



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

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**COMMISSION MEETING**

Thursday, June 6, 2019  
10 AM

**COMMISSION MEMBERS PRESENT:**

Jeff Myers (Chair), Chief, Hoquiam Police Department  
Bob Ferguson, Washington State Attorney General (Telephonically)  
Ken Hohenberg, Chief, Kennewick Police Department  
Laura Well, Citizen at Large  
Joshua Kelsey, Sergeant, Lynnwood Police Department  
Brian Burnett, Sheriff, Chelan County  
Robert Latter, Sergeant, Clark County  
Dan Satterberg, Prosecuting Attorney, King County  
De'Sean Quinn, Councilman, Tukwila  
Penelope Sapp, Lieutenant, Kitsap County Jail  
Steve Sinclair, Secretary, Department of Corrections  
Marc Lamoreaux, Assistant Chief, Washington State Patrol  
Raymond Duda, SAC, Federal Bureau of Investigation (Telephonically)

**WSCJTC STAFF PRESENT:**

Sue Rahr, Executive Director  
Chris Fowler, Deputy Director  
Rex Caldwell, Commander, Basic Training Unit  
Marisa O'Neill, Executive Assistant  
Derek Zable, Manager, Human Resources and Government Affairs  
Tisha Jones, Manager, Certification Unit  
Donna Rorvik, Manager, Quality & Standards Division  
Stan Conrad, Manager, Advanced Training Division  
Brian Elliott, Manager, Fiscal Services  
Kayla Wold, Program Manager, Advanced Training Division  
Dan Christman, Program Manager, LETCSA  
Alex Buijs, Program Specialist, LETCSA  
Ethan Swenson, Administrative Assistance 3, Information Technology Unit

**GUESTS PRESENT:**

Teresa Taylor, Executive Director, WACOPS  
Mike Teeter, Captain, Seattle Police Department  
Marilyn Cuarrbac, Citizen, Tacoma WA  
Amber Dickson, Citizen, Spanaway WA  
Sarah Stiltner, Consultant, Puyallup Tribe  
Juan Peralez, President, UNIDOS

Renee Maher, Executive Director, COMPAS  
Alison Holcomb, Political Director, ACLU of Washington  
Andre Taylor, Executive Director, Not This Time  
Kurtis Robinson, President, NAACP – Spokane Chapter  
James Schrimpscher, Vice-President, WAFOP  
Marco Montebianco, President, WAFOP  
Lynnette Buffington, Executive Director, WAFOP  
Leslie Cushman, Citizen Sponsor of I-940

## OPENING

*Jeff Myers, Commission Chair*

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

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

**Chair Myers** expressed appreciation regarding the participation in the previous May 23, 2019 Commission Meeting held in Spokane, WA.

## APPROVAL OF MEETING MINUTES

**Chair Myers** called for review and approval of the meeting minutes from March 2019.

**Commissioner Hohenberg** moved to approve the March 2019 minutes. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

**Chair Myers** called for review and approval of the meeting minutes from May 2019.

**Commissioner Sapp** moved to approve the May 2019 minutes. **Commissioner Quinn** seconded the motion. **The motion passed unanimously.**

## EXECUTIVE DIRECTOR'S REPORT

*Sue Rahr, Executive Director*

### Community College Study

**Executive Director Rahr** informed the Commission that the Community College study had been completed and the results are expected to be posted soon.

## OLD BUSINESS

### WAC Rule Review – 139-11

*Sue Rahr, Executive Director*

**Executive Director Rahr** highlighted a few changes regarding 139-11-010 with the term *Increase* in subsection 2 being changed to *Manage*. In subsection 3 the term *Create* had been changed to *Utilize* and *when safe and feasible* had been added to the end of the sentence. In subsection 4, the phrase *to gain cooperation* had been changed to *in order*.

In WAC 139-11-020 subsection 1(i) the word *Increasing* was changed to *Managing*. Subsection 1(g) substituted out *threatening due* and replaced it with *demonstrating unusual behavior related*. Subsection 1(l) included WAFOP's suggested language of *the experience of Black*

Americans then and now and also eliminates the phrase *and how the history impacts the criminal justice system and police interactions with the public today* and substitutes it with the phrase *the ongoing influence of race relations, strategies to reconcile past injustice, and the importance of fair and impartial policing*. Subsection 1(m) includes the included-but-not-limited-to list requested by the stakeholders. Subsection 1(r) eliminated the term *unintended*. Subsection 1(s) added back in the section regarding Native Americans. Subsection 1(t) had a few changes, namely the inclusion of the phrase *on the new statewide policy, which states: "all law enforcement personnel must provide or facilitate first aid such that it is rendered at the earliest safe opportunity to injured persons at a scene controlled by law enforcement"*. Additional changes within section 1(t)(ii) include the reinsertion of the phrase *the need to balance the many essential duties of officers with*, which was accidentally omitted and is not included in the OTS copy, as well as the changes made to replace the phrase *by facilitating first aid at the earliest safe opportunity with a person with whom officers come into direct contact*.

WAC 139-11-020 subsection 2 changes mirror the changes made in 139-11-020 subsection 1.

WAC 139-11-050 has significant changes which **Chair Myers** read to the Commission. These changes were made to affect flow and to address suggestions made during the May 23, 2019 Commission Meeting.

**Commissioner Sinclair** wanted to stress the importance of including the addition in section 1(t)(ii) verbatim.

**Commissioner Hohenberg** expressed appreciation for everyone working together toward this goal, that it is refreshing that all groups are united, with an understanding that there is more work to be done in the future. **Commissioner Hohenberg** shared his thoughts that staying relevant is the key as times change and that the Commission continues to look toward updating training standards.

**Commissioner Satterberg** stated that in 139-11-050 the phrase *includes, but not limited to* intentionally is inclusive, and if anybody wants to participate in these ongoing discussions, they should be welcome, as this is a coalition of the willing.

**Commissioner Quinn** mentioned that progress moves at the speed of trust, and that this process does not end with the approval of the WAC, that the implementation side must be considered. The goal is to improve our knowledge, awareness, and relationships as a collective community to make a better community for everyone.

**Commissioner Burnett** agrees with the testimony of Kurtis Robinson that community represents both sides of the badge and that integrity invites transparency, as law enforcement agencies are in business for their communities. **Commissioner Burnett** stated that every one in Washington law enforcement: cities, counties, and the Commission has a vested interest in better training for everybody.

**Commissioner Ferguson** apologized for not being present as he is currently out of state, but he wanted to thank everybody involved throughout this process for all of their hard work.

**Commissioner Kelsey** agrees with **Commissioner Satterberg** and Alison Holcomb about police responsibility and the prospect of including families of victims in ongoing discussions.

**Chair Myers** commended the community for all the heavy lifting they have done throughout this process. **Chair Myers** stated that this law will have a lot of legitimacy behind it, which will further enhance the commitment to get the training accomplished throughout the state, that the leadership piece, which is what makes a difference in implementation, will have all barriers and

excuses removed in an effort to ensure training is accomplished. **Chair Myers** reiterates that this is just the beginning and it will take leadership and perseverance to guarantee this is accomplished.

Final Action: After reviewing the packet regarding WAC 139-11, **Commissioner Quinn** moved to adopt the WAC. **Commissioner Hohenberg** seconded the motion. **The motion passed unanimously.**

### **Open Public Comment**

*Jeff Myers, Commission Chair*

**Chair Myers** opened up the meeting for public input. Ten members of the public spoke to the Commission.

Juan Peralez, President of UNIDOS, expressed gratitude for everybody in the community, Puyallup Tribe, and **Sue Rahr** for her efforts to change the culture of policing in Washington State. Unidus believes that trust is the most important factor necessary for law enforcement to accomplish their mandate to serve and protect. He closed by asking that more than one civilian be represented on the Commission.

Teresa Taylor, Executive Director of WACOPS, reiterated the importance of mirroring the language in the rules to the language in the law. Teresa Taylor talked about the importance of putting a name to something, as there is a voice not reflected and named, which is the victim of crimes.

Renee Maher, Executive Director of COMPAS, mentioned that when you come together with such diversity, people have different priorities and focuses, and just because consensus is not reached on all issues does not mean that this was not a worthwhile process for all involved. Renee Maher requests that any ongoing group created includes the voices of families of current officers and fallen officers.

Andre Taylor, Executive Director of Not This Time, mentioned that this entire process started from grassroots organizations, from the bottom up. Andre Taylor shared that Washington State has led on many things before and thinks we have the genius, fortitude, and people to lead again, that he's seeing other states follow in Washington's example.

Leslie Cushman, citizen sponsor of I-940, requests that no decisions be made at this point regarding the inclusion of victims in the advisory group.

Lynnette Buffington, Executive Director of WAFOP, expressed thanks for the ability to be present, and thanks the staff and Commission. She asked that the Commission be cognizant of the impact of WAC language in training spaces and training culture. WAFOP acknowledges the inclusion of the resolution put forth by **Commission Quinn** in the May 23, 2019 Commission Meeting to formalize the community input model of WAC 139-11.

Marco Montebalanco, President of WAFOP, believes in continually improved training, with connecting trainers with appropriate community members and groups to create more relevant training for the communities they serve. He feels this effective and realistic implementation of the training is law and cannot be done without law enforcement engagement.

Kurtis Robinson, President of Spokane NAACP, thanked the Commissioners, law enforcement, and partners in this endeavor to make this process as transparent as possible and a faithful way of accomplishing the task at hand. He stated what impacts him the most is that he feels the

Commission believes in this work, that the integrity shown invites transparency and accountability. Kurtis Robinson stated that this is just the beginning and that the community, both sides of the badge, will continue striving forward, challenging perspectives.

James Schrimpscher, Vice-President of WAFOP, thanked everybody involved. James Schrimpscher stated that he believes law enforcement is a part of the community and that it is not an "us vs. them" but rather it is "we." He believes that the entire process has allowed all involved to learn, grow, and flourish and that the WAC is a great product as a result of this collaboration.

Alison Holcomb, Political Director of ACLU of Washington, wanted to address the issue regarding whether representatives of victims of crimes should be included in the consultation body moving forward. She wanted to remind the Commission that this process is meant to address the moment police interact with non-police and hope that this interaction prevents crime from occurring. Alison Holcomb reiterated that trauma involves everybody on both sides.

## NEW BUSINESS

### Variance Request

*Tisha Jones, Certification Manager*

**Tisha Jones** provided the Commissioners with a packet containing a variance request for Patrick Rogers of the Sauk-Suiattle Police Department.

After reviewing the packet, and hearing testimony **Commissioner Wells** moved to approve the application. **Commissioner Sapp** seconded the motion. **The motion passed unanimously.**

### Hearing Panel Member Application

*Kayla Wold, Hearing Coordinator*

**Tisha Jones** provided the Commissioners with one application.

After reviewing the packet and hearing testimony, the application for Chief Brad Moericke of the Sumner Police Department was moved for approval by **Commissioner Hohenberg**. **Commissioner Kelsey** seconded. **The motion passed unanimously.**

### Polygraph & Psychological Exam Discussion

**Chair Myers** expressed concerns regarding the fact some psychological evaluations are given to corrections officers, but when transferred to patrol responsibilities, they are not given another psychological evaluation tailored to that role. **Chair Myers** proposes that the Commission comes to resolution requiring departments moving forward require a psychological test for patrol hires from corrections.

**Commissioner Quinn** emphasizes the importance of diligence surrounding how the Commission frames the resolution and why the change is occurring.

**Director Rahr** offers to work with staff to develop written policy and practice to share at the next WASPC conference before putting out state-wide.

**Commissioner Burnett** asks if this practice has been interpreted differently by agencies over time. **Director Rahr** replied that it has.

**Tisha Jones** recommends that the Commissions reviews WAC chapter 139-07, as this is written in WAC code. She agrees that not all agencies currently interpret the rules in the same manner.

**EXECUTIVE SESSION**

At 11:21 AM, **Chair Myers** announced the Commission would be going into Executive Session to:

- (1) Discuss with legal counsel representing the agency matters which are relating to the agency to discuss legal counsel representing the agency any potential litigation or litigation to which the agency is a member, could be impacted, or have financial consequence.

He advised, there are no members of the public present, and the public is excluded from the executive session in order to:

- (1) Discuss with legal counsel representing the agency matters which are relating to the agency to discuss legal counsel representing the agency any potential litigation or litigation to which the agency is a member, could be impacted, or have financial consequence.




He shared his expectation for Executive Session to last 15 minutes.

The room was cleared of non-essential attendees. Executive Session began at 11:26 AM. An extension to the Executive Session was granted to 11:45 AM

**Chair Myers** brought the meeting back on the record at 11:46 AM. He asked if anyone had anything further.

**Alex Buijs** indicated that all the track changes for WAC 139-11 had been made and submitted to OTS. **Chair Myers** asked if anybody else had anything further. Hearing none, he adjourned the meeting at 11:46 AM.

Next Meeting: September 12, 2019, 10 AM, WSCJTC

Written by:		<u>09.13.19</u>
	Marisa O'Neill, Executive Assistant	Date
Reviewed by:		<u>9/13/19</u>
	Susan L. Rahr, Executive Director	Date
Approved by:		<u>9-13-19</u>
	Jeff Myers, Commission Chair	Date