



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

COMMISSION MEETING

Wednesday, December 11, 2024
10 A.M.

COMMISSION MEMBERS PRESENT

Penelope Sapp (Chair), Chief, Kitsap County Jail
De'Sean Quinn, Councilmember, City of Tukwila
Rosemary Kaholokula, Prosecuting Attorney or Municipal Attorney (Virtual)
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability (Virtual)
Kurtis Robinson, Community Member – East of Cascades (Virtual)
Jeffrey Anaya, Officer or First Line Supervisor, Vancouver Police Department
Annalesa Thomas, Community Member (Virtual)
Trishandra Pickup, Community Member (Virtual)
Katrina Johnson, Community Member (Virtual)
Bart Logue, Member with Civilian Oversight Over Law Enforcement
Anita Khandelwal, Public Defender (Virtual)
Velma Lockrem, Tribal Police Officer (Virtual)

Present after Roll Call:

Tim Reynon (Vice Chair), Tribal Representative, Puyallup Tribe
Ken Roske, Chief, Pasco Police Department (virtual)
Sonia Joseph, Community Member
Walter Kendricks, Community Member – East of Cascades (Virtual)
Rob Snaza, Sheriff, Lewis County Sheriff's Office
Darryl Barnes, Officer or First Line Supervisor, Adams County Sheriff's Office
Erik Scairpon, Chief, Marysville Police Department

WSCJTC STAFF PRESENT

Monica Alexander, Executive Director
Stephanie Huffman, Executive Assistant
Jerrell Wills, Deputy Director
Kimberly Bliss, Assistant Director, Certification
Lacey Ledford, Legislative Liaison
Valerie Jenkins-Weaver, Certification Operations Division Manager
Mike Devine, Certification Investigations Division Manager
Lauren Caputo Allen, Community Liaison Manager

David Quinlan, Communications Manager
Gunner Miller, Communications Intern

AG's STAFF PRESENT

Justin Kato, Assistant Attorney General, WA State Attorney General

Welcome

Penelope Sapp, Commission Chair

Chair Sapp called the meeting to order at 10:03 A.M. **Stephanie Huffman** conducted a roll call. A quorum was present.

CHAIR'S REPORT

Penelope Sapp, Commission Chair

Chair Sapp applauded Executive Director Alexander for her tremendous work. Just this year, she has overseen three regional academies. She shows up for the first day of class and for graduation, which is so important for the candidates. This year, the Washington State Criminal Justice Training Commission (WSCJTC) hosted 29 Basic Law Enforcement Academy (BLEA) classes with over 840 students. There were nine Corrections Officer Academy (COA) classes with 324 students. Chair Sapp urged the commissioners to stay positive.

DIRECTOR'S REPORT

Monica Alexander, Executive Director

Director Alexander said that all future meetings will begin with a land acknowledgement. There was a Corrections graduation on Monday in Vancouver, a BLEA graduation in Pasco on Tuesday, and a third graduation will happen tomorrow in Burien. We hold graduations quite often. There are currently eight BLEA classes at headquarters and one class in Spokane. BLEA classes just graduated in Vancouver and Pasco. New BLEA and COA classes start next week in Vancouver. There are 266 basic training recruits being trained in Burien. We have 132 recruits currently registered. We have seats if people want to get in.

WSCJTC was going to do a use of force presentation today. That is going to be moved to the March 2025 Commission Meeting.

On August 28, 2025, the WSCJTC is doing Chief for a Day. This is a program where different agencies select a sick child and celebrate those children and their families for a day.

Commissioner Logue asked for a legislative update. He met with a state legislator who discussed upcoming budget cuts. **Executive Director Alexander** said the Office of Financial Management has been open with WSCJTC about sharing budget cuts that would impact

WSCJTC. Public safety is a priority for the governor elect. The WSCJTC completed the pre-design and submitted a report to the Office of Financial Management. **Executive Director Alexander** said she is not against co-locating with other organizations. We cannot implement our curriculum with our current space limitations. We have a wait list for our gym, range, and facility due to the volume of recruits at the Burien campus. **Commissioner Logue** asked if there is anything the commissioners can do to help WSCJTC get the new space – that we’re ahead of the nation, but we don’t have enough to get it done right. **Executive Director Alexander** said a big part of the budget ask is to get more bodies in the Certification Bureau. Assistant Director Bliss has done a great job of being engaged with community partners and helping people understand what her team does. **Commissioner Logue** stated he cares a lot about doing the things in the middle (training past the academy), so we don’t have to get to the decertification process. He said he would like to hear more about that in the future. What are we doing in “the middle” to raise the bar as officers advance in rank? **Commissioner Quinn** said there needs to be a broader understanding of “the middle,” referring to Commissioner Logue’s comment. He asked if there is a willingness of law enforcement to speak about “the middle.” Every part of the process needs to be respected and protected. **Executive Director Alexander** spoke about WSCJTC’s goal to get accredited by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). **Chair Sapp** said she thinks it’s important that corrections officers get continuous training beyond the academy. There was some valuable training that peace officers get that would be important for corrections officers too. She said that supervisory training is important too. The training curriculum should have more of a focus on liability. **Executive Director Alexander** said she couldn’t agree more. We are going to start a Job Task Analysis (JTA) for Corrections. **Commissioner Robinson** thanked Chair Sapp for her comments. **Commissioner Barnes** said we set the foundation for peace officers with BLEA. We are falling flat when it comes to middle-management, corporals, or sergeants. There’s no book on how to be a good sergeant. Every agency does it a little differently. How do we establish standards for that level of management? **Executive Director Alexander** said that WSCJTC does offer career level certification. We haven’t forgotten about it. **Commissioner Logue** said he really appreciates Commissioner Barnes’ comments. His organization is having conversations about how to change the culture, and it really starts with those levels of management. **Commissioner Scairpon** commented that right now we’re at a critical time in policing. We have an opportunity to shape the next 20 years of policing. Cops get a lot of training. The feedback on management training is tremendous.

SIG SAUER UPDATE

Jerell Wills, Deputy Director

Deputy Director Wills presented on a premature discharge that occurred during BLEA training in early October at the Northeast Regional Academy. This is very uncommon. More commonly, we would see an accidental, or negligent discharge. In this incident, there were two lines of students. A lead instructor gave a command to fire. When that command was given, one of the

students pulled his firearm from his holster, and his weapon bumped into his outer carrier or ballistic vest and discharged. The instructor immediately recognized that the student was “indexing,” meaning his finger was well above the trigger guard. As a result, the round went into the ground behind the student. Bullet fragments struck the instructor and another student. There were some minor injuries to the student who was behind the student in question, as well as very minor injuries to the instructor. That specific weapon was taken off the range. We discovered in the subsequent hours and days that there is a lot of information online about this weapon, the Sig Sauer P320. With a little bit more research from staff, there is an abundance of information about this specific weapon around the country. There was also another unconfirmed incident in Washington State involving this weapon. Ultimately, with consultation and guidance from subject matter experts, we decided to conduct a temporary prohibition on the Sig Sauer P320. There are impacted officers and recruit students around the state. The WSCJTC communicated with those agencies that either the agency or WSCJTC would provide replacements. This prohibition also includes staff. As this was happening, we assembled a work group to study this issue. Sig Sauer makes another model M17 & M18 which is essentially the same as the Sig Sauer P320. We have prohibited those models as well. To date, we have had four work group meetings. The goal is to assemble a report by early January of 2025. We want the commissioners to be fully aware of the process and the ultimate decision. **Vice Chair Reynon** asked if the temporary prohibition is applicable across the state or just at the WSCJTC. **Deputy Director Wills** said it only applies to our students and instructors that are training on our facilities. It doesn’t apply to the agencies themselves. Our authority does not extend to the agencies that are using this weapon across the state. **Commissioner Quinn** asked if visitors to the WSCJTC range can use this weapon. **Deputy Director Wills** clarified that this weapon is prohibited at all WSCJTC’s facilities. **Commissioner Logue** asked if there has been any official correspondence statewide. **Deputy Director Wills** said the WSCJTC sent out a communication to stakeholders in October that this prohibition was going to be enacted. **Commissioner Logue** asked if the WSCJTC anticipates that a recommendation will be made for agencies across the state to stop the use of this weapon. **Deputy Director Wills** said that is not really the role of the WSCJTC. **Commissioner Robinson** clarified whether someone could visit the WSCJTC with this weapon in their holster as long as they are not using the weapon at the range. **Deputy Director Wills** replied in the affirmative. **Commissioner Scairpon** stated that his agency does use this firearm. All the agencies that use this firearm are watching very closely to see what the WSCJTC recommends. He stated that it could cost about half a million dollars to change firearms platforms. **Commissioner Anaya** said his agency has divorced from this weapon after seeing the liability after an accidental discharge for which they believe the weapon was at fault. **Vice Chair Reynon** asked if the manufacturer is taking action given these safety concerns. **Deputy Director Wills** said the manufacturer presented for two hours to the WSCJTC workgroup. **Executive Director Alexander** recognized that this is a financial burden to agencies that use this firearm, but we have to look at safety. **Chair Sapp** appreciates that the WSCJTC made a decision based on the safety of the students. **Commissioner Scairpon** noted that all firearms training is inherently dangerous but noted that the range in Spokane was following safety protocols.

CERTIFICATION REPORT

Kimberly Bliss, Assistant Director, Certification Bureau

Assistant Director Bliss provided a follow-up to Commissioner Logue's earlier point about the Certification Bureau's need for additional budget. The Certification Bureau has asked for 12 additional full-time employees; nine on the investigation side and three on the operations side. We also need a records and data manager. **Assistant Director Bliss** also provided an update to Commissioner Scairpon about the compliance audits. Marysville and Redmond Police Departments volunteered to participate in the pilot audits. Because they were pilot audits, we agreed with the agencies and State Auditor's Office that those reports are not published. The Chiefs of those agencies are more than willing to share their experiences. We have now selected the next two agencies to be audited. We took every agency in the state and compared the number of certified officers to the number of agencies report they had sent to the WSCJTC. We took the bottom third of reporting agencies and used a random generator to select two agencies. The two agencies selected for the next audit are Des Moines Police Department and Renton Police Department. **Chair Sapp** asked what the audit process looked like. **Commissioner Scairpon** described the process for his agency, as they participated in the pilot audit. **Commissioner Quinn** asked if there is a cost for the audit. **Assistant Director Bliss** said it doesn't come out of the Certification budget, so it must come out of the State Auditor's Office (SAO) budget. **Commissioner Quinn** said he would like to have a conversation about cost recovery of the process. **Assistant Director Bliss** said she would look into how the audits are funded. She also said that both the agencies were in substantial compliance. The only problem was that there is a 15-day requirement to report to the WSCJTC. If there is a single staff person who is responsible for those notices and they go on vacation, the SAO recommended cross training another staff person. With the Redmond PD audit, there was one missed notice to the WSCJTC. The SAO recommended that the WSCJTC provide guidance on what constitutes RCW 43.101.105(j)(iv). Certification will begin to publish a list of every case we have charged under 43.101.105(j)(iv).

Assistant Director Bliss presented the data in the Certification Report. At the beginning of 2024, the Certification Bureau was intaking more cases than later in 2024. This is attributed to two changes. First, in April, WSCJTC clarified with agencies their interpretation of "initial disciplinary decision" in the statute. The initial disciplinary decision comes at the end of an internal affairs case with the agency, not at the beginning. That has brought the number of notices we receive down. Secondly, as Certification adopted the new case management system, we no longer open a separate case for a complaint for which we already have an open case. Duplicate complaints are combined into one case. **Assistant Director Bliss** also presented on the breakdown of closed cases by type of administrative closure, as previously requested by Commissioner Robinson. The closure type "Administrative Closure – Lack of Jurisdiction," is noticeably large. We believe the reason is partly because the WSCJTC used to get notice of more cases that weren't required to

be reported to WSCJTC. **Commissioner Robinson** said he looks forward to more information on that delineation of closure types in the future. **Assistant Director Bliss** also pointed out the new section “Additional Closed Cases,” which represents all the recruit investigations and internal affairs investigations for WSCJTC staff and contractors. Those investigations take up a large portion of our investigators’ time.

Commissioner Thomas asked about the 229 cases that WSCJTC has closed for Administrative Closure – Lack of Jurisdiction this year and clarified that WSCJTC has not done a full investigation on those cases. She asked what standards the WSCJTC uses to decide if there is no jurisdiction in those 229 cases, and how much weight is put on an employer’s opinion of whether there was misconduct. **Assistant Director Bliss** said she would love to bring our Administrative Closure policy to the March 2025 commission meeting. However, she stated that the team has benefitted from the addition of the new Case Review Manager. She suggested that she brings one of those case reviews conducted by the Case Review Manager to the next commission meeting to use as an example of how cases can be closed as Administrative Closure – Lack of Jurisdiction. **Commissioner Thomas** also asked if the Certification Bureau is making progress on the backlog, and how the Certification Bureau is planning to reduce the backlog. **Assistant Director Bliss** said that without more staff, she cannot reduce the backlog unless she were to reduce the standards for closing a case. She also stated as the team grows, processes for closing cases will have to change. The decision-making authority on some cases will need to be pushed down to other managers, because there are too many cases awaiting final approval by the Division Manager and Assistant Director.

Assistant Director Bliss also noted there is a backlog in hearings. There are 11 hearings scheduled between now and June of 2025. The statute states that hearings should be scheduled within 90 days, but the Administrative Law Judges have a backlog in availability to schedule new hearings. We have 16 cases waiting for a Statement of Charges to be served. **Commissioner Logue** stated he was surprised to learn how costly the hearings are. **Assistant Director Bliss** said that the WSCJTC pays the AG’s Office and the Administrative Law Judge for their hourly time on hearings. **Commissioner Scairpon** asked if a case is pending a decertification hearing and it is also playing out on the labor side, does the WSCJTC wait for the arbitration to complete? **Assistant Director Bliss** said we do not have a policy, procedure, or practice of waiting until arbitration is complete, but those decisions are made on a case-by-case basis.

Assistant Director Bliss said she will be drafting a new policy regarding settlement of cases in our next policy review period that starts in January of 2025. **Commissioner Logue** asked about the process for officers who retire with an open certification complaint. **Assistant Director Bliss** stated that the WSCJTC would still investigate because the retired officer is still certified. If the officer is not looking for work and the misconduct doesn’t fall under the mandatory decertification criteria, that case might be lower in priority. **Commissioner Logue** pointed to a recent case in which the Chief of Police was the only person in an officer’s chain of command

who thought the excessive force warranted termination. The officer was ultimately decertified by WSCJTC. He said there is a disconnect in the type of conduct that is being accepted at different levels of the chain of command. **Assistant Director Bliss** pointed to the Certification Action Summaries report that was included in the commission packet. The WSCJTC publishes summaries of all cases that result in an officer decertification.

Commissioner Logue said that if we collected all the insights from the certification cases, we could put together a great leadership class. **Commissioner Barnes** stated that these lessons learned might need to come back to training instructors. **Assistant Director Bliss** said Certification relies on WSCJTC trainers as our subject matter experts in decertification hearings. Trainers at individual agencies might not always come to the same conclusions as our trainers at WSCJTC. We don't have control over the training requirements of agencies. **Vice Chair Reynon** asked if the standards for training are adopted statewide. **Assistant Director Bliss** responded in the affirmative, but many agencies have their own training units that are not overseen by the WSCJTC. **Vice Chair Reynon** said that it is something that we should look into. It would require a new division of WSCJTC and a new law to fill some of those gaps that were identified. **Commissioner Quinn** said that this topic has come up in the past, and we are moving in that direction. He agreed that middle management is where the change happens. **Commissioner Scairpon** said there is a clear need in first level and middle management to train on use of force review. So many laws have changed over the course of 20 years. It would be beneficial for the WSCJTC to provide a half-day training on use of force review. **Chair Sapp** said that she liked the idea of a use of force review training. Additionally, she sees the benefit of training for middle management. **Commissioner Logue** stated he would be happy to join a subcommittee on this topic.

NEW BUSINESS

Meeting Minutes

Commissioner Anaya moved to approve the September 2024 commission meeting minutes. **Commissioner Quinn** seconded the motion. The motion passed unanimously.

WAC 139-07-040 Polygraph Examination or Other Truth Verification

Mike Devine, Certification Investigations Division Manager and Lacey Ledford, Legislative Liaison

Mike Devine presented on the recommendation from industry experts to eliminate the requirement for the WSCJTC to develop model questions for polygraphers. **Commissioner Quinn** asked if this is a best practice. **Mike Devine** responded in the affirmative.

Commissioner Logue motioned to approve the revision. **Commissioner Scairpon** seconded the motion. The motion passed unanimously.

Variance Request

Valerie Jenkins-Weaver, Certification Operations Division Manager

Valerie Jenkins-Weaver presented the variance request from Jefferson County.

Commissioner Anaya motioned to approve the variance request. **Commissioner Barnes** seconded the motion. **Commissioner Scairpon** stated his support for having this officer attend the corrections equivalency academy to get caught up on the training. **Commissioner Logue** asked Chair Sapp for her opinion. **Chair Sapp** stated that this officer has been out of corrections for quite some time. **Commissioner Thomas** asked why this officer wants to make the switch back to corrections. She stated her support for this officer to receive more training. **Undersheriff Pernsteiner** spoke on behalf of Sheriff Noll. He told the commissioners that the officer did not pass his probationary period in law enforcement, so they offered him a job in corrections. **Corrections Chief Fortino** said that this officer is qualified and competent for the corrections job. **Commissioner Robinson** asked why this officer was released from probation. **Undersheriff Pernsteiner** stated that this officer tended to pursue vehicles while there was the statewide restriction on pursuits. **Valerie Jenkins-Weaver** stated that this officer is registered for corrections equivalency academy. **Chair Sapp** stated the commissioners have granted variance requests similar to this before. **Vice Chair Reynon** stated that eight years have elapsed since this officer was last employed in corrections. He believes the 10-week corrections officer academy would benefit this officer as opposed to the two-week equivalency academy. **Commissioner Logue** stated he would be inclined to agree with the variance request. **Valerie Jenkins-Weaver** also pointed out that this officer has been in the world of corrections. It is common for officers in smaller agencies to receive cross training between law enforcement and corrections. **Commissioner Scairpon** asked if there are any certification issues for this officer. **Valerie Jenkins-Weaver** responded that there are not. **Commissioner Quinn** stated he tends to side with what Commissioner Logue said. He also pointed out the honesty and transparency that the undersheriff provided when answering questions about this variance request. **Commissioner Thomas** said she has serious concerns that this officer could not follow basic rules of not pursuing vehicles. She believes this officer may not follow rules in a corrections setting in his treatment of inmates. **Commissioner Pickup** agreed with Commissioner Thomas' concerns. **Undersheriff Pernsteiner** stated that this officer was a model corrections officer for more than a decade with Clallam County Sheriff's Office. There are a lot more dynamic situations that are in place in law enforcement than in a corrections setting. **Commissioner Pickup** stated she finds this officer's inability to not pursue vehicles to be very serious. **Commissioner Logue** pointed out that the officer was successful in Clallam County, and he was certified to be a field training officer by the WSCJTC. **Commissioner Kaholokula** noted that during the time the pursuit restrictions were in place, it was very difficult to keep track of the rules. She does not believe those situations would arise in the jail context. **Commissioner Scairpon** asked for clarification that this officer would be under supervision and probation during his first year as a corrections

officer. **Undersheriff Pernsteiner** said typically the probation is one year, but it may be extended out an additional six months.

Eight commissioners voted in favor of the variance request. Commissioners Reynon, Dreveskracht, Thomas, Joseph, and Pickup voted against the variance request. The variance request passed.

CLOSING

Executive Director Alexander presented a plaque for Commissioner Webb who will no longer be serving on the commission.

Chair Sapp adjourned the meeting at 12:31 P.M.

Next Meeting: March 12, 2025, 10 A.M., WSCJTC

Written by:	<u>Lauren Caputo Allen</u> Lauren Caputo Allen, Community Liaison Manager	<u>3/18/2025</u> Date
Reviewed by:	<u>Monica Alexander</u> Monica Alexander, Executive Director	<u>3/24/2025</u> Date
Approved by:	<u>Penelope Sapp</u> Penelope Sapp, Commission Chair	<u>3/25/2025</u> Date