



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

COMMISSION MEETING
Thursday, November 4, 2021
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Jeffrey Anaya, Officer, Vancouver Police Department
John Batiste, Chief, Washington State Patrol
Jared Couch, Sergeant, Upper Skagit Police Department
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
Trishandra Pickup, Citizen at Large
De'Sean Quinn, Councilman, Tukwila
Tim Reynon, Tribal Representative, Puyallup Tribe
Kurtis Robinson, Citizen at Large
Penelope Sapp, Chief, Kitsap County Jail
Dan Satterberg, Prosecuting Attorney, King County
Robert Snaza, Sheriff, Lewis County Sheriff's Office
Annalesa Thomas, Citizen at Large
Mike Webb, Attorney General Designee, WA State Office of the Attorney General

WSCJTC STAFF PRESENT:

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

GUESTS PRESENT:

Justin Kato, Assistant Attorney General, WA State Office of the Attorney General
Fred Thomas, Citizen
Leslie Cushman, Citizen
Tana Wood, Citizen
Steve Strachan, Executive Director of WASPC
Teresa Taylor, Executive Director of WACOPS
Chris Cammock, Chief, Mount Vernon Police Department
Joyce Brekke, Citizen
Pauly Giuglianotti, Citizen
Jill Boudreau, Mayor of Mount Vernon
Mike Zaro, Chief, Lakewood Police Department
Matthew Murray, Chief, Yakima Police Department
Martina Morris, Citizen
James Leighty, Citizen
Brian Chance, Captain, Wenatchee Police Department
Rich Fletcher, Chief, Kelso Police Department
Ron Harding, Chief, Poulsbo Police Department

OPENING

Jeff Myers, Commission Chair

Chair Myers called the meeting to order at 10:00 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 congratulated **Commissioner Sapp** on her recent promotion to Chief of the Kitsap County Jail and to **Commissioner Quinn** for his successful reelection.

Chair Myers introduced the new Commissioners and asked each to provide a brief introduction.

Commissioner Couch introduced himself to the Commission and stated that he was happy to be on the Commission and excited to work with the other Commissioners.

Commissioner Kendricks introduced himself to the Commission, stating that he is grateful for the opportunity to serve the people of Washington state in this new role.

Commissioner Anaya introduced himself to the Commission, sharing his belief that it is very important to work with the community in manner they can appreciate, that they desire, and that they deserve.

Commissioner Hunter introduced herself to the Commission, sharing her desire to provide a voice for the community and provide justice and equity for all of Washington.

Commissioner Johnson introduced herself to the Commission and stated that she is looking forward to working with the other Commissioners and staff in building a better future.

Commissioner Joseph introduced herself to the Commission, stating that she is happy to be on the Commission to represent an underrepresented community.

Commissioner Pickup introduced herself to the Commission, stating she is representing the community of indigenous people, standing for equality and the sanctity of life, and is looking forward to learning and helping in the future.

Commissioner Thomas introduced herself to the Commission and shared that she is honored and humbled to be a part of this Commission and wants to learn from other experiences while contributing hers to build toward a better and safer community.

Approval of Meeting Minutes

Chair Myers called for review and approval of the meeting minutes from June 9, 2021 with amendments to an instance of his name being misspelled, while **Commissioner Reynon** suggested changing the language *public session* to *executive session* on page 5 of 6 of the minutes.

Commissioner Reynon moved to approve the minutes with the suggested amendments. **Commissioner Quinn** seconded the motion. The motion passed unanimously.

Chair Myers called for review and approval of the meeting minutes from the June 30, 2021 Commission Meeting.

Commissioner Sapp moved to approve the June 30, 2021 minutes. **Commissioner Satterberg** seconded the motion. The motion passed unanimously.

Chair Myers called for review and approval of the meeting minutes from the September 8, 2021 Commission Meeting.

Commissioner Satterberg moved to approve the September 8, 2021 minutes. **Commissioner Sapp** seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Organizational Structure Changes and Staff Introductions

Director Alexander informed the Commission of organizational changes and new additions of staff. Previous Commander, Johnny Alexander, has moved to Advanced Training to become the new CISM Program Manager. Commander Dave Campbell has returned to WSCJTC to become the new Commander of BLEA. Dave Miller has been appointed as Assistant Commander to BLEA while Christine Rickert has been appointed as Assistant Commander to COA. Alex Buijs has moved to Advanced Training to become the new LETCSA Program Manager, while Lacey Ledford has been hired to replace her as the Assistant Director's Confidential Secretary.

Equivalency Academy

Deputy Director Wills informed the Commission that to bring the Equivalency Academy into alignment with the legislative mandates from House Bill 1064 and Initiative 940, work is currently underway to redevelop the curriculum, redistributing the hours of training modules. **Deputy Director Wills** explained that the current class structure is 80-hours which provides basic instruction of Washington's model of law enforcement and is conducted primarily via PowerPoint presentations and a written exam. **Deputy Director Wills** further stated that

students will be required to complete coursework prior to the academy to keep training limited to the current 80-hours.

Canine Workgroup

Director Alexander shared with the Commission that Assistant Director Kevin Zeller and Certifications Manager Mike Devine are addressing requirements from the last legislative session regarding the Canine Workgroup Model Policy and have worked with the community throughout the state to ensure an equitable policy.

BLEA Updates

Commander Campbell updated the Commission that there are currently six BLEA classes underway on the Burien campus, one class on the Spokane campus, one COA class, and one Equivalency class, which equates to 253 recruits. **Commander Campbell** also informed the Commission that the waitlist for BLEA is at 147 recruits and a 7-month wait time. **Chair Myers** stated that this is a constant battle within the state as officers are only required to provide two-weeks-notice for their resignation, yet it takes over a year to replace them with a new officer.

Commissioner Thomas asked if this backlog of recruits is larger than usual and asked what the size of the standard recruit waitlist is under normal circumstances. **Director Alexander** explained that the waitlist was a month and a half in August of 2021 but that various reasons have seen the list skyrocket in the past several months. **Director Alexander** informed the Commission that the executive team has met to discuss how to address this issue, putting together a small plan to send off to the Office of Financial Management while working on a more comprehensive plan. **Director Alexander** stated that while the Commission is funded for a specific number of classes during regular session, short sessions only accommodate supplemental requests, yet that funding is not received until the following April, which does not offer the current needed support. **Chair Myers** shared that this has been a problem the Commission has been dealing with for years since the Commission is only scheduled for a certain number of classes, and that instead of having too many and eliminating unnecessary classes, they schedule too few and it requires asking for funds for additional classes.

NEW BUSINESS

WAC 139-12-030 Updates

Monica Alexander, Executive Director

Director Alexander explained to the Commission that the reason for opening WAC 139-12-030 comes from the Office of the Attorney General who conducted a survey of Independent Investigative Teams and came up with recommendations, sending a letter to former Executive Director Sue Rahr on December 21, 2020 suggesting the WAC be revised by the Commission. **Director Alexander** shared her opinion that since there will be another Commission Meeting in December that the changes can be discussed in this meeting with final decisions made in the next Commission Meeting. **Chair Myers** stated that the Commission will be considering amendments to WAC 139-12-030.

WAC 139-12-030 section 1 subsection b: remove , *except limited briefings given to the chief or sheriff of the involved agency about the progress of the investigation so that they can manage the internal administrative investigation and communicate with the community about the progress of the* and replace with *The administrative investigation of the involved agency must remain separate from the independent criminal.*

WAC 139-12-030 section 2 subsection b-a: add *from the impacted community*.

WAC 139-12-030 section 2 subsection b-b: add *written*; add *Agencies may use a standard conflict of interest form developed by the Washington state criminal justice training commission*.

WAC 139-12-030 section 2 subsection b-f: remove *If the confidentiality agreement is violated, the nonlaw-enforcement representative may be subject to prosecution under RCW 9A.76.020 (Obstructing a law enforcement officer) and chapter 10.97 RCW, Washington State Criminal Records Privacy Act. For the purpose of this chapter, "criminal background information" is the same as "criminal history information" as defined in RCW 10.97.030(4)* and replace with *Any nonlaw enforcement representative or law enforcement officer found to have violated the confidentiality agreement will be subject to immediate removal from the team, as well as any future independent investigation*.

WAC 139-12-030 section 4 subsection c-i: remove *and*; add *and community members*; remove *and/or*; add *and community members*. *The Washington state criminal justice training commission will post IIT rosters on the criminal justice training commission website from each region, which will be provided by the IITs. There shall be standardized trainings for nonlaw enforcement community representatives, including training on the requirements of the mandatory nondisclosure agreements*.

WAC 139-12-030 section 4 subsection c-ii: remove *chapter xxx WAC [WAC 139-12-030] (4)(c)(v)* and replace with *(c)(v) of this subsection*.

Director Alexander stated that the AGO report also asked the Commission to create a way for law enforcement to reach out to community members but shared that while the Commission could create a template, that each community is different and does not feel it is necessary to mandate law enforcement usage of any Commission created document. **Commissioner Quinn** shared that by not restricting use, it creates opportunities for innovation within communities. **Commissioner Robinson** felt that it might be worth looking into a baseline standard as a foundation for law enforcement to build upon.

Chair Myers asked for clarification regarding community members of Independent Investigation Teams not wanting their information published on the website, whether it occurs when they are selected or merely based on willingness to be included for consideration. **Director Alexander** answered that if this is a concern, it will be addressed.

Commissioner Quinn shared his opinion that these are each important issues and will likely take longer than one session to discuss. **Commissioner Satterberg** stated his preference to hold for a Commission-only conversation in the next meeting where each suggested change is discussed. **Commissioner Kendricks** felt that the suggested changes should be discussed after consideration of all the public testimony. **Commissioner Robinson** said that it is important to ensure thoughtful decisions are made with adequate time but that if the discussion is moved to the next meeting that it is also completed in that meeting. **Chair Myers** used the Chair's prerogative to move the discussion of WAC 139-12-030 changes to the December 8, 2021 meeting agenda.

WAC 139-12-030 Public Testimony

Tana Wood introduced herself as one of the community members of the Skagit & Island County IIT and stated her concern regarding sharing information with the involved agency, urging the Commission not to make that change. She shared that the original language provided for limited briefings to be given only regarding progress, and in her experience in these investigations, these briefings were appropriate, needed, and in no way compromised the investigations. She further stated that she failed to see the rationale behind the proposed change as the original language is clear, appropriate, and retains the spirit of the law.

Leslie Cushman stated her support for the proposed changes and reminded the Commission that Initiative 940, as amended in HB 1064 and in RCW 10.114.011, required that investigations be completely independent from the involved agency, highlighting the intentionality of the inclusion of the word *completely*. She noted the importance of the new office of independent investigations, put in place by HB 1267, which has in place a practice of limited briefings for involved agency but that the briefings will be done by the office of independent investigations, as seen in RCW 43.102.120 subsection 5. She again reminded the Commission that they are not implementing RCW 43.102.120 but instead HB 1064, which makes no mention of briefings.

Fred Thomas reminded the Commission that it is important to remember why this WAC was written, that law enforcement has lost credibility with much of the public, who asked for completely independent investigations, and now law enforcement is stating that the public can have their independent investigations if law enforcement is involved. He shared his belief that the law enforcement will never have credibility if involved agencies are connected to independent investigations.

Steve Strachan recommended to the Commission that they not adopt changes regarding removing the IIT's ability to brief the involved agencies' Sheriff or Chief, as these are summary only lacking details. He reiterated that one of the roles of the citizen representative is to attend these briefings to ensure transparency and limitation on what is shared in these briefings. He shared that basic information being provided to the Sheriff or Chief is needed to be able to communicate effectively with their community and elected policy makers.

Teresa Taylor agreed with Steve Strachan and Tana Wood's comments, stating that the inclusion of community members in the working groups was not identified in I-940 but is now an integral part of the LETCSA process and implementation. She stated that while the language of briefing a Sheriff or Chief was not included in I-940, not everything in our current process is parallel with the initial proposed I-940 and does not mean these proposals are bad ideas.

Chris Cammock stated his support for the Independent Investigation process and the principles behind it, sharing that when law enforcement uses deadly force that there needs to be a separation between investigations. He further shared his belief that sharing information does not compromise investigations but rather enhances by adding information, as it promotes an open, transparent, and credible process. He informed the Commission that Skagit-Island counties have conducted six Independent Investigations since 2017, with an average length being 5-months with normal delays, and it is not desired for an agency to wait for 5-months for a briefing.

Joyce Brekke shared her belief that making independent investigations completely independent are essential steps to achieving the independence mandated by the law, as the existing law is

too vague, with the word *limited* allowing for multiple interpretations. She further shared the importance of training of community representatives, both the confidential requirements as stated in the regulation but also the standard for what makes for best practice in criminal investigation and on the transparency, credibility, and independence requirements of I-940. She stated the importance of including law enforcement along with community members with regards to the change of the confidentiality penalty language. She believes that posting rosters of IITs helps transparency and urges that the team and a point of contact is published, not just the rosters.

Jill Boudreau, as Mayor of Mount Vernon, strongly opposes the elimination of limited briefings to chiefs and sheriffs, maintaining that these can be managed to obtain total independence. She shared that the use of deadly force affects entire communities, and lack of information on progress breeds mistrust. Further she proposes the rejection of the proposed revisions but suggests the addition of limited briefings to the jurisdiction's executive, stating that as Mayor, she is the hiring and firing authority for all public employees including all police employees and police chief.

Mike Zaro asked that the flexibility is granted when considering the mandate that community representatives only come from the impacted community as he stated that he has found availability can be an issue and has forced his region's IITs to borrow community representatives from neighboring areas. Regarding the limited briefings to Chiefs and Sheriffs, he offered an operational clarification that most agencies wait until a criminal investigation is done before completing an internal or administrative investigation, as it is the goal to not contaminate the criminal investigation with the internal investigations, so the internal investigation does not occur until after the criminal investigation is completed. He shared that as a result, they have a large period of time where they have to determine what to do with the officer in question, and if this WAC change passes then it leaves departments with several choices, not limited to putting the officer on administrative leave until the investigation is complete or that the officer is put back to work until the investigation is complete.

Matthew Murray informed the Commission that Yakima is operating on far lower strength than necessary to do their job and cannot afford to have officers standing by in administrative leave, and if there is an offending officer where there is no immediate wrongdoing suspected, they are put right back out on the street. He states that by eliminating the limited briefings would mean that the IIT could learn of actions that would normally cause the officer to be placed on administrative leave, but due to the lack of briefings the Chief or Sheriff would not know of these issues until well after the fact which could make it possible to have an officer serving on the street despite having committed an act that would cause immediate administrative action.

Martina Morris shared that the audit made by the Attorney General's Office was done of the first 30 cases that LETCSA rules applied to and found that some agencies were making good faith efforts, stating only 20% were found to comply with all LETCSA requirements. She shared that one case was so riddled with conflicts that the Office of the Attorney General took over the case. She believes that the five changes proposed are just a start to addressing the suggestions made by the Office of the Attorney General. She urged the Commission to not change the language *shall to may* and that conflict-of-interest forms are fundamental and cannot be interpreted as discretionary. She also noted that the terms *community member* and *IIT roster*, both in use in the WAC, are not defined in the WAC.

James Leighty shared his concern that citizens who have had disagreements one way or another with law enforcement will be automatically ineligible for consideration to serve on an IIT. He asks that provisions be put in place to prevent biases against community members that prevents them from serving on an IIT and allows for a truly independent investigation.

Brian Chance stated that while eliminating the limited briefing upholds the pillars of independence, it also goes against the pillars of transparency and communication, which should be the goal of all interested parties. He further stated that the limited briefings could be an agency's first, and only, time opportunity to address training opportunities, administrative concerns, or policy concerns. He shares that if this limited communication is eliminated the IITs and the agency's ability to communicate with the public is hampered. He expressed that law enforcement agencies cannot rectify issues, improve, or take corrective actions without timely communication.

Rich Fletcher objects to the proposed change to publishing the list of community representatives and does not feel is a good idea to list members of an independent investigation team publicly, whether they are law enforcement or community members, which can invite harassment and unnecessary interference or influence with their participation in the IIT.

Ron Harding stated that having received these briefings from IIT has allowed him to appropriately respond to requests from the community, who have a right to expect that their Chief or Sheriff will provide them information, further stating that limiting access to this information limits transparency with the community. He reiterates the need to have the community member present in the limited briefings to safeguard the community. He also indicated that the administrative process is not congruent with the criminal investigation and that the administrative process is dependent upon the completion of the criminal process.

Pauly Giuglianotti shared that the goal of the Commission should be zero deaths by law enforcement in Washington state, that the Commission could push for de-escalation hours in the academy to match the time that is spent training on the firing range. He stated that he supports transparency, accountability, and the community representative position, and that it is important to continue to change the WAC and the RCW to remake the Commission in favor of super-majority community control.

Canine Evaluator Applications

Valerie Jenkins-Weaver, Certifications Program Manager

Valerie Jenkins-Weaver provided the Commissioners with the work-group application for Joshua Madsen of the Pasco Police Department for Patron Discipline and Narcotic Detection on behalf of the Commissioners in the capacity for the CEOs of the state.

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

Litigation Update

Justin Kato, Assistant Attorney General, Office of the Attorney General

Justin Kato provided an update to the Commission regarding the Appeal made under the Appeals Act filed by Spokane Sheriff Ozzie Knezovich in Spokane Superior Court, that the case

would be heard November 5, 2021 by Judge Bjelkengren, with both parties having the ability to appeal the result.

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 12:24 PM.

Next Meeting: December 8, 2021, 10 AM, WSCJTC

Written by:	 _____ Norma Moreno, Confidential Secretary	<u>12/8/21</u> Date
Reviewed by:	 _____ Monica Alexander, Executive Director	<u>12-13-2021</u> Date
Approved by:	 _____ Jeff Myers, Commission Chair	<u>12/8/21</u> Date