislature by November 1, 2009.

Past Study

Doug Blair reported that a study was conducted in 1996, which included a multitude of items such as decertification for peace officers and the academy expansion from 440

hours to 720 hours. During the discussion phase it was unknown whether or not the money requested would be awarded; therefore, a multitude of options were looked at. It was also a time of turmoil for the Commission as it was just before the Director and Deputy Director's departure and there had been several sexual discrimination cases filed against the Commission. The Commission Meeting minutes of the September 12, 1996; December 5, 1996; and January 8, 1997 were provided to the Commissioners which accurately describe the discussions.

The Director stated that the Legislature in 1996 asked a study group through HB 2323 to look at the training of the WSCJTC. It was, at this time, when the idea of a PAT was discussed.

The Director went through each of the Commission meeting minutes mentioned above in greater detail.

The Director is still unable to determine which study went to the Legislature in 1997 as the WSCJTC only has a draft.

Agency Overview

The Agency Overview was prepared and provided to the Steering Committee to help them understand the complexity of the WSCJTC.

The Director added that the construction of the dormitory is contingent on the outcome of the study.

Proposal to Accelerate Director's Vacation Accrual Rate

The Director asked Greg Baxter to explain the Director's Request.

Mr. Baxter reported that Washington state employees accrue vacation each month based on their years of service (8 hours for 1st year to 14.67 hours for 16th year).

Agencies can grant Merit System Exempt employees accelerated vacation accrual, not to exceed the maximum rate of 14.67 hours per month. The Director is currently accruing 12.67 hours per month and would receive 14.67 hours per month in April 2012.

Any annual leave in excess of 240 hours will be lost each year on his anniversary date of April 7.

Mr. Baxter proposed that the Director's annual accrual be accelerated by two extra hours per month, from 12.67 to 14.67 hours per month. If approved, it would be effective October 1.

Commissioner Small made a motion to accelerate the Director's accrual from 12.67 to 14.67 hours per month. Commissioner Kirkpatrick seconded the motion. The motion carried unanimously.

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

Professor Mike Gaffney, Board Vice Chair

Professor Gaffney stated that he has been on the Board since 2006. There was not a quorum during the July meeting; therefore, no action could be taken.

Many of the items discussed by the Commission have been brought before the BLETSE. Two topics that are actively being discussed by the Board is a blended model of the equivalency academy process and the continued transition to the Problem Based Learning model.

WSU Professor Gaffney is responsible for the longitudinal study of the Basic Law Enforcement Academy. The study is ongoing, and he discussed the premature results.

The Board is also continuing their discussions regarding reserve officers and utilization at the agency level.

OLD BUSINESS/NEW BUSINESS

Agency Request Legislation

Doug Blair, Certification Manager

The WSCJTC will introduce a bill to require an applicant for the position of fully-commissioned law enforcement officer or reserve law enforcement to complete the polygraph test or similar assessment. The law as it is currently written requires the WSCJTC to ensure the applicant “successfully passes” the test. The WSCJTC does not see the applicant or the test results prior to the applicant being employed as this is done by the employing agency. There is no definition for the requirement to “successfully pass” a polygraph test or a psychological examination. The change would direct the WSCJTC to require the employer to administer a background investigation including a polygraph test to an applicant and require the employer to use the results of these tests and others to determine the applicant’s suitability for the position of fully-commissioned law enforcement officer or reserve law enforcement officer. It also authorizes the WSCJTC to set the standards in WAC under which the tests shall be administered, similar to the legislation passed addressing standards for psychological testing in the 2009-2010 legislation.

This issue will be addressed at the WASPC Legislative Committee Meeting on September 17, 2009.

Farewell

Sue Hubbard, Corrections Division Manager

Sue announced that she would be retiring in a few weeks and enjoyed working at the WSCJTC.

The Chair thanked everyone for their attendance.

The meeting was adjourned at 11:50 AM.

Next Meeting: December 9, 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