



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

COMMISSION MEETING

Wednesday, December 9, 2009
10 AM

COMMISSION MEMBERS PRESENT:

Anne Kirkpatrick, Chief, Spokane Police Department
Bill Boyce, Citizen at Large
Craig Thayer (Chair), Sheriff, Stevens County
Jeff Myers, Chief, Hoquiam Police Department
Kevin Bovenkamp, Organizational Development Director, Department of Corrections
Mike Johnston (Vice Chair), Sergeant, Bellingham Police Department
Ned Newlin, Chief of Corrections, Kitsap County Sheriff's Office (joined telephonically)
Shon Small, Detective, Benton County Sheriff's Office
Thomas Metzger, Prosecuting Attorney, Pend Oreille County
William Elfo, Sheriff, Whatcom County

WSCJTC STAFF PRESENT:

Al Isaac, Manager, Special Projects
Ana Equihua-Equihua, Registrar, Development, Training, and Standards (DTS) 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
Michael D. Parsons, Executive Director
Pam Clark, Manager, Corrections Division
Rachelle Parslow, Registrar Supervisor, DTS Division
Rich Phillips, Assistant Commander, Basic Law Enforcement Academy (BLEA)
Ron Napenias, IT Specialist, Information Technology
Sharon Eaton, Administrative Assistant, BLEA
Wesley Anderson, Manager, Facilities Division

GUESTS PRESENT:

Daniel Clark, Psychologist, Washington State Patrol
Jim Lever, Assistant Chief, Washington State Patrol
Mike Harum, Sheriff, Chelan County (BLETSE Chair)
Victoria MacKenzie, Clark County Sheriff's Office (BCTSE Chair)

INTRODUCTION

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

The Chair remarked on the responsibility the Washington State Criminal Justice Training Commission (WSCJTC) has to train the peace officers of the criminal justice profession throughout the state. The recent tragedies in Seattle and Lakewood underscore the responsibility of the Commission to maintain the high levels of training to ensure the officers and communities are safe.

He expressed his gratitude to the Commissioners and staff members of the WSCJTC.

COMMISSIONER WELCOME

Michael D. Parsons, Executive Director

Director Parsons introduced Commissioner Kevin Bovenkamp of the Department of Corrections.

Commissioner Bovenkamp was appointed to the Commission on October 28, 2009, to fill the “employee of state correctional system” vacancy created as a result of Secretary Eldon Vail’s resignation from the Commission.

Commissioner Bovenkamp is new to the Commission; however, he is not new to the WSCJTC. He is an advocate for professional training within the state of Washington; he has been actively involved on the Board on Corrections Training, Standards, and Education (BCTSE); and he works collaboratively with the WSCJTC Corrections Division staff.

NEW STAFF WELCOME

Michael D. Parsons, Executive Director

Director Parsons introduced the new Corrections Division Manager, Pam Clark. Pam came to the WSCJTC from Clark County Corrections.

APPROVAL OF MEETING MINUTES

Commissioner Johnston made a motion to approve the meeting minutes of September 9, 2009. Commissioner Small seconded the motion. The motion carried unanimously.

ADMINISTRATIVE EXEMPTION

Doug Blair, Certification Manager

Director Marlin Fryberg, Tulalip Tribal Police Department

Mr. Fryberg’s request for Administrative Exemption was brought before the Commission in September 2009; however, the discussion was postponed until further information could be obtained.

On November 2, 2009, Deputy Director Mealy received a second request for Administrative Exemption from Director Fryberg. The letter was provided to the Commissioners.

Mr. Blair stated that the Commission could approve the exemption; however, under these circumstances, it doesn't mean anything.

WAC 139-05-205 was designed for law enforcement officers who had basic law enforcement academy and/or advanced training or served in the capacity of chief executive officer of an agency. Some of those who do not want to attend the Basic Law Enforcement Equivalency Academy apply for an Administrative Exemption as most of them take on a strictly administrative role as opposed to being out on the street enforcing law enforcement action. Not all who have been granted an Administrative Exemptions have been certified as a peace officer.

Director Fryberg works for a tribal law enforcement agency and is the director of public safety.

Commissioner Elfo stated that the individuals for most of the previous exemptions granted had at least some type of basic law enforcement academy even if it doesn't meet the WSCJTC requirements (e.g., FBI or new agent courses). In light of today's needs for those who take law enforcement action, they should have some basic understanding of competence to protect themselves, the public, and other officers.

Commissioner Metzger asked if Director Fryberg has attended either a recognized or non-recognized basic law enforcement academy.

Mr. Blair stated that the information submitted by Director Fryberg indicates that he served two years as a police officer with the Tulalip Tribal Police Department. The information does not support his attendance of basic training through the Bureau of Indian Affairs, the WSCJTC's Basic Law Enforcement Academy, or the WSCJTC's Basic Law Enforcement Equivalency Academy.

Commissioner Boyce inquired about the Tulalip Tribal Police Department's organizational structure.

Mr. Blair stated that the Tulalip Police organization is fairly large; however, Director Fryberg's position is that of a tribal council member. He is a council member and provides oversight as the Director of Public Safety, which is ranked above the position of Chief.

An Administrative Exemption is very limited. It gives the person administrative (supervisory and managerial) authority; however, to take law enforcement action would be only for exigent circumstances. Administrative exemptions are exemptions from training; not exemptions from the requirements for peace officer and tribal law enforcement officer certification.

Director Fryberg has the authority to enforce tribal laws; however, he is not certified as a tribal law enforcement officer.

Mr. Blair will propose, to the Commission in March, changes that would repeal WAC 139-05-205 eliminating administrative exemptions as this WAC circumvents the certification process.

Mr. Blair stated that Director Fryberg was made aware that this topic would be on the agenda both in September and December 2009; however, he failed to appear to defend his position on this issue and make himself available to answer questions of the Commission.

Commissioner Small stated if it was crucial for Director Fryberg to have this exemption, he should have attended the meeting or made himself available telephonically.

It was noted for the record that Director Fryberg was not in attendance.

Commissioner Small made a motion to deny Director Fryberg's second request for Administrative Exemption. Commissioner Boyce seconded the motion. The motion carried unanimously.

Director Parsons extended his thanks to Sharon Eaton who is recording the meeting and taking notes in Sonja Hirsch's absence.

BLETSE APPOINTMENT

Michael D. Parsons, Executive Director

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

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

Sheriff Hernandez was recommended by the Washington State Sheriffs Association.

Commissioner Elfo made a motion to appoint Sheriff Hernandez to the BLETSE. Commissioner Newlin seconded the motion. The motion carried unanimously.

WAC RULE REVIEW

Doug Blair, Certification Manager

Chapter 139-07 WAC

Conditions of Employment – Psychological Examinations

Reason for change:

Chapter 139-07 WAC is being proposed as the result of legislation passed in the form of HB1324 and SB5157 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).

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

Dr. Clark had the following concerns:

1. WAC 139-07-020: He recommended that (4)(a)(ii) be omitted as the information is covered in (4)(a)(i).
2. WAC 139-07-020 (4)(a)(i): He has a concern with the word “validated” in the phrase “validated for use in evaluating law enforcement officers.” Dr. Clark and some of his colleagues believe the word “validated” is unclear in regard to psychological testing. He would suggest adding a definition for “validated.”
3. WAC 139-05-020(4)(e) and WAC 139-07-030(2)(c): Based on the information, it appears that the psychologist would have to provide the test instrument, the raw data, and the psychological test report to the employing agency, which cannot be done.

Mr. Blair stated that he received the language in WAC 139-05-020(4)(e) and WAC 139-07-030(2)(c) from psychologists in the field; therefore, he is not sure where the exact language originated from. However, it was never the intent to provide the test instrument or raw data.

Dr. Clark suggested that explicit language be added indicating that the written test material, raw data, and any computer generated testing be excluded.

4. WAC 139-07-040(2): Most police psychologists work by contract, on the outside, for multiple agencies. If the applicant pays for the examination, they would then become a client.

Mr. Blair stated that this has been in place for approximately five years. The applicant does not pay for the exam; they reimburse the employer for the cost of both the psychological and polygraph tests. Employers are able to recoup the costs of those tests up to \$400.

Mr. Blair worked with six to seven psychologists, who do pre-employment testing, to draft the new WAC chapter.

Commissioner Kirkpatrick asked if we have to have WACs for psychological testing or if we can abide by RCWs.

Mr. Blair stated the new language is required per legislation that was passed last year. This chapter is for the purpose of certification of law enforcement and reserve officers. It does not include fitness for duty evaluations; it is only for pre-employment.

Mr. Blair will work with Dr. Clark on language revisions. The WAC chapter will be up for final approval at the Commission Meeting on March 10, 2010.

The Chair tabled the discussion until March 2010.

STAFF REPORT

Hearing Panel Members

Doug Blair, Certification Manager

The WSCJTC staff recommended adding the following individuals as panel members for certification hearings:

- ◆ Steve Mansfield, Sheriff, Lewis County
- ◆ Mike Humphreys, Sheriff, Walla Walla County
- ◆ Harvey Gjesdal, Sheriff, Douglas County
- ◆ Richard Lathim, Sheriff, Franklin County
- ◆ Andrew Hamilton, Chief, Kelso Police Department

Commissioner Kirkpatrick made a motion to appoint the individuals named as hearing panel members. Commissioner Johnston seconded the motion. The motion carried unanimously.

2009 Instructor of the Year

Lt. Debbie Mealy, Deputy Director

After five years at the BLEA, Renton Police Officer Jeff Eddy will be leaving the WSCJTC.

Deputy Director Mealy read accolades about Officer Eddy, which were submitted by BLEA Assistant Commander Rich Phillips. He was then presented with the 2009 Instructor of the Year plaque.

BLEA TAC Introductions

Assistant Commander Rich Phillips, Basic Law Enforcement Academy

The following officers joined the meeting briefly to be introduced:

Officer Susanna Monroe

Susanna has been employed by the Seattle Police Department for 10 years. She graduated from Bellarmine Prep High School, attended the University of Washington for Aerospace Engineering, and then decided to become a police officer.

She attended the Seattle/King County Sheriff's Office (Sea/King) Academy, has worked in the Rainier Valley (West Seattle) and served on the community police team, and was a member of the ACT (Anti-crime Team) in the southwest precinct. She is a firearms instructor and master DT instructor. Officer Monroe recently put on a self-defense course for female police officers at the WSCJTC, and over 50 females attended the class.

Officer Monroe currently teaches patrol procedures.

Officer Joel Turner

Joel has been employed by the Yelm Police Department and has been in law enforcement for over eight years. He is the newest TAC Officer at the WSCJTC and serves as the Lead Firearms Instructor. Joel has been a SWAT operator for the

Thurston County SWAT Team for the last six years; he is a sniper team leader; lead firearms instructor for Thurston County SWAT; he has taught for the WSCJTC as an adjunct instructor for over six years; he is a certified handgun instructor, rifle, sub gun, sniper, and less lethal bean bag. He has logged over 1,300 hours of firearm instruction for law enforcement, military, and civilians.

In addition, Joel is listed as one of the top three elk callers in the world. He was the 2008 Rocky Mountain Elk Foundation world champion elk caller in the pro division.

EXECUTIVE DIRECTOR'S REPORT

Michael D. Parsons, Executive Director

Staff Introductions

The following staff members were introduced:

Rich Phillips has worked for the WSCJTC for several years. He began his tenure as an instructor for the Washington Police Corps program and then was invited back as the Assistant Commander of the BLEA. He will return to the Department of Fish & Wildlife at the end of February 2010.

The Director praised Rich for all the work he has done for the WSCJTC over the years.

Commissioner Kirkpatrick added that she has known Rich for many years, and he is an exceptional employee.

Anastasia (Ana) Equihua-Equihua is a Registrar and the Private Security Program Assistant for the DTS Division.

She began her employment with the WSCJTC in August 2004 through an internship with the YWCA of Seattle. Her position was a temporary office assistant that lasted for seven months, and the WSCJTC then offered her another temporary position as a registrar.

She worked as a temporary registrar for almost one year and obtained permanent status in August 2006; she was laid off for two months in May 2007, and then rehired as a registrar in July 2007. Ana has gained a lot of experience and useful knowledge, and she loves her job and the people works with whom she works.

Ana is originally from Honolulu, Hawaii, but has lived in Seattle for almost 20 years and considers Seattle her second home. She is married and has two daughters (Rajivana who is 17 and Belen who is 11). In addition, she has a white Chihuahua-terrier mix puppy named Spirit.

In their free time, her family likes to hold family night on Saturdays where they get together and have dinner, sing karaoke, and spend time together. She loves to cook and enjoys experimenting with new recipes and preparing different types of cultural foods. One of her favorite hobbies includes dancing hula.

She feels that the experience she has gained working at the WSCJTC has made her more knowledgeable in many different areas. She will continue to learn and grow and looks forward to any other opportunities and advancements she may receive.

Ron Napenias was born and raised in Bellevue and currently resides in Renton. He graduated from Interlake High School in 1999. He then moved to Richmond, CA, where he lived for two years then returned to Washington in 2002.

Ron started working with computers right after high school and worked for a local computer company as a salesman and technician. In 2004, he joined a property management company, GRAN, Inc. as their sole IT Technician. During that time, he managed up to 50 computers throughout the greater Seattle area and in Colorado Springs.

Before he started working for GRAN, Inc., the company hosted a yearly company picnic and softball game between the North and South properties. Ron states in his bio that "For the last 9 years the South team has won every game. During my first year with the company, I was put on the North team. I was nominated as MVP of the game after putting a dazzling show of diving catches, throwing out runners at home plate from left field, and even fielding pop ups at right-center field, to go along with an Ichiro like hitting and base running, and scoring the last run of the game to help the North team win for the first time!"

Ron started with the WSCJTC in 2007 as a contract employee, and he became a full-time employee in 2008. Ron has set up the agency's wireless network, manages the work orders for IT related projects, and assisted with the migration from Windows XP to Windows Vista.

He enjoys spending time with his girlfriend and family, playing Texas Hold'em Poker, reading anything about computers and poker as well as Ancient Roman history. He also likes watching the movies *Gladiator* and *Up*, TV shows *Law and Order SVU* and *Medium*, and is a fan of all sports (basketball, football, baseball, hockey, and tennis). His favorite meal is bacon, eggs, and rice.

PERF Study and BTTF

The Director provided a copy of a newspaper article from 1989 titled "Report gives Shelton nod for training center." In 1989 they were trying to determine what to do with the facility at the WSP in Shelton and the WSCJTC. Should they combine them or should they put them somewhere else? They spent \$75,000 to do a study, and the conclusions are about the same as the recent study.

Senator Brandland recommended that the WSCJTC and WASPC look at the results of the Police Executive Research Forum (PERF) study and determine what to do with them. In the meantime, a group met with the Governor who had three concerns. First, she could not justify building the dormitory; second, only 12 and 14 students in a BLEA class; and third, she wanted funding cut recommendations. Therefore, taking the results of the PERF study and the Governor's concerns, a group of Commissioners and WASPC members met to determine a course of action.

WASPC Director Don Pierce suggested a smaller group be formed, which consisted of three members of the WSCJTC, three members of the WASPC, and the Chief of the WSP. The group decided to draft briefing paper for the Governor to address her three concerns. In addition, they would add a fourth item, the creation of an ongoing task force, the Basic Training Task Force (BTTF). The BTTF would look at the recommendations of PERF and the needs of training in the state of Washington.

The BTTF met this morning and decided to put together a concept paper detailing the current status of law enforcement training and what kinds of things the WSCJTC share with the WSP that are efficient but not known to legislators or the Governor.

An additional issue that will be explored is officer self-pay. There are many pros and cons associated with this idea.

The position paper will be drafted and distributed to the Commission. A Special Commission Meeting will then be called to discuss and vote on the paper.

It was suggested that the BTTF present its ideas and progress at the Town Hall meeting at the Spring WASPC Conference in May 2010.

Budget

The Governor's budget was released this morning. She did not recommend building the new dorm. Due to the economy, many projects that were funded will not be completed. Consequently, the dorm's condition will be closely monitored.

Through the Office of Financial Management (OFM), the WSCJTC was required to determine what would be cut should a five percent or ten percent cut be implemented. The information was submitted to OFM and the Governor's office.

The BLEA forecast for enrollment is down dramatically; almost every other class has been cancelled. The demand will come back, but meanwhile, excess money for BLEA classes will be returned.

The Governor has proposed the elimination of both the Board on Law Enforcement Training, Standards, and Education and Board on Corrections Training, Standards, and Education. These two boards are mandated through RCW; therefore, they will go before the Legislature. By doing away with these two boards, it would save the state \$9,000 per biennium.

The Department of Commerce would have several programs removed from it and assigned to other agencies. The WSCJTC would pick up three programs, which are the drug prosecution assistance program, project safe neighborhoods, and rural narcotics enforcement. These are merely pass-through monies.

In regard to the five and ten percent cuts, following the OFM's exercise, the WSCJTC found that a majority of the money would come from regional training and certification. Per the Governor's budget, the WSCJTC would lose \$500,000 for the biennium; the impact of this would be reduced somewhat because that includes the unused BLEA funding that would be returned. The Legislature could impose a bigger or smaller cut. In addition, it is unsure when the cuts would go into effect.

Information was relayed to the WSCJTC, from a source outside the Governor's Office, that the Governor has placed a directive in her budget that all BLEA classes must have at least 30 students in them. This would create a hardship for agencies as more academies will need to be cancelled due to the low enrollment and it will take longer to get officers into the academy; however, the WSCJTC will follow the Governor's directive.

Brian Elliott added that he received an email from legislative staff inquiring about how much money could be saved if the firearms program was eliminated from the BLEA. In addition, questions are being asked about the possibility of students coming to the academy pre-loaded with two weeks of training to cut back on classroom hours.

BLETSE

Sheriff Mike Harum, Chair

Sheriff Harum recommended that the WSCJTC and the Board on Law Enforcement Training, Standards, and Education go along with the Governor's desire to eliminate the Boards. However, the Commission could form a committee or task force to take the place of the BLETSE. As a member, the Sheriff said he would not mind foregoing the state reimbursement for travel costs, so he would not hesitate to participate in a task force.

The Board is currently focusing on reserve officers as well as certification for peace officers and tribal law enforcement officers.

The Board no longer has subcommittees.

BCTSE

Victoria MacKenzie, Chair

The Board on Corrections Training, Standards, and Education last met on November 5 and welcomed Susanne White of Seattle Municipal Court who replaced Pam Clark. The Board will also lose Kevin Bovenkamp due to his appointment to the Commission.

The Board has been analyzing closing the gap between what the stakeholders want and what is currently being taught. The Corrections Academy would be the first to go through the gap closure.

The Board has determined that the option to challenge the equivalency academy is available. If a person is deemed appropriate, they will be given material to challenge the academy. Should they fail, they would be required to complete the full academy.

Like the BLEA, the Corrections academy enrollments are down in enrollment with approximately 12 to 14 students in each class. To serve the stakeholders, they continue to hold smaller classes.

OLD BUSINESS/NEW BUSINESS

The meetings for 2010 will be held at 10 AM on March 10, June 9, September 8, and December 8.

Commissioner Johnston asked when to expect the proposal to eliminate the administrative exemption.

Mr. Blair confirmed that those changes will go before the Commission in March 2010.

The meeting was adjourned at 11:25 AM.

Next Meeting: March 10, 2010, 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