



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

COMMISSION MEETING

Wednesday, December 9, 2020
10 AM

COMMISSION MEMBERS PRESENT:

Jeff Myers (Chair), Chief, Hoquiam Police Department
Ken Hohenberg (Vice-Chair), Chief, Kennewick Police Department
Laura Wells, Citizen at Large West
Brian Burnett, Sheriff, Chelan County
Joshua Kelsey, Sergeant, Lynnwood Police Department
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
Robert Snaza, Sheriff, Lewis County

WSCJTC STAFF PRESENT:

Sue Rahr, Executive Director
Marisa Peer, Executive Assistant
Monica Alexander, Manager, Advanced Training Division
Johnny Alexander, Commander, Basic Training Division
Jerrell Wills, Manager, Advanced Skills Training Division
Ian Edwards, Assistant Commander, Basic Training Division
My-Le Tang, Program Manager, Advanced Training Division
Kayla Wold, Program Manager, Advanced Training Division
Valerie Jenkins-Weaver, Program Manager, Certification Unit
Ethan Swenson, Administrative Assistant, Information Technology Unit

GUESTS PRESENT:

Tienney Milnor, Assistant Attorney General, WA State Attorney General
Justin Kato, Assistant Attorney General, WA State Attorney General
Rob Huss, Assistant Chief, Washington State Patrol
Andrew Manke, Chief, Reardan Police Department

OPENING

Jeff Myers, Commission Chair

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

Marisa Peer conducted a roll call of the Commissioners. A quorum was present.

Chair Myers announced that this meeting was being hosted on Zoom instead of in-person. **Chair Myers** also announced that there would be no public comment period in the meeting due to the technology restrictions and concerns.

Chair Myers acknowledged the desire for peace officers to be sensitive of the needs of communities and activists as well as the challenges posed by fulfilling the obligations of peace officers are not mutually exclusive. **Chair Myers** shared one of the goals he would like to accomplish prior to the end of his term as Commission Chair is to implement a state-wide mandate requiring a 440-hour field-training process for every officer who leaves BLEA and that their Peace Officer Certification would come at the end of that training period instead of after leaving the academy. **Chair Myers** also indicated that a search for a new Executive Director will begin in 2021 in anticipation of the upcoming retirement of **Director Rahr**.

EXECUTIVE DIRECTOR'S REPORT

Sue Rahr, Executive Director

BLEA

Director Rahr thanked Interim BLEA Commander Doug Tangen for his excellent work navigating the academy's response to COVID-19. **Director Rahr** then introduced Commander Johnny Alexander who shared a brief autobiography.

Director Rahr informed the Commission of the positive test of two recruits and the academy's response, as well as the intention for two soft shutdowns of the academy surrounding the holidays. This soft shutdown will push graduation dates out several weeks for some academy classes.

Innovations During the Pandemic

Director Rahr stated the intention to continue the virtual training of the BLEA Equivalency Academy and 21st Century Police Leadership programs after the resumption of standard day-to-day operations. The efficiency of delivering these trainings virtually has significantly cut the cost and time requirements for these trainings, which makes it more accessible.

PAT Process

Director Rahr explained to the Commission the rationale behind the decision to change the PAT process, which first was to reduce the likelihood of recruit injuries during training, not as a screening tool or measurement of a recruit's physical ability to be a peace officer. **Director Rahr** shared with the Commission that research has shown limited value in using the long run and sprint to test cardiorespiratory endurance as running is not a part of the academy training regimen and instead recommends the use of squat thrust exercises. As a result of this research, the PAT would replace the 1.5 mile run and the 300-meter sprint with the completion of 35 squat thrusts in 3 minutes. **Director Rahr** indicated that chiefs and sheriffs can still require higher performance levels for those that they hire. **Director Rahr** pointed out that the academy will continue to require 20 push-ups and 25 sit-ups in 90 second sets.

Chair Myers expressed concerns that some agencies feel this is not compatible with hiring practices but was also curious if there would be direction from the Commission to help understand and address concerns of the stakeholders. **Director Rahr** shared the goal of this PAT revision is to prevent recruit dropouts and be more in line with the actual rigors peace officers face while performing their duties. A further benefit to stakeholder agencies is that this

test is easier to administer than finding a suitable place for the 1.5 mile run as well as the possibility that this test could be administered virtually. **Jerrell Wills** reminded the Commission that the numbers required for Corrections Academy are different than they are for BLEA.

Vice-Chair Hohenberg asked if the intent of the PAT change is only to reduce injuries at the academy. **Vice-Chair Hohenberg** stated that this change does not have anything to do with agency hiring standards. The WAC still requires a psych evaluation and polygraph test. The concern expressed by stakeholders is their view that this as a major change from the previous PAT and their belief the previous version had a lot of research conducted prior to implementation. **Vice-Chair Hohenberg** asked if it would be advantageous as a Commission to state that this new PAT is a standard you have to meet and the agency signs off on meeting that standard, which would remove the Commission from having to administer the tests. **Director Rahr** did not object to that idea and suggested it might be helpful to take a year to gather data on the new test and look at the outcomes. **Chair Myers** stated that, in an effort to soften the blow to stakeholders, the academy could run a parallel to determine which PAT is more adequate and accurate for academy purposes but eventually hiring practices.

Director Rahr informed the Commission that she had yet to hear any objections from stakeholders but would be happy to address concerns. **Vice-Chair Hohenberg** shared the often-repeated critique, "How often do you have to run a mile and a half," and how the endurance of a peace officer matters when you have to chase a suspect, catch them, then have officers who do not possess the requisite stamina use a higher degree of force than necessary. **Vice-Chair Hohenberg** further shared that young recruits who cannot run a mile and a half can lead to larger issues as they move through their career. **Chair Myers** pointed out that agencies have become comfortable with the PAT as it has created a good standard, that perhaps a rollout period where the tests are being administered side by side can help show the benefits of the squat thrust tests, as well as the added benefit of not having it necessary any longer to require all agencies to come across the state for the test. **Director Rahr** stated that through March 2021, agencies can administer one PAT or the other for three months. **Vice-Chair Hohenberg** asked if it is possible to push back rollout until June 1, 2021. **Commissioner Burnett** asked if there is any data on the 1.5 mile run regarding job performance and on the job injuries. **Jerrell Wills** answered that he will see if data exists regarding job performance, the data exists on who the 1.5 mile run impacts and how it is related or not to defensive tactics and injuries experienced during BLEA.

[Control and Defensive Tactics Master Instructor Program](#)

Director Rahr informed the Commission that in an effort to reduce the difficulty in completing the Control and Defensive Tactics Master Instructor Program training, and to increase the benefits derived from its completion, the training has reduced the number of hours to attend training while increased the number of hours required to deliver more training to others.

Commissioner Quinn asked if there is a goal to increase the number of Master Trainers.

Director Rahr responded that the attempt is to look for a robust cadre of trainers to help champion de-escalation.

Commissioner Burnett asked for clarity regarding the 200 hours of in-person training per phase. **Jerrell Wills** answered in the affirmative and shared there will still be 200 hours of in-person training, but the difference is after completing the 80 hours of instructor training, students will have been exposed to all elements of the training at a basic level, but that students will not be exposed to the advanced levels until reaching master classes. **Commissioner Burnett** asked for the total number of training hours required to receive Master Instructor certification.

Jerrell Wills stated that there will be two 80-hour training sessions, plus 400 hours of supervised training delivery, plus an additional 40 hours to receive Master status without requiring 200 additional training hours after that, all said equaling 200 total hours in class. **Commissioner Snaza** shared a concern that it is difficult for smaller agencies to obtain a Master Instructor due to the required commitment level combined with their other responsibilities, further asking how often Master Instructors are required to be recertified. **Jerrell Wills** stated that annual recertification requires 40 hours of training. He expanded saying his hope to support agencies that have Master Instructors who can support their regions, as this has previously taken a 3-5-year period to obtain Master Instructor certification. **Chair Myers** asked what we call students who complete the two separate 80-hour in-class training sessions and the 200 hours. **Jerrell Wills** informed the Commission that this student would be called a lead instructor with all the skills.

Patrol Tactics Instructor Program

Director Rahr shared with the Commission the 80-hour course for delivering LETCSA mandated de-escalation in patrol tactics training was very successful prior to the arrival of COVID-19, but since then virtual classes of 60-90 students are being run to meet training goals. **Director Rahr** shared that recently students from the Tri-Cities and Mason County classes were certified, bringing a predicted total of over 250 certified instructors by the end of December 2020 with more than 100 additional instructors by Spring 2021.

TASER

Director Rahr informed the Commission TASER training is now being included in BLEA training as a 16-hour block of instruction covering and all Control and Defensive Tactics Instructors are certified to teach and certify every taser model. **Director Rahr** shared the goal to provide taser recertification to stakeholders and to develop a cadre of Taser Master Instructors within the next year.

Peer Intervention Training (ABLE)

Director Rahr brought the ABLE training program to the attention of the Commission, with the focus of the program to change police culture around holding peers accountable. **Director Rahr** indicated that trainers are being developed to deliver this training within the state and that modules of this training will be incorporated within BLEA, with several trainers already qualified to deliver the training.

C2 – Cognitive Command Training

Director Rahr reminded the Commissioners of the C2 program and how it offers an expanded selection of training by use of video demonstrations of control and defensive tactics in short, micro-training modules. **Director Rahr** informed the Commission that the C2 program has generated interest in the legislature with potential introduction of a program funding licenses for the C2 app to be available for every peace officer within the state. This would enable the Commission to deliver training to officers directly on the street. **Commissioner Wells** asked if the application is applicable to other people. **Director Rahr** answered by stating that the cognitive command training could be applied to any profession.

LETCSA

Director Rahr started off by introducing the new LETCSA Program Manager, My-Le Tang, who took a few minutes to introduce herself to the Commissioners. **Director Rahr** then informed the

Commissioners that all necessary forms, best practices guidelines, and the requirements and applications for Lead Investigators for Independent Investigation Teams have been posted on the website, but that the issue surrounding LETCSA is the impossible timelines imposed by the initiative itself, which was compounded by COVID-19. As a result, the required de-escalation training to all Lead Investigators of Independent Investigation Teams has not been delivered.

Director Rahr recommended that the Commission develop a formal letter to stakeholders explaining the reasons for this delay and expectations going forward. **Director Rahr** further shared that agencies attempting to follow the mandated training rules but as of yet have been unable would like something in writing from the Commission giving a measure of liability protection. **Director Rahr** did indicate that classes for Lead Investigators are still ongoing.

Director Rahr also mentioned confusion regarding selection and utilization of community representatives within the Independent Investigation Teams, that Commanders are expressing the need to have specific guidance regarding the selection and utilization processes. **Director Rahr** reminded the Commissioners that the language was intentionally made vague to allow jurisdictions to tailor the process to local needs and resources and subsequently recommends for the Commissioners to address the intent of the WAC in a letter.

Commissioner Burnett asked about the status of the 16-hour training timeline and what is acceptable for committing to certifying Lead Investigators. **Director Rahr** stated that the guideline is 16-hours training by Summer 2021. **Commissioner Snaza** asked if it is possible to get priority training for specific regions and teams when it comes to Lead Investigator training. **Chair Myers** hearing no objection, agreed the Commission will issue the requested letters.

Legislative Session

Director Rahr shared there will be a new proposed bill regarding peace officer and correction officer certification and revocation, encouraging the Commissioners to read the final draft of the bill. **Director Rahr** suggested that a special January 2021 Commission Meeting be held to discuss the final draft of the bill and its potential changes to the Commission. **Director Rahr** suggested January 20, 2021 as the date for the special Commission Meeting. **Chair Myers**, noting no objections, agreed to schedule a special January Commission Meeting.

Director Rahr pointed the Commission to policy changes which occurred, changing the Notice of Separation Form and ending a contentious, "checking of the box," and in its place the Chief of Sheriff must summarize the reasons for termination, following which an executive member of the Commission staff will determine if the described behavior constitutes disqualifying conduct. **Director Rahr** indicated that this change occurred on December 1, 2020 and is available on the website.

Budget Forecast

Director Rahr informed the Commissioners that it is unknown what will be in the upcoming Governor's budget, but that an update will be available in the upcoming January Commission Meeting.

NEW BUSINESS

Approval of Meeting Minutes

Chair Myers called for review and approval of the meeting minutes from September 2020. **Chair Myers** proposed changes from pages 6 and 8.

Commissioner Sapp moved to approve the amended September 2020 minutes.
Commissioner Hohenberg seconded the motion. **The motion passed unanimously.**

Corrections 10-week Academy

Ian Edwards, Assistant Commander BTD

Ian Edwards presented to the Commissioners a Corrections 10-week Academy build process, with Occupational and Gap Analysis having been completed. **Ian Edwards** indicated that the purpose of this 10-week Academy is not to just create a complete officer but to dive into the ethical aspects which can impact an officer in the field. **Ian Edwards** stated that this would all be accomplished by integration with Core Competencies which mirror BLEA curriculum, utilizing a four-phase approach. **Commissioner Sinclair** informed the Commission that DSHS and Western State Hospital have begun to use a Virtual Reality technology program to enhance empathy and could see that utilization being useful for the 10-week Corrections Academy. **Ian Edwards** mentioned an ongoing effort in exploring how to utilize current technology available to the Commission, including using VIRTRA to enhance training. **Commissioner Sinclair** stated that DOC Academies focus is pushing more toward a value-based programming and evaluations.

WAC Rule Review

Valerie Jenkins-Weaver, Certifications Manager

Valerie Jenkins-Weaver provided an overview of changes WSCJTC is looking to adopt per RCW 43.101.080. A handout was sent to Commissioners prior to the meeting.

Change to WAC 139.06.010 – Change in title.

First reading of WAC 139.06.015 – Correction Certification used WAC for 139.06.010 and mirrored with Corrections Officer requirements.

Change to WAC 139.06.020 – Addition of “or corrections.”

Change to WAC 139.06.030 – Addition of “or corrections.”

Change to WAC 139.06.040 – Addition of “or corrections.” New RCW 43.101.106 is inserted.

Change to WAC 139.06.050 – Addition of “or corrections.”

Change to WAC 139.06.060 – Change where instead of referring to a Hearing Panel, it now refers to RCW 43.101.380. **Commissioner Sinclair** asked if clarification was made for state corrections officers versus county or municipal corrections officers. **Valerie Jenkins-Weaver** noted that there is a definition in the RCW that clearly references that this WAC does not apply to DOC officers.

First reading of WAC 139.06.065 – Submitting candidates for hearing panels for the purpose of the revocation of corrections officer certification.

Change to WAC 139.06.100 – Addition of “or corrections.”

Change to WAC 139.06.110 – Addition of “or corrections.”

Change to WAC 139.06.120 – Addition of “or corrections.” New RCW 43.101.116 is inserted.

Change to WAC 139.06.130 – Addition of “or corrections.”

First reading of WAC 139.06.135 – Re-eligibility or reinstatement of certifications for peace or corrections officer certification.

Change to WAC 139.06.140 – Addition of “or corrections.”

Change to WAC 139.06.150 – Addition of “or corrections.”

Change to WAC 139.06.160 – Addition of “or corrections.”

Variance Requests

Valerie Jenkins-Weaver, Certification Manager

Valerie Jenkins-Weaver provided the Commissioners with a packet containing a variance request for Christopher Stein of the Reardan Police Department.

There was no motion. **Hearing no motion, the Chair determined that the variance was denied.**

Hearing Panel Member Application and K9 Report

Kayla Wold, Hearing Coordinator

Kayla Wold provided the Commissioners with the applications for Captain Daniel Atchison and Captain Matthew Couchman of Washington State Patrol to serve as Hearing Panel Members.

Valerie Jenkins-Weaver provided the Commissioners with a packet containing a K9 Evaluator application in the Narcotics Detection discipline for Trooper Aaron Norton of the Washington State Patrol.

After reviewing the applications, **Commissioner Hohenberg** moved to accept. **Commissioner Sapp** seconded. **The motion passed unanimously.**

OLD BUSINESS

Commissioner Latter's request for review of the Reserve Program Workgroup Reset has been delayed until the special January 2021 Commission Meeting.

EXECUTIVE SESSION

At 12:27 PM, **Chair Myers** announced the Commission would be going into Executive Session to:

- (1) Evaluate the qualifications of an applicant for public performance and/or to review the performance of a public employee
- (2) 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 the performance of another employee confidentially so as not to disrupt the daily operations of the agency.
- (2) Discuss with legal counsel representing the agency matters which are relating to the agency to discuss legal counsel representing

Chair Myers used Chair's Prerogative to reinstate the WAC review process on the agenda with first read for the March 10, 2021 Commission Meeting.

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

A separate Zoom call was attended by essential attendees. Executive Session began at 12:30 PM.

Chair Myers brought the meeting back on the record at 12:50 PM. He asked if anyone had anything further. Hearing none, he adjourned the meeting at 12:50 PM.

Next Meeting: March 10, 2021, 10 AM, WSCJTC

Written by:	 _____ Marisa Peer, Executive Assistant	 _____ Date
Reviewed by:	 _____ Susan L. Rahr, Executive Director	 _____ Date
Approved by:	 _____ Jeff Myers, Commission Chair	 _____ Date