



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

COMMISSION MEETING

Wednesday, June 8, 2011

10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Anne Kirkpatrick, Chief, Spokane Police Department
Bill Elfo, Sheriff, Whatcom County Sheriff's Office
Darell Stidham, Deputy, Spokane County Sheriff's Office
Eldon Vail, Secretary, Washington State Department of Corrections
John Batiste, Chief, Washington State Patrol
Julie Anderson, Auditor, Pierce County
Ned Newlin, Chief of Corrections, Kitsap County
Sue Rahr, Sheriff, King County Sheriff's Office

WSCJTC STAFF PRESENT:

Joe Hawe, Executive Director
Debbie Mealy, Deputy Director
Amanda Hoang, Work Study Student
Brandon Rogel, Assistant Manager, Corrections Division
Brian Elliott, Manager, Financial Services
Greg Baxter, Manager, Human Resources
Rachelle Heinzen, Commander, BLEA
Sonja Hirsch, Executive Assistant
Steve Lettic, Manager, Development, Training, and Standards Division
Tisha Ehret, Certification Manager
Wesley Anderson, Manager, Facilities Division

GUESTS PRESENT:

Carrie McNally, Detective, Seattle Police Department
Jean E. Meyn, Assistant Attorney General, Attorney General's Office
Scott Bachler, Lieutenant, Seattle Police Department
Sean Gallagher, Chief, Tenino Police Department
Shon Small, Commissioner, Benton County (former WSCJTC Commissioner)

WELCOME & OPENING REMARKS

The Chair called the meeting to order at 10:02 AM with a quorum present. Self-introductions followed.

Commissioner Farewell

Jeff Myers, Commission Chair

The Chair announced that Shon was appointed to the Commission by Governor Gregoire in March 2006. In 2010, he won the election and was elected to the position of Benton County Commissioner; therefore, making him ineligible to serve on the WSCJTC Commission. The Chair presented former Commissioner Small with a plaque.

Mr. Small said it was an honor to serve on the Commission for approximately five years. He thanked the Commissioners for the things they taught him, and he thanked Sonja Hirsch for her work.

Election of Vice Chair

Jeff Myers, Commission Chair

Commissioner Elfo announced his interest and willingness to serve as the Vice Chair.

Commissioner Kirkpatrick nominated Commissioner Elfo for the position of Vice Chair.

Commissioner Kirkpatrick made a motion to appoint Sheriff Elfo as the Vice Chair of the Commission. Commissioner Batiste seconded the motion. The motion passed unanimously.

APPROVAL OF MEETING MINUTES

Commissioner Kirkpatrick made a motion to approve the meeting minutes of March 16, 2011. Commissioner Batiste seconded the motion. The motion passed unanimously.

CHAIR'S REPORT

Jeff Myers, Commission Chair

Role of Commission/Each Commissioner

The Chair distributed a handout that included the agency's mission statement and RCWs pertaining to why the Commission was created and the powers and duties of the Commission. He asked that the Commissioners become familiar with the powers, duties, and responsibilities of the Commission.

Expectations of Chair, Vice Chair, Executive Director, and Deputy Director

The Chair would like the expectations of the Chair, Vice Chair, Executive Director, and Deputy Director to be clearly outlined by the Commission. It is very important for the Commission to take an active and physical role in the process, as the perception has been that there was a disconnect with stakeholders.

Commissioners need to look at their roles as Commissioners and determine what they can provide to ensure the needs of stakeholders are addressed and met.

Communication Plan

The Chair is interested in a communication plan, which would ensure that Commissioners are aware of what is happening on a regular basis. He has asked the Executive Director to provide a monthly report of what are issues that need to be addressed, upcoming events, WSCJTC in the news, and so on.

Retreat

The Chair would like the Director to get his staff together for a retreat as well as a retreat for the Commissioners.

Executive Director Hawe stated that it is critical, from his perspective, for relationships to be enhanced between Commissioners and staff. It is also critical that the Commission knows where he is on issues and vice versa. The retreat would set the direction the Executive Director would like to take the Commission into the future.

The Chair encouraged Commissioners to spend time on the academy campus by attending events, talking to recruits, and so on.

Commissioner Rahr strongly supported the Chair's statement, and would encourage Commissioners to attend the retreat when scheduled. The Commissioners are a strongly structured group that only meets four times each year. The opportunities to brainstorm are highly valuable, so it is important not to miss opportunities to meet.

Commissioner Newlin suggested getting a date confirmed within the next few weeks before fall approaches, as schedules tend to be busier. A Friday or weekend date would be preferred.

Executive Director Hawe stated he would like full discussion, so the retreat would be scheduled for a full day. He is interested in running staff through a two-day retreat that would include leadership, change issues, reviewing the Strategic Plan, and discussing a target for the coming year. The staff will be dealing with the following issue for the next several months: legislative session (i.e. dormitory and expansion of firing range).

He does not believe the Commission is being utilized to its fullest, nor is it being advised.

It was decided that the All Staff Retreat would occur for two days (preferably a Wednesday and Thursday) with a Commissioner Retreat to follow on a Friday.

Sonja Hirsch suggested incorporating the Commissioner Retreat into the September 14 meeting since the meeting date has already been set.

EXECUTIVE DIRECTOR'S REPORT

Joe Hawe, Executive Director

WASPC Training Committee Report

The meeting minutes of May 24 were discussed. The meeting took place at the Spring WASPC Conference in Yakima.

This committee was formed following the Board on Law Enforcement Training, Standards, and Education being abolished.

At the May 24 meeting, Executive Director Hawe and Tisha Ehret gave an update on self-sponsorship possibilities and the Commissioners' vote to allow department sponsored reserves and military/federal law enforcement (civilian and military) personnel to attend the Basic Law Enforcement Academy.

The Executive Director has met with the Provost Marshal from Joint Base Lewis McChord, to discuss this new opportunity, and will schedule meetings with both the Navy and Marines.

Firearms Certification came up during the Fall WASPC Conference in November 2010 and a number of meetings have been held. The Executive Director will certify firearms instructors that we train, go through our instructor development, and teach our classes the way we want them taught. In addition, the instructors will be audited. If the instructors do not receive our training or do not teach our courses, they will not be certified.

There is more work to be done in this area, and Bob Cecil, Firearms Manager, is working on this issue. He has found five ranges throughout the state that can be utilized for firearms training.

The Equivalency Academy is a hot issue, among some chiefs and sheriffs, due to the time requirement of the new online format. The new online format is more time consuming, as the expectations and standards are higher.

Some of the problems include students finding time to do the work while also working.

Commissioner Elfo asked if the content of the online Basic Law Enforcement Equivalency Academy has the same number of hours as the two-week, in-class course that was previously offered.

Steve Lettic stated that the equivalency academy is geared toward those coming from out-of-state to work in law enforcement in Washington State. Staff are confident that the students know firearms, EVOC, etc.; however, the content provides Washington State specifics. He stated that it is the same number of hours as the previous course (80 hours); however, student time varies due to their experience and computer and research skills. Some students have admitted to spending five-to-six hours per week on the coursework, and some students have reported that they spent approximately 25 hours per week on coursework.

Seattle University recently conducted a research project, an outside perspective, on sustainability and issues. Approximately half of the 112 past graduates were audited, which revealed that the course content was not an issue and students liked the online course. The issue, which was more psychological, was that students felt they were letting their agency down because they were working on coursework rather than police work duties.

Deputy Director Mealy said the issue lies in going from a two-week, in-class, easier course to an online, much harder course that is time consuming.

Commissioner Kirkpatrick asked about the driver of the online academy. Is it to improve the quality, content, and challenge, or is the main driver efficiency? If the main

driver is efficiency, and it is not more efficient, we need to go back to the two-week, in-class academy.

Executive Director Hawe stated that the WSCJTC needs to find a way to make the equivalency academy efficient, effective, and as easy on the employing departments as possible. Due to the higher level of instruction for the new academy, if it were reverted back to the classroom, it may be longer than two weeks.

Commissioner Newlin would like a statistical analysis completed on the amount of time it actually takes to complete the coursework for the online equivalency academy to include a mean. In addition, if the WSCJTC goes back to the classroom style equivalency academy, what would be the amount of time needed to complete the course due to the new standards that have been set?

Commissioner Rahr stated that maybe one size does not fit all, and there may need to be more options to completing the required equivalency academy.

Steve Lettic informed the Commissioners that 112 students have currently gone through the new, online equivalency academy.

The Chair stated that what was clear at the WASPC LE Training Committee meeting is the question of why the classroom option couldn't also be available. If we run both types of classes, will we run into issues with being able to fill the classroom type class?

Executive Director Hawe would like to open the dialog on this topic and discuss options during the upcoming retreat.

The driving simulators have arrived and are currently at the WSP's FLEET. Steve Lettic is working with WSP to get the simulators turned over to the WSCJTC.

The Director has met with chiefs and sheriffs to explore the possibility of cross training EVOG instructors to teach the driving simulator, so the programs could be combined. Instructor training is scheduled to begin on Monday, and staff members are currently working on creating the simulator coordinator position. The program should be up and running by August or September 2011.

Commissioner Anderson asked about the responsibilities of the coordinator position.

Steve Lettic stated the person would coordinate the training and travel of the two simulators across the state.

Communication Plan

Executive Director Hawe stated that there are communication issues between him and the staff members and Commissioners due to the different management style than that of his predecessor.

A communication plan will be developed during the upcoming retreat to determine what type of information to distribute and when and how it should be distributed to Commissioners and staff.

Strategic Plan

Executive Director Howe would like to work with staff and Commissioners, during the upcoming retreats, to update the Strategic Plan.

Sonja Hirsch informed/reminded the Commissioners that a three-day staff retreat was held in April 2008, to develop the 2009-2011 Strategic Plan, which was then reviewed and approved by the Commission. Since Director Parsons was retiring, the Management Team simply took things out of the 2009-2011 Plan that had been completed to form the 2011-2013 Strategic Plan and was, therefore, provided to the Commissioners.

Budget/Finance

Executive Director Howe would like the Commissioners to become familiar with the WSCJTC budget.

Commissioner Newlin stated that the prior Executive Director would provide a budget report during his Executive Director's Report during each Commission meeting of cuts that were forthcoming, cuts that had been made, and so on.

The Chair would like the Commissioners to be more involved in the budget process.

Executive Director Howe directed the attendees' attention to a letter he submitted to the Legislature in March that addressed the Legislature's desire to change the BLEA funding requiring law enforcement agencies to pay a portion (approximately 25 percent or \$3,200) of the basic training per recruit. This was a topic that was discussed during WASPC's Law and Justice Day. Many attempts have been made to notify chiefs, sheriffs, and other agencies and groups that would be affected by this change.

Sustainability money (\$286,000) was requested and received in the current budget for fuel, maintenance, and so on for the driving simulators. Although the \$286,000 was received, the Legislature will require the WSCJTC to recoup the money by charging agencies for the simulator training.

Executive Director Howe stated that was not the intent of the driving simulators, so options are being explored to offset those costs. Agencies that choose to use the simulator will need to contribute to the process, so reimbursement options are being discussed as it may be \$25 to \$75 per person who attends the training.

Executive Director Howe stated the only item on the capital side that was funded was the update to the fire alarm system. End of year spending was approved by OFM for carpeting the Cascade Center Lobby and for maintenance to the boiler system.

A copy of the line-item budget will be provided to Commissioners before the retreat.

Legislation

HB 1567 passed during the legislative session, which addresses the requirements for background investigations for peace officers and reserve officers as a condition of employment. The WSCJTC will set the standards for the background investigations.

During the legislative session, Executive Director Howe supported a proposal to move the school safety program and funding (approximately \$396,000) from the Office of the Superintendent of Public Instruction (OSPI) to the WSCJTC, which would make the

WSCJTC responsible for the training of school security officers.

Regional Meetings with Chiefs and Sheriffs

The Executive Director and Deputy Director need to be out meeting with chiefs and sheriffs; therefore, they will attend sheriff/chiefs meetings throughout the state. If a meeting will be attended in a Commissioner's area, the Commissioner will be invited to accompany the Executive Director and Deputy Director to the meeting.

Introduction of Work Study Student

Due to budget and staffing cuts, the Executive Director is bringing on several college work study students. Currently, there are three work study students on campus who work no more than 19 hours per week. The WSCJTC is reimbursed 65 percent of the salary paid to the work study students.

Steve Lettic introduced Amanda Hoang who is a work study student in the Development, Training, and Standards Division. Amanda joined the WSCJTC approximately four months ago; she is a student at Highline Community College and working toward a career as a criminal justice professional. She is working on various projects, gathering statistics, observing academy classes, and so on.

STAFF REPORTS

Waiver Request: Devon Taylor, Tenino Police Department **Steve Lettic, DTS Division Manager**

The Tenino Police Department is requesting a waiver for the Basic Law Enforcement Academy to be granted for Devon Taylor; therefore, allowing him to attend the Basic Law Enforcement Equivalency Academy.

Officer Taylor has not attended the Basic Law Enforcement Academy; however, the request is being made based on his training and experience as a reserve police officer for Suquamish Tribal Police and Yelm Police Department. Officer Taylor has 11 years of experience as a reserve police officer (nine years as a level III reserve).

Officer Taylor has worked for the Tenino Police Department for six months and went through the agency's field training officer process.

The Chair stated that the statute says that all law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the Commission.

Commissioner Kirkpatrick made a motion to approve the waiver request for Tenino Police Officer Devon Taylor and allow him to attend the Basic Law Enforcement Equivalency Academy. Commissioner Rahr seconded the motion for discussion.

Steve Lettic informed the Commissioners that a waiver of this type, for a reserve officer, has never been brought before the Commission.

Commissioner Stidham stated that he does not question the officer's experience; however, he teaches the Reserve Academy and it is only an abbreviated version of the basic academy. He would greatly benefit from the full academy.

Commissioner Anderson inquired about the staff's recommendation.

Steve Lettic stated that the staff's recommendation is to deny the request.

Commissioner Kirkpatrick stated that the basic academy is critical.

The Chair called for a vote on the motion. **The motion failed unanimously.**

Commissioner Anderson asked if it would be beneficial for a work study student to compile the decisions made by the Commission in regard to decisions on waiver requests over the past several years.

Steve Lettic stated that each waiver request is unique, so the data would be difficult to compile or determine a pattern.

Hearing Panel Members

Sonja Hirsch, Executive Assistant and Hearing Coordinator

The following individuals are interested in serving as hearing panel members for Peace Officer Certification:

Sheriffs: Garry Lucas, Clark County

Chiefs: Jeff Sale, Cheney Police; Jamey Kiblinger, Black Diamond Police; Mike Warren, Ephrata Police; and Richard Ackerman, Quincy Police

Line-Level Officers: Detective Grant McCall, Enumclaw Police; Officer Susanna Monroe, Seattle Police; Detective Corporal Jason Viada, Port Angeles Police; and Sergeant Jeff Salstrom, Hoquiam Police

Professors: Loreli Thompson, Centralia College and Brandman University

Sonja Hirsch stated that each panel must have a sheriff, chief, two line-level officers with at least ten years of experience, and a professor.

Commissioner Batiste made a motion to approve the ten new hearing panel members. Commissioner Newlin seconded the motion. The motion passed unanimously.

NEW BUSINESS

Stand With Those Who Serve

Carrie McNally, Detective, Seattle Police Department

Detective McNally has been with the Seattle Police Department for over 21 years and served as a TAC Officer in the Basic Law Enforcement Academy.

On August 13, 2011, the WSCJTC and Behind the Badge Foundation will co-host the Stand With Those Who Serve event to celebrate and encourage those who share in both the joys and challenges of being part of the unique world of law enforcement. The event is for current law enforcement families (e.g. law enforcement, corrections, military) as well as those who have lost their loved ones who served. The event will be held from 1-5 PM and will include demonstrations, kids' events, music, food, and much more. The event is not open to the public.

For more information, please visit www.standwiththosewhoserve.org.

Former Recruit Jody Kalt
Jean E. Meyn, Assistant Attorney General

History: The BLEA Recruit Rules and Procedures provide the Executive Director makes the final decision on dismissal of a recruit from BLEA and that if the recruit chooses to appeal the review will be "governed by those protocols set forth in Washington Administrative Code 139-03-020." However, in the past, when a recruit was dismissed/terminated from the BLEA academy for a rule violation, the recruit was provided the opportunity to appeal the dismissal to the Executive Director, where the process ended. Ms. Meyn did not know why staff had not followed the procedure under the WAC, but noted that these appeals have been rare.

Per the usual process, in Mr. Kalt's situation, the initial decision to terminate the recruit was made by the BLEA Commander through the Deputy Director with the final decision by the Executive Director; therefore, the Executive Director was re-considering his own decision during the appeal process.

AAG Meyn stated that her interpretation of WAC 139-03-030 is that the Commission will decide whether the recruit will receive a full hearing; however, the Commissioners do not decide the merits of the decision to dismiss Mr. Kalt from BLEA. Hence, the only document they may review is Mr. Kalt's letter, which is considered his "application for adjudicatory proceeding" under the WAC.

The Commissioners would determine whether the staff action should be reviewed by a presiding officer. If the decision is to grant the recruit a hearing before a presiding officer, the Executive Director would then select the presiding officer. The hearing would be similar to that conducted for Peace Officer Certification in that staff would make a presentation, the former recruit would make a presentation, and the presiding officer would make a decision.

Under the WAC, the appellant must address the "direct and adverse effects" of the staff decision and the "corrective or remedial action or other relief sought." Consequently, you would, basically be basing your decision on the significance of the impact on the recruit of dismissal from BLEA and whether the WSCJTC may take any action to remedy it. Since Mr. Kalt was from the academy for an integrity violation, he cannot return for a period of 24 months. If a hearing was granted and the decision to dismiss him from the BLEA was overturned, the recruit could return to the academy. However, since Mr. Kalt's agency terminated his employment, he could not return until he was hired by a law enforcement agency.

Commissioner Anderson made a motion to consider granting a hearing for the request before the Commission. Commissioner Newlin seconded the motion. The motion passed unanimously.

AAG Meyn asked the Commissioners to review the April 26 letter submitted by Recruit Kalt as to what happened and why he is asking to be reinstated.

Commissioner Anderson stated she would like to withdraw her motion to consider granting a hearing and made the following motion:

Commissioner Anderson made a motion to deny Jody Kalt's request for a hearing. Commissioner Rahr seconded the motion. The motion passed unanimously.

Commissioner Newlin agreed with withdrawing the second to the first motion made in regard to Jody Kalt. He went on to state that he has concerns about due process, as there hasn't been any outside review.

Commissioner Rahr stated that this person is a brand new, probationary employee. If the Commissioners don't have the confidence in WSCJTC staff to make appropriate decisions in cases such as this, it will create problems. It is an inappropriate process to consider.

Commissioner Kirkpatrick stated that even if the Commission does not grant a hearing, there are other avenues to challenge the situation; he is not deprived of due process.

Deputy Director Mealy reminded the Commissioners that the WSCJTC terminated him from the BLEA, but his agency terminated his employment.

The Chair stated that there are various due process models that could be implemented in these types of situations.

Executive Director Hawe confirmed that the WSCJTC will be looking into implementing a new process to ensure this type of situation does not occur in the future.

The Chair called for a vote on the motion to deny a hearing. **The motion passed by a vote of 5 to 2.**

AAG Meyn requested clarification on the reasons for their decision so that she could include them in a decision she would draft for the Chair to sign on their behalf. The responses from Commissioners included that there were sufficient internal due processes that have been exhausted, a review through the denial of certification process and there is the opportunity to have the situation reviewed at the Superior Court level.

Executive Director Hawe suggested for future situations that a command review be conducted followed by a decision by the Deputy Director and a review by the Executive Director.

ROUNDTABLE DISCUSSION: JUSTICE BASED POLICING

Joe Hawe, Executive Director

The Justice Based Policing discussion was tabled due to time constraints.

OLD BUSINESS

Nothing to report.

The meeting was adjourned at 12:43 PM.

Next Meeting: September 14, 2011, at 10 AM

Written by:

Sonja Hirsch, Executive Assistant

Date

Reviewed by:

W. J. Hawe, Executive Director

Date

Approved by:

Chief Jeff Myers, Commission Chair

Date