# CRIMINAL JUSTICE TRAINING COMMISSION POLICY MANUAL

| | Chapter 7 Policy 03<br>Conflict of Interest | Revised: 06/22/2022;<br>03/12/2025 |
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| **Authorizing Source: RCW 34.05** | | **Applies to: All Staff** |

## I. PURPOSE:

The objectivity and credibility of decisions of the Washington State Criminal Justice Training Commission (WSCJTC) 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 WSCJTC 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. Accessing 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

d. Assess whether the complainant 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.

B. Retention of Outside Investigators Due to Conflicts

1. The WSCJTC 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 WSCJTC 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. Hearing Panel Members

1. For hearing panel members, the Hearings Coordinator coordinates and manages conflicts checks.

2. Hearing panel members with Conflicts of Interest should immediately and voluntarily recuse themselves.

3. If a hearing panel member does not recuse themselves despite a potential conflict, it will be brought to the attention of both Respondent and Petitioner, and either party may file a petition for the disqualification of a hearing panel member.

4. If a party petitions for disqualification, the Administrative Law Judge will determine whether to grant the petition, stating facts and reasons for the determination.

D. Administrative Law Judges

1. Parties may seek the disqualification of an Administrative Law Judge consistent with the applicable provisions of Title 34 RCW, including RCW 34.05.425 and RCW 34.12.050.

E. Commissioners

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

2. When serving as hearing panel members, Commissioners are subject to the same conflicts procedures as other hearing panel members.

3. Commissioners are not precluded from:

   a. Complying with the requirements of RCW 43.101.135, including providing documentation and information as the WSCJTC deems necessary to determine whether the separation or event provides grounds for suspension or revocation;

   b. Testifying in a revocation hearing at the request of either party, provided that the Commissioner specifically states that the testimony is offered in their personal capacity or based on their employment, and not in their capacity as a Commissioner; and

   c. Inquiring about the procedural status of a case, if the Commissioner is a complainant or the officer's former, current, or prospective employing agency head.