



# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



<b>Standard:</b>	<b>Chapter 7 Policy 02 Complaint Handling</b>	<b>Revised: 06/22/2022</b>
<b>Authorizing Source:</b> RCW 43.101, WAC 139-17-010		<b>Applies to: Certification Staff</b>

## I. PURPOSE:

The Commission, criminal justice community, and the public-at-large benefit from information received from members of the public, including but not limited to, information that may affect the status of peace officer and correctional officer certifications. Accordingly, it is in the Commission's interest to provide opportunities for the public to file complaints that may impact an officer's certification status. However, complaints should only be made in good faith and should not be used to harass or intimidate certified officers. See RCW 43.101.145(4). This policy describes the procedures under which complaints received by the Commission will be processed.

## II. DEFINITIONS:

*Officer and certified officer* – Any full-time, general authority peace officer, tribal police officer with a recognized certified tribe, reserve officer whose peace officer certification has not lapsed, and corrections officer as defined in RCW 43.101.010 (6), (10), (12), and as applicable in RCW 43.101.105 (9).

*Substantial new evidence* - Information or evidence previously unknown to the Commission that a reasonable person would accept as adequate to support a conclusion.

## III. POLICY:

### A. Receiving Complaints

1. Any person may file a complaint with the Commission that may invoke the Commission's authority to deny, revoke, or suspend any officer's certification. See RCW 43.101.145(1).

If the complainant has not yet filed a complaint with the subject officer's employing agency, the Commission will refer that complaint to the employing agency sheriff, chief, or their designee for an internal investigation.

Further, the Commission will follow up with the employing agency and, once the agency has completed its investigation, shall request the investigative file. Any referral to the officer's employing agency does not preclude the Commission from understanding its own investigation.

- a. Any person may submit a complaint against a certified officer alleging a violation of RCW 43.101.105. See RCW 43.101.145(1).



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- i. The Commission shall receive and consider all complaints, including those from anonymous and third-party sources.
  - ii. Inquiring about a complainants' age, sex, race, nationality, immigration status, or any other information about their identity not directly relevant to the complaint is strictly prohibited.
  - iii. Language translation shall be made available when needed. The Commission shall offer translation services without cost to any complainants for whom English is not their first language.
- b. Commission staff shall make reasonable efforts to accommodate members of the public who wish to file a complaint but need assistance to do so, including taking the complaint by phone or in-person.
- i. Commission staff are expected to seek additional information on all complaints that describe misconduct, regardless of whether the basis of a complaint constitutes misconduct under chapter 43.101 RCW.
  - ii. If contact information has not been provided by a complainant, the Commission will make reasonable attempts to contact the complainant to obtain sufficient information to assess the complaint and seek corroborating information.
- c. A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint per RCW 43.101.145(4).

## B. Complainant Confidentiality

1. Refer to Chapter 7 Policy 01 Anonymous Complaints.

## C. Conflicts of Interest

1. Refer to Chapter 7 Policy 03 Conflict of Interest.

## D. Communication with Complainants

1. Once a complaint is received, it shall be assigned to an investigator. Commission staff shall, within two (2) business days of the complaint being received, provide the complainant with an acknowledgement that the complaint was received and shall further provide the complainant with the contact information of a staff member who will become their point of contact in the case.



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2. Commission staff will send a letter to each known complainant or third-party representative informing them of:
  - a. The final disposition of their complaint, and
  - b. If the Commission determines not to take any further action against the subject of a complaint, it shall provide an explanation to the complainant in writing explaining how it reached this decision
3. If, after reviewing a complaint, Commission staff determine there is not sufficient evidence to open an investigation and/or file a statement of charges against the subject officer:
  - a. The complainant may request in writing that this decision be reviewed by the Executive Director. The complainant must file this request within 14 days of receiving Commission staff's determination not to pursue further action.
  - b. The Commission shall inform the complainant of the process to refile their complaint should they discover substantial new evidence.
4. If Commission staff file a statement of charges against the subject officer as the result of a complaint, the complainant shall be notified if that officer requests an administrative hearing pursuant to RCW 43.101.155.
  - a. In addition, the complainant shall be given instructions on how to obtain hearing and certification status information related to the subject officer as well as how to observe the hearing.
  - b. The complainant's point-of-contact within the agency shall inform the complainant of the hearing panel members as soon as the panel has been identified and inform the complainant how to notify the Commission of any potential conflict of interest concerns about panel members.

## E. Communication with Agencies

1. The employing agency shall be notified as soon as possible after a non-criminal complaint about an officer is received.
2. If the Commission receives a complaint alleging criminal conduct, it shall immediately refer the matter to the agency with criminal jurisdiction in writing. The referral will include recommendations that the investigation be performed by a law enforcement



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agency who has never employed the accused officer and other required notifications, as specified in WAC 139-17-010(2).

3. The assigned investigator will request periodic updates as to the status of any criminal investigation from the agency with jurisdictional authority. If the Commission chooses to provide updates to the employing agency regarding an investigation concerning a certified officer, such updates shall only be provided to the employing agency executive or their designee.

## F. Initial Review

1. All submitted complaints shall be subject to a Conflicts of Interest Assessment. Following this assessment, complaints shall be reviewed thoroughly to evaluate whether the alleged facts, if proven, could lead to adverse certification action.

## G. Preponderance of Evidence

1. The Commission will refrain from advancing cases it knows cannot meet the preponderance of evidence standard RCW 43.101.380(1). Preponderance of the evidence means that the evidence suggests it is more likely than not that the certified officer engaged in the alleged misconduct in violation of RCW 43.101.105. Commission staff shall consider whether to advance matters based on preponderance of the evidence. If Commission staff do not file a statement of charges against the subject officer, they may nevertheless use the information and evidence gathered as a result of this complaint in considering later complaints and investigations involving the same officer.

## H. Investigation Timelines and Processes

1. Refer to Policy on *Investigations*.