



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

COMMISSION MEETING
Wednesday, March 13, 2019
10 AM

COMMISSION MEMBERS PRESENT:

Ken Hohenberg (Acting Chair), Chief, Kennewick Police Department
Laura Wells, Citizen at Large
Brian Burnett, Sheriff, Chelan County
Robert Latter, Sergeant, Clark County
Dan Satterberg, Prosecuting Attorney, King County
De'Sean Quinn, Councilman, Tukwila
Penelope Sapp, Lieutenant, Kitsap County Jail
Steve Sinclair, Secretary, Department of Corrections
Shannon Bendiksen, Captain, Washington State Patrol

WSCJTC STAFF PRESENT:

Sue Rahr, Executive Director
Chris Fowler, Deputy Director
Marisa O'Neill, Executive Assistant
Tisha Jones, Manager, Certification Unit
Donna Rorvik, Manager, Quality & Standards Division
Stan Conrad, Manager, Advanced Training Division
Brian Elliott, Manager, Fiscal Division
Bob Graham, Program Manager, Advanced Training Division
Dan Christman, Program Manager, Advanced Training Division
Sean Hendrickson, Program Supervisor, Defensive Specialist/Instructor, BLEA
Ethan Swenson, Administrative Assistance 3, Information Technology Unit

GUESTS PRESENT:

Teresa Taylor, Executive Director, WACOPS
Chris Tracy, President, WACOPS
Steve Strachan, Executive Director, WASPC
Dan Walkinshaw, Chief, Cowlitz Tribal
Brandon Molett, Sergeant, Cowlitz Tribal
Lesley Corder, Assistant Chief, Seattle Police Department
Shanon Anderson, Lieutenant, Seattle Police Department
Tim Reynon, Puyallup Tribal Council
Mike Schanbacher, Sergeant, Kent Police Department
Chris Sprague, Rangemaster, Kent Police Department
Gail Stone, I-940 Contractor
Keith Barnes, Investigator, Pierce County Prosecutors Office

Pauly Giuglianotti, NTT
Kim Mosolf, Attorney, Disability Rights Washington
Teri Rogers Kemp, Police Accountability Chair, Seattle/King County NAACP
Michele Meaker, Executive Director of NAMI Eastside
Leslie Cushman, Citizen sponsor of I-940

OPENING

Ken Hohenberg, Presiding

Ken Hohenberg 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.

Commission Hohenberg announced that he would be presiding over this meeting for **Chair Myers**, who is out of town. **Commissioner Hohenberg** also expressed thoughts to **Vice Chair Elfo** and his family, whose son was in a serious car accident and is currently hospitalized.

APPROVAL OF MEETING MINUTES

Commission Hohenberg called for review and approval of the meeting minutes from December 2018.

Commissioner Satterberg moved to approve the December 2018 minutes. **Commissioner Quinn** seconded the motion. **The motion passed unanimously, with the exception of Commission Wells who abstained.**

EXECUTIVE DIRECTOR'S REPORT

Sue Rahr, Executive Director

Staff Introductions

Director Rahr provided an introduction of new CJTC staff member Dan Christman, new Program Manager for the Law Enforcement Training and Community Safety Act. Dan Christman detailed his career background, starting out as a Forensic Investigator for the Medical Examiner's Office for 15 years. After which he transitioned into law enforcement, working his way up to Commander, most recently with the Sunnyside Police Department.

Budget Update

Director Rahr informed the Commission that the momentum is still strong regarding having 19 yearly BLEA classes for the next biennium.

Law Enforcement Training and Community Safety Act (LETCSA)

Director Rahr provided the Commission with a handout outlining the first draft of rules for Law Enforcement Training and Community Safety Act. Three statutes in Title 43 will be addressed: Violence De-Escalation Training, Mental Health Training, and Violence De-Escalation Mental Health First Aid Training Requirements. These three statutes in Title 43 have been amended, with rules to be adopted by the Commission by June 6, 2019. Title 36, the Duty to Render First Aid, and Title 10, Addressing Independent Investigation of Deadly Force, will have rules adopted by the Commission by December 6, 2019.

Director Rahr informed the Commission of the public meetings which occurred in Burien, WA and in Spokane, WA. Additional meetings for rulemaking will take place between March 14 and May 23, 2019. Once dates are confirmed they will be publicly available. A special Commission Meeting will take place on May 23, 2019 at the Spokane Convention Center.

Director Rahr read through the first rules for LETCSA. During the reading **Commissioner Quinn** asked if there are practices for recommending levels of follow-up or frequency of refresher training, perhaps setting a minimum but also putting forth a suggested amount of training. **Commissioner Quinn** also asked if there will be additional resources given to all officers during or after training to facilitate continued growth.

Commissioner Wells asked why the date January 1, 2028 was set as the completion date for training all Washington State law enforcement officers. It was explained that this is due to the amount of time and resources it will take to train all active officers. **Commissioner Wells** also asked for clarification regarding assessment of cultural competency with regard to these new rules, whether it would be consistent with current Commission policy, to which **Director Rahr** answered that outside experts would need to be relied upon for assessments.

Commissioner Satterberg asked for clarification regarding the three year training cycle and whether it will be implemented concurrent with the initial training of officers or begin once training is completed by 2028.

Director Rahr stated that it is the job of the Commission to define the floor for de-escalation training, not the ceiling. **Commissioner Quinn** wanted the Commission to consider stating the reasons acknowledging why defining the minimum is needed, which will allow for additional flexibility, to which **Commissioner Hohenberg** concurred.

Commissioner Hohenberg opened up the meeting for public input. Six members of the public spoke to the Commission.

Teresa Taylor, Executive Director of Washington Council of Police and Sheriffs, said it was a pleasure to be present at the meeting and a pleasure to be a part of this rule making process. Teresa shared with the Commission that it has been a historic process to go through this rule-making with the Commission and public citizens. Teresa would like the Commission to know that as a result of this entire process that the relationship between the community groups and law enforcement has improved. Teresa also wanted to point out that law enforcement is a part of the community as well. Teresa talked about the differences between the two public engagement meetings in Burien and Spokane, and also pointed out that law enforcement officers have dedicated a large portion of their time to be a part of this opportunity and resultant rules and training. Teresa expressed confusion with the rules regarding annual training versus 40-hour training versus the three-year-rotation training, in addition that the rules reference a "paramount duty" and would request that term be changed.

Leslie Cushman, citizen sponsor of I-940, expressed excitement to be here as this process has been ongoing for three years. Leslie expressed some confusion regarding the different hours of training. Leslie addressed the importance of cultural competency, stating that one of the community stakeholders is an expert and will share resources. Leslie also expressed interest in the curriculum. Leslie expressed interest in some of the community stakeholders being considered for future subject matter experts. Leslie addressed the verbiage "non-lethal" versus "less-lethal".

Pauly Giuglianotti reminded the Commission that the number of law enforcement caused deaths nationwide in 2019 is on pace to meet or exceed the deaths in 2018 and that the state of Washington is toward the top of the list of contributors to those statistics. Pauly expressed concern to the Commission that a lot of the required training is redundant and additional training might not be required yet these law enforcement caused deaths still occur. Pauly shared a message from the community of "Stop killing us." Pauly also asked for death-related maps, where the occurrences of police-involved deaths are taking place. Pauly asked the Commission to regularly review curriculum and rules for LETCSA with community members.

Teri Rogers Kemp, Police Accountability Chair for the Seattle/King County NAACP, expressed thanks for the engagement of leadership and their willingness to meet publicly and privately, personally thanking **Director Rahr** and **Commission Satterberg**. With regards to proposed rule 3B, Teri asked the Commission to consider starting the consideration of the impact of stress upon the application process. Teri also asked the Commission to work with area agencies to hire police officers of color outside of the Seattle/King County region, with recruitment occurring nationwide. Teri also addressed the issue of mental health, requesting the Commission to consider looking outside the traditional definitions of mental health, with an emphasis on Post-Traumatic Stress. Teri asked the Commission to consider these alternative definitions of mental health to be included within the training. Teri expressed to the Commission that it is not just black people who suffer from Post-Traumatic Stress, that it is people of all colors all over America.

Tim Reynon, Council Member of the Puyallup Tribal Council, expressed gratitude to being able to work with several members of the Commission over the past few years as he served as the appointee as the office of Native American Affairs on the Governor's task force for the use of deadly force. Tim echoed sentiments that a lot of progress has been made over the past several years as community members and the Commission work collaboratively toward this goal. Tim expressed appreciation for everybody who has been a part of that process. Tim reiterated that because there is a long history with people of color regarding historical trauma this process will take more time and more collaboration between law enforcement and community groups. Tim asked the Commission to address the issue of continued collaboration throughout and after the rulemaking process completes, about how the community will be involved in the development of curriculum, the evaluation process, and in ensuring the statutes are being followed.

Michele Meaker, Executive Director of NAMI Eastside, reiterated the comments made by Tim Reynon. Michele asked for the Commission to define how they intend to build community partnerships as a part of the Statute of LETCSA.

21CPL

Director Rahr informed the Commission that the final phase of the pilot program is nearing completion and a full report will be presented at an upcoming Commission Meeting.

Community College Study

Director Rahr informed the Commission that the Community College study has been completed but is not yet ready for release.

NEW BUSINESS

Variance Requests

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

After reviewing the packet, and hearing testimony **Commissioner Wells** moved to approve the application. **Commissioner Latter** seconded the motion. **The motion passed unanimously.**

WAC Rule Review

Tisha Jones, Certification Manager

Final Action: After reviewing the packet regarding WAC 139-05-200, **Commissioner Sapp** moved to adopt the WAC. **Commissioner Sinclair** seconded the motion. **The motion passed unanimously.**

Final Action: After reviewing the packet regarding WAC 139-05-250, **Commissioner Quinn** moved to adopt the WAC. **Commissioner Burnett** seconded the motion. **The motion passed unanimously.**

Final Action: After reviewing the packet regarding WAC 139-09-010, 020, 030, 040, 050, 060, **Commissioner Sinclair** moved to adopt the WAC. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

K9 Evaluator

Tisha Jones, Certification Manager

Tisha Jones provided the Commissioners with a packet containing K9 Evaluator for Patrol Discipline for Adam Fortney of the Snohomish County Sheriff's Office. **Tisha Jones** also provided the Commissioners with a packet containing K9 Evaluator for Patrol Discipline for Philip Pfeifer of the Spokane County Sheriff's Office.

After reviewing the packets, **Commissioner Wells** moved to approve the applications for both officers. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

Hearing Panel Member Application

Tisha Jones, Interim Hearing Coordinator

Tisha Jones provided the Commissioners with one application.

After reviewing the packet and hearing testimony, the application for Chief Kieth Sichert of the Quincy Police Department was moved by **Commissioner Burnett**. **Commissioner Satterberg** seconded. **The motion passed unanimously.**

EXECUTIVE SESSION

At 12:00 PM, **Commissioner Hohenberg** announced the Commission would be going into Executive Session to:

- (1) Discuss with legal counsel representing the agency matters which are relating to the agency to discuss legal counsel representing the agency any potential litigation or litigation to which the agency is a member, could be impacted, or have financial consequence.

He advised, there are no members of the public present, and the public is excluded from the executive session in order to:

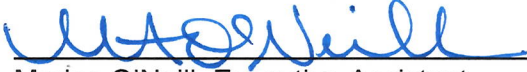



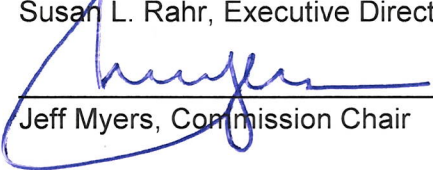

- (1) Discuss with legal counsel representing the agency matters which are relating to the agency to discuss legal counsel representing the agency any potential litigation or litigation to which the agency is a member, could be impacted, or have financial consequence.

He shared his expectation for Executive Session to last 15 minutes.

The room was cleared of non-essential attendees. Executive Session began at 12:00 PM.

Commissioner Hohenberg brought the meeting back on the record at 12:14 PM. He asked if anyone had anything further. Hearing none, he adjourned the meeting at 12:15 PM.

Next Meeting: June 12, 2019, 10 AM, WSCJTC

Written by:	 _____ Marisa O'Neill, Executive Assistant	 _____ Date
Reviewed by:	 _____ Susan L. Rahr, Executive Director	 _____ Date
Approved by:	 _____ Jeff Myers, Commission Chair	 _____ Date