



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

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**COMMISSION MEETING**

Wednesday, September 09, 2015  
10 AM

**COMMISSION MEMBERS PRESENT:**

Jeff Myers (Chair), Chief, Hoquiam Police Department  
Bill Elfo (Vice Chair), Sheriff, Whatcom County  
Dan Satterberg, Prosecuting Attorney, King County  
Joshua Kelsey, Officer, Lynnwood Police Department  
John Turner, Sheriff, Walla Walla County  
Kenneth Hohenberg, Chief, Kennewick Police Department  
Laura Wells, Citizen at Large  
Julie Anderson, Auditor, Pierce County  
Ned Newlin, Chief of Corrections, Kitsap County  
John Hillman, Assigned Counsel to WSCJTC, Attorney General's Office

**GUESTS PRESENT:**

Lana Weinmann, Attorney General's Office (for Commissioner Ferguson)  
Marc Lamoreaux, Assistant Chief, Washington State Patrol (for Commissioner Batiste)  
Seth Brannan, Deputy Sheriff, Clark County Sheriff's Office  
Roger Evans, Officer, Vancouver Police Department  
David Nelson, Sergeant, Clark County Sheriff's Office  
Brian Viles, Officer, Vancouver Police Department  
Jack Anderson, Officer, Vancouver Police Department  
Shan Hanon, Officer, Bellingham Police Department  
Greg Boot, Lieutenant, Mount Vernon Police Department

**WSCJTC STAFF PRESENT:**

Sue Rahr, Executive Director  
David Bales, Deputy Director  
Marisa O'Neill, Executive Assistant  
Brian Elliott, Manager, Financial Services  
Sonja Peterson, Manager, Human Resources  
Rick Bowen, Commander, Basic Training Division  
Robert Bragg, Manager, Force & Fitness Division  
Tisha Jones, Manager, Certification  
Wesley Anderson, Manager, Facilities

**OPENING**

**The Chair** called the meeting to order at 10:00 AM.

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

The Chair asked guests to sign in if they wanted to be accounted for in the meeting minutes.

## APPROVAL OF MEETING MINUTES

Commissioner Hohenberg made a motion to approve the meeting minutes of June 10, 2015. Commissioner Turner seconded the motion. *The motion passed unanimously.*

## CHAIR'S REPORT

*Jeff Myers, Commission Chair*

The Chair advised Commissioner Newlin will be leaving the Commission on 12/31/15 as he plans to retire. He thanked him for his contributions and shared we look forward to celebrating his time with the Commission during the December meeting.

## EXECUTIVE DIRECTOR'S REPORT

*Sue Rahr, Executive Director*

Director Rahr opened by sharing some personnel related information. Mr. Wes Anderson, Facilities Division Manager will be retiring as of September 30, 2015. WSCJTC will be posting the position very shortly, but will take the time required to ensure the right person is hired as the replacement. DJ McClain will serve in an acting capacity until a replacement is hired. WSCJTC has hired Retired Chief Rex Caldwell from the Mukilteo Police Department to serve as the agency's Building Public Trust Program Manager. Rex's wealth of knowledge, belief in the program, and the longstanding relationships he has with our stakeholders made him an excellent choice for this position. Retired Deputy Tom Hill from the King County Sheriff's Office has been hired as the FTO/PTO and Reserves Program Manager. Tom assisted KCSO with their transition from the FTO to the PTO model. Tom is one of the hardest working individuals and a natural leader. CJTC is lucky to have the two of them on board.

Director Rahr gave an overview of the Blueprint for Building a Culture of Trust project.

## OLD BUSINESS

### WAC Rule Review

*Sonja Hirsch, Rules Coordinator*

#### **WAC 139-05-915: Canine Certification**

Chair Myers drew attention to page 26 of the WAC Rule Review Packet. WAC 139-05-915 was up for Final Action. Sonja Hirsch read, "Changes are needed as currently canine teams are certified by the Training Commission. If approved, the Training Commission will establish written guidelines for canine training and no longer certify



canine teams." Attendees were pointed to a smaller grey packet which contained red highlighted text. CJTC Staff recommended the highlighted text be deleted. In doing so, CJTC states it will NOT establish guidelines for canine teams. Because the latest changes were proposed outside of the timelines established by the Code Revisors' Office, a supplemental notice will be filed pushing the public hearing on this issue to the December Commission Meeting.

**The Chair** posed the question to Commissioners requesting their decision on moving forward with the proposed language (establishing guidelines) or moving forward with the staff recommendation to move the hearing to December and neither certify nor provide guidelines.

**Deputy Director Bales** addressed the Commission. He described the false sense of security certification provided our stakeholders. He explained different training methods being utilized and different criteria met depending on which stakeholder group sent the certification documents to us. Training conducted by master instructors of different associations were done in different manners, according to their established best practices. There is not a strong consensus across the state among the various groups as to what best practices truly are. We have no one on staff who is a subject matter expert in this area. WSCJTC does not feel comfortable "rubber stamping" certification. As this relates to guidelines, we are similarly concerned we have no one on staff to review the guidelines periodically to determine whether or not they are established as best practice. By posting guidelines, when not certifying, staff believe we are still putting the agency in a quasi-regulatory position that we have no expertise to back up.

**Director Rahr** added this is the only area of specialized training being certified by WSCJTC. We do not certify SWAT, MOTORS, etc. Certification of this specialty is a significant departure from our standard practice. WSCJTC not certifying canines is about us being honest with stakeholders. At the end of the day, the people that trained the dog are the ones who will be testifying on the witness stand. It does no good for our Certification Manager to sit in there as an expert witness because that isn't her role.

**Commissioner Wells** agreed with Executive Director Rahr and Deputy Director Bales' statements. She expressed her belief that if certification and guideline language are stricken, there would be no need to retain language suggesting agencies continue to train their dogs. Commissioner Wells indicated that she felt there was "no teeth" to the language proposed all language relating to canines be stricken.

**Vice-Chair Elfo** recalled there is no enforcement action to be taken by the Commission one way or another.

**Commissioner Hohenberg** expressed his agreement with the staff recommendation. He said he is willing to propose and agree to push it to December. He shared there was a dog bite incident when he was first appointed Chief which led the City of Kennewick to pay out 1.5 million dollars. Even though the canines were certified it didn't mean anything. Commissioner Hohenberg doesn't believe the Commission should be involved in certifying dogs or any of the specialty assignments.

**The Chair** advised the Commission that he is looking to them to vote on which version of the WAC to look to, but took the latitude as chair to open the floor to public comment



to accommodate the visitors present. He advised they were able to comment on the older version or the newest.

**Sonja Peterson** read a comment for the record emailed in by Thurston County Acting Undersheriff, Brad Watkins. Thurston County is against removing Canine Certification. They believe it creates a liability for their agency if their teams aren't CJTC certified. They also feel the quality of training across the state may be reduced. They believe state standards should match, at minimum, federal standards.

**The Chair** shared the Commission may want to consider the interoperability piece. If agencies want to use dogs from a different jurisdiction they would want to know the dogs are trained in the same manner.

**Deputy Director Bales** pointed out, even now, certification is voluntary.

**Commissioner Kelsey** asked if we were required to maintain a canine certification WAC.

**Sonja Peterson** responded the WAC could be repealed in its entirety, if a motion was passed. The WAC would still go before public hearing in December.

**The Chair** asked if there was a motion on the floor.

**Commissioner Kelsey motioned to repeal WAC 139-05-915. Commissioner Hohenberg seconded. The motion passed unanimously.**

**The Chair** advised he would take public testimony if those present were interested in going on the record. He advised public testimony would also be taken at the December Commission Meeting.

**Officer Shan Hanon** of Bellingham Police Department provided comments. He advised he was commenting not only for his police department, but also in his capacity as Vice President of the Washington State Police Canine Association. Officer Hanon shared he was part of the canine workgroup lead by Commissioner Stidham and he shared his belief that the workgroup was making progress toward consensus in evaluation standards. Officer Hanon expressed his concern with repealing the WAC. He believes it's important to have a WAC in place for all entities to look to for clarity, though he can't say what that should look like at this time. He shared they have an idea, but he doesn't know what it would look like in final form.

**Vice Chair Elfo** asked Officer Hanon, "What would preclude the Washington State Police Canine Association from being the certifying body rather than the Criminal Justice Training Commission?"

**Officer Hanon** shared they are a non-profit organization where membership is voluntary. "Although following the WAC is also voluntary, we feel it has more teeth. We also have different philosophies across the state that we'd have to deal with. WSPCA is the only entity that accredits Patrol Dog Teams. Drug Dog Teams may go to other organizations. WSP has the most explosive dogs in the state and they run entirely their own program and standards. They aren't a part of the other organizations."



**Vice Chair Elfo** asked if the strike out language in the first document reflects the product of the workgroup led by Commissioner Stidham.

**Officer Hanon** replied in the negative. He advised the workgroup hadn't touched the actual WAC language, and had only been working on training guidelines. Once they agreed to those, they would continue working toward evaluation guidelines. They hadn't made that much progress to date.

**Commissioner Turner** asked if WSPCA criteria for certification are higher than the prior state standards.

**Officer Hanon** replied affirmatively with the caveat that most department policies request teams meet the standards in the WAC as far as the number of hours of training. They go hand in hand.

**Commissioner Turner** shared he noted the two different standards when starting his program. His comments "No offense to Tisha, but she's not a canine handler. She tells us what the WAC says, but we actually certified to a higher standard. I'm at a loss as to why we would want to be in the business if you're the go-to guys."

**Officer Hanon** replied, "It depends on the discipline. For explosives, as an example, the Washington State Patrol have the highest standards. Pacific Northwest Police Detection Dog Association has a different philosophy in their standards and what they think is best. And we try to encompass them, but yet, our standards are higher than theirs if you look at the actual tasks you have to complete."

**Vice Chair Elfo** shared the reason this WAC change came forward is just for that reason. The inconsistencies on how the evaluations are conducted by various associations and groups across the state and the inability of the state to enforce the WACs and change those practices, is the main problem here.

**Executive Director Rahr** asked Officer Hanon if they are looking to the Commission to play the role of the arbitrator. "When the different entities can't agree, do you want us to say, ok, we'll take this and this, and leave that?"

**Officer Hanon** replied, "No, not really. We were able to resolve differences in our meetings last year. We came to agreement."

**Officer Kelsey** asked, "Is that documented? Is that something we can resurrect? If we are to get out of the business, can you three sign the document saying you all agree to these items and use that document as your go-to cover? Possibly for renewal yearly?"

**Officer Hanon** replied, "Yes. The language was similar to what the WAC language is now."

**Officer Kelsey** asked, "Is us getting out of the business going to harm you in any way? I'd rather strike, than trim it down to practically nothing. Does that affect you negatively?"

**Officer Hanon** replied, "Having the WAC gives more clarity to everyone, not just those in the WSPCA. I think we'll continue to follow our practices. Other agencies may not."

Smaller agencies would say they don't have the budget for that much training. Having something coming from the state saying you need this many hours, etc, is huge."

**Commissioner Turner** shared he's still unclear how the organization is affected.

**Officer Hanon** replied it doesn't affect their organization because they refer to WSPCA. As far as his organization is concerned, he feels it is a bigger issue. He would need to go to his agency and say he needed to certify a new team and needs 400 hours to do so. The agency may decline that training time if there isn't a WAC to point to.

**Commissioner Satterberg** asked staff if the Commission had ever been named in a lawsuit over a canine bite.

**Executive Director Rahr** answered sharing the WSCJTC is immune from liability. "This isn't about our liability; it's about being honest with our stakeholders about what kind of liability protection they're getting from a form that's signed by a staff member that isn't a canine handler and a group that doesn't have that background." She addressed Officer Hanon and asked if they have approached WASPC or thought about using their accreditation as a place to turn to hold a model policy. Executive Director Rahr expressed her understanding that he is looking for something to point to for agency leadership to approve training time, etc, but said neither she nor her staff have the expertise to say that what is proposed is truly the best practice.

**Commissioner Turner** reminded the group that the current WAC is voluntary. If a Chief or Sheriff chooses to refuse that amount of training time, it's permissible for them to do so.

**The Chair** asked Officer Hanon for his perfect world scenario on this issue.

**Officer Hanon** replied, "I'd like to see the WAC remain in place, the standards in place and people have to certify to those standards and send in the forms. The evaluations being done according to evaluation guidelines the workgroup establishes and the Commission agrees to formalize."

**Vice Chair Elfo** asked for Tisha to pull the information that was put together by the workgroup and to provide it to the Commissioners prior to the December meeting.

**The Chair** called for any other public testimony. There was none.

## NEW BUSINESS

### WAPA Training Request

**Dan Satterberg, Commissioner**

**Commissioner Satterberg** presented a request from WAPA. He shared WAPA is requesting inclusion within the CJTC supplemental budget request for the 2016 Legislative Session. The lobbying would be headed by Tom McBride. **ACTION:** Brian Elliott to work with Mr. McBride to accomplish this one-time \$90,000 increase request with a carry forward cost of \$90,000, making it \$180,000 for the biennium.



Commissioner Anderson was excused from the meeting at 11:30am.

C2 Program Presentation

**Bob Bragg, Force and Fitness Program Manager**

**Bob Bragg** provided information on the Cognitive Command Program based on the research and the book Neurocop by Dr. Jonathan Paige. He shared CJTC is reviewing the program and considering implementing it into the Force and Fitness curriculum. He emphasized that much of what is discussed in the book is currently in practice here at WSCJTC and that this program is a good packaged way of delivering the information.

**ACTION:** Marisa to share information on C2 to the Commissioners and courtesy copy the Training Division of the Washington State Patrol.

Chief for a Day

**Sonja Hirsch, Human Resources Manager**

**Sonja Hirsch** advised the Commission Chief for a Day preparations are underway. Planning sessions begin in October.

**The Chair called** for any additional comments or questions. None were expressed.

**The meeting was adjourned at 11:54 PM.**

**Next Meeting: December 9, 2015, 10 AM, WSCJTC**


Written by:

  
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Marisa O'Neill, Executive Assistant

Date

12/7/15

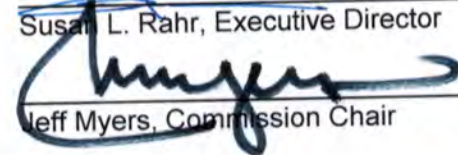
Reviewed by:

  
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Susan L. Rahr, Executive Director

Date

12/9/15

Approved by:

  
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Jeff Myers, Commission Chair

Date

3/9/16