**Washington State Criminal Justice Training Commission Officer Certification Cases**

**Data Dictionary**

**Case Number**- The reference number for the case.

**Employer** – Employing agency at the time the case was opened or when the misconduct occurred.

**Agency Type**- The type of law enforcement agency that employs(ed) the subject officer (i.e. – sheriff's office, police department, corrections agency, tribal police agency, state law enforcement agency.

**Certification Type**

* ***Peace Officer*** - a full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally. [RCW 10.93.020 (4)](https://app.leg.wa.gov/RCW/default.aspx?cite=10.93.020) and [RCW 43.101.010 (10)](https://app.leg.wa.gov/RCW/default.aspx?cite=43.101.010).
* ***Tribal Police Officer*** - a person employed and commissioned by a tribal government to enforce the criminal laws of that government, where the tribal government has entered into a written agreement with the Washington State Criminal Justice Training Commission regarding certification of their police officers. [RCW 43.101.010 (12)](https://app.leg.wa.gov/RCW/default.aspx?cite=43.101.010) and RCW 43.101.157.
* ***Corrections Officer*** - a corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult persons in jails and detention facilities in the state. “Corrections officer” does not include individuals employed by state agencies. [RCW 43.101.010 (6)](https://app.leg.wa.gov/RCW/default.aspx?cite=43.101.010).

**Reason for opening case**

* ***Agency Report***- Pursuant to RCW 43.101.135,  the employing law enforcement agency provided notice to WSCJTC of alleged or potential misconduct as defined in [RCW 43.101.105](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105).
* ***Complaint*** – A complaint was submitted to WSCJTC alleging peace or corrections officer misconduct as defined in [RCW 43.101.105](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105)
* ***Request for Reinstatement*** – A petition by a person whose certification was denied or revoked for reinstatement of certification or eligibility for reinstatement of certification.
* ***Other*** – The origin of the case does not fall within the above categories.

**Status**

* ***Investigation*** - A allegation of misconduct has been assigned to an investigator to conduct a fair, independent, objective, and thorough investigation.
* ***Statement of Charges***– A Statement of Charges (SOC) has been served notifying the officer of misconduct allegations against them and beginning the administrative process for de-certification.  A SOC is issued when a WSCJTC investigation concludes that qualifying misconduct more likely than not occurred and it is determined there is cause to believe an officer’s certification should be denied, suspended, or revoked, or that remedial training should be required.
* ***Certification Hearing***– The case is scheduled for an administrative hearing to determine whether RCW 43.101.105 misconduct occurred, and if so, what sanctions commensurate to the wrongdoing will be imposed by WSCJTC. Hearings are open to the public and the WSCJTC hearings schedule is posted [online](https://cjtc.wa.gov/certification/certification-hearings).
* ***Closed***– The case is concluded with a final outcome.

**Case Determination**

* ***Administrative Closure***– The case has been administratively closed due to (i) withdrawal of a petition to reinstate certification or permit eligibility for reinstatement of certification, (ii) lack of jurisdiction, (iii) lack of evidence, and/or (iv) WSCJTC had cause to exercise discretion in declining to file or prosecute a SOC.
* ***Cleared***– The case does not meet the preponderance of evidence standard.  Preponderance of the evidence means 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. The officer is eligible to serve as a peace or corrections officer in Washington State.
* ***Certification Expired***– The certified officer’s break in service is over 60 months and their peace or corrections officer certification is expired.
* ***Certification Revoked***– The officer’s certification is revoked. They may not serve as a peace or corrections officer in the state of Washington.
* ***Certification Suspended***– The officer’s certification has been suspended.  They may not serve as a peace or corrections officer in the state of Washington for the time period specified in the final order and/or until conditions specified in the final order are met.
* ***Remedial Training***– The officer’s retention of certification is contingent upon successful completion of remedial training as directed by WSCJTC.
* ***Surrendered***– The officer surrendered their certification voluntarily. The officer has waived their right to a hearing and may not serve as a peace or corrections officer in the state of Washington.
* ***Eligibility Reinstated***– WSCJTC granted a petition to reinstate certification or permit eligibility for reinstatement of certification.
* ***Denied Certification***– WSCJTC determined not to grant certification to a prospective peace or corrections officer.
* ***Denied Reinstatement***– WSCJTC denied a petition to reinstate certification or permit eligibility for reinstatement of certification.
* ***Charge(s) Dismissed***– A WSCJTC hearing panel entered an administrative order dismissing the SOC in the case. The officer’s certification remains in effect.

**Material Step Dates**

* ***Date Received*** – The date the notice or complaint was received.
* ***Investigation***– The date when an investigator is assigned to the case and begins the investigation.
* ***Statement of Charges***– The date a SOC is served on the officer.
* ***Hearing Date***- The date an administrative hearing is scheduled to occur in a case. Administrative hearings are open to the public and the WSCJTC hearings schedule is posted [online](https://cjtc.wa.gov/certification/certification-hearings).
* ***Final Order***– The date in which  WSCJTC entered an administrative order stating the final disposition of the case any administrative action taken by WSCJTC regarding the matter.
* ***Closed***– The date in which the case is closed.

**Conduct Investigated**

***[RCW 43.101.105(2)(a)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(2)%20The%20commission,been%20convicted%20of%3A)*** Has been convicted of:… [a qualifying criminal offense].

***[RCW 43.101.105(2)(b)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(b)%20Has%20been%20terminated%20by%20the%20employing%20agency%20or%20otherwise%20separated%20from%20the%20employing%20agency%20after%20engaging%20in%2C%20or%20was%20found%20by%20a%20court%20to%20have%20engaged%20in%2C%20the%20use%20of%20force%20which%20resulted%20in%20death%20or%20serious%20injury%20and%20the%20use%20of%20force%20violated%20the%20law%3B)*** Has been terminated by the employing agency or otherwise separated from the employing agency after engaging in, or was found by a court to have engaged in, the use of force which resulted in death or serious injury and the use of force violated the law.

**[RCW 43.101.105(2)(c)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(c)%20Has%20been,policy%20or%20law%3B)** Has been terminated by the employing agency or otherwise separated from the employing agency after witnessing, or found by a court to have witnessed, another officer's use of excessive force and: (i) Was in a position to intervene to end the excessive use of force and failed to do so; or (ii) Failed to report the use of excessive force in accordance with agency policy or law.

***[RCW 43.101.105(2)(d)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(d)%20Has%20been,law%20enforcement%20purpose%3B)*** Has been terminated by the employing agency or otherwise separated from the employing agency after knowingly making, or found by a court to have knowingly made, misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2)(d) does not apply to representations made in the course and for the purposes of an undercover investigation or other lawful law enforcement purpose.

***[RCW 43.101.105(2)(e)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(e)%20Is%20prohibited%20from%20possessing%20weapons%20by%20state%20or%20federal%20law%20or%20by%20a%20permanent%20court%20order%20entered%20after%20a%20hearing.)*** Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing.

***[RCW 43.101.105(3)(a)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(3)%20The%20commission,from%20the%20training%3B)*** Failed to timely meet all requirements for obtaining a certificate of basic law enforcement or corrections training, a certificate of basic law enforcement or corrections training equivalency, or a certificate of exemption from the training.

***[RCW 43.101.105(3)(b)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(b)%20Was%20previously%20issued%20a%20certificate%20through%20administrative%20error%20on%20the%20part%20of%20the%20commission%3B)*** Was previously issued a certificate through administrative error on the part of the commission.

***[RCW 43.101.105(3)(c)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(c)%20Knowingly%20falsified%20or%20omitted%20material%20information%20on%20an%20application%20to%20the%20employer%20or%20for%20training%20or%20certification%20to%20the%20commission%3B)*** Knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission.

***[RCW 43.101.105(3)(d)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(d)%20Interfered%20with%20an%20investigation%20or%20action%20for%20denial%20or%20revocation%20of%20certification%20by%3A)*** Interfered with an investigation or action for denial or revocation of certification.

***[RCW 43.101.105(3)(e)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(e)%20Engaged%20in%20a%20use%20of%20force%20that%20could%20reasonably%20be%20expected%20to%20cause%20physical%20injury%2C%20and%20the%20use%20of%20force%20violated%20the%20law%20or%20policy%20of%20the%20officer%27s%20employer%3B)*** 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)(f)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(f)%20Committed%20sexual%20harassment%20as%20defined%20by%20state%20law%3B)*** Committed sexual harassment as defined by state law.

***[RCW 43.101.105(3)(g)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(g)%20Through%20fraud%20or%20misrepresentation%2C%20has%20used%20the%20position%20of%20peace%20officer%20or%20corrections%20officer%20for%20personal%20gain%3B)*** Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain.

***[RCW 43.101.105(3)(h)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(h)%20Engaged%20in,and%20veteran%20status%3B)*** 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)(i)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(i)%20Has%20affiliation%20with%20one%20or%20more%20extremist%20organizations%3B)*** Has affiliation with one or more extremist organizations.

***[RCW 43.101.105(3)(j)(i)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(j)%20Whether%20occurring,regard%20to%20conviction%3B)*** Whether occurring on or off duty, has… [b]een found to have committed a felony, without regard to conviction.

***[RCW 43.101.105(3)(j)(ii)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(ii)%20Engaged%20in%20a%20pattern%20of%20acts%20showing%20an%20intentional%20or%20reckless%20disregard%20for%20the%20rights%20of%20others%2C%20including%20but%20not%20limited%20to%20violation%20of%20an%20individual%27s%20constitutional%20rights%20under%20the%20state%20or%20federal%20Constitution%20or%20a%20violation%20of%20RCW%2010.93.160%3B)*** Whether occurring on or off duty, has… [e]ngaged 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.

***[RCW 43.101.105(3)(j)(iii)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(iii)%20Engaged%20in%20unsafe%20practices%20involving%20firearms%2C%20weapons%2C%20or%20vehicles%20which%20indicate%20either%20a%20willful%20or%20wanton%20disregard%20for%20the%20safety%20of%20persons%20or%20property%3B%20or)*** Whether occurring on or off duty, has… [e]ngaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property.

***[RCW 43.101.105(3)(j)(iv)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(iv)%20Engaged%20in,state%20of%20Washington%3B)*** Whether occurring on or off duty, has… [e]ngaged in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards required of a peace officer or corrections officer; disrupts, diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the Constitution and laws of the United States and the state of Washington.

***[RCW 43.101.105(3)(k)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(k)%20Has%20been%20suspended%20or%20discharged%2C%20has%20resigned%20or%20retired%20in%20lieu%20of%20discharge%2C%20or%20has%20separated%20from%20the%20agency%20after%20the%20alleged%20misconduct%20occurred%2C%20for%20any%20conduct%20listed%20in%20this%20section%3B%20or)*** Has been suspended or discharged, has resigned or retired in lieu of discharge, or has separated from the agency after the alleged misconduct occurred, for any conduct listed in this section.

***[RCW 43.101.105(3)(l)](https://app.leg.wa.gov/rcw/default.aspx?cite=43.101.105#:~:text=(l)%20Has%20voluntarily%20surrendered%20the%20person%27s%20certification%20as%20a%20peace%20officer%20or%20corrections%20officer.)*** Has voluntarily surrendered the person's certification as a peace officer or corrections officer.

***[RCW 42.20.100](https://app.leg.wa.gov/rcw/default.aspx?cite=42.20.100)*** Failure of duty by public officer – Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their willful neglect to perform such duty, except where otherwise specially provided for, shall be a misdemeanor.

***[RCW 9A.80.010](https://app.leg.wa.gov/rcw/default.aspx?cite=9a.80.010)*** Official misconduct – A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege: (a) He or she intentionally commits an unauthorized act under color of law; or (b) He or she intentionally refrains from performing a duty imposed upon him or her by law. Official misconduct is a gross misdemeanor.

***Other*** Former RCW 43.101.105 (Chapter 234, Laws of 2011, Section 3), including but not limited to (1)(d) – The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002.