

February 14, 2022

Director Monica Alexander  
Criminal Justice Training Commissioners  
Washington State Criminal Justice Training Commission  
19010 1st Avenue South  
Burien, Washington 98148

Delivered Electronically

RE: Consideration of past misconduct in applying SB 5051

Dear Director Alexander and CJTC Commissioners:

The undersigned organizations respectfully ask that you ensure that officers who committed serious past offenses are subject to the CJTC's decertification review and standards established under [SB 5051](#), regardless of when these offenses were committed or adjudicated. The integrity of the law enforcement profession, the protection of the public, and the hard work of rebuilding public trust in law enforcement requires this.

#### **Public Trust and Confidence Is at Stake**

The conduct of the 10,000+ law enforcement officers under the CJTC's authority is relevant to their fitness for duty – yesterday, today, and tomorrow. The CJTC cannot fulfill its mission to “promote public trust and confidence in every aspect of the criminal justice system<sup>1</sup>,” while there are persons in the ranks with serious misconduct beyond the reach of the Commission.

#### **Policy Decision to Apply Prospectively Not Required by the Legislation**

Our concern is that an internal decision may have been made to limit the application of RCW [43.101.105](#) to misconduct occurring on and after July 25, 2021. We have also learned through conversations with the prime sponsor, Senator Jamie Pedersen, that intent was that the commission would have the ability to apply SB 5051 to misconduct occurring before July 25, 2021. The legislation therefore does not include a provision declaring that it is prospective only, or any other language suggesting it applies only to future misconduct. In fact, the intent section and the duties and scope of the legislation are broad and deep, and it is intended to reach to the very core of police culture, which is the suitability of officers to hold a license to engage in their profession.

#### **Recent Events Highlight the Need to Apply the Standards to An Officer's Career**

Very recent events have brought this issue to the forefront. The disturbing conduct of the [Kent Deputy Police Chief](#) with his use of antisemitic Nazi symbols is one such event. That conduct occurred before July 25<sup>th</sup>, 2021. The actions of Pierce County Sheriff [Ed Troyer](#) when he called 911 about a newspaper delivery person on his street and allegedly made a false report occurred

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<sup>1</sup> [RCW 43.101.020](#)

before July 25, 2021. The [Spokane](#) police officers who were part of an anti-crime unit that lied in the course of preparing evidence is conduct that occurred before July 25, 2021. The brutal asphyxiation death of [Manuel Ellis](#) occurred on March 3, 2020, which is before July 25, 2021, as did the death of [Jesse Sarey](#) who was killed by Auburn Police Officer Jeff Nelson on May 31, 2019. The many [domestic violence offenses](#) of officers for conduct occurring before July 25, 2021, would also not be subject to review.

Any sworn officer should have realized, well before July 25, 2021, that conduct such as that alleged above violates the ethics and duties their oath of office swore them to uphold.

To conclude that misconduct such as this is immune to consequence merely because of the date it occurred undermines CJTC's credibility and duty to regulate the profession, and it harms the public. Moreover, to give past misconduct a "free pass," despite the 2021 adoption of multiple police accountability laws designed to reform policing, conveys a message opposite of what the legislature intended: namely that the reforms are on paper only and that business can go on as usual.

### **Recruits and Incumbents must be held to the same high standards**

Holding recruits and incumbents to the same standards is essential to create a police culture that the public can trust and applicants can respect. New recruits must be able to learn from superiors who are fit to lead.

Thank you in advance for giving this request serious consideration. We have roots in communities across the state and represent thousands of Washingtonians. We understand that in implementing this law you may face pressures, and we stand ready to defend the legislative intent and overall wisdom of an approach that allows for review of serious allegations that took place prior to the passage of SB 5051.

Sincerely,

ACLU-WA  
AFT Washington  
Alliance for Gun Responsibility  
Anti-Defamation League's Pacific Northwest Office  
Asian Counseling & Referral Service  
Asian Pacific Islander Coalition of WA - King County (APIC)  
Bend the Arc: Jewish Action Seattle  
Black Collective  
CAIR Washington  
Disability Rights Washington  
El Centro de la Raza  
Faith Action Network  
Greater Spokane Progress  
Jewish Coalition for Immigrant Justice NW

Kent Black Action Commission  
King County Equity Now  
Latino Civic Alliance  
Legal Voice  
Mothers For Police Accountability  
Muslims for Community, Action and Support  
NAMI WA  
Next Steps Washington  
Northwest Immigrant Rights Project  
OneAmerica  
Pacific Islander Community Association of Washington  
Peace and Justice Action League of Spokane  
Planned Parenthood Alliance Advocates  
Planned Parenthood of the Greater Washington and North Idaho  
Riveters Collective Justice System Committee  
Seattle/King County Coalition on Homelessness  
SEIU 775  
SEIU Healthcare 1199NW  
Tacoma Urban League  
Urban Indians Northwest  
Urban League of Metropolitan Seattle  
Washington Association of Criminal Defense Lawyers  
Washington Coalition for Police Accountability  
Washington Defender Association  
Washington Immigrant Solidarity Network  
WA League of United Latin American Citizens  
Washington Poor People's Campaign