



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

COMMISSION MEETING

Wednesday, September 12, 2012
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Bill Elfo (Vice Chair), Sheriff, Whatcom County Sheriff's Office
Darell Stidham, Deputy, Spokane County Sheriff's Office
Garry Lucas, Sheriff, Clark County Sheriff's Office
Joshua Kelsey, Officer, Lynnwood Police Department
Julie Anderson, Auditor, Pierce County
Kenneth Hohenberg, Chief, Kennewick Police Department
Laura Wells, Citizen at Large
Ned Newlin, Chief of Corrections, Kitsap County

WSCJTC STAFF PRESENT:

Sue Rahr, Executive Director
Debbie Mealy, Deputy Director
Brian Elliott, Manager, Financial Services
Greg Baxter, Manager, Human Resources
Joel Gavino, Manager, Information Technology
John Suessman, Commander, Basic Law Enforcement Academy
Rachelle Parslow, CIT/Private Security Program Administrator
Sonja Hirsch, Executive Assistant
Steve Lettic, Manager, Advanced Training Unit
Tisha Jones, Manager, Peace Officer Certification
Wesley Anderson, Manager, Facilities

GUESTS PRESENT:

Alex Rozier, Reporter, KHQ-TV
Doug Blair
Frank Straub, Chief, Spokane Police Department
Jean E. Meyn, Assistant Attorney General, Attorney General's Office
Jim Bloss, Vice President, NAMI Washington
Jim McDevitt, Police Advisory, City of Spokane
Mike Edwards, Captain, Seattle Police Department
Richard Ackerman, Chief, Quincy Police Department
Scott Stephens, Assistant Chief, Spokane Police Department

The Chair called the meeting to order at 10:09 AM with a quorum present. Sonja Hirsch conducted roll call of the Commissioners.

Commissioners Welcome

Jeff Myers, Commission Chair

Dan Satterberg was not in attendance; however, the Chair announced that Commissioner Satterberg will be filling the prosecuting attorney position on the Commission for a six-year term.

Laura Wells has been appointed to the Commission's citizen at large position until June 2015.

Ms. Wells is the Director of Fight Crime: Invest in Kids Washington, which is an advocacy organization to prevent crime by making sure that we invest in kids early. Fight Crime: Invest in Kids members are law enforcement leaders in Washington and across the country who educate policy makers and the public that early investments help kids get the right start in life and prevent crime. The programs for which members of Fight Crime: Invest in Kids advocate are high-quality early learning and evidence-based home visiting.

Prior to her position at Fight Crime: Invest in Kids; Laura was a member of the management team of Child Care Resources (CCR), the non-profit child care resource and referral agency for King County. As Director of Provider Services at CCR, her focus was on improving the quality of care for children in both licensed and Family, Friend, and Neighbor care. Her work at CCR included leadership of the King County Alliance for Human Services, a coalition of community-based organizations, religious leaders, and philanthropists working with business and elected officials to stabilize funding for human services. She is a recipient of the Seattle Human Services Coalition 2003 Excellent in Advocacy Award and the Children's Alliance 2009 Voices for Children Award.

Laura holds Master's Degrees in Speech Pathology & Audiology and Public Administration from the University of Washington. She and her husband, Reid Yamamoto, live in Seattle and enjoy spending time at their family farm in the Yakima Valley.

APPROVAL OF MEETING MINUTES

Commissioner Lucas made a motion to approve the meeting minutes of June 13, 2012. Commissioner Newlin seconded the motion. The motion passed unanimously.

CHAIR'S REPORT

Jeff Myers, Commission Chair

Ethics Board Determination

Commissioners were provided with The Washington State Executive Ethics Board's Reasonable Cause Determination report. A judgment had not yet been made.

EXECUTIVE DIRECTOR'S REPORT

Sue Rahr, Executive Director

Budget Update

Director Rahr provided Commissioners with a 2013-2015 Biennium Budget Request document that showed the following:

Operating Budget:

1. BLEA base of nine classes: \$515,369
 - a. The BLEA is expecting an increase in hiring new recruits, so one additional class will be needed.
2. 25% BLEA cost share elimination: \$606,350
3. Driving simulator: \$123,000
 - a. The WSCJTC is still working with WACOPS and their lobbyist, as a supplemental may be able to cover this cost.
4. Broadband: \$135,788
5. Target system upgrade: \$34,580
 - a. The target system needs to be fixed, as it breaks down on a regular basis.
 - b. The WSCJTC is working on creating an operation and maintenance account, which would be done by renting the range out to law enforcement groups. If successful, it would not go into effect until next year.
6. BLEA ammunition cost share elimination: \$170,000
7. Small Agency Client Services funding: \$114,436
8. Vendor rate increase for Academy Café: \$42,553
9. Private Security Firearms Certification: \$14,000
 - a. Commissioner Stidham asked if the range operation and maintenance account is approved, if revenue generated from Private Security could be used for this account.
 - b. Brian Elliott stated that it would depend on how the language is written and currently funding for Private Security goes to pay for certifications.
10. WASPC computer system increases: \$498,476
11. Prosecutor training: \$180,000
12. Technical corrections (FTE for Range Master and ammunition revenue correction): \$0

Capital Budget:

1. Dormitory renovation: \$5,851,000

Strategic Plan Update

Director Rahr reviewed the plan, as well as what came out of the Commissioner workshop, and there is a huge difference over what the Commission came up with during the workshop and what is in the Strategic Plan.

Director Rahr has decided to start over with the Strategic Plan in its entirety rather than rework it. Many of the due dates have passed and need to be updated.

Reorganization/Restructure/Office Moves

Director Rahr is interested in seeing more, regular, hourly/daily interaction between Corrections Academy and Basic Law Enforcement Academy personnel; therefore, she

made the decision to move the Corrections Division staff into the Olympic Building. Both basic academies will now be housed in the same building; on the same floor.

The new organizational chart was provided to Commissioners. The Deputy Director will oversee the basic training for BLEA and Corrections in addition to finance. Mr. Lettic will oversee the advanced training and specialty programs in addition to information technology.

Role of Regional Training Managers

Leanna Bidinger will serve as the Statewide Regional Training Coordinator; therefore, every agency in the state will have one person to go to for questions who is familiar with all of the training initiatives. The former Regional Training Managers will go back to their regular, full-time duties (Patti Toth, Child Abuse Training Program Manager; Lee Brandt, eLearning/PTO & FTO; Bob Graham, CIT Program Manager; and Bob Bragg, Defensive Tactics Program Manager).

Executive Level Certification

This topic was tabled.

Reserve/Provisional Officers

This topic was tabled.

WSCJTC Campus Tours

WSCJTC staff discovered that there is a profound misunderstanding about the WSCJTC's mission and purpose; therefore, Director Rahr decided to hold campus tours for stakeholders, legislators, government counterparts, citizens, etc. The campus tours will show attendees what we do and provide them with information about why we need certain resources.

Campus tour dates: September 27, October 25, November 19, and December 20. All tours begin at 1 PM.

The WSCJTC staff provided a full campus tour for the agency's new budget analyst, Carma Matti-Jackson. Ms. Matti-Jackson is new to her position and will be a great asset to the agency.

The Chair urged Commissioners to attend one of the tours.

DEPUTY DIRECTOR'S REPORT

Debbie Mealy, Deputy Director

Small Agency Client Services (SACS) Update

Approximately two years ago, the WSCJTC, along with other small agencies, was mandated by the Governor's Office to contract with SACS for a variety of client services. The WSCJTC lost a tenured employee in the process.

Per the Office of Financial Management's website, SACS is supposed to provide support to the WSCJTC so the agency is better able to focus its limited resources on the mission, strategic plan, and customers.

The transition has been painful. The WSCJTC is paying more for services and is getting lesser quality. The Director and Deputy Director have had meetings with SACS, and the issues are being addressed.

Status of Online Payments

The WSCJTC is in the process of making online payments available to customers.

It is a grueling process; however, Brian Elliott has been working on a feasibility study to show that it will benefit the state.

More information will be provided at a future meeting.

Emergency Vehicle Operators Course (EVOG) Update

After the June Commission Meeting, BLEA Commander Suessman and Craig Bulkley went to the WSP Academy in Shelton to watch the entire EVOG process.

The WSCJTC now has a better understanding of what EVOG training is at the WSP Academy.

Based on conversations, the WSCJTC staff feels comfortable about using the WSP's vehicles, driving course, etc.

The WSCJTC is focusing on whether or not they are asking for the right thing in terms of training and if we are getting what we want out of the training. The WSP is open to teaching whatever the WSCJTC wants to be taught within the WSCJTC's budget.

Corrections Division Update

Commander Pam Clark met with stakeholders throughout the summer. The biggest need that was brought to her attention is the need for advanced training.

Throughout her visits, she has discovered a lot of people who want to partner with the WSCJTC by volunteering to grade mock scenes and more.

Some facilities have solicited the help of the WSCJTC in direct supervision and the transitioning of their jails or starting up new jails. Our staff has been meeting with the jail staff on training plans.

Commissioner Newlin explained the differences between direct and indirect supervision models.

The Corrections Division has completed all of their pilot classes in the transition to problem based learning.

Basic Law Enforcement Academy Job Task Analysis Update

The WSCJTC staff has been working on the gap analysis piece of the project. The BLEA staff went through the entire curriculum, outlined what is being taught in the classroom, what is practical, and separated out the hours. They took a hard look at what came back through the JTA as to what is being taught versus what should be taught.

An additional survey will be sent out to BLEA graduates, so Deputy Director Mealy urged Commissioners to encourage their FTOs, PTOs, and recent graduates to be involved in the process.

Once the survey results are received, staff will meet and arrange meetings with stakeholders to discuss the findings and our recommendations.

STAFF REPORTS

Waiver Request for Spokane Police Chief Frank Straub

Tisha Jones, Certification Manager

The city of Spokane has requested a waiver for Chief Frank G. Straub, Jr. to attend the 80-hour/nine-week Basic Equivalency Academy under the provisions of WAC 139-03-030.

Ms. Jones stated that after reviewing the extensive file, she found that Chief Straub has significant levels of law enforcement training, experience, and directly related education including bachelors, master's, and doctorate degrees.

Ms. Jones believes that Chief Straub's 28 years of training and experience is equivalent to the Washington State Basic Law Enforcement Academy. If approved, as per WAC 139-05-010, Chief Straub would be required to attend the 80-hour/nine-week Equivalency Academy.

Commissioner Hohenberg informed the Commission that he was asked to participate in the chief selection process, he did participate, and he does not view it as a conflict.

Commissioner Hohenberg made a motion to approve the waiver request for Chief Frank Straub to attend the Basic Law Enforcement Equivalency Academy. Commissioner Lucas seconded the motion. The Chair then called for a discussion.

Vice Chair Elfo questioned the wording of the letter dated August 31, 2012, in which it states that the purpose of the letter is to request commission rather than an exemption.

Ms. Jones stated that the WSCJTC does not commission law enforcement officers, as they are the certifying authority. It looks as though it was a misunderstanding by the city of Spokane.

Vice Chair Elfo wants the Commission to make the right decision based on the right criteria. He stated that WAC 139-05-210(2)(b) reads that a person may participate in the equivalency process if the fully commissioned peace officer has attained commissioned law enforcement status by completing a basic training program in this or another state. As he understands it, the Criminal Investigator Training Program is not an equivalent.

Ms. Jones stated that the Criminal Investigator Training Program on its own is not equivalent; however, the totality of his training and education are sufficient.

Vice Chair Elfo inquired about Chief Straub's break in service as per WAC 139-05-210.

Ms. Jones confirmed that Chief Straub has not served as a certified Washington State peace officer.

Commissioner Hohenberg stated that he feels comfortable with the waiver with the Chief attending the Equivalency Academy.

Vice Chair Elfo informed the Commission that it needs to be clear that the Commission is not accepting the Federal Law Enforcement Training Center (FLETC) training as an equivalent; therefore, this particular waiver should fall under WAC 139-03-030 rather than WAC 139-05-210.

Commissioner Hohenberg stated that each waiver should stand alone, and that waiver criteria should be established.

Vice Chair Elfo made an amendment to the standing motion stating that the waiver should be granted under WAC 139-03-030 rather than WAC 139-05-210.

Commissioners Hohenberg and Lucas both approved the amendment.

The Chair stated that waivers should be an exception; not a rule. He challenged the WSCJTC staff to establish waiver criteria.

Commissioner Anderson asked if granted, would the waiver differ from any waiver granted in the past.

Commissioner Lucas stated that from a historical perspective granting the waiver would be consistent with waivers that have been granted in the past.

The motion passed: 8 yeas and 1 nay.

Waiver Request for Upper Skagit Police Officer David Heenan

Tisha Jones, Certification Manager

The Upper Skagit Police Department asked that this waiver be tabled for a future meeting.

Waiver Request for Quincy Police Officer Brent Ashton

Tisha Jones, Certification Manager

The Quincy Police Department has requested a waiver for Brent Ashton to attend the Basic Law Enforcement Equivalency Academy in accordance with WAC 139-03-030.

Mr. Ashton, former Washington State Patrol Trooper, completed the Washington State Patrol Academy, but did not complete the Field Training Officer (FTO) portion of the program. He has completed approximately 683 hours of training. Had he completed the FTO portion of the academy, he would have been certified as a Washington State peace officer.

The Quincy Police Department is asking the Commission to recognize the portion of the academy that Mr. Ashton did complete making him eligible to attend the Equivalency Academy.

Ms. Jones believes Mr. Ashton's training is equivalent to the Basic Law Enforcement Academy. If the waiver is granted, the Quincy Police Department will offer Mr. Ashton a conditional offer of employment. He would then be required to attend the first available online, 80-hour Equivalency Academy.

Commissioner Lucas asked why Mr. Ashton did not complete his coaching program.

Ms. Jones stated that Mr. Ashton was dismissed for ignoring a direct order.

The Chair asked when this dismissal occurred.

Ms. Jones stated that the incident occurred in 2009.

The Chair informed Chief Ackerman that in order for a waiver to be considered, the employee must have received a conditional offer of employment as per WAC 139-03-030. He then informed the meeting attendees that Mr. Ashton did not successfully pass the Washington State Patrol Academy since he did not complete the coaching portion.

Commissioner Elfo made a motion to consider the waiver request, submitted by Quincy Police Department, for Brent Ashton. Commissioner Stidham seconded the motion.

Commissioner Wells asked if Mr. Ashton received any type of completion certificate from the Washington State Patrol Academy.

Ms. Jones stated that he did not.

Commissioner Anderson asked if there is a remedy for Mr. Ashton to complete the coaching piece of the academy.

Ms. Jones informed her that she was unaware of the process and that the WSP Academy did not release that information to her.

Mr. Blair added that Washington State Patrol cadets are not issued their Peace Officer Certification until they have completed the Academy and the Field Training Officer/coaching piece.

Chief Ackerman stated that he is trying to avoid sending a new hire through the full Basic Law Enforcement Academy. Mr. Ashton is interested in a career in law enforcement and made a mistake while training to become a trooper. He is down two officers and cannot afford to have a recruit in the academy for four months.

If the waiver is granted, he would offer a conditional offer of employment to Mr. Ashton. Mr. Ashton would also be required to complete the Quincy Police Department's field training officer training.

A motion was made by Commissioner Anderson for a roll call vote. Commissioner Lucas seconded the motion.

The motion failed by a vote of 7 to 2.

New Staff Introduction: Mike O'Neill

Debbie Mealy, Deputy Director

Mike O'Neill has been hired as the Range Manager, which has been converted from a contract position to a full-time state employee. Mike has taught for the WSCJTC for seven years as a TAC Officer. He retired from the Olympia Police Department on August 16 after 16 years of employment. He has been in law enforcement for 32 years beginning his career in 1980 as a patrol officer for the Raymond Police Department.

Director Rahr stated that when interviewing candidates, Mike stood out because of his ability to see the big picture. He understands the Director's vision.

Chapter 139-07 WAC Update

Doug Blair, Retired

Doug was asked to take a look at the rule language with Director Rahr, Deputy Director Mealy, and AAG Meyn to address some of the issues and concerns of the last Commission Meeting.

Concern number one was that language stated the truth verification assessment as required to meet or exceed current polygraph and technological standards. At that meeting, Commissioner Warner asked how anyone could exceed that technique. Commissioner Newlin asked what it meant and who was going to make the determination as to whether it was met or not.

The proposed WAC 139-07-040(1)(b), as now amended, provides: "The examiners, analysts, and their techniques for conducting a truth verification assessment must comply with all applicable federal and state laws including, but not limited to, the Employee Polygraph Protection Act, Equal Employment Opportunity Commission, Americans with Disabilities Act, and Washington State Law against discrimination." These are standards the techniques would have to address, be easily enforceable, and the employer would know of violations almost immediately.

The second concern was about whether or not information could be shared. The language included states that the screening process is to be used exclusively by the city, county, or state law enforcement agency to assist with the selection of their applicant. There is no standard background investigation. These are tests to verify whether or not the applicant has provided truthful information on a background investigation. Depending upon the questions the interviewer asks, and the manner in which they are asked, sharing that polygraph or CVSA information would not be practical because each agency has its own needs.

The sharing of the psychological is different, as it is a standardized test that all psychologists or psychiatrists use. That information can be shared for a period of six months.

There appears to be confusion between polygraph and CVSA; therefore, Mr. Blair suggested that the Commission look at each tool as completely separate and list them as different tools to verify truth in regard to background information.

It is the employer's choice on what tool they will want to use to verify whether or not the information furnished by the applicant is truthful or not. Employers also have the criminal

history to go through, the background investigation conducted by a background investigator, and the basic academy and FTO training processes. Chapter 139-07 WAC will be up for final action at the December Meeting.

Commissioner Wells stated that during previous meetings it was CVSA versus polygraph and an implicit comparison. She suggested changing the title of WAC 139-07-040 from polygraph examination or other truth verification assessment to polygraph examination or truth verification assessment.

Mr. Blair stated from a WAC standpoint it would not be a good change, as the current title allows an opening for other truth verification assessment tools that may come along later. As other tools come along, the Commission will be able to establish a standard under that same rule.

Commissioner Wells stated that the current title does not put both tools on the same playing field and looks like CVSA is added as an afterthought.

AAG Meyn added that the RCW refers to polygraph or similar assessment.

Mr. Blair stated that the language was modified from similar assessment to other truth verification assessment.

Commissioner Anderson asked Mr. Blair what the Commissioners can expect as far as public testimony at the December Meeting.

Mr. Blair stated that the two tools should be kept separate and testimony should be limited to standards for the two tools since the Commissioner's responsibility is to establish a standard for the other truth verification assessments for the pre-employment of peace officers and reserves.

The Director stated that when the rules for the public hearing are established, she would like those giving testimony to know that testimony should not be on comparing CVSA and polygraph, but for establishing standards.

Hearing Panel Member Approval
Sonja Hirsch, Hearing Coordinator

Deputy Brian Cassidy of the Thurston County Sheriff's Office has expressed an interest in serving as a Peace Officer Certification Hearing Panel Member. He has Sheriff Snaza's full support.

Commissioner Hohenberg made a motion to approve Thurston County Sheriff's Deputy Brian Cassidy as a Hearing Panel Member. Commissioner Newlin seconded the motion. The motion passed unanimously.

NEW BUSINESS

Nothing to report.

OLD BUSINESS

Nothing to report.

The meeting was adjourned at 11:55 AM.

Next Meeting: December 12, 2012, at 10 AM

Written by: _____ Date _____
 Sonja Hirsch, Executive Assistant

Reviewed by: _____ Date _____
 Susan L. Rahr, Executive Director

Approved by: _____ Date _____
 Chief Jeff Myers, Commission Chair