



# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



<b>Standard:</b>	<b>Chapter 7 Policy 03 Conflict of Interest</b>	<b>Revised: 06/22/2022</b>
<b>Authorizing Source:</b> RCW 34.05		<b>Applies to: All Staff</b>

## I. PURPOSE:

The objectivity and credibility of decisions of the Commission depend on having strong systems in place to avoid conflicts of interest whether actual, potential, or perceived. Possible conflicts may arise where staff, Commissioners, attorneys, or hearings panel members may be involved in the processing, investigations, review, or consideration of a certification proceeding or be tasked with taking other action in a manner that involves individuals whom they may personally know or with whom they may have previously worked. Similarly, an individual's relationship to an employing agency may pose conflicts. The purpose of this policy is to ensure that any potential conflict is properly identified, disclosed, and addressed.

## II. DEFINITIONS:

*Conflict of interest* – A circumstance when an individual's personal interests could compromise their judgment, decisions, or actions or create bias or prejudice, in official or professional settings. A conflict of interest may be based upon family, friendship, financial, social, employment, or other interests).

*Hearings coordinator* - The Commission staff member who serves as liaison between the Office of the Administrative Hearings (OAH), the Respondent, the Petitioner, and the hearings panel members.

## III. POLICY:

### A. Assessing and Addressing Conflicts of Interest

1. Potential conflicts of interest should be identified as early as possible.
2. In weighing the potential for conflicts and the appearance of a lack of impartiality, individuals should take into account the level of discretion they exercise.
3. With regard to individual certification matters, employees with decision-making authority impacting the outcome of cases, and hearings panelists, must utilize the individual case Conflicts Assessment Form to identify potential conflicts.
4. For certification matters, the supervisor will:
  - a. Assess whether there is a conflict of interest that prevents an employee from involvement with a certification review;
  - b. Recuse any employee who has a conflict of interest in the case or complaint;
  - c. Screen the conflicted employee from all matters related to the case; and



# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



<b>Standard:</b>	<b>Chapter 7 Policy 03 Conflict of Interest</b>	<b>Revised: 06/22/2022</b>
<b>Authorizing Source:</b> RCW 34.05		<b>Applies to: All Staff</b>

- d. Assess whether the complaint should be referred for outside review.
  - e. This assessment should be made as soon as possible after the agency's receipt of the complaint. Or, for individuals involved in later review and consideration of agency action, at the time that involvement is requested.
5. For hearings panel members, the Hearings Coordinator coordinates and manages conflicts checks.
- a. If a conflict exists with a hearings panel member, it shall be brought to the attention of both Respondent and Petitioner. RCW 34.05.425(4) provides either party with the right to petition for the disqualification of a hearings panel member.
  - b. If a party petitions for disqualification, the hearings panel member whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination pr RCW 34.05.425(5).

## B. Additional Procedures for Conflicts

1. The Commission will refer to a qualified and experienced outside party for review of any complaints that invoke conflicts of interest that cannot be resolved utilizing internal personnel.
2. The Commission is responsible for monitoring that the investigation is referred and completed in a timely manner and for establishing a conflict-free mechanism for next steps if the investigation determines that a preponderance of evidence standard has been met.
3. Qualifications for outside reviewers of complaints include:
  - a. Expertise and experience reviewing police tactics and uses of force or other types of alleged misconduct at issue;
  - b. Familiarity with Washington State certification standards; and
  - c. Familiarity with best practices and community standards for police conduct.
  - d. Qualified individuals must not have conflict of interest regarding the parties and must not, except in extraordinary cases, be current law enforcement members.

## C. Communications

1. Per Communication Bylaws, Commissioners must not make inquiries about or otherwise discuss with Commission staff, or discuss with others, certification matters under review, investigation, or consideration for agency action by a hearings panel, nor opine publicly about certification matters.