



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

COMMISSION MEETING
Wednesday, June 11, 2014
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Bill Elfo (Vice Chair), Sheriff, Whatcom County
Bernard Warner, Secretary, Department of Corrections (telephonically)
Dan Satterberg, Prosecuting Attorney, King County
Darell Stidham, Deputy, Spokane County Sheriff's Office
Garry Lucas, Sheriff, Clark County
Josh Kelsey, Officer, Lynnwood Police Department
Julie Anderson, Auditor, Pierce County (telephonically)
Laura Wells, Citizen at Large
Ned Newlin, Chief of Corrections, Kitsap County

WSCJTC STAFF PRESENT:

Sue Rahr, Executive Director
Brian Elliott, Manager, Financial Services
Dave Bales, Commander, Basic Training Division
Debbie Mealy, Deputy Director
Greg Baxter, Manager, Human Resources
John Hillman, Assistant Attorney General, Attorney General's Office
Lee Brandt, Program Manager, Advanced Training Unit
Marisa O'Neill, Manager, Policy & Accreditation
Ron Napenias, Manager, Information Technology
Samantha Daly, Project Manager, Basic Training Division
Sonja Hirsch, Executive Assistant
Tisha Jones, Manager, Peace Officer Certification

GUESTS PRESENT:

Barbara Davenport, Specialist and WSPCA Secretary, Department of Corrections
Bradley Knudtsen, Officer and WSPCA Regional Representative, Bellevue PD
Lana Weinmann, Chief of Criminal Division, Attorney General's Office
Marc Lamoreaux, Captain and Shelton Academy Commander, Washington State Patrol
Mitch Barker, Executive Director, Washington Association of Sheriffs and Police Chiefs
Rick Kieffer, Retired
Sam Hovenden, Officer and WSPCA President, Redmond PD
Shan Hanon, Officer and WSPCA Vice President, Bellingham PD

The Chair called the meeting to order at 10:03 AM with a quorum present and welcomed Sonja who recently returned from maternity leave. Sonja conducted roll call of the Commissioners.

Commissioner Laura Laughlin has been replaced by new FBI SAC Frank Montoya. Commissioner Montoya will be introduced at the September meeting.

APPROVAL OF MEETING MINUTES

Commissioner Newlin made a motion to approve the meeting minutes of March 19, 2014. Commissioner Lucas seconded the motion. The motion passed unanimously.

CHAIR'S REPORT

Jeff Myers, Commission Chair

The Chair stated that the Director's evaluation is complete from last year. He appreciated the feedback from Commissioners. The draft work plan for the coming year is also finished.

If Commissioners would like a copy of the Director's evaluation, contact the Chair directly.

STAFF REPORTS

Waiver Request for WSP Sgt. Erick Thomas

Tisha Jones, Certification Manager

The Washington State Patrol has requested an exemption for Sgt. Erick Thomas.

Mr. Thomas is an employee of the WSP and will return from long-term military leave on October 1, 2014. Mr. Thomas' break in service as a full-time law enforcement officer, due to approved leave and long-term military commitment will be 3 years, 7 months, and 23 days.

Rather than attend the Equivalency Academy, the WSP would like to provide Mr. Thomas with refresher training and testing in the core disciplines of Emergency Vehicle Operations, Control Tactics and Weapons, Collision Investigation, Legal Issues, and First Line Supervision (318.5 hours) followed by a four-week field training program.

The WSCJTC Staff recommendation is to approve the variance request to allow the WSP to conduct an equivalency type training program as described in their request.

Commissioner Elfo made a motion to approve the request. Commissioner Lucas seconded the motion. The motion carried unanimously.

WAC Rule Review

Sonja Hirsch, Rules Coordinator

WAC 139-05-300: Requirement for In-service Training

These changes are being made to establish a requirement that all reserve peace officers receive a minimum of 24 hours of in-service training annually.

Tisha Jones stated that the Legislature provided funding for a study to determine how many reserve officers are working in the state. In discussing this issue, it was discovered that it would be in the stakeholders' best interest to track the training hours of their reserve officers. By direction of the Commission, the language was added into section 2.

Commissioner Elfo stated that at some point, the Commission will need an analysis as to what type of work people working less than 40 hours per week engage in as opposed to how many hours a week they work as a basis to requiring certification. He would like to look at what other states have done. It needs to focus more on what types of responsibilities they have.

Commissioner Lucas made a motion to move WAC 139-05-300 forward for public hearing and final vote in September. Commissioner Stidham seconded the motion. The motion carried unanimously.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

WAC 139-05-810: Basic Training Requirement for Reserve Officers

These changes are being made to require agencies that hire a reserve officer to notify the WSCJTC of hire. The addition of this requirement will assist the WSCJTC to ensure all reserve officers receive the required basic training.

A few changes include:

1. The definition of reserve peace officer has been changed.
2. It had to be determined who could participate in the training, as it is the WSCJTC's curriculum and guidelines. In working with Lee Brandt, it was discovered that other people attend this academy to meet their training needs. People described in (4)(c-e) will not receive a certificate; they will receive a letter of attendance as they are not employed by a law enforcement agency.
3. Reporting requirement for hire/separation.
4. Agency responsibility to conduct a complete criminal records check.
5. Reserve officers are not eligible to apply for peace officer or tribal police officer certification.

Commissioner Lucas made a motion to move WAC 139-05-810 forward for public hearing and final vote in September. Commissioner Newlin seconded the motion. The motion carried unanimously.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

Commissioner Warner joined the meeting telephonically at 10:30 AM.

WAC 139-05-825: Basic Reserve Law Enforcement Academy Certificate of Equivalency

These changes establish a process for certified peace officers to become reserve officers by complying with the rules established in this WAC.

Tisha Jones stated that much like the previous WAC, the WSCJTC is requiring them to submit a Notice of Officer Hire/Separation. After further research, staff found that there are three separate types of officers that would be eligible for this academy:

1. Reserve peace officers who previously attained a basic reserve certificate who have incurred a break in service.
2. Fully commissioned general authority peace officers or tribal police officers who have attained peace officer certification through completion of an approved basic training program in this or another state who have incurred a break in service.
3. Fully commissioned peace officers of another state who have incurred a break in service.

Commissioner Lucas made a motion to move WAC 139-05-825 forward for public hearing and final vote in September. Commissioner Newlin seconded the motion. The motion carried unanimously.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

WAC 139-05-915: Patrol canine team certification—Requirements of training for law enforcement and corrections dog handlers and certification of canine teams.

These changes are needed to establish certification expiration and recertification, maintenance training suggestions, clarification to the existing process and requirements and the addition of an additional canine team certification, and the requirement of reporting to the WSCJTC new teams and teams that have disbanded.

Tisha Jones stated that in June 2013, a stakeholder came before the Commission and asked to add human trailing canine teams to WAC 139-05-915. Tisha was asked to reach out to the canine associations in Washington State; therefore, she contacted Washington State Police Canine Association (WSPCA), Washington State Patrol, and the Pacific Northwest Canine Association. In September, she met with the group to go over needed changes. At the September Commission meeting, Tisha was asked to remove a couple definitions (green dog/green handler) used by the canine associations. At the same meeting, she was asked why the standard was not in the standard. She explained that the standards were posted on the website, but not in the WAC. She was then asked to incorporate the standards into the WAC.

A new requirement is that there is an expiration of certification, which is every two years. Teams have to be recertified and notify the WSCJTC.

Essentially, the language for all four WACs is the same, but reference the different canine teams.

Commissioner Lucas made a motion to move WAC 139-05-915 forward for public hearing and final vote in September. Commissioner Newlin seconded the motion. The motion carried unanimously.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

WAC 139-05-916: Specific controlled substance detection canine team certification—Requirements of training for law enforcement and corrections canine handlers

Although marijuana is still considered a narcotic, the canine teams no longer are trained to detect it; therefore, the team is now called a specific controlled substance detection canine team.

Narcotics teams will be tested on the following odors: heroin, cocaine, and methamphetamines. A minimum of five of the six aids must be located.

Officer Hanon stated that he has been a canine handler for 20 years. If Officer Hovenden retires and Officer Hanon takes his dog that has been working for two years, how many training hours will it require for them to be certified as a team? As per the WAC, it would be 400 hours. The 400 training hours should be for new canine handlers AND a new canine. Should the training hours be different for an experienced handler and experienced canine?

Officer Hovenden stated that the WAC does not denote that the training has to be done with the dog and handler; it says training. What they have seen is people go to pick up a vendor dog and get 80 hours of training from the vendor. Handlers are piecing training together to make up the 200 hours; they are not getting 200 hours of training together as a team.

Commissioner Stidham stated that each team will evolve differently. He has been a canine handler for over 24 years. If he is given a dog that has worked for five years, it would be ridiculous to ask him to go through 400 hours of training with the canine. If he has the hours, the dog has the hours, and they can be up and running in two weeks and certify, they should be able to work.

Officer Hovenden stated that makes sense; however, there are a lot of teams that want to be up and running and don't take the liability into consideration or the ramifications that could happen later on. This is why the definitions for green team, green handler, experienced team, and experienced handler are needed.

Commissioner Stidham and Officer Hovenden both stated that integrity is a huge piece. Evaluators and agency heads should only sign off if the team has the required hours.

Under WAC 139-05-916(4) the language needs to state, "...a minimum of two hundred hours of training as a team..."

Tisha Jones stated that the standards vary drastically between the two different organizations.

Officer Knudtsen stated that without the language "as a team," many could truthfully attest that they completed 200 hours of training. "As a team" will fix the problem. A waiver option for experienced dogs and handler would also be a good solution.

Officer Hovenden stated that his canine organization covers three different disciplines: patrol, narcotic, and explosive. Their membership varies from 180-230.

Barb Davenport stated that the difference between the two canine organizations is that their organization is made up of 100 percent commissioned law enforcement and corrections officers. There are no vendors or civilians.

She stated that the important piece is whether or not the handler has enough hours on the dog to make the decisions that they need to make in the real world, not in a sterile training environment, so the rest doesn't have to live with bad case law.

The Chair stated that the Commission would be willing to review waivers for canine teams with varying experience.

Tisha Jones stated that she has the perfect language for this scenario. She would like to ask the Commission to allow her to grant the waivers, as canine teams typically need their certification immediately; not wait to be heard before the Commission at a scheduled quarterly meeting.

The Vice Chair stated that he would like the Commission to delegate the canine training waivers to the staff.

Barb Davenport suggested that no waivers be granted for green handlers with experienced dogs; the handler is the one making the decisions in the real world.

Tisha Jones stated that "as a team" will be added to each WAC in regard to the training hour requirements in addition to language about requesting a waiver.

Commissioner Newlin made a motion to have Tisha insert the words "as a team" to each WAC where it outlines the training hours as well as the language as it relates to waivers. Commissioner Kelsey seconded the motion. The motion carried unanimously.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

WAC 139-05-917: Human trailing canine team certification—Requirements of training for law enforcement and corrections canine handlers.

This WAC was proposed by the Mason County Sheriff's Office.

The word "solely" will be removed from WAC 139-05-917(4), as some human trailing dogs are cross trained in patrol or narcotics.

Commissioner Stidham made a motion to move WAC 139-05-917 forward for public hearing and final vote in September with the exception removing the word "solely." Commissioner Lucas seconded the motion. The motion carried unanimously.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

WAC 139-05-918: Explosive detection canine team certification—Requirements of training for law enforcement and corrections canine handlers.

Stakeholders suggested a change to 5(e) of no fewer than 10 passenger vehicles rather than a minimum of 20. Having 20 vehicles at a testing site does not work for many stakeholders.

Commissioner Lucas made a motion to move WAC 139-05-918 forward for public hearing and final vote in September. Commissioner Stidham seconded the motion. The motion carried unanimously.

Barb Davenport asked that all language be uniform in the four WACs. One might refer to an enhanced voice tone and another will refer to a jack voice tone. A comparison of language needs to be performed to ensure appropriate and professional verbiage. The term negative cuing is preferred.

A public hearing will be held for the proposed changes on September 10, 2014, at 10 AM.

Basic Training Update
Dave Bales, Commander

New staff introduction: Samantha Daly

The WSCJTC has hired a program manager, Sam Daly, to supervise the course curriculum developer and help get the Spokane Academy up and running.

Sam Daly is a retired law enforcement officer of 15 years from the Kansas City metro area. She has worked in various assignments, which will provide a solid foundation for her new position at the WSCJTC.

Basic Law Enforcement Academy

The registration for the BLEA is exploding, and staff is currently filling the January class. The Commander has distributed the FY 2015 session schedule. Staff is diligently trying to get the wait time below six months. Two replacement TAC Officers will start next week, a new TAC will begin July 1, and hopefully another at the end of the summer.

Deputy Director Mealy and the Commander will travel to Spokane next week to discuss the Spokane Academy. The Burien campus is at full capacity in regard to classroom, gym, and range space; therefore, classes in Spokane are needed.

Corrections Officers Academy

Corrections Officers Academy registration is up, as many BLEA recruits left corrections positions creating a vacancy. Six classes will be held in FY 2015.

EXECUTIVE DIRECTOR'S REPORT

Sue Rahr, Executive Director

Budget Update

A meeting will be held with OFM staff in two weeks. The Director has already informed them that she plans to spend \$2 million more than budgeted and it may exceed that.

The Director has asked the BLEA staff to move forward as quickly as possible to schedule the additional BLEA classes, and she will worry about the funding.

Employee Survey Follow-Up (Respect Effect Initiative)

The Director will give each staff member *The Respect Effect* book by Paul Meshanko. The purpose is to bring the team together more effectively and to help address some of the issues that came up in the employee survey. The idea is to train people to treat each other with respect so we are modeling the behavior we are teaching in our Basic Law Enforcement Academy.

Pillars of Training for WSCJTC

Sue has received inquiries from chiefs and sheriffs around the state, as some are confused about her programs/initiatives. She prepared a diagram to visually explain how each of the new programs and initiatives fit into our training strategy.

Fair and Impartial Policing Program

A team will be sent to Las Vegas in late June for this new program for teaching officers to deal with their implicit biases. Over the years there have been many anti-bias policing programs; some have been successful and some have not as there is a lot of moral judgment made about biased based policing. This program takes a completely different approach and talks about how the human brain.

Blue Courage Update

Sue did a presentation with Mike Nila, founder of Blue Courage, at the International Association of Directors of Law Enforcement Standards and Training's annual conference. We have been getting a lot of inquiries from around the country about how we have incorporated Blue Courage into our curriculum.

Spokane Academy

The political ramifications of the Spokane Academy have been very positive. While at the WASPC Conference, the Spokane Mayor and Police Chief were doing a press conference about their accreditation and they added that the Spokane Academy was coming back.

Law Enforcement Digest (LED)

A great discussion was held at the Legal Advisors meeting at the Spring WASPC Conference, and a work group is being put together to create the next generation LED. Instead of a 27-page LED, an online product with links, test questions, and more will be available.

We will utilize the same great legal minds to produce the content and also partner with the KCSO Advanced Training Unit and Washington Traffic Safety Commission attorney to manage the content.

By the end of the year, instead of a lengthy PDF, officers will receive an interactive product with links to case law fundamentals taught in BLEA. We will eventually be able to incorporate a short test that can be taken and recorded giving officers one hour of ongoing in-service training credit.

Accreditation

Marisa has moved into her new role as the Accreditation Manager. At the next meeting, an update will be given of what that looks like.

Staff is already finding things that we are glad we found first.

Summer Leadership Institute

The Summer Leadership Institute will be held August 15-18 at Seattle University.

Variance Language for Chiefs as per WAC 139-03-030

Many waivers are for police chiefs whose jurisdiction is requesting a waiver for them. People have requested that the Commission bring back the administrative exemption process.

The language around the administrative exemption process was repealed as it was in conflict with the RCW.

Sue suggested that it might be more appropriate for the Commission to look at using the variance language, as it gives the Commission greater latitude beyond the Equivalency Academy to require additional and necessary training. It also allows the Commission to recognize the significant difference between the requirements of a line officer and a chief, and the significantly differing needs from one agency to another.

A request for the new Seattle Police Chief, who has a very unique set of qualifications, will go before the Commission in September.

Mitch Barker stated that WASPC provides services to cities looking for interim or selecting a full time police chief. The in-state pool of people wanting to be police chiefs is shrinking rapidly for a lot of reasons.

The Commission does not want to cut into the integrity of certification, as we fought a long time to get it and it is very important.

Many city managers and mayors bring up a sergeant or other certified personnel to run the department, which creates all kind of problems in the department. It would be a better option to find someone who has the training, qualifications, and skill set—maybe not the certification—to be an administrator and a police chief and not have to try to get through six months of basic academy training.

The Director added that under the current practices, very talented leaders are discouraged from considering positions where their unique skills and depth of experience would benefit the agency and ultimately the community because their certification has lapsed and they don't have the time to go through the Equivalency Academy. Instead, less experienced leaders, who have current certification, are filling leadership positions.

Variances require the Commission to continue making "case by case" calls on requests that could open Commissioners up to more criticism and disagreement; however, it requires diligence on the part of the Commission to not "rubber stamp" requests and upholds the purpose of certification.

She recommended equivalency type training for chiefs. While we can get really bad case law from bad line officers, we can get really bad employment law from bad chiefs.

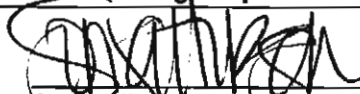
NEW BUSINESS

Nothing to report.

The meeting was adjourned at 12:15 PM.

Next Meeting: September 10, 2014, at 10 AM

Written by:



Sonia Hirsch, Executive Assistant

9/3/14

Date

Reviewed by:

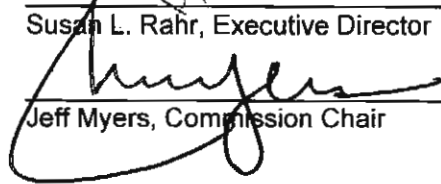


Susan L. Rahr, Executive Director

9/10/14

Date

Approved by:



Jeff Myers, Commission Chair

9-10-14

Date