

# Washington State Criminal Justice Training Commission Bylaws

## **Membership (RCW 43.101.030)**

The Commission shall consist of 21 members as follows:

- The governor shall appoint:
  - One incumbent sheriff and one incumbent chief of police. The governor shall additionally appoint an alternate incumbent chief of police who may perform commission duties in place of the appointed incumbent chief if that person is unavailable.
  - Two officers at or below the level of first line supervisor who:
    - Have at least ten years' experience as law enforcement officers.
    - Are from two different law enforcement agencies that each have at least 15 officers and are different than the agencies with which the members in (a) of this subsection are affiliated; and
    - are affiliated with different labor organizations.
  - One tribal police officer at or below the level of first line supervisor who has at least 10 years' experience as a law enforcement officer.
  - One person employed in a state or county corrections agency.
  - One incumbent county prosecuting attorney or municipal attorney and one public defender.
  - One licensed attorney with background in investigating, advocating, teaching, training, or presiding over matters related to enhancing law enforcement practices and accountability, who has not been employed in law enforcement.
  - One elected official of a local government who is not a sheriff or police chief and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction.
  - One person with civilian oversight or auditing experience over law enforcement agencies.
  - Seven community members who are not employed in law enforcement, including at least two who reside east of the crest of the Cascade mountains and at least three who are from a historically underrepresented community or communities: and
  - One tribal chair, board member, councilmember, or enrolled member from a federally recognized tribe with an active certification agreement under

RCW [43.101.157](#) who is not a sheriff and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

- The attorney general or the attorney general's designee.
- The chief of the state patrol or the chief's designee.

### **Terms of Members - Vacancies (RCW 43.101.040)**

Members appointed to the Commission by the governor shall be appointed to terms of six years, such terms to commence on July first, and expire June 30th. However, members first appointed as a result of chapter 323, Laws of 2021, the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term, shall be appointed for the unexpired term of the member the appointee is to succeed. Any member may be reappointed for an additional term.

### **Vacancies on the Commission**

Vacancies on the Commission shall be filled by the Governor in the same manner as the original appointments. Appointments to such vacancies shall be limited to the remaining unexpired term.

### **Commission Chair and Vice Chair**

- The Commission shall elect a Chair and Vice Chair to each serve a two-year term.
- Chair candidates must have served as a commissioner for a minimum of two years to be eligible for nomination and/or election.
- Vice Chair candidates must have served as a commissioner for a minimum of one year to be eligible for nomination and/or election.
- The elections take place at any regular or special meetings prior to or after a vacancy in the Chair or Vice Chair position occurs.
- The Chair and Vice Chair shall be elected by a majority of members of the Commission present, assuming a quorum exists. If a quorum does not exist, the election shall be held during the next regular business meeting, or a special meeting may be called for the election.
- The maximum an individual may serve as Chair and/or as Vice Chair is three terms (six years).
- Chair duties include but are not limited to:
  - Serve as the contact point for every Commission member.
  - Set goals and objectives for the Commission and works with the Executive Director to ensure those goals are met.
  - Encourage Commission members to contribute and engage in the activities of the Commission, as well as reliably attending meetings.
  - Assign subcommittee chairs.
  - Help create a purposeful agenda in collaboration with the Executive Director.
  - Facilitate meetings by engaging all Commission members in deliberation and containing dominating or out of line behavior.

- Help orient new Commission members.
  - Address conflicts of interest as provided by agency policy.
  - Approve litigation strategies when the potential outcome of litigation could impact significant agency policies and when the approval of such strategies by a quorum of the Commission is not feasible.
- The Vice Chair shall perform the duties of the Chair when the Chair is absent, or if the position of Chair is vacant pending an election and shall perform such other duties as directed by the Chair.

### **Commission Member Duties**

The Commission members have the following collective authority:

- Hire and dismiss Executive Director to operate the Washington State Criminal Justice Training Commission.
- Evaluate the performance of the Executive Director.
- Approve changes to the Commission's Washington Administrative Codes.
- Approve variance requests:
  - Commission members should review and recognize the applicants training, education, and experience as equivalent to the full basic academy in order to approve.
  - After full consideration of the matter, the Commission shall deny the request, or provide alternative mitigating relief if applicants do not meet the Commission's requirements for equivalent experience.
- Approve hearing panel member applications.
- Approve canine handler evaluator applications:
  - The canine model policy should be used as a guideline in reviewing canine evaluator application packets.
- Approve agency policies that establish or change the direction of the commission as stated in WAC 139-01-100.
- Approve the Annual Crisis Intervention Training Update waiver appeals.
- Approve the Commission's Strategic Plan.
- Offer input and guidance on Commission operations.
- Approve changes to the Bylaws.
- Approve litigation strategies when the potential outcome of litigation could impact significant agency policies and when such approval is feasible.
- Other assignments as requested.

### **Commission Member Expectations**

- Attend and actively participate in Commission meetings (see Attendance, below).
- Prepare for meetings, including reading meeting materials in advance.
- Offer expertise and ideas to advance the work of the Commission.
- Participate in committees, work groups or special projects, or offer to take on special assignments.
- Operate with collegiality and seek to foster good working relationships among Commission members and staff.
- Communicate with the Chair and/or Executive Director regarding experience on the Commission, ideas, concerns, questions, etc.
- Communicate to Commission staff in a timely manner if required to miss a meeting as provided in the Attendance provisions below.

### **Ad-hoc Committees or Working Groups**

The Chair may appoint members to ad-hoc committees or working groups to undertake special projects and initiatives:

- Committees/work groups must be made up of less than a quorum of commissioners:
  - Only eight Commissioners or fewer may serve on a given committee. If there are nine Commission members or more on a committee, then that committee must perform open public meeting notification and have their meetings open to the public. Their actions would carry the same weight as the entire governing body of the Commission.
- Committees will report progress of special projects to the Commission at regular Commission meetings.

### **Commission Meetings**

- Regular business Commission meetings are held at least quarterly.
- Commission members may request to have additional meetings added to the schedule:
  - Additional meetings may be called by the chair and shall be called by the Chair upon the written request of six members (RCW 43.101.060).
  - A Special meeting may be requested at a Commission Meeting. A vote of six or more Commission members is needed to pass a special meeting request. At the time of the special meeting request, an agenda must be proposed. Special meetings must align with proposed agendas.
- To speak during a meeting, a Commissioner must be called on by the Chair. Only one person can be recognized at a time.
- The Chair may set time limits on speakers as needed for expediency.
- To facilitate inclusive discussions, when all who wish to speak on a topic have had their opportunity, those wishing to speak again may.
- When a proposal for a motion is made and then seconded, an open discussion shall occur before a vote takes place. If any amending motions to the original motion are

made, all amending motions and discussions to the original motion must be resolved before a final vote on the original motion.

- Only the Chair or Vice Chair may call an Executive Session and only for reasons authorized by the Open Public Meetings Act, Ch. 42.30 RCW.
- Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter (42.30) applicable to him or her, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty (RCW 42.30.120).

### **Commission Meeting Agendas**

- A draft agenda for each meeting shall be approved by the Chair and sent to each Commission member prior to an upcoming meeting.
- Requested agenda items must be sent to the Chair and Vice Chair two weeks in advance to a meeting:
  - Exceptions may be made by the Chair in appropriate situations.
- The agenda and materials for regularly scheduled meetings shall be sent to Commission members one week before each meeting.
- Commission members receive a final version of the agenda and materials one-day before the scheduled meeting.
- The agenda and materials for special meetings shall be sent to members at least one-day before the meeting. No regular business shall be conducted at special meetings. Regular business includes:
  - Reading and approving minutes of previous meetings
  - Chair Reports
  - Executive Director Reports
  - Litigation updates
- Draft agendas and materials will be posted to the Commission webpage at least one week prior to each regular meeting.
- Agendas will be posted to the Commission webpage at least one-day prior to each meeting in compliance with the Open Public Meeting Act (OPMA) rules.
- Agendas should be ordered in such a way to ensure that critical discussions are not postponed in favor of business that isn't time-sensitive or otherwise urgent.
- Video and/or audio recordings of all commission meetings will be posted to the Commission webpage within two-days following a meeting.

### **Public Attendance and Participation**

Commission meetings shall be open to the public. Opportunity for oral public comment shall be provided in accordance with the Open Public Meetings Act, chapter 42.30 RCW.

Groups or members of the public wishing to make a presentation or to offer verbal comment at a Commission meeting outside of regular public comment periods may request approval of the

Chair, who will base the decision on relevancy and timeliness of what the person or group wishes to speak on, and availability of meeting time:

- Except in emergency situations, as authorized by RCW 42.30.070 of the Open Public Meetings Act, public comment must be allowed when taking final action on WAC rule changes. The Chair may need to limit the number of participants.
- Written comment is welcomed at any time and can be submitted through the Commission website.

### **Commission Meeting Minutes**

The minutes of all regular and special meetings will be approved by vote at the next regular Commission meeting. The approved minutes will be posted to the Commission website once approved by the Commission. The Chair, the Executive Director, and the Executive Assistant shall sign the approved meeting minutes.

### **Complaints**

- Any complaint received regarding a Commission member will be referred to the Chair, Vice Chair, and the Executive Director for discussion and appropriate action, up to and including a request to the Governor's Office for a replacement.
- If the complaint concerns the Chair or the Vice Chair, that person shall recuse themselves from the discussion.
- Any complaints regarding the Executive Director will be forwarded to the Chair and Vice Chair.

### **Quorum**

- Nine of the 21-member Commission present shall constitute a quorum for the transaction of Commission business (RCW 43.101.060).
- If only a quorum is present, a majority of the quorum shall be sufficient to transact business.

### **Voting**

- All Commission members shall have the right to vote under the capacity in which the governor appointed them:
  - If an appointed Commission member no longer holds the title under which the governor appointed them to the Commission, they must disclose their new title/role to the Chair of the Commission and recuse themselves from the Commission.
  - If the commissioner's new position is temporary, they must recuse themselves until resuming the position under which they were appointed to the Commission.
- Commission member may abstain from voting upon giving their reasons for so doing.

- There shall be no proxy voting except for the WSP Chief and/or ATG designees (RCW 43.101.030).  
Votes may be by voice. However, a roll call vote shall be taken at the request of any member of the Commission.
- A majority vote is needed to pass a motion.

### **Attendance**

- Commission members will attend all Commission meetings unless excused by the Chair. A request to be excused should be submitted by e-mail as soon as possible and no less than two-days prior to the meeting, except in emergency situations in which case notice will be given to the Chair or Executive Director as soon as possible.
- Inability of Commission members to regularly attend Commission meetings may result in their removal from the Commission. The unexcused absence of a Commissioner from two consecutive regular commission meetings shall result in a request by the Chair(s) to the Office of the Governor that a replacement be designated.
- An absence is unexcused when no prior notification is provided to the Chair. An absence is also unexcused when notification is provided, but the reason for the absence does not meet the expectations of an excused absence. An absence is excused if it pertains to family, medical emergencies, or unavoidable work-related commitments.

### **Preparation**

Adequate preparation is another requisite for effective board membership. Your board's staff members will provide reports, proposals, and other information to help you make informed decisions. Do not hesitate to request additional information you need to make thoughtful and appropriate decisions. Effective board members:

- Attend all board meetings.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the board must operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the board.
- Examine all available evidence before making a judgment.
- Communicate well and participate in group discussions.
- Are aware that authority to act is granted to the board as a whole, not to individual members.
- Exhibit a willingness to work with the group in making decisions.
- Appreciate the value of reaching consensus while understanding decisions are made by majority vote.
- Do not let personal feelings toward other board members or staff interfere with their judgment.

## **Ethics**

Commission members will serve in such a way that they do not receive or accept any undue personal or professional benefits from the performance of official duties. Commissioners should review and be familiar with Ethics in Public Safety (Chapter 42.52 RCW). Violations of these statutes can result in monetary penalties

## **Conflict of Interest**

- If the Commission initiates an investigation into an incident to which a Commissioner has either a personal or professional connection, the Commissioner will disclose that connection to the Chair(s) and the Executive Director, and shall not share any information regarding the incident with other Commissioners who may serve on hearing panels.
- Commission members shall not make inquiries to Certification Division staff about individual certification matters pending before the Commission, except as provided in the WSCJTC Conflict of Interest Policy.
- Commissioners with personal or professional knowledge of an incident may provide Certification staff with information and documentation related to the incident, and must comply with the requirements of RCW 43.101.135, when applicable.
- Commissioners who serve on hearing panels must participate in a conflicts check, and must voluntarily and immediately recuse themselves if they have a conflict of interest consistent with the WSCJTC Conflict of Interest Policy.
- Commissioners who testify in revocation hearings in their personal or professional capacity must specifically state that their testimony is offered in their personal capacity or based on their employment, and not in their capacity as a Commissioner.

## **Confidentiality**

Commission members have a duty to maintain the confidentiality of the information they receive during their work on the Commission, where that information is made confidential by statute, rule or by other legal privilege or doctrine. Commission staff shall develop and maintain guidance for Commission members on the circumstances under which matters are confidential, and the Chair shall reiterate such circumstances when appropriate.

## **Access to Commission Legal Counsel**

- The Attorney General serves as legal counsel to the Governor, members of the Legislature, state officials, and boards and commissions.
- The Attorney General advises and represents state agencies as they fulfill their official duties, issues legal opinions, and defends state officials and employees for actions performed in their official capacities and in good faith.
- Each board and commission are assigned an Assistant Attorney General to provide valuable information and advice about statutes and legal issues.



- Board members may request the following services from their Assistant Attorney General:
  - Assurance that board decisions and actions fall within statutory authority.
  - Questions about conflict of interest.
  - Review of proposed regulations and revisions, and the drafting of such documents in legally correct language.
  - Evidence in support of complaints, and the cross-examination of witnesses in disciplinary hearings.
  - General legal advice about board actions and activities.
  - The Attorney General's Office should respond to the Commissioner making the inquiry with copies provided to the Executive Director and Chair.
- Legal Fees. The board should be aware that its budget may be charged for all advice and service rendered by the Office of the Attorney General. Agencies generally have budgeted funds for this purpose, but they are limited.
- Any questions that Commission members would like to refer to Commission's assigned legal counsel through the Attorney General's Office should be first referred to the Chair and Executive Director.
- Commission members have a duty to maintain the confidentiality of the information they receive during their work on the Commission, where that information is made confidential by statute, rule, or by other legal privilege or doctrine.
- Individual commission members cannot waive attorney client privilege nor share attorney client privileged information to any non-WSCJTC staff member. Waiving and sharing of attorney client privileged information outside of the WSCJTC can only be done with the permission of the Chair and Executive Director.

#### **Public representation in person, in the media, and online**

- Commission members shall not speak on behalf of the Commission in public spaces unless authorized to do so by the Chair or Executive Director. Media requests for comments on behalf of the Commission (as opposed to on behalf of an individual Commission members) should be immediately forwarded to the Chair and Executive Director.
- If expressing opinions about the Commission in public spaces (including online), Commission members should as a courtesy to the extent possible communicate first with the Chair and Executive Director, so they have notice of any potential media or public inquiry or response about the matter.
- As individuals, Commission members will use discretion to avoid the appearance of speaking for the Commission, unless specifically authorized to do so, by clearly establishing that any comments, postings, or other related communications were made

in their personal or professional capacity, and not as a Commissioner or on behalf of the Commission.

- As individuals, Commission members shall represent the Commission in a professional manner, both externally to the public and internally with other Commission members, the Executive Director, and Commission staff.
- Commission members are required to timely communicate to the Chair(s) and Executive Director any material event related to their qualifications for service on the Commission.
- Commission members shall not address individual certification matters pending before the Commission.
  - However, Commissioners with first-hand knowledge of incidents or officers under certification review are not precluded from discussing those incidents or officers in their personal or professional capacity, provided that they clearly establish that they are not speaking as a Commissioner or on behalf of the Commission.

### **Public Records**

- All Commissioners should receive public records training to understand the requirements of the Public Records Act RCW 42.56.
- The Commission can be held liable for violations of the Public Records Act, which can result in significant monetary penalties.
- All Commission member public or private emails, video recordings, texts, pictures, social media posts, and any other communications created or used in the capacity of a Commission member are subject to a public records request.
- Upon receiving a request for any record that appears to be related to the Commission member's work as a Commission member, the request should be immediately forwarded by email to the Public Records Officer and Executive Assistant. The Public Records Officer and Executive Assistant will work with Commission members to interpret the request, identify records, and respond to the requester.
- Commission members should be mindful that opinions or communications made about the Commission that are made in a Commission member's official capacity are considered public record and must be appropriately captured and maintained as public records.
- Commission members are also subject to agency records retention requirements.

### **Respectful Workplace Environment**

- All Commission members are expected to treat others with dignity, civility, and respect. Commission members are also expected to speak up when they see disrespectful behavior, or to report it so it can be addressed. Commission meetings should be safe spaces for positive discourse, debate, and engagement.

- The Commission's good work results from the contributions of people from diverse perspectives and experiences. Commission members are encouraged to cultivate positive relationships with one another, communicate openly, and seek to resolve tensions in a constructive manner.

### **Anti-Discrimination and Harassment**

- The Commission is committed to promoting an inclusive, respectful, and safe culture and environment.
- The Commission strongly encourages anyone who experiences or witnesses' discrimination, harassment, sexual harassment, or retaliation to report violations to the Chair(s) and Executive Director/designee. If the violation is in regard to conduct of the Chair and/or Executive Director, the violation should be reported to the Attorney General's office.
- The Commission will promptly investigate allegations of discrimination, harassment, sexual harassment, or retaliation.
- Where such allegations are substantiated, the Chair(s) and Executive Director will take appropriate corrective or disciplinary action.
- Retaliation or attempted retaliation against any person who files a complaint under this policy or who participate in an investigation will not be tolerated.

### **Adoption of Rules**

The Commission has the authority to adopt rules as necessary to implement its powers and duties. (RCW 43.101.080 & RCW 43.101.085(3) and (8).)

### **Amendment and Suspension of the Bylaws**

These bylaws may be amended at any meeting of the Commission upon notification to all members of the proposed amendment(s) at any meeting preceding the meeting in which the bylaws are to be amended. These bylaws may be enacted or amended by a majority affirmative vote of the Commission members present at a meeting, provided that a quorum has been established.

### **Rules of Order**

Parliamentary procedures not established in these bylaws shall be determined by the Chair who may refer to *Robert's Rules of Order Newly-Revised 12<sup>th</sup> Edition* for guidance.