



WASHINGTON STATE  
**CRIMINAL JUSTICE TRAINING COMMISSION**  
19010 1<sup>ST</sup> AVENUE SOUTH, BURIEN, WA 98148

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**COMMISSION MEETING**

Wednesday, April 27, 2022  
10 AM

**COMMISSION MEMBERS PRESENT:**

Jeff Myers (Chair), Chief, Hoquiam Police Department  
De'Sean Quinn (Vice-Chair), Councilman, Tukwila  
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  
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  
Robert Snaza, Sheriff, Lewis County  
Annalisa Thomas, Citizen at Large

**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  
Mike Devine, Manager, Certifications Division  
Dusty Pierpoint, Investigator, Certifications Division  
Valerie Jenkins-Weaver, Program Manager, Certifications Division  
Deborah Jacobs, Policy Specialist  
Renee Berry, Confidential Secretary  
Norma Moreno, Confidential Secretary  
Derek Zable, Records Manager  
Kayla Wold, Hearings Coordinator  
Ethan Swenson, Administrative Assistant, Information Technology Unit

## **GUESTS PRESENT:**

Justin Kato, Assistant Attorney General, WA State Attorney General  
Teresa Taylor, Executive Director, WACOPS  
TVW

## **OPENING**

*Jeff Myers, Commission Chair*

**Chair Myers** called the meeting to order at 10:02 AM.

**Lacey Ledford** 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.

## **NEW BUSINESS**

### **Crisis Intervention Waiver Appeal**

*Kayla Wold, Hearings Coordinator*

**Kayla Wold** brought to the Commission an exemption request for Officer Dennis Luce of the Hoquiam Police Department due to medical purposes. **Chair Myers** recused himself from the discussion due to conflict of interests. **Commissioner Johnson** asked what occurs if an exemption request is denied and a waiver is not granted. **Kayla Wold** explained that the noncompliance follows the agency, rendering the entire agency as noncompliant with mandatory training, which can cause issues with accreditation, records being made available for public records requests for noncompliance, and is tracked on the officer's professional profile. **Commissioner Pickup** sought clarity indicating that 22 of the 24 hours of mandatory training were complete and that Hoquiam Police Department was seeking a waiver for the missing two hours. **Kayla Wold** affirmed that statement, indicating the exemption request was only for a two-hour course. **Commissioner Batiste** asked if an opportunity exists for the officer to take the course after the date had passed. **Kayla Wold** explained that the training system does not allow for extensions to be granted and that the Learning Management Software (LMS) vendor is looking into options which can make training available for extensions in the future but indicated that extension process would not be available until at least the next training audit process. **Commissioner Reynon** asked how the Commission has handled these exemption requests in the past. **Kayla Wold** indicated that agencies who have officers out for an extended period can submit a request, which are reviewed by the agency on a case-by-case basis and presented to the Commission to be determined on a case-by-case basis. **Vice-Chair Quinn** expanded by stating the Commissioners look at documentation and requirements and look for mitigating circumstances, stating that while in the past there have been situations where it was clear training could have been completed by the waiver process was attempted as a means of circumventing the mandate, there are mitigating circumstances that can affect an officer's ability to complete the mandatory training, and it is ultimately up to each Commissioner to decide on whether to grant the waiver exemption or not. **Commissioner Johnson** asked if the 2022 mandatory training would rectify this lack of training completed in 2021 and if it is common to see agencies wait until the last part of the year for their officers to complete their training, opening them up to miss training opportunities if they are out for extended periods. **Kayla Wold** stated that each officer must complete this training annually with the new training replacing the old training and that once the deadline passes, there exists no way to rectify having missed the training. **Commissioner Snaza** added that he was unaware officers could not make up missed training opportunities, stating that it is challenging to complete all the mandatory 24-hour training

as there are many other training requirements and work obligations, wondering if it is right to punish an accredited agency like Hoquiam Police Department for something that was not negligent, asking the other Commissioners to look at this as an individual incident; what is the training history of the officer, what is the training record of the agency, adding that becoming an accredited agency is a very difficult task and shows a record of training compliance. **Vice-Chair Quinn** added that the process for certifying an agency is very difficult and is hard to maintain. **Director Alexander** took responsibility for not allowing make up training opportunities, stating that unforeseen medical issues are an issue that will be addressed.

**Commissioner Batiste** moved to approve the exemption. **Commissioners Sapp** and **Logue** seconded the motion. **The motion passed unanimously with Commissioners Khandelwal and Robinson abstaining.**

### **Preliminary Review of Certification WAC**

#### **WAC 139-01-100 Description of Central and Field Organization**

**Deborah Jacobs** stated that WCPA suggested language that would address the role of the Executive Director versus the role of the Commission. **Commissioner Thomas** asked if Commissioners want to propose a language change in the policy, whether they must make a motion or just propose the new language. **Chair Myers** clarified that a motion and second would need to be made as it is a WAC process, and a motion puts it on record.

**Commissioner Thomas** moved to revise the proposed WAC to add that the Commission directs agency policy, and the Executive Director and staff implement the directive.

**Commissioner Robinson** seconded the motion. **The motion passed unanimously.**

#### **WAC 139-01-310 Use of Force Definition**

**Commissioner Robinson** moved to adjust the definition of use of force to be consistent with Senate Bill 5051 and RCW 10.120.010. **Chair Myers** felt this amended definition would be more in line with the legislation's provided definition for use of force but indicated that the definition is not the same as defined in RCW 10.120.010 and considered referencing the statutory definition as there is a worry the Commission could create a double standard if a created definition differs from the statute's definition. **Vice-Chair Quinn** expressed his preference to match the definition to the statute as WAC processes in the past seek to align language to alleviate misinterpretation. **Commissioner Robinson** shared that communities have clearly stated is that Use of Force is more than when physical force causes harm.

**Commissioner Logue** agreed on aligning the definition to the statute but disagreed with the definition of Use of Force as it currently states serious injury, which is getting outside of what the Commission is trying to account for as any activity outside of compliant handcuffing should be considered Use of Force. **Chair Myers** shared that the legislative process changed the previous law. **Mike Devine** stated that the definitions in this WAC are to be a guideline for the 15-day reporting requirement and that the definitions need to be narrow to receive compliance with the law.

**Commissioner Robinson** shared that some community expressed concerns regarding that Use of Force requires an injury to occur, which is too narrow and excludes the pointing of a firearm or putting a hand on a gun. **Commissioner Thomas** stated that the word *terrifying* comes to mind, as situation where individuals are terrified is what is being addressed, as too often in the past the definition has been too narrow which allows for individual interpretation, further adding that the definition of Use of Force needs to be clearly spelled out, even if it is long

and cumbersome. **Vice-Chair Quinn** explained that there are some responsibilities with consistency in reporting and fears if the definition goes outside of the statute that there could be a greater likelihood that action done by the Commission could be successfully challenged, wondering if the Commission's authority could be put into question with the proposed definition. **Chair Myers** shared that the statute specifically left compliant handcuffing out of the definition as an encompassing definition was required, adding that due to human nature, if an officer is looking to avoid a use of force incident, they might not utilize force when it is necessary and that there is a fear of escalation by not utilizing handcuffs, further explaining that the purpose of these WACs is specific to the application of decertification proceedings. **Mike Devine** reiterated that these definitions are structured for the certification and decertification process.

**Justin Kato** asked that since there is no clarifying language at the outset, if the proposed definition of Use of Force defining the term that is being used in the WACs only or if this is an attempt to define the term Use of Force as it is being used in RCW 43.101, explaining that if you leave language clarifying terms defined are to be used in the WAC, not the RCW, at the outset of 139-01-310, that will change the impact of the definition and the way the Commission uses it. **Justin Kato** further added that if the definition is only purposed for the WAC, this use is going to be narrow as it is not for broader Commission context. **Deborah Jacobs** clarified that the intent was to define Use of Force only for the WAC. **Chair Myers** stated that this definition is under General Administration and Definitions of the WAC and is uncomfortable with the definition only involving the terms serious injury or death. **Valerie Jenkins Weaver** added that serious injury or death definition of Use of Force is in RCW 43.101.135 and addresses the Use of Force reporting mandates that go to the Commission.

**Chair Myers** suggests changing the definition to, "*use of force that is defined by statute.*" **Justin Kato** mentioned that referring to the statutory section would have the benefit that any time the legislature updates the definition then the definition in the WAC will be automatically updated. **Commissioner Reynon** stated that there needs to be more work done on this definition as the staff has stated the definition is intended for a narrow scope, but instead recommends tabling the motion until more work can be done to tighten the language. **Vice-Chair Quinn** agreed that tabling the motion should be done until there is a better definition, adding a desire to figure out a way to incorporate a meaningful definition that is aligned with the work of the Commission. **Commissioner Robinson** stated that anything challenging the status quo is going to feel uncomfortable but is not opposed to more conversation. **Chair Myers** agreed with the sentiment but stated that when dealing with legal processes there are good intentions and there is the law and when it comes to holding officers accountable for conduct, there must be a basis on that which is understandable so the Commission can move forward. **Chair Myers** added that he is not comfortable with the current definition and thinks the Commission can do better. **Commissioner Robinson** agreed and is not opposed to doing better, pointing out that when dealing with the law and quoting the law, that this is the law that has previously supported misconduct committed by officers, and that as the Commission addresses that law, they need to address that the law has been culpable for how it has established barriers. **Commissioner Thomas** suggested that if the motion is tabled that staff is assigned to explore legal ramifications that have been addressed and a middle ground is met so that a statement can be read that states the definition works within the law, further sharing she is uncomfortable with tabling the motion. **Chair Myers** suggested instead to postpone the motion until the May 4, 2022, meeting. **Commissioners Robinson and Thomas** agreed to postpone until the May 4, 2022, meeting.

**Vice-Chair Quinn** added that systems change is transformational but necessary and that words alone will not accomplish change, instead it will be documentation and hard work. **Chair Myers** shared that while the Commission wants to make changes, this opportunity was given by Senate Bill 5051 and the Commission must operate within the law and rules provided, warning the Commissioners that if the Commission is outside the purview of authority, decisions can be appealed on capriciousness.

**Commissioner Robinson** moved to approve the exemption. **Commissioner Thomas** seconded the motion. **The Chair recognized the motion was postponed until the May 7, 2022, meeting as staff looks at the definition with recommendations to address what the definitions are addressing.**

### **WAC 139-01-310 Extremist Organization Definition**

**Commissioner Hunter** asked for clarification regarding which version of the WAC was being presented to the Commission and whether it included Section E. **Deborah Jacobs** clarified that the working draft presented to the Commission included Section E. **Commissioner Hunter** stated that the definition of Officer does not include reserve officers and asks for the definition to rectify that exclusion. **Chair Myers** pointed out that reserve officers are not certified and that these WACs are specific to processes under certification. **Valerie Jenkins Weaver** stated that including reserve officers in this definition would force the need to include them in other definitions which include the term *officers*, and in doing so would open reserve officers for decertification processes. **Chair Myers** proposed adding *certified officers* as clarifying language. **Commissioner Hunter** asked if the agency could solicit the legislature to address reserve officers. **Chair Myers** stated that limited commissioned officers have been addressed, adding that 387 reserve officers are registered with 400 or more special officers that have police powers who are not certified, such as Liquor and Cannabis Board investigators, members of the Attorney General's Office, investigators with the Insurance Commission, etc. **Chair Myers** added that the Commission has not yet addressed limited commissioned, specialty commissioned officers, or warrant officers. **Commissioner Robinson** stated a desire to deal with this issue. **Chair Myers** shared that professionalizing Corrections was a big task and wants to bring that same process to limited and special commissioned officers. **Commissioner Hunter** added that while reserves do not work full time, they have commissioned status and it is important to set a standard to encompass all commissioned officers. **Vice-Chair Quinn** supports being specific in addressing these different officers, as it is in alignment with what was done with Corrections officers. **Chair Myers** proposes definitions be included for all types of officers to be expanded for the next meeting's review. **Commissioner Hunter** accepted that proposal to be reviewed in the next meeting.

**Commissioner Robinson** asked regarding the accountability to encompass individuals with badges and guns in certification and decertification processes. **Chair Myers** shared that a strategic plan should be used to address this as it will take legislative change to process a commission for these limited or specialty commissioned officers, adding that there needs to be fiduciary support to get this done by the legislature. **Director Alexander** indicated a report was written that includes information addressing how many reserve officers exist and a breakdown of individuals outside of certified officers, as the Legislature asked for it as a part of Senate Bill 5051, adding that a plan needs to exist to get those officers to be trained and certified. **Chair Myers** stated that currently individuals must go through a Basic Law Enforcement or Corrections Academy to receive certification and that if an academy was created for specially or limited commissioned officers, parameters would need to be established to encompass

certification. **Vice-Chair Quinn** shared that this process could be done in a manner that is consistent with the direction received from Senate Bill 5051 as impact can be articulated in a factual manner tied to legislation the Commission is tasked to address. **Chair Myers** detailed that these officers want to be certified but there exists no methodology for certification, adding that it is powerful when the Commission creates a resolution as a body asking the legislature to address issues which allows for the Executive Director latitude to push this idea in legislation in a manner which does not violate law.

**WAC 139-03-010 Adoption of Model Rules of Procedure**

**Chair Myers** moved to strike *Officer certification* from the WAC and replace it with *Certified officer*. **Vice-Chair Quinn** 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 thanked the Commissioners and recessed the meeting at 12:05 PM.

Next Meeting: May 4, 2022, 10 AM, WSCJTC
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Written by:	<u>Lacey Ledford</u>	<u>6/15/22</u>
	Lacey Ledford, Executive Assistant	Date
Reviewed by:	<u>Monica Alexander</u>	<u>6/15/22</u>
	Monica Alexander, Executive Director	Date
Approved by:	<u>Jeff Myers</u>	<u>6/15/22</u>
	Jeff Myers, Commission Chair	Date