



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

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**COMMISSION MEETING**

Wednesday, September 10, 2008  
10 AM

**COMMISSION MEMBERS PRESENT:**

Anne Kirkpatrick, Chief, Spokane Police Department  
Brenda Stonecipher, Council Member, City of Everett  
Craig Thayer (Vice Chair), Sheriff, Stevens County Sheriff's Office  
Eldon Vail, Secretary, Department of Corrections  
John Batiste, Chief, Washington State Patrol  
Mike Johnston, Sergeant, Bellingham Police Department  
Shon Small, Detective, Benton County Sheriff's Office  
Steve Thompson, Director, Snohomish County Corrections  
Thomas Metzger (Chair), Prosecuting Attorney, Pend Oreille County  
William Elfo, Sheriff, Whatcom County Sheriff's Office

**WSCJTC STAFF PRESENT:**

Al Isaac, Manager, Professional Development Division  
Brian Elliott, Manager, Financial Division  
Cheryl Price, Accreditation/Public Disclosure Coordinator  
Debbie Mealy, Commander, Basic Law Enforcement Academy  
Doug Blair, Deputy Director of Operations and Certification Manager  
Greg Baxter, Manager, Human Resources  
Jean E. Meyn, Assistant Attorney General, Attorney General's Office  
Larry Erickson, Deputy Director  
Leo Poort, Decertification Administrator  
Michael D. Parsons, Executive Director  
Sonja Hirsch, Confidential Secretary  
Steve Lettic, Manager, Organizational Development and Standards Division  
Sue Hubbard, Manager, Corrections Division  
Wesley Anderson, Manager, Facilities Division

**GUESTS PRESENT:**

Dan Pacholke, Department of Corrections  
Victoria MacKenzie, Clark County Sheriff's Office, BCTSE Chair

## **INTRODUCTION**

The Chair called the meeting to order at 10:03 AM with a quorum present. Self-introductions followed.

## **APPROVAL OF MEETING MINUTES**

**Commissioner Batiste made a motion to approve the meeting minutes of March 12, 2008. Commissioner Kirkpatrick seconded the motion. The motion carried unanimously.**

**Commissioner Johnston made a motion to approve the meeting minutes of June 11, 2008. Commissioner Small seconded the motion. The motion carried unanimously.**

## **NEW COMMISSIONER WELCOME**

**Michael D. Parsons, Executive Director**

### ***Sheriff Bill Elfo, Whatcom County Sheriff's Office***

Sheriff Bill Elfo is a significant supporter of the Washington State Criminal Justice Training Commission (WSCJTC) and is the past president of the Washington Sheriff's Association.

Sheriff Elfo resigned from another board so he could be appointed to the Commission.

## **BOARD VACANCIES/APPOINTMENTS**

**Michael D. Parsons, Executive Director**

The following individuals have been nominated to serve on the Board on Corrections Training, Standards, and Education (BCTSE):

- ◆ Sergeant Joel Wright, Monroe Correctional Complex

**Commissioner Vail moved to appoint Sergeant Wright to the BCTSE. Commissioner Thompson seconded the motion. The motion carried unanimously.**

- ◆ Officer Brian Davies, King County Dept. of Adult and Juvenile Detention

**Commissioner Thompson moved to appoint Officer Davies to the BCTSE. Commissioner Batiste seconded the motion. The motion carried unanimously.**

The following individual has been nominated to serve on the Board on Law Enforcement Training, Standards, and Education (BLETSE):

- ◆ Chief Linda Pillo, Bellevue Police Department

**Commissioner Batiste moved to appoint Chief Pillo to the BLETSE. Commissioner Johnston seconded the motion. The motion carried unanimously.**

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

***Victoria MacKenzie, Board Chair***

All agencies are facing challenging times and have tightened their spending; therefore, the WSCJTC's proposal to expand the Corrections Officers Academy has been tabled.

Things the Board can assist the Commission with:

1. As part of the annual curriculum review, assess items that are taught and replace subject matter that is considered by stakeholders to be less relevant with subject matter of a higher priority.
2. The Board will review various agencies' in-service training to see what can be covered pre or post academy and use electronic media to a greater advantage. The Board will explore the option of putting some course material on CD/DVD for use at the students' agencies and accessing the stakeholders' in-house training to avoid replication of the academy.
3. The Board will look into the Equivalency Academy. Due to the structure of how the course material is presented, a straight two-week session at the second half of the COA is not practical. For employees who have less than a two-year break in service, the state statute regarding the equivalency academy does not apply. An unofficial poll of the agencies represented at the meeting revealed that there is no standard of whether the agency sends those employees to the equivalency academy.

Before the November meeting all agencies will take a poll and the Board will send the recommendations to the Commission.

The annual elections for chair and vice chair were held and there were no changes.

The Oregon Physical Abilities Test (ORPAT), a possible future replacement for the PAT, was discussed and demonstrated for the Board.

## **EXECUTIVE DIRECTOR'S REPORT**

***Michael D. Parsons, Executive Director***

### **Operating Budget**

The WSCJTC has submitted decision packages to the Office of Financial Management (OFM) and the Governor's Office for approval, which will hopefully be included in the Governor's budget.

At a time when state agencies are being asked to cut back, the WSCJTC has submitted more decision packages with fiscal notes than ever before, which is due to the OFM's forecast. Per the OFM's study, the WSCJTC will need to hold 30 Basic Law Enforcement Academy (BLEA) classes beginning July 2009 and 29 the following year. The WSCJTC was funded for nine classes, so a request was made for the additional 21 classes.

Many things are driven based on that particular assumption; therefore the WSCJTC has asked for the following:

1. Twenty-one (21) BLEA classes: \$8.5 million.
2. Fuel rate adjustment: \$20,000.

3. Utility rate adjustment: \$45,000.
4. Cost of living adjustment for corrections academy instructors: \$27,000.
5. Funding to allow the WSCJTC to offer more firearms courses: \$200,000.
6. Frangible ammunition and other supplies for the Range: \$611,000. The Range would like to switch to frangible ammunition and also needs a new bullet trap, new targeting system, and other repairs. Due to the war in Iraq, and other wars, it has been very difficult to get ammunition, and ammunition costs have increased. If the WSCJTC goes to frangible ammunition, the Range will be lead free.
7. The Washington Association of Sheriffs and Police Chiefs (WASPC) asked for \$54,000 for the National Incident Based Reporting system.
8. Two full-time employees are needed in the Information Technology Department: \$291,000. Based on a survey conducted by General Administration, other agencies with the equivalent number of computers and staff have anywhere from five to seven information technology employees. The WSCJTC has one and two additional staff members are needed.
9. Basic Law Enforcement Academy: \$1.6 million.
  - a. Cost of living/salary increase for BLEA instructors: The cities and counties have, because of contracts and negotiations, increased salaries several times and the WSCJTC has not been able to recoup those costs and has had to take it out of funding for classes.
  - b. EVOC: The costs associated with EVOC training (transportation, fuel, and salary increases) have increased, so \$100,000 needs to be recouped.
10. The WASPC is asking for a vendor rate increase of \$52,000, and the WSCJTC is asking for a vendor rate increase of \$87,000, which is primarily in the area of food service. The agency's food service vendor has received approximately a two percent increase each biennium for the last several years. Due to the radical cost of food increases over the last year, the cafeteria is losing money; therefore, a five percent increase has been requested for the first year and a six percent increase for the second year.
11. The WASPC has asked for a statewide intelligence system for \$4,694,000.
12. The prosecuting attorneys have asked for \$72,000.

**The Chair** stated the prosecuting attorneys have proposed rigorous trial advocacy classes for their experienced deputy prosecutors. Very experienced deputies would be brought in to work with deputy prosecutors that handle the big cases.

The prosecutors believe this would be a cost effective way to get the most skilled trial deputies to pass on some of their knowledge to those less experienced.

**Commissioner Stonecipher** asked the total percentage increase to the budget.

**The Director** confirmed it is a 39.9 percent increase.

**Commissioner Stonecipher** acknowledged she is not familiar with the state's budget process; however, she inquired about the dangers associated with asking for such a large increase.

**The Director** stated the WSCJTC does not traditionally ask for things that are not a need and the requests are based on the OFM forecast to hold an additional 21 BLEA classes.

**The Chair** reminded the Commission of the survey the WSCJTC conducted a few years ago which tabulated the anticipated number of recruits that would need to be trained in 2007, 2008, and 2009. The OFM did not honor the figures in the survey, so the WSCJTC paid the OFM \$60,000 to conduct their own study, which resulted in the assumptions for the budget with an increase in the number of classes needed.

**Commissioner Stonecipher** asked if the requests are prioritized.

**The Director** confirmed that the items are prioritized and pointed out that the bulk of the requests are the \$8.5 million for the BLEA classes and the WASPC's statewide intelligence system request of \$4,694,000. There is the danger of requesting the money and looking foolish; however, there is also the danger of not asking for the money when it is needed.

### **Capital Budget**

**Dormitory:** The pre-design and design work for the new dormitory has been completed; and the WSCJTC is requesting \$16,745,000 to build the dormitory. The new dormitory will help house the increasing number of students.

**Fire alarm system:** An upgrade to the fire alarm system is needed, which will cost \$395,000. The system is old and dysfunctional.

**Range:** The Range is currently 11 years old and endures over a million bullets each year; therefore, the WSCJTC is looking at two alternatives. If the WSCJTC gets the frangible ammunition, there will need to be a different type of bullet trap and target. If the WSCJTC continues to use the current ammunition, there would not be a need for the new bullet trap; however, the targeting system would still need to be replaced. Long term it makes more sense to invest the money now and switch to frangible ammunition. Frangible ammunition is safer, more secure, and much more environmentally friendly. The Range produces approximately 25,000 pounds of lead each year, which will only increase as time goes on.

Approximately \$10 million was requested for an expansion of the Range. The expansion would include 16 additional firing lanes for a total of 32 lanes. This would allow an entire class to train at one time.

**New Physical Training Building:** The WSCJTC has asked for \$100,000 to do a feasibility study in 2011 for a new physical training building. The new building would allow all mock scene and other physical activities to take place in a centralized location.

**Carpet replacement:** \$78,000 has been requested to replace the carpet in the Cascade Building. Due to wear and tear there is damage, which creates hazards.

**School mapping:** The WASPC has requested \$746,000 to continue their work in school mapping.

The Capital Budget requests total \$28,061,000, which is a separate funding stream than the requests being sought through the Operating Budget. Again, this is a reasonable request considering the anticipated number of classes.

### **Other Budget Items**

**Certification:** It was discovered that RCW language pertaining to the Peace Officer Certification hearing process excludes those employed by the Department of Fish and Wildlife, port agencies, and campus law enforcement agencies from participating on hearing panels. There are revisions to the language being proposed to include peace officers employed by law enforcement agencies other than city or county law enforcement agencies.

**Psychological examinations:** The WSCJTC is asking for the ability to establish the standards for psychological tests in law enforcement. Deputy Director Blair has had extensive conversations with an individual who represents the psychologists and there are a lot of inconsistencies involving the tests which could result in liability across the state. The WSCJTC would like to establish the standards for all. This issue will be discussed with the WASPC's Executive Board next week.

**Deputy Director Blair** expressed it is not the WSCJTC's desire to specify which test agencies should use; however, the WSCJTC will request the tests used must be for public safety employees. There is no standard that sets that, and the board of licensing for psychologists cannot set it. They came to the WSCJTC to see if we could have the authority to set the standard for psychological pre-employment testing. The International Association of Chiefs of Police (IACP) has those standards and has had them published for years. It would give us the authority to establish a similar standard in WAC. The change to the WAC would allow agencies to share psychological test results for up to six months.

**Commissioner Kirkpatrick** asked if the WSCJTC would be the oversight for the standards or if it would be done by the WASPC.

**Deputy Director Blair** stated that the standards would be set in WAC. He would like to have a standards committee formed to include individuals from the WASPC as well as psychological licensing folks; however, the standards will be set by the WSCJTC.

**Commissioner Elfo** asked if the standard would be only for pre-employment polygraphs or would it also include fitness for duty tests.

**Deputy Director Blair** stated that the state of California has a standard for both; however, at this time the WSCJTC is only concerned with the psychological tests required as a condition of employment and Peace Officer Certification.

**Commissioner Elfo** asked, in regard to the WASPC budget items, if the WSCJTC is a pass through.

**The Director** confirmed that was correct. He stated that the WASPC is unique as far as their status as an organization. The Legislature recognized that several years ago; therefore, they tried to find a funding mechanism and the WSCJTC has been the pass through in terms of funding.

**The Director** stated that preliminary discussions have already begun as to how the WSCJTC will run 30 BLEA classes. The Spokane Academy is not capable of running more than two academies annually.

One option would be to run the academy in two separate shifts, and the pros and cons of that scenario are currently being discussed. The main concern is using the Range in the evening as it is typically only used during the day and you can hear the noise from the shots being fired, and we want to be respectful of our neighbors. The WSCJTC has only had one complaint in 11 years. If recruits are in the Range shooting at 10 or 11 PM, there will be problems.

The second option would be to run the academy seven days a week as those in law enforcement are use to working weekends. The facility is not used on weekends; however, it would require the WSCJTC to hire additional TAC officers and all would most likely work 10-hour days.

There are logistical situations being evaluated as no more than six classes can run at a time.

### **Problem Based Learning**

Problem Based Learning (PBL) is on track, and the full transition will be in October 2008.

### **Strategic Plan**

The staff came up with 34 action items, which will be reviewed quarterly. A follow-up Strategic Planning Meeting will be held in April, which will again involve all staff.

### **Chief For a Day**

**The Director** asked Sonja to report on behalf of this year's Chief For a Day event.

**Ms. Hirsch** thanked all of the agencies who sponsored the children for this year's event and allowed their staff to participate in the motorcade and outside demonstrations.

This year's event honored fifteen children ranging from three to 11 years old. Their day started with them and their family being picked up at their home by their sponsoring agency; then their agency transported them to the motorcade staging area. The children then rode in a police motorcade with approximately 100 police vehicles and two limousines and were greeted by hundreds when they arrived at the WSCJTC. The children were then sworn in by Lt. Governor Brad Owen and Representative Christopher Hurst who was the primary sponsor of the Chief For a Day legislation. After being sworn in as chiefs and sheriffs they then had lunch followed by outside demonstrations made by canine teams, rifle teams, and much more.

The next event will be held in August 2010.

### **Oregon Physical Abilities Test (ORPAT)**

The ORPAT does some things the WSCJTC feels the PAT does not. The ORPAT is very job related such as going up and down steps, pushing and pulling, and more.

The reason to do the study is the WSCJTC believes it will balance the playing field in terms of men and women. The main difference is the swaying push/pull machine because men compensate by using upper body strength and women use lower body strength to do basically the same moves. The hope is that the study will show it is job related and it does not discriminate against women.

At 10:46 AM the Commissioners went to the gymnasium for a 15-minute demonstration of the ORPAT.

**Greg Baxter** reported that as of September 9, 2008, at approximately 4 PM, approximately 75 corrections students had been tested using the ORPAT with 71 test results. The average time for completing the ORPAT is 5.6 minutes. The remarkable demonstration by two BLEA recruit, of the ORPAT, resulted in one of the recruits completing it in less than four minutes.

Average time: 5.6 minutes  
Average male time: 5.5 minutes  
Average female time: 6.5 minutes

It does not appear that body type or age influence the test; it appears to be isolated to fitness such as the ability to run. The first report will be done after 150 students have been tested.

The push/pull machine is the same weight for men and women regardless of body type.

It was pointed out that the Oregon State statistics are for law enforcement personnel, not corrections. There is no current standard for those of the corrections profession.

Mr. Baxter distributed and discussed with the Commissioners the statistical data of the 71 students tested. A final report will be distributed in January or February 2009. If you have questions about the research project, contact Greg Baxter.

**Mr. Baxter** added that for those corrections students tested on the ORPAT, data will be collected on the defensive tactics and injury rates to see if there is improvement in those areas against prior corrections courses.

The Commissioners returned to the meeting room at 11:05 AM.

## **STAFF REPORTS**

### **WAC Rule Review**

***Cheryl Price, Accreditation/Public Disclosure Coordinator***

#### **WAC 139-02-010 and 139-02-110.**

##### **Public records.**

##### ***Reason for change:***

Update language to reflect the correct RCW and language of the Attorney General's Office model rules:

1. WAC 139-02-010
2. WAC 139-02-020
3. WAC 139-02-040
4. WAC 139-02-050
5. WAC 139-02-070
6. WAC 139-02-090

Repeal rules that were incorporated into the updated rules:

1. WAC 139-02-030
2. WAC 139-02-060
3. WAC 139-02-080
4. WAC 139-02-100
5. WAC 139-02-110

***These WAC changes were for discussion only.***

**The Chair** asked how many public records requests are received each year.

**Ms. Price** stated, to include training records, approximately 600-800. A majority of the requests are for students' training records, and the hope is to reduce the number of public disclosure requests regarding training records once the agency has the Learning Management System.

She stated that rarely are the requests from the public.

**Commissioner Vail** asked if the WSCJTC receives public disclosure requests from offenders.

**Ms. Price** stated that she does receive requests from offenders.

**Commissioner Elfo** pointed out that WAC 139-02-050 under (3), availability of public records, it references the Washington State Patrol website rather than the WSCJTC's website.

**Ms. Price** noted the error and will correct it.

#### **WAC Rule Review**

***Doug Blair, Deputy Director of Operations***

#### **WAC 139-05-210**

**Basic law enforcement certificate of equivalency.**

#### ***Reason for change:***

Update language because of changes to RCW addressing the requirement for peace officer certification. Language is added that defines the requirements a person must meet to attend for educational purposes vs. an officer who must attend to gain peace officer certification as a condition of continued employment. The rule change will also set limitations to the break in law enforcement service that an officer may have and still be eligible for peace officer certification by completing the equivalency academy. The WSCJTC does not set standards for EVOC operation; the Washington State Patrol does. Therefore, language that requires EVOC training for equivalency applicants has been removed.

**Deputy Director Blair** stated the change was based upon two requests received from liquor control agents who had been sent to and graduated from the Idaho POST Academy; however, they were not recognized as certified officers because they had not completed the remaining requirements for certification in Idaho.

Several discussions took place with Commissioners and others who stated they would like to see changes in the ability to recruit people who have graduated from an academy but may not have been police officers.

The first change would allow a person who has successfully completed a basic academy that is recognized as a full equivalent to the WSCJTC's Basic Law Enforcement Academy to attend the WSCJTC's Basic Law Enforcement Equivalency Academy even though they have not been commissioned as a law enforcement officer as a result of graduation from that academy. However, they must receive an offer of employment by a Washington State law enforcement agency within 12 months of the graduation from the recognized academy. Not all academies will be recognized as it would need to be a full equivalent to our 720-hour academy.

The second change is due to the fact that Washington State is one of the few that currently does not have a limit for the number years an officer has a break in service. Most states require, if you have a break in service of more than five years, the officer must again successfully complete the full basic academy. In Washington State, there are people who have been out of law enforcement for as many as 15 years and because they have completed an academy are eligible to attend the equivalency academy and can be on the road in two-weeks. The second change would be that those law enforcement officers with a break in service in excess of five years would be required to attend the full, 720-hour academy. For those who have been out of law enforcement, but in a related field, there are waivers and exemptions.

**Commissioner Elfo** asked if this will allow people to short circuit the system and go outside the state to attend the basic academy.

**Deputy Director Blair** stated it is a possibility; however, the hiring requirements would still require the psychological, polygraph, criminal history, and the background check.

The Organizational Development and Standards (ODS) Division would review the curriculum and determine if it is equivalent, which would be considered on a case by case basis. Mr. Blair stated that the curricula reviewers may go through the International Association of Directors of Law Enforcement Standards and Training (IADLEST) Sourcebook to see how many look as though they may be equivalent and solicit that. So far, Oregon has been recognized as a full equivalent based on what they teach and what we teach.

If the WAC changes are approved, the new changes would go into effect 30 days after filing.

***Commissioner Kirkpatrick made a motion to approve the WAC rule changes for final consideration. Commissioner Johnston seconded the motion. The motion carried unanimously.***

#### **Hearing Panel Members**

***Doug Blair, Deputy Director of Operations***

The WSCJTC staff recommended approving the following individuals as panel members for Peace Officer Certification hearings:

**Sheriff:**

BENEDICT, William (Bill): Clallam County Sheriff's Office

**First-Line Supervisors or below (with at least 10 years of experience):**

THOMAS, Kenneth (Officer): Arlington Police Department

**Professors:**

RICHARDSON, Larry: University of Phoenix

The WSCJTC staff recommended approving the following individuals as panel members for Tribal Law Enforcement Officer Certification hearings:

**First-Line Supervisors or below (with at least 10 years of experience):**

BAKER, Ben (Lieutenant): Puyallup Tribal Police Department

FITZPATRICK, Joseph (Lieutenant): Puyallup Tribal Police Department

GROOM, Larry (Officer): Tulalip Tribal Police Department

***Commissioner Batiste made a motion to accept the additions. Commissioner Thompson seconded the motion. The motion carried unanimously.***

The WSCJTC staff recommended removing the following individuals as panel members for Peace Officer Certification hearings:

**Police Chiefs:**

GRAY, John: Arlington Police Department

MERRITT, N.W.: Republic Police Department

Both chiefs are being removed as hearing panel members as they are no longer chiefs of a city.

**First-Line Supervisors or below (with at least 10 years of experience):**

BENNETT, Michelle (Sergeant): King County Sheriff's Office

VANDERWALKER, Sheryl (Sergeant): King County Sheriff's Office

Sergeant Bennett is being removed as hearing panel members as she was recently promoted to Captain and is no longer eligible to serve.

Sergeant Vanderwalker is being removed as a hearing panel member as she has resigned from law enforcement.

***Commissioner Thompson made a motion to remove those individuals from the list. Commissioner Johnston seconded the motion. The motion carried unanimously.***

**Colville Tribal Police Department Waiver Request for Ryan Cox**

***Doug Blair, Deputy Director of Operations***

A request for waiver for Ryan Cox was received. Mr. Cox was a graduate of the Washington State Patrol Academy and for some reason did not complete the Field Training Officer (FTO) program. He is currently seeking employment with the Colville Tribal Police Department, and the Colville Tribe would like the WSCJTC to recognize his

patrol academy with the exception of the FTO as equivalent and have him certified as a tribal law enforcement officer.

Mr. Blair made some calls to try and determine why he was removed; however, it is not a certification issue as WSP cadets are not certified until after they complete the FTO program so he was not able to obtain that information.

The Colville Tribe is asking the Commission to recognize the portion of the patrol academy that Mr. Cox has attended to make him eligible to attend the equivalency academy for purposes of certification as a tribal law enforcement officer.

**Commissioner Johnston** asked when Mr. Cox attended the WSP Academy; what year.

**Deputy Director Blair** stated it was recently as the documents in Mr. Blair's possession were signed off by the WSP on June 10, 2008. He received 317 hours of classroom instruction, 246 hours of practical instruction, 60 hours of exams, and 60 hours of miscellaneous for a total of 683 hours.

**Commissioner Batiste** said the individual does not ring any bells.

**Deputy Director Blair** said the individual has been through an academy that the WSCJTC would have recognized him, had he finished the last week or 10 days of the FTO program as a fully commissioned peace officer. The Colville Tribe would like the WSCJTC to recognize it for the purpose of him attending the equivalency academy so he can be certified as a tribal law enforcement officer.

**Commissioner Batiste** asked if he is currently working for the Colville Tribe and Mr. Blair stated that he believes that to be the case and there is no prohibition against that as far as the WSCJTC is concerned.

**Commissioner Small** said either the Commission grants the waiver and allows Mr. Cox to attend the equivalency academy or Mr. Cox will be signing up to attend the full basic academy.

**Commissioner Small made a motion to grant the waiver. Commissioner Johnston seconded the motion. The motion carried unanimously.**

**Pend Oreille County Waiver Request for Wayne Brigante**  
**Doug Blair, Deputy Director of Operations**

A request for waiver for Wayne Brigante was received. Through a number of disabilities Mr. Brigante has worked as a corrections officer on and off for Pend Oreille County, however, has not attended the corrections academy.

He is a gentleman and participated in the ORPAT study on September 9, 2008. He has a doctor's note for his disability for arthritis in his knees and is unable to participate in the mile and a half run. Deputy Director Blair stated that if Mr. Brigante could successfully complete the sit ups and pushups portion of the current PAT for corrections officers, he would allow him to perform the ORPAT. If he could complete the ORPAT, because there is no time, that the WSCJTC would then recognize that as an exception to the mile and a half run. Mr. Brigante did successfully complete the sit ups and pushups as well as complete the ORPAT in eight minutes.

The request is for the Commission to allow Mr. Brigante, who cannot perform the mile and a half run, to continue with the corrections academy based on the PAT/ORPAT testing he completed.

**The Chair** stated that Mr. Brigante has worked in the Pend Oreille County Jail for approximately six years. The Chair went on to explain his misfortunes with medical issues.

He went on to state that Mr. Brigante has the support of the Sheriff, the Sheriff's Office, and the county corrections in being allowed to continue as a corrections officer.

**Commissioner Kirkpatrick** stated that if he has already worked for six months, why he now wants to go through the academy.

**The Chair** stated that each person needs to complete the academy.

**Deputy Director Blair** stated that the waiver would be granted for this individual under these particular circumstances.

**Commissioner Thompson** said this is not about this person; it is about the Commission's position on whether you can begin the process of certification for corrections officers within the state without meeting the requirements. If the answer is yes, then there might not be a flood, but there could be two or three of those who cannot do pushups or sit ups. It seems to be an extraordinarily huge downside risk without any benefit to the state. Well intended conclusions can result in a lot of unanticipated liabilities.

**The Chair** stated that the Pend Oreille County Sheriff has set a deadline and that is what has now brought this issue to the Commission.

**Commissioner Small** stated he has mixed emotions due to the individual's medical setbacks, so he can look past the mile and a half run. He stated that if the person can do pushups and sit ups, he can handle a person in the jail. If the waiver is worded correctly, it could work.

**Commissioner Thompson** said the real focus needs to be on the process, criteria and established procedures; not the individual. He is not comfortable with if the jurisdiction wants to employ someone who does not meet the WSCJTC's requirements and allow them to continue to work, that is not the WSCJTC's problem or responsibility.

The Commission needs to remove the personal part, which is very difficult as it is not about him, and look at the procedures and the process and the integrity of the WSCJTC's established procedures.

**Commissioner Kirkpatrick** asked for input from the WSCJTC's attorney, Jean E. Meyn, as well as the Corrections Manager Sue Hubbard.

**Ms. Meyn** did not have ample time to review the material prior to the meeting; therefore, was unable to provide a risk assessment without researching the issue.

**Ms. Hubbard** said from the Corrections Division's perspective is that staff is concerned of the individual getting injured during defensive tactics. Although he did make it through the ORPAT, he struggled.

**Commissioner Thompson** indicated that even a doctor's note may not protect the WSCJTC from liability. There are a lot of questions and downside risk that outweigh an approval at this point.

**Commissioner Stonecipher** stated the WSCJTC's is in the business of certifying individuals who can do a job. She views corrections and law enforcement jobs as being physically demanding and there is a physical requirement to that. The WSCJTC is in danger if it allows someone to continue without meeting the requirements even though the standards may change.

**Commissioner Elfo** asked when the WSCJTC projects to accept the ORPAT and have the criteria established.

**The Director** stated that it will not be established for several months. He stated that a decision must be made today as the individual is currently attending the Corrections Officers Academy.

**Deputy Director Blair** stated the Commission could allow Mr. Brigante to stay in the academy; however, not allow him to participate in defensive tactics. They have drafted a release for Mr. Brigante's physician regarding his medical condition.

**Jean E. Meyn** stated that if the Commission is seeking relief from potential liability because of the waiver of the usual physical requirements in training, Mr. Brigante should sign a document releasing the WSCJTC from liability; not his doctor.

**Deputy Director Blair** stated that Mr. Brigante wants to participate in defensive tactics should he be allowed to stay in the academy.

**Commissioner Vail made a motion to move the issue forward for a vote. Commissioner Kirkpatrick seconded the motion. The Chair clarified that the vote would be to grant the waiver. The Chair abstained from voting. The motion to approve the waiver was not approved by a unanimous vote; therefore the request was denied.**

#### **Academy Recognition**

##### ***Doug Blair, Deputy Director of Operations***

A request was received from an agency who hired an officer who was hired from Guam. A copy of the academy curriculum was received, which has been reviewed by BLEA Commander Debbie Mealy and ODS Division Manager Steve Lettic who found the Guam Academy to be an equivalent.

**Commissioner Kirkpatrick made a motion to recognize the Guam Academy as an equivalent to the Basic Law Enforcement Academy. Commissioner Small seconded the motion. The motion carried unanimously.**

## **State Committee on Agency Officials' Salaries (SCOAS)**

### ***Greg Baxter, Human Resources Manager***

On August 19, 2008, Mr. Baxter emailed the Commissioners a letter noting the SCOAS had raised the maximum of all pay ranges of appointed agency officials, which would allow the Commission to grant a 3.2 percent raise for Director Parsons.

Like most agency directors, Director Parsons has been topped out since the last SCOAS adjustment 24 months ago. During that time, the officials who were topped out have been deferred from receiving 5.3 percent of legislated pay raises.

Mr. Baxter recommends a 3.2 percent pay increase for Director Parsons.

**The Chair** informed the Commissioners they would be going into an executive session to discuss the Director's performance review; therefore, the pay increase could be addressed at that time.

## **Human Resources Update**

### ***Greg Baxter, Human Resources Manager***

Commute Trip Reduction program: The WSCJTC, to assist staff with the increasing price of gasoline and to help reduce traffic congestion and air pollution, initiated a Commute Trip Reduction program. The program encourages employees, as well as, TAC officers to give up single occupancy vehicle commutes to carpool, vanpool, bus, walk, bicycle, or use other alternatives to get to work.

Those enrolled in the program are eligible for a free taxi ride home should an emergency occur.

In addition, the WSCJTC offers its employees a cash incentive to give up single occupancy vehicles. For those employees who give up their single occupancy vehicle commute for 60 percent of the month, they will receive a daily cash incentive of one dollar each way to be paid quarterly.

Seattle Post Intelligencer Article: An article was published in the Seattle PI on July 14, 2008, about the WSCJTC. The article reported classroom misconduct in the Corrections Officers Academy and claimed that three of the TAC officers had been fired for misconduct and that the claims were under investigation by the Washington Human Rights Commission.

The facts are quite different, which Greg explained.

## **Legislative and Budget Update**

### ***Larry Erickson, Deputy Director***

Deputy Director Erickson stated the OFM's forecast is good and the Governor's Office and others have informed him they want police officers trained.

If a new governor is selected, the budget process will start over as there will be a new budget.

