



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

COMMISSION MEETING
Wednesday, June 11, 2008
10 AM

COMMISSION MEMBERS PRESENT:

Anne Kirkpatrick, Chief, Spokane Police Department
Bill Boyce, Citizen at Large
Craig Thayer (Vice Chair), Sheriff, Stevens County Sheriff's Office
Garry Lucas, Sheriff, Clark County Sheriff's Office
Mike Johnston, Sergeant, Bellingham Police Department
Shon Small, Detective, Benton County Sheriff's Office
Thomas Metzger (Chair), Prosecuting Attorney, Pend Oreille County

WSCJTC STAFF PRESENT:

Al Isaac, Manager, Professional Development Division
Brian Elliott, Manager, Financial Division
Debbie Mealy, Commander, Basic Law Enforcement Academy
Doug Blair, Deputy Director of Operations and Certification Manager
Greg Baxter, Manager, Human Resources
Jean E. Meyn, Assistant Attorney General, Attorney General's Office
Larry Erickson, Deputy Director
Lee Brandt, Regional Training Manager (North Central Region)
Leo Poort, Decertification Administrator
Michael D. Parsons, Executive Director
Sonja Hirsch, Confidential Secretary
Sue Hubbard, Manager, Corrections Division
Tisha Ehret, Administrative Assistant, Basic Law Enforcement Academy
Wesley Anderson, Manager, Facilities Division

GUESTS PRESENT:

Dick Morgan, Director, Division of Prisons

INTRODUCTION

The Chair called the meeting to order at 10:10 AM without a quorum present. Self-introductions followed.

APPROVAL OF MEETING MINUTES

The meeting minutes of the March 12, 2008, were not approved due to the Commission not having a quorum.

COMMISSIONER FAREWELL

The Director presented Sheriff Garry Lucas with a plaque for his service as a Commissioner from 1998-2008.

Commissioner Lucas said it was his distinct privilege and honor to serve with the august group of professionals. He stated he has watched the agency grow over the years into a most professional organization.

ADMINISTRATIVE EXEMPTION

The Administrative Exemption for Interim Deputy Chief Sterling Epps, Port Angeles Police Department, was not considered due to the Commission not having a quorum.

Mr. Blair will call and advise Port Angeles Police Chief Tom Riepe that Deputy Chief Epps can continue to function in his current capacity as there are no timelines that would create a hardship on the agency.

BOARD ON LAW ENFORCEMENT TRAINING, STANDARDS & EDUCATION (BLETSE)

Tisha Ehret on behalf of Sheriff Michael Brasfield

Tisha distributed a report prepared by Sheriff Brasfield.

At the Board's last meeting on April 17, 2008, the following was discussed:

1. New dormitory plans and a detailed discussion of the status of the existing structure.
2. WAC 139-05-210: Basic law enforcement certificate of equivalency.
3. Tribal legislation.
4. Peace Officer Certification process and issues.
5. Basic Law Enforcement Academy update.
6. Proposed Longitudinal Study of the Basic Law Enforcement Academy.

The Board recently reviewed its committees, and its new committees are the Standards Committee, the Training Committee, and the Education Committee.

There was discussion about Washington State University (WSU) conducting a longitudinal study of the Basic Law Enforcement Academy. Professor Mike Gaffney of the WSU presented his proposal to the Board and will be working with WSCJTC staff on the study.

Arlington Police Chief John Gray presented a memorandum on Career Level Certification in which he proposed re-tooling the Career Level Certification program to include three stages: Supervisor, Mid-Manager, and Executive. The information was forwarded to Steve Lettic, Organizational Development and Standards Division Manager.

STAFF REPORTS

Leo Poort, Decertification Administrator
Doug Blair, Deputy Director

Leo Poort began his employment with the WSCJTC in May 2008 on a part-time basis and, in addition, is the Legal Advisor for the Seattle Police Department. Mr. Poort will be responsible for reviewing all incoming cases and preparing the Statement of Charges. If a respondent does not request a hearing, he will then issue the motion and order revoking the peace officer's certification.

The Certification Division is streamlining the process, which will result in a significant cost savings in the amount of funds paid to the Attorney General's Office. In addition, the new process will reduce the case timelines.

The Chair inquired about the number of cases received over the past few years.

Deputy Director Blair stated that approximately 45-47 cases are received each year; however, in one recent year approximately 68-70 cases were received.

Agencies are failing to submit the required paperwork, Notice of Officer Hire and Termination forms. The WSCJTC will be working on a new process to conduct an annual audit; however, until then Sonja Hirsch and Tisha Ehret are currently working on informing the agencies and working on ways to improve the process.

Sonja Hirsch stated that Tisha provides her with the class roster for each Basic Law Enforcement Academy class, and she notifies Tisha when a Notice of Officer Hire has not been received so it can be requested from the employing agency.

Commissioner Thayer asked if the agency "head count" audit could be done the same time as the training audits on an annual basis.

Deputy Director Blair said that the WSCJTC will be looking at more of an electronic auditing tool.

Commissioner Small asked about cert/decert for corrections.

Deputy Director Blair stated that, according to the agency's 2009-2011 Strategic Plan; the target date to introduce the cert/decert for corrections bill is 2009.

EXECUTIVE DIRECTOR'S REPORT

Michael D. Parsons, Executive Director

2009-2011 Strategic Plan

The WSCJTC staff participated in a three-day Strategic Planning Retreat in April 2008.

The staff developed a new Strategic Plan, which also includes the agency's new mission statement. The Plan outlines the agency's goals as well as the goals of the Washington Association of Sheriffs and Police Chiefs (WASPC).

The Strategic Plan was provided to the Commissioners.

Physical Ability Test (PAT) for the Department of Corrections

The Director spent time with Secretary Eldon Vail discussing the one-year PAT waiver for the DOC. In addition, it was discussed at the Board on Corrections Training, Standards, and Education (BCTSE) meeting and at the Spring WASPC Conference.

The Director and Deputy Director recently visited the Oregon Public Safety Standards and Training who have the Oregon Physical Abilities Test (ORPAT). The Director discussed with Secretary Vail the possibility of the DOC doing the ORPAT at the end of the year instead of the traditional PAT. Secretary Vail liked the idea, and he and the Director will look into it further.

The Director will offer an ORPAT demonstration to the Commissioners at the Commission Meeting in September.

Tasks replicated throughout the ORPAT process are job related and include walking, climbing, carrying, running, vaulting, pulling, jumping, lifting, and pushing.

The ORPAT does not discriminate against women as does the current PAT; therefore, it is hoped that it will work for the DOC and then it can be worked into the jails.

A demonstration of the ORPAT will be done for the BCTSE members in August. In addition, each corrections class will have to perform both the traditional PAT and the ORPAT. It will not be a pass/fail, just a comparison.

The state of Oregon has done over three years of study on the ORPAT, which will be helpful.

Jean E. Meyn stated that so far the Commission's focus for the requirement of the PAT waiver for the DOC has been safety issues in terms of the defensive tactics training to make sure the participants are not going to hurt themselves in the defensive tactics training.

She stated if the Commission maintains the waiver for the PAT for the state corrections officers' training, they will need to justify why they are still requiring it for the city and county jail corrections officers. In other words, they need to justify why the training is sufficiently different to waive the PAT for state corrections officers and not for city and county jail corrections officers.

Commissioner Kirkpatrick stated that she thought the waiver was for all of corrections.

Jean E. Meyn stated that the waiver granted by the Commission only applies to the DOC. The DOC does their own training; however, the curriculum is approved by the WSCJTC.

Commissioner Kirkpatrick said it does not change her decision, she just wanted the distinction.

Jean E. Meyn stated that in Secretary Vail's letter requesting the waiver he mentioned specifically that the primary reason to do this was they were having a hard time hiring women into these positions. She stated that it could sound preferential towards women;

therefore, there may be a gender discrimination issue. She has not researched it, but wanted to raise it as a possibility and will look into it if needed.

She stated that the ORPAT will address other physical ways women can do the same thing that men would do in the same job.

Her understanding is that, to date, the PAT has not been relating to the job, but to the training. The WSCJTC trains; the employer does job related things.

Corrections Memorial Dedication

On May 30, 2008, the Corrections Memorial was dedicated to all of those killed in the line of duty.

The Director thanked Sue Hubbard and Darlene Tangedahl of the Corrections Division for their hard work.

He invited the Commissioners to visit the memorial.

Facilities Updates

The modular building will be completed within the next month or two. The Director thanked the Liquor Control Board for their help with this project.

The new dormitory is on track and the pre design is done. A Capital Budget request will be submitted to obtain the money to start building the new dormitory.

The WSCJTC will be entering into a contract with the University of Wisconsin Platteville allowing the agency to offer its leadership programs online. The pilot will begin in September 2008. If all goes well, the leadership programs will be offered in the classroom format as well as a pilot or two online.

The agency is looking into offering the Basic Law Enforcement Equivalency Academy online. The Equivalency Academy is currently two weeks in length and it would be much more economical to offer it online. This pilot will occur before the end of the year.

Chief For a Day

The Chief For a Day event will be held on Thursday, August 28, 2008, and the Director encouraged the Commissioners to attend.

Lexipol

The agency is looking at using Lexipol.

Lexipol, established in California, is a risk management company that provides web-based public safety policy manuals.

Most of the law enforcement agencies in California participate in Lexipol, and they do an ongoing legal update of all policies and procedures. There are approximately 45-49 agencies in the state of Washington currently using Lexipol.

The Director stated that if there are approximately 50 law enforcement agencies within the state that are involved in having all of their policies consistently developed through Lexipol, then the WSCJTC needs to be in harmony.

The Director and Deputy Director Blair will discuss this issue and provide an update to the Commission in September. It looks like a way to ensure the WSCJTC is teaching the same things the agencies have as policies.

Commissioner Kirkpatrick stated that her agency contracted with Lexipol. The Spokane Police Department along with the Spokane County Sheriff's Office are the furthest down the road with Lexipol among the agencies within Washington State.

She stated it is a big animal, but the WSCJTC will have Spokane Police Department and Spokane County Sheriff's Office on the same sheet of music in regard to policy.

The Director stated that Lexipol traditionally does not currently work with training academies; however, there may be some pieces or ways to integrate the two. The WSCJTC teaches the officers first and if they are being taught consistently throughout the state in terms of policies and issues, it won't be contrary to what is being taught when they return to their agency.

Modeling and Simulation Technology Working Group (TWG)

The Director is involved with a TWG, a federal organization sponsored by the National Institute of Justice. There are 14-16 TWGs across the countries that have different functions. The main purpose is to take the technology available, typically through the military, and translate it to local law enforcement.

The Director's group focuses on Modeling and Simulation in law enforcement. It is called immersive technology or virtual reality, and is the next stage beyond the FATS machine.

The Director recently attended a TWG meeting in Charlotte, South Carolina. One of the partners, NAVAIR, the Naval Air Systems Command, did a demonstration on a Computer Generated Interaction (CGI) system. They have developed a SIM on use of force training, which is two-thirds done.

The Modeling and Simulation TWG looks at the proposed technology and suggest to the NIJ what would be a good RFP for law enforcement so they will put out an RFP for future funding. There is currently a template in the military for immersive technology, where you put the information into the computer and it will generate it so it goes through a simulation. This system will be a simple plug and play where you pick the simulation you want to go through, which could be done individually.

This program will not be completed and distributed for several years.

Learning Management System (LMS)

The LMS is what is traditionally known as a portal, but it functions as a LMS. Learning Management Systems traditionally cost over one million dollars. The WSCJTC is working with Allen Communications on a system which will allow the agency to do online registration. It will also take the two databases we currently use, URCM and MTRS, and integrate them into the new LMS. Students will be able to get onto the system to obtain their own training record.

The LMS will cost less than \$100,000 and it should be completed within five-to-six months of the start date. The system will help the agency with its limited resources and provide a great service to customers.

In-service Audit

The Professional Development Division staff has conducted the in-service audit for the second year. In 2006, 94 percent of individuals complied with the in-service training requirements, and 99 percent complied in 2007. Agency compliance went from 64 percent in 2006 to 87 percent in 2007.

Compliance and non-compliance letters as well as certificates were sent to agencies.

Problem Based Learning

Beginning in September 2008, all Basic Law Enforcement Academy classes will be converted to the PBL process, and the traditional method will no longer be taught.

The first PBL class will graduate on June 17, 2008. The class was successful, and the students performed as expected. The BLEA staff took copious notes, deficiencies have been corrected, and all other adjustments will be made by September.

The WSCJTC will work with WSU on a three-year longitudinal study. There is almost no great research done in the area of law enforcement training; therefore, the WSCJTC wants to validate what it is doing.

The WSCJTC staff will be conducting orientation sessions with chiefs and sheriffs to inform them that the recruits they receive will now be better trained and better able to integrate much more quickly. The Field Training Officer (FTO) and Police Training Officer (PTO) programs should go much smoother; however, the new officers may ask more questions, want to know the process and understand it, and be more engaged in the dialog. It is not bad; however, chiefs and sheriffs should be informed.

In regard to discipline, within the PBL classroom, it's conducted in more of an academic format. There is no more standing up, "yes sir or no sir," etc. The classroom is more of an open, free environment to ask questions and interact. However, when recruits leave the classroom, discipline is restored such as pushups, recognition, etc.

Corrections Assessment

The WSCJTC has hired a consultant, done a survey, and talked to a number of individuals throughout the state in terms of what their issues are, what they need, what are their concerns, and so on, regarding corrections training for both the Corrections Officers Academy (COA) and Correctional Worker Core (CWC).

Part of the concern is that because the DOC is doing its training through the CWC it is difficult to determine where it has gone in relationship to where COA is. Are there different functions in the CWC than in the COA?

The second part is that the WSCJTC has not updated the COA in 25 years; therefore, it is time to do that.

Tentative results from the assessment are to increase the COA from four weeks to six weeks to be able to cover all of the necessary training which would include defensive tactics; training on the Prison Rape Elimination Act (PREA); training related to cultural

competency such as dealing with ethnicity, sexual issues, literacy, criminal culture, age, gender, and all other differences that can be found within a jail or prison; increase interpersonal skills with more scenario based training; information about those who are mentally ill; information and classification on assessment; training on recognizing behavior that would indicate chemical dependency concerns; and information on transporting inmates.

This summer, the WSCJTC will spend time speaking with chiefs and sheriffs asking for their support to move the COA from four to six weeks. The WSCJTC will then submit a decision package in September for the expansion.

STAFF REPORTS

Employee Timesheets

Greg Baxter, Human Resources Manager

The Civil Service Commission has a long history of treating overtime eligible employees as though they were salaried by not requiring time reports from them.

A recent survey revealed that Washington is the only state civil service that does not report employee's time records. Employees of all other states provide time reports as required by federal law. The US Department of Labor has long insisted that we carefully distinguish overtime eligible from overtime exempt positions and require weekly time reports from overtime eligible employees. For the past several months wage and hour investigators from the Department of Labor have been auditing Washington agencies, large and small, looking for and finding a lot of misclassified employees and widespread absence of time records. Although inspectors have not imposed fines, they have imposed large back pay assessments: \$27 million for DSHS and \$20 million for DOC. Audits are ongoing.

Beginning the first work week in June, the WSCJTC began requiring all employees who are not Washington Management Service (WMS) or exempt managers to submit a weekly report of daily work hours.

Supervisors will review the weekly reports and forward them to payroll where they will be retained for years.

Jean E. Meyn asked if instructors who are on contract are in this reporting.

Mr. Baxter said, No because they are not on his payroll. They are paid hourly on an hourly contract; therefore, there is no provision for overtime. Since they are not hourly employees the WSCJTC has no obligation under wage and hour law to maintain time records on them.

At 11:14 AM the Commission took a brief break.

The Commission reconvened at 11:21 AM.

Hearing Panel Members

Doug Blair, Certification Manager and Deputy Director of Operations

Hearing panel members could not be added or removed from the list due to the Commission not having a quorum; therefore, this topic was tabled until September.

WAC Rule Review

Doug Blair, Certification Manager and Deputy Director of Operations

WAC 139-05-210

Basic law enforcement certificate of equivalency.

WAC 139-05-210 was originally set for final action; however, due to filing complications and the Commission not having a quorum, it will be on the agenda for final action in September.

Legislative and Budget Update

Larry Erickson, Deputy Director

Due to the upcoming election, approximately one-third of the Senate and all members of the House will be up for re-election, which makes it an unusual year.

Representative Helen Sommers has been the Chair of the Appropriations Committee for approximately 20 years; however, she will not be running this year. This is an important position in regard to the agency's budget.

Funds will be requested for the new dormitory. This will be difficult for the agency due to the state's \$2 billion deficit.

Deputy Director Erickson will meet with Senator Fraser, Chair of the Capital Budget Committee, where the budget will start this year.

Deputy Director Erickson has already been in contact with staff of the Office of Financial Management in regard to additional costs. In addition to the increase in gasoline, utilities, etc., the cost of ammunition has gone up 65 percent.

The agency's former budget analyst was promoted; therefore, a new one will be assigned after the first of July.

He suggested Commissioners meet with him along with a representative from their district to help build relationships.

BLEA TAC Officer Introductions

Debbie Mealy, BLEA Commander

Instructors were busy with mock scenes; therefore, they will be introduced in September.

OLD BUSINESS

The Director reported the completion of the assessment, which was started a year ago, will be delayed until September.

