

Chapter 139-17 WAC
COMPLAINTS

Last Update: 6/9/22

WAC

139-17-010 Complaint submission and investigation.

WAC 139-17-010 Complaint submission and investigation. (1) Any individual may submit a written complaint to the commission about a certified officer's conduct. Filing a complaint does not make a complainant a party to the commission's action.

(a) Individuals who need assistance filing a written complaint will be accommodated.

(b) The commission shall make the complaint process transparent and accessible including accepting complaints in any format, accepting anonymous and third-party complaints, making language translation available as needed to accommodate complainants, and refraining from inquiring about complainants' age, immigration status, or other information not relevant to the complaint.

(c) The commission shall review complaints thoroughly and conduct preliminary investigation to evaluate whether to investigate.

(d) Complainants shall receive information about the process for investigation and any potential adjudication and receive the name of a point of contact at the commission to answer questions as needed. Complainants shall also receive a letter providing the final disposition of their complaint, regardless of the decision to investigate or the outcome of the investigation.

(2) The commission shall refer criminal complaints to the law enforcement agency with jurisdiction.

(a) The referral will also include recommendations that the investigation be performed by a law enforcement agency who has never employed the accused officer;

(b) Referral for criminal investigation does not preclude the commission from taking appropriate action to investigate decertification related aspects of the complaint and, where appropriate, from taking action to revoke, deny, or suspend certification;

(c) The referral will include notice that public disclosure of records relating to this investigation may jeopardize the investigation and state that these records may be exempted from public disclosure as an active and ongoing investigation via RCW 42.56.240(1); and

(d) The referral will include a request that the receiving agency provide notice to the commission should the investigative records be part of a public records request.

(3) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate issues or concerns relating to revocation or suspension on any other basis, without restriction as to the source or the existence of a complaint. Referral of a criminal investigation does not preclude or necessarily delay a commission investigation.

(4) The commission may investigate a pattern of complaints or other conduct that individually may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3). The commission must consider the employing agency's policies and procedures and the certified officer's job duties and assignment in determining what constitutes a pattern.

(5) The commission shall conduct timely and expedient investigations.

(a) The commission may await the conclusion of an agency's internal administrative investigation or a criminal investigation in order to gain access to greater information or conduct a more thorough investigation.

(b) The commission shall not delay investigations in which the employing agency does not fully cooperate per WAC 139-06-030.

(6) 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.

(7) All complaints must be resolved with a written determination, regardless of the decision to investigate.

[Statutory Authority: RCW 43.101.080 and 43.101.801. WSR 22-13-075, § 139-17-010, filed 6/9/22, effective 7/10/22.]