

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**BEFORE THE CRIMINAL JUSTICE TRAINING COMMISSION
OF THE STATE OF WASHINGTON**

IN RE THE PEACE OFFICER
CERTIFICATION OF:

CHARLES EVANS, JR.,

Petitioner.

NO. 16-605

ORDER REINSTATING
ELIGIBILITY FOR PEACE OFFICER
CERTIFICATION

THIS MATTER came before a Hearing Panel of the Washington State Criminal Justice Training Commission (“the Commission”) on May 16, 2016, to consider Charles Evans, Jr.’s petition for reinstatement of eligibility for peace officer certification.

A telephonic hearing was held to decide the merits of the petition. The Hearing Panel was comprised of Chief Kelly Busey (Gig Harbor Police Dept.), Professor Matthew Hickman (Seattle University), Sheriff Mark Howie (Wahkiakum County), Sgt. Jeff Kazensky (Longview Police Dept.), and Sgt. Jason Viada (Port Angeles Police Dept.). Chief Busey served as the Presiding Member. All Panel members were present for the hearing and participated in the deliberations.

The Commission was represented by Assistant Attorney General Jennifer Elias. Petitioner Charles Evans, Jr. was present and represented himself. Both parties were afforded the opportunity to present evidence and argument and to cross-examine witnesses.

In deciding the case, the Hearing Panel considered as evidence Petitioner’s Exhibit A and Respondent’s Exhibits A-S (attached to the “Commission’s Response to Petition for

1 Reinstatement of Eligibility of Certification”); and the testimony of Mr. Evans and the
2 Commission’s certification manager, Tisha. Jones. The Hearing Panel also considered the
3 written and oral arguments of the parties. After consideration of the evidence and arguments
4 presented, the Hearing Panel enters the following findings of fact and conclusions of law:

5 I. **PROCEDURAL HISTORY**

6 1. On or about May 20, 2015, Charles Evans, Jr. petitioned the Commission for
7 reinstatement of eligibility for peace officer certification.

8 2. The Commission formally responded on April 18, 2016, and agreed that Evans
9 met the statutory criteria for eligibility for reinstatement.

10 3. A hearing panel was appointed to consider this matter, with Chief Kelly Busey
11 serving as Presiding Member. There were no objections to any member of the hearing panel.

12 4. The parties agreed to a telephonic hearing on the merits.

13 II. **FINDINGS OF FACT**

14 1. On May 12, 2010, the Washington peace officer certification of petitioner
15 Charles Evans, Jr. was revoked by a hearing panel of the Commission.

16 2. Evans’s peace officer certification was revoked because a prior hearing panel
17 concluded by clear, cogent, and convincing evidence that Evans was finally terminated for
18 disqualifying misconduct. The hearing panel found that Evans engaged in conduct under color
19 or authority of law that constituted the crime of official misconduct.

20 3. More than five years have passed since the order revoking Evans’s peace
21 officer certification was entered in May 2010.

22 4. Evans has no criminal convictions.

23 5. Evans has not engaged in disqualifying misconduct since his peace officer
24 certification was revoked in May 2010.

NOTICE TO THE PARTIES

RECONSIDERATION: Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that: (a) there is a material clerical error in the Order, or (b) there is a specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering the petition directly to the Washington State Criminal Justice Training Commission at 19010 1st Avenue South, Burien, WA 98148, with a copy to all other parties of record and their representatives. "Filed" means actual receipt at the Commission's office. RCW 34.05.010(6).

A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition for reconsideration is filed, the Commission does not: (a) dispose of the petition, or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not a prerequisite for filing a petition for judicial review.

STAY OF EFFECTIVENESS: The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Commission has determined not to consider a petition to stay the effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW.

JUDICIAL REVIEW: Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement (RCW 34.05.510 through .598). The petition for judicial review of this Order shall be filed with the appropriate court and served on the Commission, the Office of the Attorney General, and all parties within thirty (30) days after service of this Order, as provided in RCW 34.05.542.

SERVICE: This Order was served on you the day it was deposited in the U.S. Mail. RCW 34.05.010(19).