



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

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**COMMISSION MEETING**

Wednesday, December 12, 2018  
10 AM

**COMMISSION MEMBERS PRESENT:**

Jeff Myers (Chair), Chief, Hoquiam Police Department  
Bill Elfo (Vice-Chair), Sheriff, Whatcom County (Telephonically)  
Joshua Kelsey, Sergeant, Lynnwood Police Department (Telephonically)  
Ken Hohenberg, Chief, Kennewick Police Department  
Brian Burnett, Sheriff, Chelan County (Telephonically)  
Robert Latter, Sergeant, Clark County (Telephonically)  
De'Sean Quinn, Councilman, Tukwila  
Penelope Sapp, Lieutenant, Kitsap County Jail  
Marc Lamoreaux, Assistant Chief, Washington State Patrol  
Raymond Duda, SAC, FBI-Seattle  
John Hillman, Assistant Attorney General, Attorney General's Office (Commission Counsel)

**WSCJTC STAFF PRESENT:**

Sue Rahr, Executive Director  
Chris Fowler, Deputy Director  
Rex Caldwell, Commander, Basic Training Division  
Marisa O'Neill, Executive Assistant  
Tisha Jones, Manager, Certification Unit  
Sonja Peterson, Manager, Human Resources  
Brian Elliott, Manager, Fiscal Services Unit  
Donna Rorvik, Manager, Quality & Standards Division  
Ethan Swenson, Administrative Assistance 3, Information Technology Unit  
Alex Buijs, Administrative Assistant 3, Advanced Training Division  
Tom Hill, Program Manager, Quality & Standards Division

**GUESTS PRESENT:**

Darin Odegaard, Chief, Tomasket Police Department  
Anthony Domish, Officer, Tomasket Police Department  
Duane Garvais Lawrence, Deputy Chief, Cowlitz Indian Tribe  
Bill Elliott, Investigator, Cowlitz Indian Tribe  
Alicia Derry, Staff Attorney, Cowlitz Indian Tribe  
Teresa Taylor, Executive Director, WACOPS  
David Hawkins, Director, Upper Skagit Tribe  
Rick Weed, Officer, Upper Skagit Tribe  
Lou D'Amelio, Chief, Swinomish Police Department  
Brian Geer, Officer, Swinomish Police Department  
Chuck Spoor, Chief, Raymond Police Department

Kyle Pettit, Officer, Raymond Police Department

## OPENING

*Jeff Myers, Commission Chair*

**Chair Myers** called the meeting to order at 10:03 AM.

**Marisa O'Neill** conducted a roll call of the Commissioners. A quorum was present as of 10:06 AM.

**Chair Myers** had an opportunity to attend a recent I-940 panel on the CJTC campus, discussing provisions, the academy, and its curriculum. **Chair Myers** urged Commissioners to I-940 meetings in their role as a Commissioner throughout the state as the discussion continues.

**Commissioner Burnett** was introduced as the new Incumbent Sheriff Representative on the Commission, though his formal introduction was pushed back to March due to his inability to drive across the pass.

## APPROVAL OF MEETING MINUTES

**Chair Myers** called for review and approval of the meeting minutes from September 2018.

**Commissioner Hohenberg** moved to approve the September 2018 minutes. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

## EXECUTIVE DIRECTOR'S REPORT

*Sue Rahr, Executive Director*

### Staff Introductions

**Director Rahr** provided an introduction of new CJTC staff member Chris Fowler, Deputy Director. Deputy Director Fowler joins CJTC with 26 years of experience as Deputy Chief of Seattle Police Department as well as 30 years of experience in the Army National Guard, retiring as a Brigadier General. **Deputy Director Chris Fowler** takes the place of **Commander Rex Caldwell**, who recently accepted the position of Commander of the Basic Training Division.

### Legislative Update

**Director Rahr** provided an update regarding I-940 and House Bill 3003 being thrown out by the court. CJTC maintains legislative authority through the budget to continue De-escalation Training and as such will continue moving forward. CJTC intends to hold a series of public meetings around the state of Washington over the next six months. It was impressed upon the Commission to have at least one Commissioner to attend every meeting. **Commissioner Wells** recommends not having meetings in law enforcement agencies or city/county buildings and to ensure that interpreters are present. **Chair Myers** challenged the Commissioners to attend these events, yet cautioned against a quorum being present.

### Budget Update

**Director Rahr** informed the Commission that the Governor will be announcing the proposed budget by December 13, 2018 though CJTC has been informed that he will propose 19 BLEA classes per year in the 2019-21 biennium. This will bring the wait period to three months by

spring, which should be stable without self-paid classes or juggling of the schedule. No other information has been provided regarding any other funding requests.

**Director Rahr** reiterated the importance of the Commission to encourage legislators to support the 19 BLEA classes proposed in the Governor's budget.

### I-940

**Director Rahr** reinforced to the Commission how appreciative she was of all the Law Enforcement leaders who attended the workshop hosted by CJTC. **Director Rahr** informed the Commission that part of the reason a lot of the processes enacted by CJTC show up in I-940 is due to the fact that CJTC has been working with community groups for years, and as a result these community groups have wanted to codify these processes into law.

**Director Rahr** informed the Commission that the Commission has six months to adopt rules regarding training and one year to adopt rules about the procedure for deadly force investigation. Representative Goodman relayed to **Director Rahr** that he wants the amended I-940 bill to be the first bill reviewed on the first day of legislation, with the goal of adoption early February 2019. Due to this, the public engagement sessions to be hosted throughout the state have been postponed until mid-February 2019. The goal is to make these meetings as accessible as possible throughout the state, whether they are attended in person or through livestreams. These first meetings will cover training requirements. Deadly Force Investigation will be covered in later meeting. CJTC has engaged several experts to research best Deadly Force Investigation practices around the nation with the anticipation of bringing several more experts on board by the end of January 2019.

### 21CPL

**Director Rahr** informed the Commission that the second phase of the pilot program is underway, with intent for a full open pilot by summer 2019.

### Capital Budget

**Director Rahr** informed the Commission that there was a \$300,000 RFP to study regarding moving basic law enforcement training from CJTC to local community colleges, and that the study is currently underway. CJTC has spent many hours working with the consultants who are looking at the cost to build up infrastructure at community colleges to deliver the training. CJTC has provided them with any information they've requested. The study is meant to be completed by the end of January 2019 with the presentation to Legislature to occur sometime during the 2019 session. The Commission will have an opportunity to respond to the study. A side benefit of this study will be that the Commission will be given an opportunity to highlight the work done at CJTC and how it is implemented. **Commission Hohenberg** encouraged other Commissioners to attend and/or make an official statement.

### NEW BUSINESS

#### Variance Requests

**Tisha Jones** provided the Commissioners with a packet containing a variance request for Rick Weed of the Upper Skagit Tribal Police Department.

After reviewing the packet, and hearing testimony **Vice-Chair Elfo** moved to approve the application. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing a variance request for Kyle Pettit of the Raymond Police Department.

After reviewing the packet, and hearing testimony **Commissioner Hohenberg** moved to approve the application. **Vice-Chair Elfo** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing variance request for Duane Garvais Lawrence of the Cowlitz Indian Tribe Department of Public Safety.

After reviewing the packet, and hearing testimony **Vice-Chair Elfo** moved to approve the application. **Commissioner Hohenberg** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing variance request for Bill Elliott of the Cowlitz Indian Tribe Department of Public Safety.

After reviewing the packet, and hearing testimony **Vice-Chair Elfo** moved to approve the application. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing variance request for Anthony Domish of the Tonasket Police Department.

After reviewing the packet, and hearing testimony **Vice-Chair Elfo** moved to approve the application. **Commissioner Hohenberg** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing variance request for Brian Geer of the Swinomish Police Department.

After reviewing the packet, **Commissioner Hohenberg** expressed concerns regarding the 11 years break in service, "When you look at the totality of a person's experience, that's one thing to consider, but [The Commission] keeps moving these boundaries further and further out. At the end of the day... you're a great community person and have been a great asset, but once [The Commission] gives that certification, you can end up anywhere. If [The Commission] continues to do that, at some particular point in time I'm concerned about something happening that's going to reflect negatively to law enforcement as a whole."

**Commissioner Quinn** moved to approve the application for purposes of discussion only. **Commissioner Elfo** seconded the motion.

**Commissioner Kelsey** brought forward to the Commission some reservations regarding the Reserve Academy serving as a sufficient refresher course. **Chair Myers** reiterated the stance of the Commission, "The standards of the Commission are such that if you need to be refreshed after 10 or 11 years, you go back through BLEA. That's where the 60 month break in service comes from."

After hearing testimony, a vote was put forth, **Vice-Chair Elfo** voted for, the rest voted against. **The motion failed.**

### **WAC Rule Review**

*Tisha Jones, Certification Manager*

First formal review, discussion only of WAC 139.05.200. Public Hearing will occur in March. Staff proposing rule to clean up language, removing some language references to reserves and a paragraph which talks about “unless certification eligibility has been reinstated.” The proposed change makes this WAC applicable to full-time general authority peace officers.

First formal review, discussion only of WAC 139.05.250. Public Hearing will occur in March. More language clean up, adding that the reserve academy curriculum will have the same core subjects as the Basic Law Enforcement Academy.

First formal review, discussion only of WAC 139.05.800. Discussion will continue in March. This WAC creates a reversal from the September 2018 decision distinguishing criterion for Level 1 and Level 2 Reserve Officers. Level 1 is fresh out of the academy will need to complete 640 hours of post-academy training, broken down as 150 hours with an FTO/PTO completed successfully. The additional 490 hours of training can occur with an FTO/PTO or an experienced Full-Time Officer. These 490 hours must be completed within three years. **Chair Myers** expressed concerns regarding the lack of standardization between field-training processes between agencies, as well as retroactive measures when implementing the three-year training mandate. An exigency clause was added to allow for some discretion on the part of the agency as to when they can put the Reserve Officer into a position on their own. Level 2 is a Reserve Officer who has completed all 640 hours of post-academy training. Provisions have been added that a request to become Level 2 as classified by the state will come from the Reserve Officer themselves. **Chair Myers** recommended addressing this WAC at the spring WASPC conference.

First formal review, discussion only of WAC 139.05.810. Public Hearing will occur in March. This WAC covers the required basic training for Level 1 reserve officers, with language additions and changes, with the title being changed to specifically state “For Reserve Officers,” instead of having a catch-all WAC. The change in this WAC also cover Level 1 reserve officers only, eliminating the inclusion of Level 2. The addition to this WAC states, “Unless certification eligibility has been reinstated,” and “Within six months of hire.” **Chair Myers** requested replacing the term “hire” with “appointed.”

First formal review, discussion only of WAC 139.05.825. Discussion will continue in March. This WAC covers basic reserve law enforcement academy certificate of equivalency. This contains clarifying language that “basic training programs will not include any military or any federal training programs not otherwise approved by the Commission.” Level 2 will be struck from this WAC. Eligibility for attendance is further clarified regarding the equivalency process. **Action:** Pull a report for how many reserves currently operate within Washington State?

First formal review, discussion only of WAC 139.09 – Crisis Intervention Training. Public Hearing will occur in March. This new WAC outlines the role of CJTC in crisis training as set by RCW 43.101.427. This has been further broken down into WAC 139.09.10, 139.09.20, 139.09.30, 139.09.40, and 139.09.60. 139.09.60 will be amended to 139.09.50. **Commission Sapp** expressed a desire to have Corrections be involved in WAC rules regarding CIT in the future.

### **K9 Evaluator**

*Tisha Jones, Certification Manager*

**Tisha Jones** provided the Commissioners with a packet containing K9 Evaluator for Patrol Discipline for Christopher West of the King County Sheriff’s Office.

After reviewing the packet, **Commissioner Hohenberg** moved to approve the application. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing K9 Evaluator for Narcotics Discipline for Brian Starbuck of the Vancouver Police Department.

After reviewing the packet, **Commissioner Hohenberg** moved to approve the application. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

**Tisha Jones** provided the Commissioners with a packet containing K9 Evaluator for Patrol Discipline for John Grosse of the King County Sheriff's Office.

After reviewing the packet, **Commissioner Sapp** moved to approve the application. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

### Hearing Panel Member Application

*Sonja Peterson, Hearing Coordinator*

**Tisha Jones**, presenting on behalf of **Sonja Peterson**, provided the Commissioners with two applications.

After reviewing the packet and hearing testimony, the application for Chief Curt Ruggles of the Toppenish Police Department was moved by **Commissioner Hohenberg**. **Commissioner Quinn** seconded. **The motion passed unanimously.**

After reviewing the packet and hearing testimony, the application for Chief Nestor Bautista of the Rustin Police Department was moved by **Commissioner Sapp**. **Commissioner Hohenberg** seconded. **The motion passed unanimously.**

### GOOD OF THE ORDER



#### Introduction of SAC


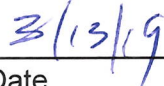
**The Chair** introduced to the Commission FBI SAC Raymond Duda, who will serve as ex-officio member of the Commission.

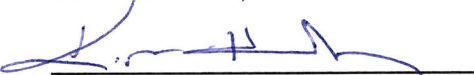

### EXECUTIVE SESSION

At 12:07 PM, **The Chair** announced that there would be no need for an Executive Session. **The Chair** asked for any new business, and hearing none, adjourned the meeting at 12:12 PM.

Next Meeting: March 13, 2019, 10 AM, WSCJTC

Written by:  \_\_\_\_\_ Date  \_\_\_\_\_  
Marisa O'Neill, Executive Assistant

Reviewed by:  \_\_\_\_\_ Date  \_\_\_\_\_  
Susan L. Rahr, Executive Director

Approved by:  \_\_\_\_\_ Date  \_\_\_\_\_  
Jeff Myers, Commission Chair  
*Ken Hohenberg for Jeff Myers*