



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

COMMISSION MEETING
Wednesday, March 9, 2016
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Bill Elfo (Vice-Chair), Sheriff, Whatcom County
Julie Anderson, Auditor, Pierce County
Laura Wells, Citizen-at-Large
Joshua Kelsey, Officer, Lynnwood Police Department
Kenneth Hohenberg, Chief, Kennewick Police Department
John Turner, Sheriff, Walla Walla County
Darell Stidham, Deputy, Spokane County Sheriff's Office
John, Batiste, Chief, Washington State Patrol

GUESTS PRESENT:

Lanna Weinmann, Assistant Attorney General, for Commissioner Ferguson
Cheryl Sullivan-Colglazier for Vacant DOC Commission Position
John Hillman, Assistant Attorney General, Attorney General's Office
Mitch Barker, Executive Director, WASPC (Washington Association of Sheriffs and Police Chiefs)
Kerry Zieger, Police Officer, Seattle Police Department

WSCJTC STAFF PRESENT:

Sue Rahr, Executive Director
David Bales, Deputy Director
Marisa O'Neill, Executive Assistant
Brian Elliott, Manager, Fiscal Services Unit
Sonja Peterson, Manager, Human Resources Unit
Rick Bowen, Commander, Basic Training Division
Tisha Jones, Manager, Certification Unit
Ron Napenias, Manager, Information Technology Unit
Samantha Daly, Manager, Advanced Training Division
Roberto Sanchez, Manager, Facilities Unit

OPENING

The Chair called the meeting to order at 10:04am.

Marisa O'Neill conducted a roll call of the Commissioners. A quorum was present.

The Chair reminded guests to sign in should they wish to be recognized in the minutes.

The Chair opened the meeting by welcoming Chief Batiste after an extended absence. Chief Batiste had been out due to a medical issue and thanked the Commission for their thoughts and prayers during his recovery.

APPROVAL OF MEETING MINUTES

The Chair called for review and approval of the meeting minutes from December 9, 2015. **Commissioner Elfo** called for an amendment as the minutes indicated Commissioner Elfo attended telephonically, however he was physically present. **Commissioner Hohenberg** moved to approve the minutes with the revision requested by Commissioner Elfo. **Commissioner Turner** seconded the motion. **The motion passed unanimously.**

CHAIR'S REPORT

Jeff Myers, Commission Chair

The Chair has been in contact with Governor Inslee's Office regarding Commission appointment approvals. The Governor's Office is busy in a short session currently. He and CJTC Staff will continue to follow-up. He also encouraged Commissioners to monitor legislation and spend time clarifying CJTC needs while in Olympia. He spent time explaining to staff and representatives what the Commission does, why it does it, and why funding is so important. He believes it is critical Representatives understand what work is being done here, the national recognition it's receiving, and if it is defunded the dire effect it would have on the safety of the citizens of Washington.

EXECUTIVE DIRECTOR'S REPORT

Director Rahr, Executive Director

Legislative Update

Director Rahr gave an update on Legislative budget proposals. We are hopeful the House proposed budget passes. They included supplemental funding for two additional BLEA classes, three additional corrections classes and status quo on the matching requirements for agencies. However, the Senate budget came back proposing upping the requirements for matching funds from agencies who train either 5 -10 recruits per year or 10 and above. Those matching requirements may be the impetus for the larger agencies to pull their recruits and start their own academies. It was projected imposing those matching requirements would save the state \$884,000. However, the budget analyst's calculations were based on the fact the average cost of training a recruit is \$10,000. Recruits from Seattle and King County, our largest agencies, cost considerably less because they do not live on campus and do not eat our food. When one calculates the actual cost of a 75% match from those agencies it is not anywhere near \$884,000. Sue phoned the Senate budget staff and several key legislators to let them know the projection is incorrect and will not save as much money. Because the math is flawed on this, she anticipates it will be pulled. We may not know until Sunday or Monday evening. In the interim, because we have charged forward and continued starting our BLEA and Corrections classes so our stakeholders don't have to wait so long, we've hit a wall where we need to save about \$190,000 between now and June, if the supplemental requests do not go through. A meeting was held where we were able to achieve \$190,000 in cost savings. Details will be emailed to Commissioners. The bottom line is, we started a BLEA class and will start a Corrections class next week, but will not be starting any more classes after that until July, except for a special commuter's only class sometime in May, if we do not receive the supplemental funding.

Chairman Myers: The PSEA fund dissolution appears to have been forgotten. We were told it wasn't something to worry about, but we'd be hard pressed to find anyone at this time who remembers those conversations. We need to begin educating legislators every biennium so they are all aware of our needs.

Director Rahr: As soon as this session ends, I will begin working with legislative staff to schedule meetings and tours to do just that. Included in with packet are a couple versions of the multiple flyers that have been sent to legislators and their staff. The last two flyers about the PSEA, they were done by AWC and are helpful in explaining.

CALEA

Director Rahr gave an update on CALEA. It's slowed down a little due to a CALEA scheduling issue. CALEA doesn't have as many Training Academy Accreditation Assessors available, so we agreed to push our on-site. We're moving forward and are continuing to identify problems we did not know were there. That is one of the things that is great about CALEA, it forces you to look at a policy to make sure it's what it's supposed to be. It's acting as an early warning system of identifying some things we need to tighten up.

Curriculum

Director Rahr shared information on the BLEA curriculum update. We have reached a point where we have fully transitioned from the modules of training to Core Blocks. The reason this is important is, if we have agencies pull out and start their own academy, we need to have a completely up-to-date curriculum to be able to hold people to. Dave and I have talked about strategies to focus more time on curriculum development for BLEA and most of that will be making sure that what is being taught in the classroom is accurately reflected in the written curriculum. The training in the classroom is very good, the written curriculum in some cases still needs to be updated to reflect that. A handout was provided showing a comprehensive list of all training done in BLEA.

Staff Update

Director Rahr notified the Commission during Executive session she will cover some current employment related issues.

Blueprint Update

Director Rahr shared information on the process to assist Chief's and Sheriff's in improving and strengthening the culture of their agencies. Auburn Police Department has launched a mini-pilot and the process is going well so far. The funding we were anticipating from the private foundation has not yet come through. So when the Auburn pilot is complete we might package it up and have it available through the Police Foundation or the Cops office for agencies that want to utilize it. We may not be able to acquire funding to do full blown pilots in Seattle, WA, Tempe, AZ, Camden, NJ, and Aurora, IL. The good news is we will have a product we can provide our stakeholders in Washington and the test drive was done in Washington. Auburn PD has been amazing. Sue expressed her gratitude to Chief Lee for allowing his agency to assist. Sue will have a more complete update in June.

DEPUTY DIRECTOR'S REPORT

David Bales, Deputy Director

Personnel

Deputy Director Bales introduced CJTC's new Facilities Manager, Bob Sanchez. He comes with a Facilities Manager background from DSHS at Echo Glen and as the Facilities Director at Department of Health, Pacific National Laboratories in Shoreline. He has extensive knowledge and experience and we are so pleased to have him. He has hit the ground running and understands the capital project process and the budgeting process in the state.

Technology Update

Deputy Director Bales advised the Commission we have retained the technology services group through the State Board of Community Technical Colleges to complete an IT assessment for us. We have a lot of IT needs and very limited IT staff, who spend so much time doing the day to day work that we need them to do that it's virtually impossible for them to step back and take complete an overview of the systems and processes. The contract assessor from TSG has already picked up on areas where she sees she can share direction. We expect to have this assessment and a strategic plan for IT complete near the end of the fiscal year.

Ron Napenias: The new phone system through CISCO is nearly complete. So far 70 new phones have been deployed. This system upgrade took us from an analog to an IP based phone, and brought us to industry standards. The next phase is the software deployment.

Director Rahr: The good news is we don't have to worry about a catastrophic phone failure. If that had happened our phone system was so out of date that we would not have been able to get replacement parts to fix it. Huge kudos to Ron and his team in getting the phones put in. That was a ton of work and is now done.

Warrant Officer Draft Policy

Deputy Director Bales advised the Commission that after an initial review of this we needed to pull it off the table and conduct further reviews. CJTC's initial feeling was it was easy to understand from multiple perspectives so he will be talking with Sue and Mitch Barker of WASPC, who were at the table when the Legislation was written and we'll reword that for our policy. We're going to come up with a language that more approximates what the intent of the legislation was, so we'll have something done for the next meeting.

Director Rahr: The intent was that BLEA or Reserve academy attendance would be an automatic, "You meet the standards". What we didn't include in there and will be adding to it, is we will do an assessment of the job description and the training, so that if you have warrant officers who haven't been to BLEA, who haven't been to the reserve academy, that doesn't mean you have to go. You have to have an approved training program. Chief Cook from Bellingham is going to be our first pilot of this procedure.

Commissioner Wells requested a status update on the Basic Training Advisory Group.

Commander Bowen: Before the next commission meeting, he intends to hold the first meeting. He is requesting Commissioners to sit on the Advisory Group. He is also requesting Chiefs and Sheriffs to allow subject matter experts around the state participate. He will also open it up so stakeholders can actually nominate who they would like to have, specifically in areas of defensive tactics, firearms, patrol procedures and areas of the like. The first area may be firearms.

Chairman Myers: Make sure to keep this under old business.

Director Rahr: We've talked about this a great deal and we're proceeding very deliberately because we want this group to be very functional and predictable. We don't want to throw something together quickly, so Commander Bowen has been very deliberate about how to structure it.

Chairman Myers: It's important so people understand that this workgroup is not going to be handpicked of those that necessarily agree. We're looking to talk to those who don't agree, because we need to know if it's working or not, what do we not know that we should know and that's what this is all about.

OLD BUSINESS

Reserve Certification Workgroup

Chairman Myers: We had had some previous discussions that we may not want to revisit at this moment. The first piece of this was to identify reserves. I think this has been done, we know where everyone is, as far as whose reported people; correct? Do we know how many reserves by number we've identified?

Tisha Jones: I didn't pull numbers for today, but we're pretty close. I think we said at the last meeting around 700-ish; I feel that we are still in that arena.

Chairman Myers: At this point we have a couple other projects that are more pressing. This would be a good item to keep as an "old business" item. Wait on this since new members of the commission will be coming on and organize a workgroup and unless Co-Chair feels differently, let's get some other workgroups done and then come back and look at this one depending on how our stakeholders feel. Just getting this far on reserves was an accomplishment and we need to find out from our stakeholders if we need to continue to go there, what it would look like, how we would manage the workload when keeping track of 700+ part-time officers. We may care to hear the labor relations, Chiefs' and Sheriffs input. Volunteers are very important to many agencies. When you look on the fire services side they're having difficulty recruiting/maintaining volunteers because of all the requirements that go into just being a volunteer in your community. **No objection to keeping item as old business.**

Canine Workgroup Proposals

Chairman Myers will defer this to Commissioner Turner and Commissioner Stidham for briefing the commission.

Commissioner Stidham: The gray packet handout is what is currently in WAC. Because standards for certifying dogs are fluid things and the process to certify dogs can change over time, the group discussed removing the certification standards out of the WAC and placing them into policy. The proposed language to replace the WAC is on the face sheet of the blue handout. The following pages in the blue handout contain the minimum standards the workgroup has come up with. Those minimum standards would be placed into policy and pointed to for testing procedures.

Commissioner Turner provided a bit of background as to why the workgroup came into place and the role of the Commissioners on the workgroup. The handout titled, "CJTC K-9 Workgroup Discussion Items" was the culmination of a meeting, emails, and phone calls with workgroups from Chiefs, Sheriffs, and handlers in all three disciplines. The first page is the big picture concept of how CJTC can engage in the certification process and hopefully have that certification process have value to it or assurances that certification standards are being met and evaluations are being done by experts in the field. Handout read aloud.

Open for Discussion

Commissioner Wells: The three K-9 disciplines are mentioned, Patrol, Narcotics, and Explosives, but what about tracking/trailing?

Commissioner Stidham: Tracking is included in patrol work, but there is also trailing dogs. That is a dog that does not provide all of the patrol functions but is actually used to track someone.

Commissioner Wells: So is that going to be one of the SME categories, because we have it here?

Commissioner Stidham: Someone who is a SME in patrol would also be able to crossover into tracking, because tracking is part of the patrol expertise and does not require a new handler or a new category to be an SME in tracking or trailing. The SME's in patrolling would be able to set up tests as a patrolling functions, the dog just doesn't go into a guard and bark or apprehend.

Commissioner Wells: Would it make more sense to move the trailing/tracking piece under the patrol section. Because we have three different types, it's just confusing.

Commissioner Stidham: The history behind why this is not under that section is there are some requirements to be a patrol dog which are very strict; very stringent. But a tracking/trailing dog is just searching from A to B and is not required to jump through as many of the hoops.

Chairman Myers: I would just recommend that as the group continues to refine the language, you think about whether there is a way to provide delineation because one certainly has a heightened liability over the other.

Commissioner Stidham: In the past part of the patrol portion was the dog actually apprehending the suspect, but trailing/tracking dog, (a bloodhound for example), isn't

going to apprehend a suspect. They're just going to provide an alert. We're most likely going to approach this issue before long with electronics detection dogs. There are dogs that are currently being utilized to find SIM cards, DVD's, etc. There is nothing in here that addresses it at this time, but if we move this into policy we'll be able to handle it similarly and will place it under odor dogs (narcotics/explosives).

Sonja Peterson: There was a bit of confusion about the WACs. I'd like to offer a quick overview of where we are and what we need to do to move forward. Back in September there was a motion that was approved to repeal the WAC, then we held a public hearing in December to repeal the WAC. The repeal was tabled and a workgroup was created. As it currently stands this is up for discussion only today and if it is not filed with the Code Reviser's Office by May 1st this filing will die.

Chairman Myers: The current WAC that we had initially discussed of repealing was not repealed so it's still in full force, correct?

Sonja Peterson: Correct. The whole filing for this WAC to remove or repeal will die. So if we want to move forward with these proposed changes the workgroup has put forward, I would need a final version of the language by April 12th. I will then file it with the Code Reviser's Office, it will be published, and then we can hold a public hearing for it at the June meeting.

Commissioner Stidham: When talking about the proposed language that is just specifically the WAC. My understanding is this first page could be what we agree to propose. What we're doing with an SME or the certification of the dogs would be moved to policy. We don't have to hurry to get that in by April. We can still massage what we want to do to be an SME, but the WAC itself would say, "Go to the policy to see what your standards are."

Sonja Peterson: I don't think it would be wise for you guys to vote on something in a public hearing as final action if we don't have the standard/policy set in stone.

Commissioner Wells: So Sonja, what you're saying is, if we decide what we want to do instead of repealing it and we can get that language in, then we're still dealing with the WAC change that's in process.

Sonja Peterson: Yes. In that case, I would just file a supplemental notice saying this is what we want to do now. Notification goes out to all the stakeholders and we hold a public hearing.

Commissioner Wells: What's the advantage to that? Could we just let it die and start over?

Sonja Peterson: It's just one last time you guys have to look at it.

Commissioner Stidham: As far as the workgroup and basically the core of the group that's here, we're pretty solid on the WAC language and we're solid on the standards for the certification of the dogs. Where there's still some discussion in the minds of the workgroup participants is, they would like to have more input on what the SME or the evaluator is.

Commissioner Anderson: So I'm going to paraphrase what I think the Commission's responsibilities are with this proposal. Our responsibilities would be to appoint and support a K-9 panel and to approve, maintain, and disseminate the policies that are recommended by that panel. Create 5-6 regions, certify K-9 SME's, and hear and accept or reject the panel's recommendations on certification of K-9 teams. Does that sound accurate?

Commissioner Turner: Yes, Ma'am that's pretty accurate.

Commissioner Anderson: So when we started this journey and periodically when we've been discussing it, I remember hearing the 3 major concerns of the Commission Administration are: liability, workload for managing a program, and also what precedent are we setting for other niche certification. I would definitely like to hear how, aside from the details of how the policy might change, this proposed WAC addresses those 3 concerns from an administrative or staff perspective?

Director Rahr: I think our legal advisor has been clear with us that the commission itself does not have liability; is that correct John?

AAG Hillman: Yes, in my opinion RCW 43.101.390 provides that the Commission, its boards and individuals acting on behalf of the Commission and its board are immune from suit and any civil or criminal action based on official acts performed in the course of your duties here. In my opinion, that gives the Commission and its staff immunity for anything that flows from adopting this WAC and the standards.

Director Rahr: So the second half of what I've been approached about in terms of a liability question is, if the Commission certifies a K-9 team does that somehow protect them from liability? The consistent answer I've receive is that it does not.

AAG Hillman: I think if this comes to fruition and the Commission is appointing people to certify teams on behalf of the Commission, those people would be immune from liability, but obviously the dog team out in the field, their county or city is going to be liable for any actions of the dog and the handler.

Commissioner Turner: Just to clarification the SME's proposed are not trainers. They would not be responsible for the training of the dog. They would just be testers.

Commissioner Anderson: Workload?

Director Rahr: The workload is probably one of my biggest concerns, because this is a fabulous system to create a great product and it's going to be very labor intensive. I assume that we are expecting all of these people to volunteer their time to do this and that all the agencies involved would be okay with having their K-9 Officers spend the time having these meetings, attending the meetings, doing the certifications. I'm a little bit concerned about that just based on my own personal experience that people are very excited during the discussion, "Yeah we will all contribute somebody and contribute time" and then when we schedule the meeting, you look around and there's not as many people as you expected. So I have concerns about how we can ensure that we have enough people to get the job done.

Chairman Myers: That piece pops to my going back to Sonja's comment about the processes. I will say, I've never been a K-9 handler, but my former K-9 handler told me that if you get three K-9 handlers in a room the only thing two of them will agree on is

that the third one is wrong. It will be one of those things we have to get completely figured out, but we also have to make sure that the people paying the bills, the Chiefs and Sheriffs, know that there is no A-19 coming. It's going to be on these regions and now they have a commitment that that piece of this is going to happen, but we must consider what happens when one region doesn't have anyone who wants to do it. Is the next region going to pick up that slack? There are a lot of moving parts to make sure we're having a robust and reliable process.

Commissioner Turner: As I participated in these meetings and phone calls and then as I drafted this piece of paper, that was one of the things that continued to come out in my mind. We heard from our stakeholder Chiefs and Sheriffs, that they really wanted a certification process, but then in laying this out I constantly was thinking about a cost benefit analysis. What is this costing us and what is this going to cost individual agencies in terms of manpower and work and staff work here vs. what benefit are we deriving from it? I know there is no liability as John explained, however, there is also no liability protection to the agency. If a dog teams gets sued that Police or Sheriffs Agency gets sued, right; wrong or indifferent for actions of a K-9 team it's going to be that K-9 team, the people that trained that K-9 team and that entity, the department and the city or county that is going to be answering up in court, not us. There's no liability protection from having a CJTC certification as a K-9 team. Unless I'm wrong, there's no...

AAG Hillman: It wouldn't immunize them from liability but it would certainly help them to show in court, "We trained according to the standards that are adopted by the state."

Commissioner Turner: So I think that's the conversation. We need to weigh the cost benefit analysis. What's it worth and what's it going to cost?

Commissioner Stidham: I can see that exchanging into a cost. What we need to keep in mind is when these guys have their meetings and they all go to a seminar together, the regions have dogs from all over the state present. They all attend on company time. If they function as an SME for CJTC that they certify dogs, they can use that time and location to set up tests. As many dogs that want to test and be certified can do it. The SME would sign they've pass the test, the forms would be sent to Tisha, then the certificate comes from Tisha. That way when this dog team gets called into federal court, the only testimony for CJTC's SME is, "On this date and time, this particular team performed to the standard set forth by policy" and done. So if the liability portion is really just a testing. The benefit to these time is one more level of certification and it shows that you are professional and you are adhering to standards set forth by the state and it's just another blip on their radar so that when they are called into court they can say, "Yes, I'm certified here, here, and here."

Chairman Myers: So the theory is that similar to state accreditations, it doesn't protect you, but you're at least saying you're meeting the best practices, assuming that we maintain a policy what best practices are, because best practices change.

Commissioner Stidham: Certainly. You train to the level set forth by the state or whatever organization to which you belong.

Ms. Sullivan-Colglazier: I'm just curious but is there a middle ground? One of the things I hear is that there's an importance to agencies to say we're attaching to a standard. We're attaching to industry standards, which shows a good faith effort that we're doing the right thing in the right way should something go wrong. On the workload

side of it, is there a middle ground option to say that standards are published but it's up to the agency to ensure that their doing whatever they need to do to meet those standards versus having CJTC in the middle?

Chairman Myers: Right and that was one of the options we discussed and the initial response from the stakeholders, at least from the WASPC side of it was, "Yes we can have the check but we want the balance too." It's just like accreditation, state accreditation is completely voluntary but we still send the assessors out to look so things aren't blindly signed off, "Yeah, I've done all these things" and don't worry about it. The program may or may not have credibility but it goes back to the cost/benefit analysis that Commissioner Turner discussed. With all this work being done, does that create this benefit here with this piece of paper or not? I would recommend strongly that the WAC not be hurried, rather we have clear delineated language that will muster not only filing, but public hearings. Certainly we can take the time to get the policies in place, but I know some people would be uncomfortable if you don't have B in the room and want to talk about A. We've been going through this since 2013, so I would say it's not an emergency, but the discussion needs to be moving forward so it doesn't languish.

Commissioner Stidham: I'm not trying to rush anything here. As a progress report, what I wanted to get out to you is, we do have a proposed WAC and we do have proposed standards that everybody has agreed upon regarding the certification of the dog. We're working on what the SME is. If it dies for not meeting the deadline, that's fine. In speaking with the group I know they're extremely committed. I've spoken to many Chiefs and Sheriffs. They are committed as well. This is important to them. They've shared they will foot the bill for this when it comes time for training. It's nothing that is all of a sudden going to cause CJTC to hire 4 FTE to manage this.

Commissioner Hohenberg: I too am a big proponent of K-9's and standards and we're blessed with both narcotics and great patrol K-9. So I get that. My concern is more a question going back to workgroups in general. Did we have a staff member assigned to this particular workgroup or not?

Commissioner Stidham: We didn't at the time. I have contacted Tisha periodically because I don't know how pretty the writing has to be when it comes to the WAC and I've contacted Sonja and Tisha on that, but no, there has not been a staff member assigned.

Commissioner Hohenberg: Not to take away any of the good work from the Commissioners that have been involved in this. From my perspective I share the same concerns about capacity and workload. We're talking about our core mission of basic training and you've got a lot of obstacles ahead. The state then wants to create this group to oversee officer involved use of force issues. What we're doing at the basic academy is critical to make sure we're deploying great officers in the field, so that we can minimize those critical incidents. I'm concerned about the capacity issues, not just for this, but I think any workgroup that we decide rises to a level that we need to do, I think we should have a staff member assigned so that we can be providing input as we go along to figure out, you know, can we absorb that or if we can't absorb it, what do we need to be able to absorb that? This is a huge issue for the CJTC if we decide to go down this path, and I like the idea of trying to find some middle ground. I understand the concerns from the K-9 handlers and from many of my fellow Chiefs and Sheriffs from across the state, but I also have to wear my Commissioner hat here and make sure we are not once again wearing down the staff in a direction that's going to be very cumbersome for us.

Chairman Myers: What I hear you saying, it's not particular to K-9, it could be anything that we choose to delve into.

Commissioner Hohenberg: Several workgroups may get started. We heard from the Commander on looking at the curriculum. He's engaged in that, so we should have somebody assigned so that we don't bring up a proposal all the sudden that it's a really heavy lift for the staff members.

Chairman Myers: I think we've all been doing, at least on a local level, more with less or less with less and you get to the point of complete fatigue where you've lost your mission. I like your comment about basic training because that's really where our main focus is. To move the discussion forward, what is the feeling of the Commissioners as far as how this is going to look, or how you want to proceed? I would also offer or recommend that although the current WAC has not been repealed, it is still technically in place, but is not currently in practice. I think it would be behoove of the staff to have some action by the Commissioners if we're not going to appeal the WAC, then at least suspend the actions of the process behind the WAC because if it's still there, but we're not doing it, we need to provide some clear direction on the second point of this discussion.

Commissioner Stidham: I agree and I think there is probably question from K-9 teams as to what they're supposed to do? Obviously, the best case practice for them would be to continue training to that level and going forward.

Chairman Myers: When is the last date we issued a certificate?

Tisha Jones: August of 2014. We still receive applications. I document them and am holding them until we know what we're going to do.

Commissioner Stidham: Tisha, how many applications do you get on an average year?

Tisha Jones: It depends on when they train. They come in pieces when the associations do their accreditation.

Commissioner Stidham: So I guess, Director, is assigning a staff to help us through this process, is that an option?

Director Rahr: Can you define what they would do?

Commissioner Stidham: I think that if the group gets together it would be nice to have Tisha's input just sitting in on the meeting because she can certainly let us know if we get off course or answer questions on process.

Director Rahr: Do you know how frequently you would be meeting?

Commissioner Turner: To answer the question, we'd have to go back to the Chairman's question and the Commission as to what direction we're headed. Because depending on the direction we head will depend on how many times we meet and how much work is involved. If it's to meet to just fine tune the language and propose a WAC. I think we're there. If it's start from scratch and redo everything, then that's a huge undertaking.

Chairman Myers: The question Commissioner Turner brought up in the first place is what has the cost been? What are we trying to do? It also goes back to the whole discussion about if there's a cost benefit for K-9, is there a cost benefit for SWAT teams, cost benefit for helicopter teams, for boat teams and boat safety officer, and boat patrols? I mean there are a lot of specialty functions and so it kind of goes back to your question about how do workgroups function and goes back to what could the rest of this could look like and how far does this go?

Commissioner Elfo: Just one comment. I think this is an issue we've heard loud and clear from our customers, the Chiefs and Sheriffs, so I would certainly encourage to work towards, at some point, achieving a consensus that you need to consider this.

Commissioner Anderson: My preference going forward is to continue work on the policy part, tightening that up, and then bringing back to the Commission two options regarding two different models. One, the middle ground model with the pros and the cons and then continuing with this model, the full meal deal, with a lot of involvement from the Commission and the pros and the cons. It has been debated in the workgroup but I haven't heard what that middle ground model might look like and what the pros and cons are.

Chairman Myers: My suggestion would be that if we are going to continue on the WAC development, Deputy Director would be a good person with whom to consult. He has some fiscal responsibilities and he has personnel responsibilities. He's going to be maybe not the one to provide the SME piece on the particular topic, but he certainly can get the questions answered as to what does this mean for the Commission, what does this workload look like? He can go to the folks he needs to talk to, to say "Alright, how does this WAC need to be written and formatted?"

Commissioner Hohenberg: I agree with everything you said. I guess I would caution and leave it up to the Director to assign whoever she chooses to do this.

Chairman Myers: Yes, so someone from staff.

Commissioner Hohenberg: Yeah, I agree with that and maybe the easiest thing, going back, the other Commissioner's comment about trying to get you two in the same room. Maybe you can meet after one of our regularly schedule Training Commission Meeting. Whether it's here or somewhere else, but I think if we are going to have a staff assigned, I think it's going to be more of an inconvenience for people on the east side, but I think this is a good location for people to meet because we have a lot of west side representatives here as well and staff is here.

Director Rahr: It would be a lot cheaper to have it here.

Chairman Myers: So what's next, how do we proceed, what do we do?

Commissioner Stidham: My takeaway is we will come back with a deep in the weeds version, middle of the road, and a barebones.

Commissioner Turner: My understanding was a model of the first page as it's described; fine tune that. Then a middle ground model where there would be a lack of policy standards without the SME's or CJTC certification piece.

Chairman Myers: The third option is that we don't certify K-9 teams at all, because a cost benefit analysis doesn't make sense, if that's what our stakeholders feel after that process is discussed.

Commissioner Turner: From the discussion I understand we're not shooting for the April 12th date. We're just going to move on down the road?

Chairman Myers: My personal opinion it seems like that would make sense to me since this is March 9th already. I think we've been working on this for quite some time. To start over the process is simply a matter of filing with the Code Reviser's office.

Sonja Peterson: For the first filing, language is not needed

Chairman Myers: So I don't think we need a motion. The chair will take the prerogative that this is the direction we are moving unless there is an objection. **Hearing no objection**, the Director can assign whichever staff member(s) she deems appropriate to work with Commissioner Turner and Commissioner Stidham to develop these two options as we've discussed and bring it back before the Commission for initial review, potential initial filing, if any, when they're ready. We would start the WAC process if the Commission decides to go forward with that. I would offer and be happy to and I'm sure Commissioner Turner and Commissioner Stidham, the WASPC conference this spring is in Kennewick, and we would be happy to present this information to the stakeholders, see where it shakes out and then we can get a good feel for where we're headed. Same thing for the K-9 side. You already have those contacts with those folks. We just need to continue seek consensus. If we don't have consensus I would say the costs are out pacing the benefit.

Commissioner Anderson: I recognize that it's got to be really frustrating for the stakeholders who have been working on this, but it's going to be worth it in the end.

Sonja Peterson: I'm not asking to be a part of the workgroup, but if you would just stay in contact with me to keep me apprised of the timeline, I'd appreciate it.

Chairman Myers: Are we going to certify the teams having sent submissions?

Director Rahr: We have no basis for making the certifications. We don't have an agreed on set of standards that everybody agrees to. So if we issue a certification, I don't know what it means.

Marisa O'Neill: If you go back to the previous minutes, in our review for the timeline, the reason that this came up was because people had signed that they had certified to something that they didn't actually do and so they went on the record for that and you as a Commission decided you wanted to hold off until the decision was made to move forward to prevent that.

Commissioner Elfo: Should we continue then to accept applications or notify the agency that submitted them that we're not going to certify at this time?

Tisha Jones: The people sending them in are the people in the room today, so they know of the issues surrounding certificate issue.

Chairman Myers: The Commission previously decided that we're not going to follow through on the process and unless there is an objection we're going to let that stand. **No objection.**

NEW BUSINESS

Variance Requests

Tisha Jones, Certification Manager

Tisha Jones: This submission is from the Walla Walla County Sheriff's Office and is signed by Chief Martin, so unfortunately Commissioner Turner cannot vote.

Benjamin Olson, Walla Walla County

Asking we recognize his one year on the road and his 6+ years working as a Corrections Officer as a variance to having to attend the full basic academy. His certification did lapse and at this point expired. His break is greater than five years, per the WAC he is required to attend the full basic academy. The Walla Walla Sheriff's office is asking that we recognize his training as equivalent to the service of working as a Patrol Officer.

Director Rahr: The variance would be to attend Equivalency instead of BLEA?

Tisha Jones: Yes, the request is to attend the equivalency academy which is an 80-hour in class here at CJTC. It lasts two weeks and I believe many of you are aware of what is covered in that class, as opposed to being required to attend the basic academy.

Chairman Myers: For the record Commissioner Turner is recusing himself from the discussion.

Commissioner Turner: Correct.

Discussion:

Commissioner Wells: When Mr. Olson went through BLEA was that at the 440-hour, is that how many hours we had at that time?

Tisha Jones: No, Ma'am. On the back it shows he worked for the Redmond Police Department from December '07 to June '09. From December '07 to June of '08, he was in the BLEA which was the 720. From June of '08 to June of '09 he actually worked the road.

Commissioner Elfo: On this note, we've granted variances and cases from longer breaks and services from people who have not worked in Washington State Law Enforcement.

Tisha Jones: Right. I'll call your attention to the variance log that we keep. You are correct, Sheriff, however they did have extensive law enforcement experience in another state or they had greater than one year on the road, Sir.

Commissioner Elfo made a motion to approve the variance. **Commissioner Batiste** seconded the motion.

Commissioner Wells: Is there a staff recommendation on this?

Deputy Director Bales: The Director and I have discussed this and given the fact that many Sheriff's Offices have fully commissioned deputies who are working exclusively in the jail, but who's service counts towards ongoing certification, while we understand the lack of road experience being normally exception, the fact that the majority of Mr. Olson's experience in Walla Walla County Sheriff's Office, while the jail was under the auspices of the Sheriff's office, Director and I believe that if you are inclined to grant the variance, that it would not be inappropriate here.

Commissioner Hohenberg: I also agree with that, as the Deputy Director has said. I can remember back in the day when people got hired at the Sheriff's department, until there was an opening, that's where you were at. Looking at the time period, I'm comfortable voting yes on this. As I look back at some of the folks that we've approved, the same type of waiver that had federal law enforcement experience that didn't even come to a year of policing in a municipality, I'm even more comfortable.

Commissioner Anderson: Equivalency is 80 hours in the classroom?

Commander Bowen: Yes, the equivalency academy is two weeks and it's essentially a BLEA-light type of curriculum. It focuses not so much on the practical because they're already performing cops who have managed to be hired by another police agency, so they've obviously been doing well. It's to get them up to speed on how things are done within the state of Washington and criminal law differences, criminal procedures, patrol procedures and things like that is where the focus is.

Chairman Myers: Since his training already was BLEA it's going to be a lot of repeat. Really the only issue here in my mind is the break in service. We have a 5-year rule, and we're past that. Further discussion?

Commissioner Elfo: Just that he's been actively engaged in the Sheriff's office and I wouldn't feel comfortable if it was someone that had a 6 ½ year break in service and they went to a year's police service in Arkansas or some other place, but he's familiar with Washington, he's been attending the in-service type trainings, so I have no problem supporting this petition for variance.

Commissioner Stidham was outside of the room during the motion, discussion, and final vote. Quorum was still present. The motion passed unanimously.

Panel Member Applications

Sonja Peterson, Human Resources Manager

Sonja Peterson: We have our very first member of the Washington State Patrol who is going to be coming before the hearing panel. Therefore, there is a different makeup for certified Troopers/members of the State Patrol. I have seven people and I would just like to lump them all together because they have been sent to me by Captain Matheson and Assistant Chief Lamoreaux.

Chairman Myers: The makeup is different why?

AAG Hillman: When a State Patrol employee is issued a statement of charges to be de-certified, the RCW requires members of the State Patrol to be on the panel.

Sonja Peterson: We have four administrators. Captain Shannon Bendiksen, Captain

Timothy Coley, Captain Ron Mead, and Captain Chris Old. They all have well over 10 years of experience. For the certified line-level officer with 10 or more years of experience, we have Sgt. Paul Erdahl, Detective Frank Black and Trooper Mike Cheek. We would like all these approved as a group.

Commissioner Hohenberg made a motion to approve. **Commissioner Elfo** seconded the motion.

Commissioner Stidham was outside of the room during the discussion, motion, and final vote. Quorum was still present. The motion passed unanimously.

GOOD OF THE ORDER

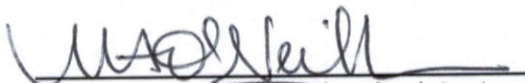
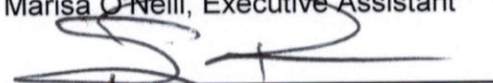
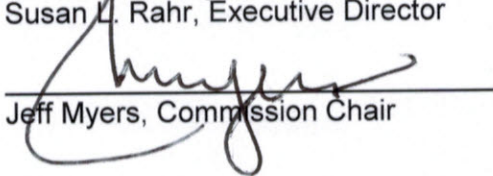
Commissioner Turner: Last year I had a need to share an opinion with the agency and was apprehensive about sharing, but wanted to thank and give kudos to Commander Bowen, Director Rahr, and Deputy Director Bales for welcoming the questions and critiques that I had.

Chairman Myers: Just a note that I do have a draft of the Director's evaluation and I will share it with the Commissioners for input individually, not in a group setting.

End of general session: 11:45am. Executive Session held off record to discuss review of employee or employees.

Back on the record: 12:26. Having no further business or action before the Commission. Meeting is adjourned at 12:26.

Next Meeting: June 15, 2016, 10 AM, WSCJTC

Written by:	 _____ Marisa O'Neill, Executive Assistant	06-15-16 Date
Reviewed by:	 _____ Susan L. Rahr, Executive Director	6/15/16 Date
Approved by:	 _____ Jeff Myers, Commission Chair	06-15-16 Date