



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

COMMISSION MEETING

Wednesday, February 23, 2022
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
De'Sean Quinn (Vice-Chair), Councilman, Tukwila
Jeffrey Anaya, Officer, Vancouver Police Department
Jared Couch, Sergeant, Upper Skagit Police Department
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Nickeia Hunter, Citizen at Large
Katrina Johnson, Citizen at Large
Sonia Joseph, Citizen at Large
Joshua Kelsey, Sergeant, Lynnwood Police Department
Walter Kendricks, Citizen at Large
Anita Khandelwal, Public Defender
Bart Logue, Civilian Oversight over Law Enforcement
Trishandra Pickup, Citizen at Large
Tim Reynon, Tribal Representative, Puyallup Tribe
Kurtis Robinson, Citizen at Large
Penelope Sapp, Chief, Kitsap County Jail
Dan Satterberg, Prosecuting Attorney, King County
Annalesa Thomas, Citizen at Large
Shannon Bendiksen, Assistant Chief, Washington State Patrol Designee
Mike Webb, Attorney General Designee

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Kevin Zeller, Assistant Director
Lacey Ledford, Executive Assistant
Marisa Peer, Manager, HR
Bart Hayes, Manager, Advanced Training Division
Dave Campbell, Commander, Basic Training Division
Sean Hendrickson, Manager, Applied Skills Division
Megan Saunders, Manager, Communications
Jeff Wilcox, Manager, Information Technology Unit
Valerie Jenkins-Weaver, Program Manager, Certifications Division
Renee Berry, Confidential Secretary
Norma Moreno, Confidential Secretary
Kayla Wold, Hearings Coordinator
Ethan Swenson, Administrative Assistant, Information Technology Unit

GUESTS PRESENT:

Justin Kato, Assistant Attorney General, WA State Attorney General
Mark Duxbury, Chief, Newport Police Department

OPENING

Jeff Myers, Commission Chair

Chair Myers called the meeting to order at 10:01 AM.

Norma Moreno 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 introduced the new Commissioners and asked each to provide a brief introduction.

Commissioner Dreveskracht introduced himself to the Commission as an attorney practicing indigenous people's civil rights and shared his excitement to be involved with this Commission.

Commissioner Logue introduced himself to the Commission as the police ombudsman for the city of Spokane working in civilian oversight of the police and was previously an accredited diplomat to Jordan and is looking forward to bringing those experiences to the Commission.

Commissioner Khandalwhal introduced herself to the Commission as the director of the King County Department of Public Defense and is hoping to offer her experience and perspective in a way that is useful to the Commission.

Chair Myers encouraged Commissioners to visit the WSCJTC campus to attend classes and graduation ceremonies, to familiarize themselves with what occurs in and out of the classrooms.

Commissioner Appointments to Decertification Hearing Panel

Chair Myers informed the Commission of a change in law that allowed for Commissioners to be appointed to a hearing panel, letting the Commissioners know that WSCJTC staff has streamlined for process.

Adjustment of Salary for Executive Director Position

Chair Myers informed the Commission that he authorized a pay increase for the Executive Director position of WSCJTC as the salary had not been adjusted, excepting for cost-of-living increases, in at least the last 10 years. **Chair Myers** indicated that this increase was a full pay scale adjustment.

Commissioner Hohenberg's Retirement

Chair Myers informed the Commission that former Commission Vice-Chair, **Chief Hohenberg**, will be retiring from the Commission and as Chief of the Kennewick Police Department on Friday February 25, 2022, and will be presenting a plaque of recognition in the ceremony. **Chair Myers** indicated that the Alternate Chief Position is vacated due to this retirement and that discussions with the governor over filling that vacancy have not yet occurred. **Chair Myers** also reminded the Commission that his term as Commissioner will expire in June 2022.

Letter to the Commission

Chair Myers brought to the attention of the Commission a letter that was received on December 9, 2021, from the Washington State Sheriff's Association, which addressed concerns regarding the review of curriculum and other issues. **Chair Myers** informed the Commissioners that he drafted a response on behalf of the Commission in which he stated that the matter of reviewing curriculum had already been addressed by the Commission and reiterated that a review of curriculum is done at the sole discretion of the Commission. **Commissioner Reynon** wondered if there would be a benefit to sharing the positive things WSCJTC has done, such as the positive impacts in response to legislation. **Chair Myers** stated that he had a discussion with the Sheriff's Association, offering to meet with them to present information, to address the various facets asked of the agency, but also to state that without proper funding there is a lack of capacity to fulfill these requests. **Vice-Chair Quinn** shared his appreciation for the restraint shown in the responding letter. **Chair Myers** reiterated that unfunded plans and intent are simply aspirations and that while training and accountability are taken seriously, funding is required.

Approval of Meeting Minutes

Chair Myers called for review and approval of the meeting minutes from the December 9, 2021, Commission Meeting.

Commissioner Sapp moved to approve the minutes. **Commissioners Satterberg** and **Kendricks** seconded the motion. **The motion passed unanimously.**

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Legislative Report

Director Alexander provided the Commission an update regarding current legislation which affects WSCJTC, sharing the supplemental budget has requested 4.5 additional BLEA classes for 2022 and 8.5 additional BLEA classes for 2023. **Director Alexander** also explained that additional funding for Spokane BLEA has been requested since the cost has increased.

Commissioner Sapp asked if there would be any additional COA classes. **Director Alexander** indicated that there are none asked in the supplemental budget, but work has begun on the 2023 budget, which would include COA classes and a new facility.

Director Alexander mentioned a budget request to supply a cognitive learning application to facilitate mobile training. **Commissioner Thomas** asked whether this app would be used and financed in perpetuity and be available for every officer. **Director Alexander** explained that the budgetary ask would cover the cost for all officers in the state to have access to the training provided by the application. **Commissioner Hunter** asked for clarity on who provides the training seen on the application. **Director Alexander** stated that the training is provided by WSCJTC, who pushes the training out through the application itself, further stating that two training modules have already been provided, Holocaust for Humanity and Fines and Fees, both of which originated from I-940 mandates. **Commissioner Logue** asked whether Commissioners have access to the application. **Director Alexander** informed the Commission that a training link can be sent for non-law enforcement but indicated a backdoor exists to view the training, noting that the Holocaust for Humanity training is provided live while the Fines and Fees training is prerecorded, with the latter having received some negative criticism from students. **Chair Myers** asked if there was a mechanism for Commissioners to receive the application with **Director Alexander** confirming that there does exist this mechanism.

Commissioner Couch asked who designed the Fines and Fees training. **Director Alexander** indicated that Dr. Alexis Harris created the training on behalf of WSCJTC, adding that the agency does not oppose bringing in subject matter experts to assist in creating training. **Commissioner Couch** stated the importance on vetting individuals who create the training modules. **Chair Myers** emphasized the importance of stakeholders understanding what the training is and why it exists. **Commissioner Dreveskracht** highlighted the importance of providing the training through the agency and not a third-party vendor, emphasizing the value this training is to smaller stakeholder agencies. **Director Alexander** explained that WSCJTC is respecting what the law is asking of the agency. **Vice-Chair Quinn** expressed a need to share the Fines and Fees training with elected officials to further educate more stakeholders on specific systems and processes. **Commissioner Thomas** indicated that the community should be more involved in the review of trainings as they can share their experiences and the impacts they have encountered but also how their lack of understanding these systems and processes can compound ramifications. **Commissioner Robinson** stated that a need and demand exists for more input on trainings and that the Commission should seek to challenge the status quo. **Commissioner Satterberg** indicated that there is a dissonance regarding a discussion about policy and the enforcement of policy, adding that officers on the street have more discretion than anybody throughout the process and how those officers exercise that discretion could be an avenue toward mending the relationship with the community. **Chair Myers** stated the importance of an officer being good at their job, as their interactions with the community could have a great impact on individual people while the officer themselves might not remember the encounter. **Director Alexander** stated that WSCJTC could set up site for Commissioners to view the Fines and Fees training as well as coordinate times for other training opportunities.

CALEA

Director Alexander informed the Commission that Deputy Director Wills is working with the Commission on Accreditation for Law Enforcement Agencies to obtain accreditation for the curriculum taught at WSCJTC.

BLEA Updates

Director Alexander updated the Commission that there are currently nine classes underway on the Burien campus, eight BLEA classes and one COA class with Spokane BLEA having one class, with a wait time of four months. **Director Alexander** shared that the wait time could go down to 30-45 days depending on legislative adds.

NEW BUSINESS

Variance Requests

Valerie Jenkins-Weaver, Certification Manager

Valerie Jenkins-Weaver provided the Commissioners with a packet containing variance request for Jason Roberts of the Newport Police Department.

Commissioner Reynon asked considerations the Commission take when granting or denying variance requests. **Chair Myers** stated his preference as a chair that the Commission is restrictive on granting variances unless there are mitigating factors that are addressed.

Commissioner Kelsey expanded that there are a lot of factors, but no variance request is clean cut, further stipulating that the only reason the Commission receives a request is when a variance request is not clean cut. **Chair Myers** noted that Jason Roberts' training was all done out of state. **Commissioner Thomas** asked whether any disciplinary action had ever been

taken against Jason Roberts and wondering if that information was available to the Commission. **Chair Myers** stated that information surrounding disciplinary action is not normally provided to the Commission, explaining that any background checks would be done by the agency in question at the time of hiring. **Commission Pickup** expressed a desire to see background information and stated her fear in approving a variance without familiarity over the officer in question's training. **Chair Myers** reiterated that variance requests are solely based on training requirements and do not account for background considerations. **Vice-Chair Quinn** emphasized the importance of focusing on the specific asks of the variance requests, which are to address the break in service and training. **Commissioner Couch** noted that there was substantial training outlined in the request, which details the desire for Jason Roberts to skip the basic training academy and attend the Equivalency academy instead, which is done in a manner to reconcile training differences between states, in addition noting that the work Jason Roberts performed during the break in service was done in a law enforcement capacity. **Commissioner Johnson** asked if the training received in Oklahoma would be comparable to the training received in Washington. **Chair Myers** stated that while the training difference is important, the more critical matter is the break in service. **Commissioner Johnson** inquired about the precedent of accepting variance requests from out of state with similar breaks in service. **Chair Myers** answered that the Commission has accepted variance requests on a case-by-case basis but tends to discourage them as it can set a bad precedent that does not honor the depth of training Washington state requires. **Assistant Chief Bendiksen** shared an example in Washington State Patrol of a similar case where an individual had been deployed for the past five years and is requiring that individual to be readmitted into their basic training academy.

Chair Myers asked Chief Duxbury if Jason Roberts is an employee or if he has a conditional offer of employment. Chief Duxbury shared that Newport Police Department has not given a conditional job offer but were wondering whether Jason Roberts would be approved for Equivalency if a job offer was given. **Chair Myers** stated that since Jason Roberts is neither an employee nor has a conditional offer of employment, the variance request is moot.

Commissioner Kelsey emphasized that consistency within variance requests is important and stated that this discussion should be tabled as a motion is not needed or required.

Commissioner Couch asked if the Commission has a standing rule on variance requests regarding what the Commission will or will not hear. **Chair Myers** clarified that only hearing variance requests for employed officers or individuals with conditional offers of employment is an established process but not a rule. **Commissioner Robinson** made a motion to establish this process as a rule. **Commissioner Logue** stated that long standing practices are not good enough if the Commission wants to change what the laws state, adding that when policing is facing scrutiny, standards are not goals, and that the Commission can either meet those standards or not but would be uncomfortable lowering a standard of law enforcement. **Vice-Chair Quinn** specified the purpose for why the Commission was given this responsibility is to not lower the standard and the importance upon training and its evolution. **Commissioner Couch** asked that guidelines and operating procedures are developed so that the Commission can function more professionally and to prevent rules from being made up as they go, ensuring matters can function smoothly. **Chair Myers** clarified that due to the time requirements and the nature of discussion surrounding variance requests, previous iterations of the Commission did not hear cases unless the officer was hired or had a conditional offer of employment and supplied WAC 139-03-030 as the rules governing the request for exemption, waiver, extension, or variance of law enforcement officers, which provides legal guidance on what is heard.

Commissioner Reynon asked who would create the rules under which the Commission would

operate, whether it would be the Commission itself, an ad hoc committee, or WSCJTC. **Vice-Chair Quinn** clarified that processes and procedures have been established by law. **Chair Myers** further clarified the nature of the processes and procedures is up to the Commission to determine. **Commissioner Thomas** added that it would be helpful to have documents outlining the expectations of Commissioners. **Commissioner Logue** offered to be involved in any committee that would work on this project.

Commissioner Robinson moved to require the Commission to only hear variances on individuals who have been hired or have a conditional offer of employment. **Commissioner Thomas** seconded. **The motion passed.**

Commission Meeting Frequencies

Kurtis Robinson, Commissioner

Commissioner Robinson explained to the Commission a concern regarding the need for greater frequency of meetings due to the complexity of the meetings and the need for discussion, suggesting meeting twice a month until the June Commission Meeting. **Commissioner Kelsey** agreed that the discussions are important and needed but shared concern that meeting so often does not allow Commissioners the opportunity to listen to stakeholders for feedback, instead suggesting a few more meetings this calendar year instead of two per month. **Vice-Chair Quinn** agreed that meeting more is important, citing precedent around the implementation of I-940, but stated that having time for review and planning is important and expressed a desire for more documentation surrounding the topics of discussion. **Commissioner Robinson** expanded his suggestion stating the need is for Commissioners to have more space to accomplish tasks, to offer more opportunities for all Commissioners to have their voices be heard regarding the upcoming topics. **Commissioner Reynon** agreed on the need to address important topics and stressed the value of having meetings ending on a timely schedule so that Commissioners can plan accordingly and have all in attendance, stating that shorter, more frequent meetings will allow for consistent dialogue. **Commissioner Kelsey** suggesting opening the WAC to increase the frequency of meetings. **Commissioner Thomas** mentioned the value in scheduling special meetings around specific topics. Following concerns regarding the procedure of scheduling Commission Meetings with short notice, **Commissioner Dreveskracht** pointed out that RCW 42.30.080 requires only 24-hours-notice for special meetings. **Commissioner Robinson** reiterated the importance of having the needs dictate the actions of the Commission regarding these meetings. **Chair Myers** stressed that having the time and space to make the upcoming discussions work is needed and mentioned that the following Certifications Retroactive Investigation is still being reviewed for policy input by the Office of the Attorney General. **Commissioner Reynon** sought clarification regarding what was asked of the Office of the Attorney General, whether the Commission can perform retroactive certification investigations or how the Commission can perform retroactive certification investigations, highlighting the distinction between those two options. **Chair Myers** clarified that the legal opinion sought was regarding the legality and constitutionality as well as the legal ramifications of such actions, noting the complicated nature due to state and federal rules. **Commissioner Kelsey** offered an amendment which would add only an extra meeting in April at which point the Commission would decide how many more meetings are needed. **Commissioner Robinson** stated that amendment did not meet the spirit of the motion. **Chair Myers** stated that the motion is such that the additional special meetings can be cancelled if they are no longer necessary. **Vice-Chair Quinn** emphasized the importance of individual responsibilities of the Commissioners to get through these topics due to their significant nature.

Commission Robinson moved to increase the frequency of Commission Meetings to two a month until the scheduled June meeting to be followed by the continuation of quarterly meetings. **Commissioner Johnson** seconded the motion. **The motion passed.**

Certification Retroactive Investigations

Kevin Zeller, Assistant Director

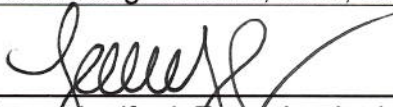
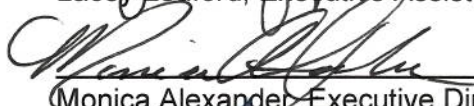
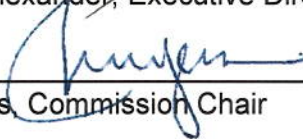
Chair Myers tabled the discussion and postponed until a special Commission Meeting can occur.

Vice-Chair Quinn moved to approve postponing the discussion. **Commissioners Anaya and Robinson** seconded the motion. **The motion passed unanimously.**

EXECUTIVE SESSION

Chair Myers announced that there would be no executive session. **Chair Myers** asked if anyone had anything further. Hearing none, he adjourned the meeting at 12:36 PM.

Next Meeting: March 9, 2022, 10 AM, WSCJTC

Written by:	 _____ Lacey Ledford, Executive Assistant	3/9/22 Date
Reviewed by:	 _____ Monica Alexander, Executive Director	3/9/22 Date
Approved by:	 _____ Jeff Myers, Commission Chair	3/9/22 Date