



# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



<b>Standard:</b>	<b>Chapter X Anonymous Complaints</b>	<b>Revised: 00/0/0000</b>
<b>Authorizing Source:</b> RCW		<b>Applies to: TBD XX</b>

## I. **PURPOSE:**

The Commission benefits from information received from members of the public. Some members of the public, including law enforcement personnel, may be reluctant to report potential misconduct to the Commission because they fear retaliation or other adverse consequences. For this reason, the Commission shall accept anonymous complaints. Anonymity cannot be guaranteed in all circumstances. However, staff will make reasonable effort to keep anonymous complainants anonymous.

## II. **DEFINITIONS:**

*Unknown complainant* means an individual who files a complaint with the Commission did not provide their name, email address, or other identifying information to Commission staff.

*Known complainant* means an individual who files a complaint with the Commission provided their name, phone number, email address, or other identifying information to Commission staff but requested anonymity.

*Identified complainant* means an individual who identifies themselves in a complaint filed with the Commission with the understanding that their identity may be revealed to local law enforcement agencies and/or the public.

## III. **POLICY:**

To the extent possible, the Commission will protect the identity of known and unknown complainants. (RCW 42.56.240).

1. The complaint form shall give the complainant the option to file anonymously.
2. Except when authorized by the complainant, the Commission will not disclose identifying information of unknown or known complainants or verify any inquiry from an agency seeking to confirm the identity of an unknown or known complainant.
3. The complaint form shall also offer complainants the option to file as an identified complainant. The complaint form shall provide notice that, by opting to identify themselves, the complainant's identity may be disclosed to law enforcement agencies and/or the public.
4. The complaint form shall allow identified and known complainants to indicate if they are willing to speak to the officer's employing agency. To the extent



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necessary, the Commission may facilitate communication between agencies and complainants.

5. The form shall instruct identified and known complainants to provide contact information so they may receive follow-up questions or case updates. The form shall notify unknown complainants that, by filing anonymously, the Commission will be unable to contact them with additional information.
6. The Commission shall provide notice on the complaint form that, to the best of its ability and authority, it shall honor the preference of unknown and known complainants to remain anonymous. Anonymity cannot be guaranteed in all circumstances. However, staff will make reasonable effort to keep anonymous complainants anonymous.



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Standard:	Chapter X Complaint Handling	Revised: 00/0/0000
Authorizing Source: RCW		Applies to: TBD XX

## 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 statuses 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* means 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* means 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

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 generally refer that complaint to the employing agency 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 undertaking its own investigation.

1. 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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- a. The Commission shall receive and consider all complaints, including those from anonymous and third-party sources.
  - b. 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.
  - c. 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.
2. 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.
    - a. 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.
    - b. 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.
  3. 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**

Refer to policy on *Anonymity*.

**C. Conflicts of Interest**

Refer to policy on *Conflict of Interest*.

**D. Communication with Complainants**

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



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- 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 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.



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**F. Initial Review**

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**

The Commission will refrain from advancing cases it knows cannot meet the preponderance of the 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**

Refer to Policy on *Investigations*.



# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



Standard:	Chapter X Conflict of Interest	Revised: 00/0/0000
Authorizing Source: RCW		Applies to: TBD XX

## 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, investigation, review, or consideration of a certification proceeding or be tasked with taking other action in a matter 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* means 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* means 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:



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- 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
  - 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 per 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 the 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





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- 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**

Per Commission 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.



# Washington State Criminal Justice Training Commission Conflict of Interest Assessment Form

**Name:**

**Case Number:**

The purpose of this Conflict of Interest Assessment Form is to provide transparency and to assist in identifying actual and potential conflicts of interest that may concern persons involved in the review, investigation, or hearings panels of peace officer and/or corrections officer certification or decertification matters.

An actual or perceived conflict of interest may occur when an individual's interest, activity, or employment influences or appears to influence their ability to objectively review, investigate, or make decisions in a particular case.

Where there is an objectively reasonable appearance that an individual cannot be impartial due to a real or perceived conflict of interest, that individual will not have any involvement in the certification review, investigation, or decision-making at issue. All potential conflicts of interest will be reviewed and assessed to determine whether recusal from a certification or decertification matter is appropriate.

**Role of Individual Completing Conflicts Assessment:**    Commission Staff    Hearings Panelist

<b>Name of officer under review</b>	
<b>Name of current employing agency</b>	
<b>Name of any former agency the officer worked for at time of misconduct</b>	

**Name of complainant and any person(s) allegedly impacted:**

Please check yes or no. Answering yes will not automatically disqualify a person from involvement.

Yes	No	Assessment Questions
		1. Are any of the involved persons in this incident a friend, family member, or person otherwise well known to you?
		2. Have you ever been in a dating relationship or married to any involved person in this investigation, their family member, or a close acquaintance?
		3. Have you, or a family member, previously been employed by the involved agency?

Yes	No	Assessment Questions (continued)
		4. Do you have or have you had an identifiable work-related relationship with any involved person in this investigation, their family member, or a close acquaintance? For example, have you been in the chain of command with, been supervised by, worked directly with, been trained by, or served on a SWAT or other type of team with any involved person in this investigation?
		5. Have you, or a family member, testified in an administrative or criminal proceeding involving the officer?
		6. Do you have personal knowledge of confidential information regarding the officer?
		7. Have you ever lived with or rented property from any involved person in this incident; a mutual friend, family member, or a close acquaintance?
		8. Do you share a financial interest with any involved person in this incident, their family member(s) or a close acquaintance? This includes borrowed or lent money, bought or sold a home, land, car, or shared a joint business venture.
		9. Have you received gifts of any value from the involved officer, complainant, or alleged victim (if any), such as: sporting tickets, travel, or access to vacation property?
		10. Are there any social relationships that exist or existed between you and any involved person in this incident? (e.g. Traveled or vacationed together, shared access to property, belong to the same club, church, sports team, etc.)
		11. Do you live near and have community contact with any involved person in this incident?
		12. Are you aware of any association or activity that may influence your ability to serve in a fair and impartial manner?

If you've marked yes to any of the above questions, please provide additional information, per question.

***I certify that my responses are true and correct to the best of my knowledge.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL



<b>Standard:</b>	<b>Chapter X</b> <b>Prioritization of Certification Investigations</b>	<b>Revised: 00/0/0000</b>
<b>Authorizing Source:</b> RCW		<b>Applies to: TBD XX</b>

## I. PURPOSE:

The Commission recognizes that timely, thorough, and efficient handling of certification investigations is essential to promoting public trust and confidence in law enforcement, and that appropriate allocation of agency resources is necessary to further these objectives. The Commission will investigate certification matters within its regulatory purview and will prioritize handling of such investigations in accordance with this policy.

## II. DEFINITIONS:

*Certification investigation* means any investigation to determine if the preponderance of the evidence supports disciplinary action against an officer's certification. Investigations may commence on the Commission's own initiative under RCW 43.101.105, or upon receiving a complaint or request from any member of the public including law enforcement or corrections agencies and certified officers. WAC 139-06-040.

*Officer* and *certified officer* means 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).

## III. POLICY:

The standards and process under RCW 43.101.105, regarding probation, remedial, training, suspension, denial and revocation apply to conduct during both before and after July 25, 2021, and specifically to the conduct that the officer knew or should have known violated law or policy and that impacts suitability to serve and or where there is a pattern of misconduct that continues after July 25, 2021.

In conducting certification investigations, investigators will prioritize those matters, which implicate one or more of the below factors. These include but are not limited to uses of force that violate law or policy and that could be expected to cause physical injury, affiliation with extremist organizations, sexual harassment, acts of prejudice or discrimination against protected groups, conduct falling short of professional and ethical standards that undermines public trust, or shows an unwillingness to uphold their sworn oath.



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- The allegation(s) fall within one or more of the mandatory denial or revocation categories contained in RCW 43.101.105(2).
- The allegation(s), if true, indicate the officer poses a danger of causing injury to members of the public.
- Whether occurring on or off-duty, the officer is alleged to have committed conduct that constitutes a felony, without regard to conviction per RCW 43.101.105(3)(j)(i).
- Whether occurring on or off-duty, the officer is alleged to have engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to, violation of an individual's constitutional rights under the state or federal Constitution or a violation of RCW 10.93.160 or RCW 43.101.105(3)(j)(ii).
- The officer is alleged to have engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property per RCW 43.101.105(3)(j)(iii).
- The officer is alleged to have engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer. RCW 43.101.105(3)(e).
- The officer is alleged to have engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status RCW 43.101.105(3)(h).
- The officer is alleged to have had affiliation with one or more extremist organizations RCW 43.101.105(3)(i).



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- The officer is alleged to have committed sexual harassment as defined by state law; RCW 43.101.105(3)(f).

Unless otherwise directed, certification investigations for which any of the above criteria are not present shall be prioritized for handling in the assigned investigator's discretion, so as to ensure timely, thorough, and efficient disposition of all matters. Complaints alleging serious misconduct under RCW 43.101.105(3) should not go uninvestigated merely because they fall outside the categories above.