



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

COMMISSION MEETING PUBLIC TESTIMONY

Wednesday, September 9, 2020
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Ken Hohenberg (Vice-Chair), Chief, Kennewick Police Department
Laura Wells, Citizen at Large
Brian Burnett, Sheriff, Chelan County
Joshua Kelsey, Sergeant, Lynnwood Police Department
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
Robert Snaza, Sheriff, Lewis County
John Batiste, Chief, Washington State Patrol

WSCJTC STAFF PRESENT:

Sue Rahr, Executive Director
Marisa Peer, Executive Assistant
Monica Alexander, Manager, Advanced Training Division
Jerrell Wills, Manager, Advanced Skills Training Division
Doug Tangen, Interim Commander, Basic Training Division
Kayla Wold, Program Manager, Advanced Training Division
Tisha Jones, Manager, Certification Unit
Ethan Swenson, Administrative Assistance, Information Technology Unit

GUESTS PRESENT:

Tienney Milnor, Assistant Attorney General, WA State Attorney General
Justin Kato, Assistant Attorney General, WA State Attorney General
Todd Mielke, CAO, Spokane County Sheriff's Office
Lonnie Willey, Mayor, Pe Ell

OPENING

Jeff Myers, Commission Chair

Chair Myers called the meeting to order at 10:00 AM.

Marisa Peer conducted a roll call of the Commissioners. A quorum was present.

Chair Myers announced that this meeting was being hosted on Zoom instead of in-person.

Chair Myers also announced that there would be no public comment period in the meeting due to the technology restrictions and concerns.

EXECUTIVE DIRECTOR'S REPORT

Sue Rahr, Executive Director

COVID-19 Response

Director Rahr informed the Commission the campus was forced close on March 16th as a result of COVID-19 and did not reopen until May. **Director Rahr** focused on critical achievements through the time campus was closed, including the following: Control and Defensive Tactics (C/DT) revising training programs to prevent unacceptable contagion exposure; C/DT creating two-hundred training videos to equip agency trainers to deliver training to small groups in the field; accelerated integration of C/DT and De-escalation tactics to comply with the Law Enforcement and Community Safety Act (LETCSA); creation and implementation of procedural changes for delivering Taser training; conversion of classroom formatted lessons to an online lecture format for virtual delivery; began delivering the 80-hour Equivalency Academy virtually; facilitated the graduation of 90 recruits by having TAC officers travel throughout the state to complete training and testing. **Director Rahr** shared 150 additional students graduated in the following months.

Director Rahr introduced **Interim Commander Tangen** to the Commission and invited him to speak on behalf of the Basic Training Division. **Interim Commander Tangen** informed the Commissioners that in his 42-year career he has not witnessed anything comparable to what this state and nation has gone through. **Interim Commander Tangen** remarked on the ability of his staff to undertake such difficult tasks in unprecedented times and how it facilitated the graduation of 240 recruits who can now go back and serve their communities.

Commissioner Wells asked if the recruits are on campus the same amount of time as before, to which **Interim Commander Tangen** responded remote training is taking place when appropriate and only three to five academy sessions are occurring at a time to limit the number of students on campus. **Commissioner Wells** asked if the time that recruits spend receiving their 720 training hours has been compressed. **Interim Commander Tangen** answered initially the time for training was compressed but now training is back to the schedule where they receive 720 hours of training. **Commissioner Wells** asked if the 720 hours can be delivered in a fewer number of weeks, to which **Interim Commander Tangen** replied they could not, and **Director Rahr** expanded upon that answer by stating that lessons were learned along the way, such as the inability to deliver mock scenario training remotely. **Commissioner Quinn** asked if there is an opportunity to put on social media that implementation of LETCSA rules has begun. **Director Rahr** informed the Commission a new staff member was hired with extensive social media and web experience as the need to be more active on social media has been recognized.

Director Rahr praised the IT team for equipping and training employees to work in a new virtual environment and thanked the IT Manager for the foresight to implement changes prior to COVID-19 which helped facilitate this transition. **Director Rahr** also praised the Advanced Training Division and 21CPL Program for adapting their training to this new environment. **Director Rahr** commended the Applied Skills Training Division for putting together the curriculum for Patrol Tactics for De-escalation and certifying 120 regional trainers who will deliver 24 the hours of training for De-escalation across the state as well as convert that 80-hour curriculum to a mostly virtual platform.

Budget Forecast

Director Rahr informed the Commission a budget has been submitted depicting a 15% budget cut but will continue to fight for 15 BLEA classes. **Chair Myers** mentioned he has had discussions with the Governor's Office and expressed the importance anything WSCJTC will be required to do on behalf of the stakeholders of Washington needs to be properly funded.

Corrections Certification and Training Expansion

Director Rahr informed the Commission legislation was passed requiring WSCJTC to implement a full certification program for Corrections Officers and to expand COA from 4 weeks to 10 weeks. **Chair Myers** indicated a need for firearms training. **Director Rahr** responded saying she will have Assistant Commander Ian Edwards speak to the Commission with regard to the 10-week training program in the December Commission Meeting.

NEW BUSINESS

Approval of Meeting Minutes

Chair Myers called for review and approval of the meeting minutes from November and December 2019.

Commissioner Sapp moved to approve the November 2019 minutes. **Commissioner Satterberg** seconded the motion. **The motion passed unanimously.**

Commissioner Kelsey moved to approve the November 2019 minutes. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

Variance Requests

Tisha Jones, Certification Manager

Tisha Jones provided the Commissioners with a packet containing a variance request for Dean Rivers of the Pe Ell.

There was no motion. **The Chair determined that the variance was denied.**

K9 Report

Tisha Jones, Certification Manager

Tisha Jones updated the Commission on the status of K9 teams throughout the state with 14 teams as explosive detection, 23 narcotics teams, and 40 patrol teams. Since December 2019, three new certified evaluators have been added, two for patrol and one for explosive detection.

Tisha Jones provided Commissioners with an application for Ken Roske of the Pasco Police Department to be appointed as an evaluator.

After reviewing the application, **Commissioner Wells** moved to approve the. **Vice-Chair Hohenberg** seconded the motion. **The motion passed unanimously.**

Hearing Panel Member Application

Kayla Wold, Hearing Coordinator

Kayla Wold provided Commissioners with an application for Chief Chris Guard of the Orting Police Department to serve as a Hearing Panel Member.

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

Law Enforcement Training and Community Safety Act Annual Report Document Review

Monica Alexander, Advanced Training Division Manager

Director Rahr informed Commissioners one of the rules of Initiative 940 required WSCJTC to develop an annual report on LETCSA. She then presented the draft of the first annual report. **Commissioner Wells** asked if this report will be brought to the LETCSA stakeholders for discussion. **Monica Alexander** replied this will not be brought for discussion but rather presented to the stakeholders. **Commissioner Burnett** asked if the Ad Hoc Committee remained the same throughout this process, to which **Director Rahr** answered that the team is mostly the same.

Monica Alexander shared the Best Practices document, which was written as a ground-level document to be used by investigators throughout the state. **Commissioner Quinn** stated that individual peace officers need to vouch for themselves when it comes to best practices and not put the onus on chiefs and sheriffs, that there is a gray area surrounding misconduct of individuals being used as a determining factor.

Monica Alexander shared the second document titled First Aid Guidelines, which was written in a short and simple way to ensure retention of the provided information.

Monica Alexander shared the third document, the Conflict of Interest Assessment Form, which when completed will contain pertinent case information, as well as a list of potential conflicts of interests. **Vice-Chair Hohenberg** asked if the documents codify what the conflict of interest determination of the chief or sheriff might be, to which **Monica Alexander** recommended going to the prosecutor and indicating a conflict of interest. **Director Rahr** shared the struggles with a fundamental conflict with a criminal justice system designed to be controlled at a local level yet creating rules to be implemented by all agencies across the state, that the goal is to create flexible rules to work with all agencies. **Chair Myers** shared the fact a citizen panelist was supposed to be involved in this process to determine potential conflicts of interests. **Commissioner Batiste** asked if the Independent Investigation Teams (IIT) have been a part of this discussion, as some concerns have been raised. **Monica Alexander** answered that by advising current IIT's have been consulted and included in discussions to develop this form.

Monica Alexander shared the Confidentiality Agreement for the Independent Investigations Team Community Members, which outlines the duties, parameters, and restrictions with regards to confidentiality.

Commissioner Wells moved to approve implementation of the LETCSA Annual Report. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

Spokane County Sheriff's Office (SCSO) Request

Chair Myers introduced SCSO CAO Todd Mielke to the Commission who presented a new variation of the basic law enforcement academy to be run by SCSO. Todd Mielke explained that the state of Washington has seen the need to hire a lot of officers due some of the lowest ratios of law enforcement officer residents compared to the nation in addition to seeing a high number of retirements, as well as the increased difficulty in attracting new officers. Todd Mielke proposed to have the Commission recognize the SCSO training program as a BLEA equivalent training program so that graduates of the SCSO training program are granted certification as peace officers. But before SCSO is granted BLEA equivalency, Todd Mielke first initially proposed a pilot program granting equivalency through its reciprocity process, to be assessed in the same manner as out-of-state programs. Graduates of this program would be granted peace

officer certification once they have successfully completed the Commission's 80-hour equivalency program during this pilot program period.

Todd Mielke further expanded upon the proposed pilot program, which includes working closely with the Commission to update curriculum as required, share information about its program, how SCSO would cover the operating costs and not request funds from the Commission for the pilot program, and how the Commission would commit to perform an audit of the program during the pilot period. SCSO proposed a shift from the WSCJTC model of exclusive classroom learning first then field training after and instead implement a concurrence of the two training portions.

Todd Mielke referenced the Commission's reciprocity process with out-of-state programs, indicating that none of the other states have programs modeled after WAC 139-05-250 nor have they been audited by the Commission. Todd Mielke went on to explain that 34 states are granted equivalency despite having fewer academy hours than BLEA's program, with eight states having fewer than 500 program hours, including Georgia at the lowest with 404 required training hours. Todd Mielke also reminded the Commissioners that pursuant to RCW 43.101.080 the Commission has the authority to approve other law enforcement training programs within the state of Washington.

According to Todd Mielke, the one of the goals of the SCSO proposal is to shorten the overall training timeline from 36-40 weeks by up to 13 weeks. They would accomplish this by utilizing an integrated training approach which would combine classroom and FTO experience starting from week two, where cadets are in the classroom four days a week with one day each week dedicated to FTO experience. This method would eliminate the need for any Post Academy training, as the training would conclude with full-time FTO experience, with peace officer certification granted by CJTC only after successfully completing both the academy equivalent, WSCJTC equivalency, and FTO experience. This would reduce the failure rate at the end of the program, for which SCSO is around a 30-50% drop-out rate, costing significant investments in time and resources. This program would save SCSO approximately \$700,000 per year.

Commissioner Latter pointed out that after only one week of orientation, that the cadets would be in FTO during the second week and asked if there would be a limit to their commission. Todd Mielke responded by saying that the cadets would begin the first few weeks with a limited commission, such as not being able to carry weapons and only able to engage to the point that they are certified to the level of their training. **Commissioner Wells** mentioned that since she has heard that within field training, there can be a disconnect between messages sent by the FTO and what the recruits are learning in the academy, and wondered if the issue might be between the FTO personnel and not the sequence of when recruits go into the field. **Chair Myers** shared his discomfort in attempting to complete training in less time.

Chair Myers asked how SCSO's 30-50% drop-out rate compares to other departments. Todd Mielke indicated that Spokane Police Department's drop-out rate is typically 15-20% with a worse case around 25% and indicated this is for new recruits as the drop-out rate for lateral transfers is significantly less. He further went on to say that other agencies SCSO has spoken to since early 2020 tend to have a drop-out rate around 20% with these dropouts occurring late in the process.

Commissioner Satterberg inquired about the feasibility of implementing this program during budget cuts and if SCSO will absorb the costs. Todd Mielke pointed out that Spokane County has fared okay so far and has yet to see a budget reduction, that SCSO is committed during the

pilot program to cover the costs. As an example, after the pilot program, collaborations with the county mitigates the costs of facilities with the potential collaboration between Fairchild Air Force Base for a new facility with the majority of costs being covered by the Air Force. Instructor cost is covered by SCSO and are committed to continue to do so. In addition, a partnership between SCSO and WSCJTC would see SCSO advocate to legislators alongside WSCJTC, and then a contract between WSCJTC and SCSO to run the integrated program in Eastern Washington. Todd Mielke pointed out that it is not the desire of SCSO to compete with WSCJTC for any state funding. **Chair Myers** asked for clarification regarding the notion that while SCSO would not seek funding during the pilot program, that they would seek funding after the pilot program were approved by the Commission. Todd Mielke stated that SCSO would only advocate for an increase in funding, not to compete with existing funding, and that the request would be for funding would go directly to WSCJTC to distribute.

Commissioner Wells asked if SCSO is seeking accreditation as a training academy by one of the independent national accreditation agencies. Todd Mielke responded by saying that Sheriff Knezovich would like to receive accreditation, especially with approval from the Commission as a pilot program. **Director Rahr** clarified that currently within the state of Washington, WSCJTC is the only body that can certify training, and that there exists a disconnected belief that another outside body could certify officers, which the current law does not allow. **Chair Myers** indicated that the proposal by SCSO addressed this directly in their presentation by referencing RCW 43.101.080.

Chair Myers indicated that he values a centralized training body and worried that approving a pilot program to circumvent this centralized training opens the door for other departments to do the same, which would make this method top-heavy from largest agencies implementing their version of this program, while other departments, whose recruit training is subsidized by the larger departments, would now have the inability to send their recruits to the training that they receive from the state. **Chair Myers** also expressed the inherent value in having officers network from across the state as they all attend the same centralized training body. **Chief Batiste** echoed the statement of **Chair Myers** and pointed out that timing is everything, with the current state of the nation and the publicly stated need for additional training, and as a result is not comfortable with segregating WSCJTC as a training body and instead believes that WSCJTC needs to ensure that standardization and uniform practices are both strong and consistent with the Commission's expectations and that of the public. **Vice-Chair Hohenberg** mentioned that while he was initially intrigued by the proposed pilot program, he reaffirmed the need for consistency in training throughout the state. In addition, **Vice-Chair Hohenberg** stated that his department recently had an officer have to use deadly force in the midst of their PTO training and is hesitant for others to be put in a situation where a deadly force situation is necessary without proper training and certification.

Chair Myers brought to the attention of the Commission his desire to have a mandated, documented 12-week field training requirement of all recruits prior to being granted certification, which can be tailored to the individual agency.

Commissioner Snaza shared his belief the state of Washington has the strongest law enforcement training in the United States and shared concerns with what the Commission is accepting as equivalency from other states, using SCSO's example of Georgia's 404 training hours as an example, further asking if the Commission should be granting equivalency to all states without having them to go through the academy.

Commissioner Quinn stated that as an agency, it is important to recognize when the landscape is shifting, that as an agency which trains the peace officers for the state, we need clarity, accountability, transparency, and commitment. For the process to continue through WSCJTC, this helps embolden confidence that the Commission is taking under consideration an understanding that the environment has shifted underneath us. The lessons learned from the Covid-19 experience has shown that as individuals, we are connected and have a responsibility as a Commission to take those learnings and build a shared vision and shared accountability for our state, which reinforces a commitment to the process and the role that it plays and the message that it sends to law enforcement in the state.

Commissioner Burnett recognized the hard work and vision of SCSO to do right by their community and found it admirable. After sharing this proposal with Chelan Sheriff's Office FTO's for their perspective on training and liability, the biggest concern was that recruits will have the potential to be put in a situation where they have to act without proper training and thinks that if a change in training models were to occur that it needs to come from WSCJTC for the entire state.

Commissioner Sapp agreed with the outside of the box thinking done by SCSO and felt the most important portion of the presentation was the comparison with other state's academies. Echoing earlier statements of Washington state being the best in the nation at training officers, wondered if this high standard the Commission holds for in-state recruits should also be applied to out-of-state lateral transfers, and if the Commission should reconsider offering blanket equivalency to all states. **Chair Myers** indicated that this is a process that benefits stakeholders while may not be a process that benefits the public, stating that there is a responsibility as Commissioners to leave their other jobs and hats behind and represent the citizens of Washington, believing that while we have a close reciprocal agreement with nearby states, others might need a closer look. **Director Rahr** shared that a process has been discussed regarding developing a process to scrutinize the practices of other states, that ideas can be reported in the December Commission Meeting. She also indicated the reason blanket equivalency has been granted is that it is faster and less expensive to bring in a lateral officer, but as **Commissioner Quinn** indicated, the ground has shifted and perhaps it is time for further scrutiny. **Chair Myers** mentioned that while he appreciates the comparison SCSO made with out of state training, SCSO remains within the state of Washington which is under the purview of the Commission by legislative mandate.

Commissioner Sinclair reiterated earlier remarks about the timing of this proposal and feels there will be a significant push for different training methods. To try and control and maintain training methods through multiple venues makes the challenge very different and that the more WSCJTC can centralize and perfect existing and new training should be the focus.

Commissioner Kelsey moved to deny the pilot program request from SCSO. **Commissioner Batiste** seconded the motion. **The motion passed unanimously.**

OLD BUSINESS

Commissioner Latter recommended revisiting a closer look at reserve officers and reserve deputies and ensuring that reserves have comparable training to other peace officers throughout the state, to which **Commissioner Wells** agreed. **Chair Myers** asked that this be placed in Old Business for the December Commission Meeting for Commissioners to provide direction on how this could look. **Director Rahr** informed the Commissioners that a



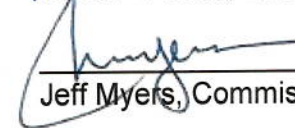
presentation will be made in the meeting by Tom Hill, the Reserves Academy Program Manager.

ADDITIONAL NEW BUSINESS

Chair Myers asked if anybody else had anything further. **Commissioner Satterberg** mentioned the Commissioners should be prepared to discuss the topic of decommissioning for misconduct and wanted to look into what it would take for the Commission to have a more robust decommission process. **Chair Myers** asked what the worst cases would look like and further pointed out that some agencies throughout the state have intentionally thwarted WSCJTC to decertify based on separation agreements. **Chair Myers** stated that the Commissioners would need an idea of what is working and what is not working. **Director Rahr** pointed out that WSCJTC does not conduct the investigations as it would be an expensive undertaking. **Chair Myers** asked if there is knowledge regarding the current expenditure WSCJTC incurs as a result of decertification. **Director Rahr** informed the Commissioners the expensive is significant and used the example that the last 6-month bill from the Attorney General Office was \$400,000, and further commented that decertifying officers who have not been fired is a very difficult endeavor. **Commissioner Quinn** asked if it would be possible to discuss the infrastructure elements regarding the decertification process and structural barriers that need to be addressed to fix the issue. **Vice-Chair Hohenberg** mentioned that his department has always conducted a parallel administrative investigation alongside a criminal investigation in which Internal Affairs investigators sit in on the investigations as observers, and indicated that this has been their most effective way to address an officer who has committed misconduct and also allows compelling Garry and a statement from the officer. **Commissioner Batiste** mentioned a lack of consistency among prosecutors with regards to double investigations.

Chair Myers asked if anybody else had anything further. Hearing none, he adjourned the meeting at 12:44 PM.

Next Meeting: December 9, 2020, 10 AM, WSCJTC

Written by:	 _____ Marisa Peer, Executive Assistant	02/10/2021 Date
Reviewed by:	 _____ Susan L. Rahr, Executive Director	02/10/2021 Date
Approved by:	 _____ Jeff Myers, Commission Chair	02/10/2021 Date