



Washington State

Criminal Justice Training Commission

Location: Virtual Meeting

October 19, 2022 – 10 a.m.

- Welcome *Chair Quinn*

- Roll Call *Lacey Ledford*

- New Business *Chair Quinn*
 - Reserve Officer Training *Tom Hill*
 - LETCSA IIT Best Practices *Alex Buijs*

- Adjourn *Chair Quinn*

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NOTICE: This meeting will be recorded.

INTEROFFICE COMMUNICATION

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

TO: WSCJTC Commissioners
FROM: WSCJTC ATD LETCSA Staff
SUBJECT: Annual IIT Best Practices Review and Recommended Edits
DATE: October 19, 2022



Background and Purpose.

Following the passage of Initiative 940 (I-940) and Substitute House Bill 1064, the Law Enforcement Training and Community Safety Act (LETCSA) was created to implement the legislation regarding new training and independent investigations requirements. The Washington State Criminal Justice Training Commission (WSCJTC) engaged in negotiated rulemaking with named statutory stakeholders which created the regulations for LETCSA. Washington Administrative Code (WAC) 139-12 concerns independent investigation team (IIT) criteria.

Per WAC 139-12-030 (4)(b) the WSCJTC will annually update and publish the accepted best practices document that the independent investigation teams (IIT) follow during the independent investigative process.

Stakeholder Engagement and Involvement.

A core focus of I-940 and those who contributed to its success is improving relationships and community engagement with the goal of increasing trust between law enforcement and the communities they serve. LETCSA staff reached out to both the LETCSA statutorily named stakeholders and statewide IIT commanders to solicit input and recommendations. Input was received in the form of virtual meetings and via email. Representatives from the following organizations provided recommendations and input.

Black Community Lobby, Federal Way Multi-Service Center, North Central Washington Special Investigations Unit (NCWSIU), Office of Independent Investigations (OII), Pierce County Force Investigation Team (PCFIT), Tri-Cities Special Investigations Unit (SIU), Washington Association of Criminal Defense Lawyers, Washington Coalition for Police Accountability (WCPA), Washington Defender Association, Washington State Patrol (WSP), and Yakima Valley Special Investigation Unit (YVSIU)

2022 Edits and Recommendations.

These changes are being recommended to the Commission with the goal of ensuring the best practices document is consistent with the relevant WAC chapter (139-12). The differences between the current best practices and proposed edits are outlined below. Several technical, grammatical, and formatting edits were made throughout the document.

I. PURPOSE

- Added and removed language so the section reads: “This document should be used in conjunction with the definitions and independent investigation criteria found in WAC 139-12 to create an Independent Investigations Team (IIT) protocol. The Office of Independent Investigations (OII) was established after the passage of Chapter 318, Laws of 2021 (RCW 43.102, et. seq.) to conduct investigations of serious use of force incidents by Washington state law enforcement agencies. OII protocols and statutory requirements are different from IIT investigation laws and regulations. This best-practices document is for the use and application by IITs which have differing statutory requirements than the OII. The independent investigation will follow the rules of law established by the state and federal constitutions, and statutory and case law that apply to criminal investigations. It is expected that each IIT protocol will reflect both law enforcement and community needs for independent, credible, and transparent investigations. The steps outlined in this document are intended to be a guide, and not an exhaustive collection of best practices. Further, this document is not intended to provide any form of legal advice or direction.”

II. DEFINITIONS

- This section was originally at the end of the document but has been moved to the beginning to provide clarity on terms before reading the remainder of the best practices.
- The definition of “involved agency” was added from WAC 139-12-020.
- The definition of “involved officer” was modified to be in line with the definition in RCW 43.102.010.
 - Input was received regarding in-custody deaths (e.g., deaths in jails and uses of force by correction staff) being included in this definition and the definition of ‘independent investigation teams.’ RCW 10.114.011 is the authorizing statute for WAC 139-12 which only speaks to the use of deadly force by a peace officer.
- Several definitions were added which include:
 - Discuss
 - Involved agency liaison
 - Office of Independent Investigations (OII)
 - Public safety statement
 - Specialized equipment
 - WSCJTC staff have added a definition of specialized equipment to the best practices, however, it is recommended that this be added to RCW or WAC.
 - Venue agency
 - Witness officer
 - It was requested that a definition of “involved” be added to the document. WSCJTC staff would recommend this to be added to RCW or WAC.

III. PROCEDURES

References to the Office of Independent Investigations (OII) has been added throughout these sections where necessary.

B. Involved Agency Responsibilities

- The notification of the OII and IIT should simultaneously occur. Language was added to 1. a. to clarify this practice.
- Section 1. b. was added which outlines the minimum information that should be contained in the IIT protocols.
- The public safety statement was moved from the venue agency section to the involved agency section as this statement should only be taken by the involved officer's employing agency. Additional language was added to further clarify the scope and confidentiality of the public safety statement.
 - Concerns were expressed regarding the practice of taking a public safety statement and requested to not include this investigative step. Some public safety statements are compelled which cannot be used by the IIT.
- Language was added to the involved agency liaison role to further clarify that this individual shall not be privy to any information regarding the IIT/OII investigation. The involved agency liaison provides information to the OII/IIT; however, they are not to receive information regarding the ongoing investigation. If the OII has assumed control of the scene, they will follow RCW 43.102 and their procedures regarding an involved agency liaison.
- Instead of "turning over" all evidence to the OII or IIT, the involved agency will "give" all evidence to them. This change will include evidence that might not have a physical presence i.e., body camera footage in the cloud.
- The criminal action that may precede an officer-involved incident was moved to the involved agency responsibilities from the IIT section to accommodate the addition of the OII. The OII will not investigate a preceding event but will participate in the coordination of making a determination on who will investigate.
- Clarification regarding the use of space, resources, and facilities as needed by the OII/IIT was added.

C. On-Scene Venue Agency Supervisor Responsibilities

- The second sentence in the introductory paragraph was added to make clear that often the involved agency is also the venue agency.
- The inner/outer perimeter verbiage was changed to establish only a "perimeter". This is consistent with the wording in WAC 139-12-030.

- Language was added regarding the officer that accompanies an involved officer being transported to the hospital and that any communication may be discoverable by the IIT or OII.
- The briefings provided to arriving OII or IIT members is provided by the venue agency and language was added to reiterate that no compelled or protected statements shall be shared with them.
- A sentence was added that states when the medical examiner concludes their work, the remains will be released to the impacted family unless a legal justification is provided.

D. Independent Investigation Team Responsibilities

- Language was added to emphasize that if the OII and IIT are responding to a scene, the IIT shall proceed with the investigation consistent with their policies, protocols, and the best practices. Once arrived, control should be handed over to the OII in a way that does not delay or interrupt the investigation.
- The review of conflict of interest (COI) forms is done by the non-law enforcement community representative no later than 72 hours after the commencement of every investigation and wording was added to reiterate this requirement. If there is a conflict, the conflicted officer shall be removed from the specific investigation.
 - Occasionally someone may join an independent investigation after the 72-hour deadline for COI forms to be reviewed by the non-law enforcement community representative. Language was added to clarify that if this occurs this individual must complete their COI form within 72 hours after joining the investigation. WSCJTC staff would also recommend updating the WAC to reflect this as well.
- The details surrounding the family and tribal liaison were enhanced to provide further information about this role.

Evidence Considerations

- The first consideration was rewritten; however, the general idea remains the same.
- Instead of “turning over” the evidence to the OII or IIT, the evidence shall be “given” to the investigative team.
- The practice of securing photos and videos made by civilians as evidence was added.
- Language was added so that the OII or IIT member working with the involved agency liaison will work to ensure that appropriate replacement clothing is provided to the involved officer if documented and collected as evidence (if there is an evidentiary need).
- Evidentiary considerations regarding the weapons of the involved officer and all witness officers were added.
- If an involved agency requests a seized items receipt or evidence list, the IIT shall provide it to them.

Interview Considerations

- LETCSA staff received a request to clarify showing body camera footage as part of the interview with the involved officer(s). The document addresses these interviews, and it states, “Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement, and case law.” As this is a practice typically determined by collective bargaining agreements, WSCJTC staff did not add clarifying language regarding this request.
- Language was added to state that best practices of interview techniques shall be considered.

E. Family Liaison Responsibilities

- The family liaison assists in coordinating with a victim advocate and language was added to this responsibility to acknowledge this should be done especially if requested by the (impacted) family.
- Language was added to state that if OII is handling the scene, and if contact can be made within a reasonable amount of time, OII’s non-uniformed, non-law-enforcement family liaison should fill this role.

F. Tribal Liaison Responsibilities

- The notification to the Governor’s Office of Indian Affairs responsibility was reworded.
- Language was added to acknowledge that the OII will follow their statutory requirements regarding the tribal liaison role.

G. Administrative Investigation

- Additional language was added to expand on the responsibility of the IIT commander in firewalling the criminal investigation from the administrative investigation. Firewall system and training ensures that the involved agency is advised not to furnish “prohibited content” to the IIT, such as compelled statements.

H. Record-keeping

- A sentence was added to communicate that the original investigative file shall not be maintained at the involved agency and that public disclosure requests may be directed to the designated agency.
- More specific direction regarding IIT documentation and files were inserted.

I. News Media Considerations

- Since the involved agency chief or sheriff no longer receives briefings, the practice of ensuring a proper balance is maintained between the integrity of the investigation and transparency with the public is now the sole responsibility of the OII/IIT.

Closing.

Upon approval of the recommended edits, the updated best practices document would become immediately in effect.

WSCJTC staff recommend modifying WAC 139-12 to:

- add definitions for ‘involved’, ‘criminal background information’, and ‘specialized equipment’;
- clarify that if this someone is brought into an independent investigation after the initial COI-form review, they must complete a COI form within 72 hours after joining the investigation; and
- change the reference of “best practices for homicide investigations” to “best practices for an independent investigation of officer involved use of deadly force incident” or something similar.

The WAC modifications would occur at a later date. There may be additional WAC modifications, however, that will be determined when we engage in the rulemaking process.

If you have any questions or would like additional information, please contact the WSCJTC ATD LETCSA staff.

Best regards,



Alex Buijs, LETCSA Program Manager
Advanced Training Division
Washington State Criminal Justice Training Commission

Attachments (2)

Best Practice Guidelines - October 2022 - Draft - Track Changes

Best Practice Guidelines - October 2022 - Draft - Clean

Best Practice Guidelines - September 2020

cc: Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Bart Hayes, Advanced Training Division Manager



Washington State Criminal Justice Training Commission

Independent Investigation of Officer Involved Use of Deadly Force Incident Guidelines

I. PURPOSE

The purpose of this document is to provide a basic framework and guidelines for independent criminal investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm. [WAC 139-12-030](#) (3) requires the Washington State Criminal Justice Training Commission (WSCJTC) to publish best practices for homicide investigations and update them annually.

Agencies should use this document in conjunction with the definitions and independent investigation criteria found in [WAC 139-12](#) to create an Independent Investigations Team (IIT) protocol. It is expected that each IIT protocol will reflect both law enforcement and community needs for independent, credible, and transparent investigations.

II. PROCEDURES

The following procedures are tailored to address the Initial Incident Response as well as the continuing follow-up investigation after an officer-involved use of deadly force. These general guidelines and principles can be used when investigating any serious incident.

Officer-involved uses of deadly force are dynamic situations. Preservation of life and the safety of all persons on scene are the paramount concerns. It is critical that every involved law enforcement member should recognize the transitory nature of evidence and after first aid has been provided or facilitated, take immediate steps to preserve the scene and evidence.

A. Involved Officers

Officers involved in an incident triggering the use of an IIT shall take initial steps to render the scene safe, protect the safety of themselves and others, render first aid where necessary, and preserve evidence.

B. Involved and/or Venue Agency Responsibilities

1. Activate the IIT
 - a. The venue agency Chief or Sheriff, or their designee shall immediately notify the IIT of the incident and the need to respond.
2. Designate a Liaison to remain available to the IIT.
3. Maintain perimeter control of the scene if requested by the IIT commander
4. Turn over all evidence in their possession to the IIT
5. Arrange for all documents, reports, and information on the incident to be available to the IIT immediately or as soon as possible.
6. Allow use of space, resources, and facilities as needed by the IIT.



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C. On Scene Venue Agency Supervisor Responsibilities

These tasks are done by the Venue Agency until control of the scene is assumed by the IIT. The on-scene supervisor shall be responsible for ensuring that standard Incident Command System (ICS) protocols have been implemented. In addition, they shall ensure the following tasks are addressed:

1. The physical condition of the involved officer(s), subject(s), and third parties is assessed, emergency first aid is provided, if necessary, and emergency medical assistance is summoned.
2. Ensure necessary notifications are made, to include initiating the response of the IIT and necessary agency notifications including the involved agency chief or sheriff.
3. A brief public safety statement is taken, preferably by a supervisor, from the involved officer(s), covering only information necessary to focus initial law enforcement response and direct the preliminary investigation into the officer involved shooting.
4. An inner perimeter is established. Only personnel integral to the incident and/or investigation should be inside this perimeter.
 - a. Those to remain outside may include command level personnel not directly involved in the incident.
 - b. Once the IIT is on the scene, officers from the involved agency including the involved officer should be outside the inner perimeter unless required by the IIT to be present for interviews.
5. An outer perimeter established which should create boundaries for the public and representatives of the media.
 - a. The IIT may adjust or add additional perimeters to further restrict areas.
6. Take steps to document and preserve any evanescent evidence.
7. A media staging area is identified and is appropriately staffed.
8. Establish a command post.
9. Appoint an officer to serve as a "recorder," with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene.
10. Photographs are taken as soon as possible of the involved officer(s) and subject(s) as they appear at the scene, to include any injuries or lack of injuries. These photos will best capture their condition immediately after the incident and before IIT personnel can arrive.



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11. Until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses.
12. Involved officer(s) are separated and removed from the immediate scene and assigned a support officer to ensure the physical needs of the involved officer(s) are met. Any statement made to a support officer may be discoverable.
13. All potential witnesses are identified and separated and asked to remain on hand to provide a statement. If witnesses wish to leave and there is no legal authority to detain them, officers should obtain their contact information for future communications.
14. If an involved officer is transported to the hospital, someone, such as a support officer or peer support personnel, accompanies or meets them there.
15. Brief the arriving members of the IIT on the above issues.
16. Turn over control of the scene to the IIT Commander, or designee, upon his/her arrival.

D. Independent Investigation Team Responsibilities:

The IIT Commander, lead investigator, or their designee shall do the following:

1. Respond as quickly to the scene as resources and geography allow.
2. Assume command of the scene from the on-scene supervisor.
3. Receive a briefing from the on-scene supervisor.
4. The IIT Commander will ensure a Conflict of Interest (COI) form is completed to identify and manage any conflicts of interest between the involved officer(s) and their agency, and any IIT members. This should be done as soon as possible and no more than 72 hours later.
5. The IIT Commander will meet with the IIT Non-Law Enforcement Community Representative and review the COI forms.
6. Identify an IIT member to serve as the Family Liaison and if a tribal member is a victim, identify a Tribal Liaison.
7. Identify a non-involved member agency where all evidence will be stored and coordinate with the involved agency to determine responsibility for storage and handling of extraordinary items such as vehicles, HAZMAT materials, etc.

Evidence Considerations:

Recognize the transitory nature of some types of evidence and take steps to preserve it as the incident scene may be altered or compromised due to weather, foot traffic, police activities, etc., destroying or contaminating evidence beyond use or value.



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- Ensure that items of potential evidentiary value are identified, documented, protected and collected.
- Ensure that any evidence in the possession of the Involved or Venue agency is turned over to the IIT.
- Determine whether video recordings were made by in-car cameras; body-worn cameras; electronic control weapons; and government, business or private surveillance cameras and that they have been secured as evidence as soon as reasonably possible.
- Obtain search warrants for any vehicles, containers, homes, electronic devices, or vehicles as may be necessary.
- Any clothing or other personal items that may have been discarded or removed from subjects or involved officer(s) by medical personnel are located and secured as evidence.
- Clothing worn by the involved officer(s) and subject(s) should be documented and collected as evidence.
- If a K9 was deployed as part of the initial incident, the dog and its condition should be documented.
- When firearms or other weapons are taken from an officer for evidence the Involved Agency should be responsible for replacement of those weapons, in accordance with their policies.
- An IIT member shall inspect and document all law enforcement tools to include lethal and non-lethal weapons carried by the officer at the time of the incident to ensure all discharged firearms are collected and any other weapons are identified and examined.
- Consider the use of digital incident scene mapping for documenting and reconstructing the scene
- The chain of custody will be documented for each item of evidence.

If a criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer-involved incident:

- The IIT Commander and Venue Agency incident commander shall consult and determine which agency should investigate the preceding event, to include pursuing criminal charges related to the event.
- If mutually agreed, the IIT will assume responsibility for the criminal investigation of the preceding event. If not, the IIT will limit its criminal investigation to the officer-involved use of force incident.

Interview Considerations:

- Obtain statements from subjects and witnesses. Audio and/or video-audio recording is preferred and should be attempted.
- Interviews of Involved Officers should follow the policies of their individual agency, collective bargaining agreement, and case law.



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- Investigators should be aware of and alert for signs that indicate an officer, subject, or other witness may be suffering from psychological trauma. All involved persons will be treated with sensitivity and awareness about acute stress reactions.
- Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene when they arrived to include any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.
- Canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available.

8. In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy. A member of the IIT must attend the autopsy and take all appropriate investigative steps, consistent with other criminal investigations.

9. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete.

10. The involved agency and the venue agency Chief or Sheriff will be notified of the scene being released.

11. Once all investigation materials are assembled the IIT complete investigation case file must be presented to the prosecutor who may ask for additional information, and who will use the case file to make a charging decision.

E. Family Liaison Responsibilities:

The family liaison is responsible for identifying, locating, and notifying an appropriate family member of the person against whom deadly force has been used, as soon as possible to ensure that the family:

1. Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors.
 - a. Family notification of a decedent should be done in consultation with the venue coroner or medical examiner.
2. Has a reliable way to communicate directly with the liaison.
3. Is kept informed about the investigative process, even when there is nothing new to report.
4. Is given timely notice of significant developments of the investigation, to include press releases.
5. Coordinate with a victim advocate if one is available.

F. Tribal Liaison Responsibilities:



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If the fatal use of force incident involves an enrolled member of a Federally Recognized Indian Tribe ([RCW 10.114.021](#)) the IIT Commander will identify an IIT member to serve as the tribal liaison within the first twenty-four hours.

The tribal liaison will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.

The IIT Commander will also ensure that the Governor's Office of Indian Affairs (GOIA) is notified within 24 hours.

G. Administrative Investigation

The administrative investigation is the responsibility of the involved agency.

1. The criminal investigation must be firewall protected from information revealed during the administrative investigation.
2. Any action to relieve the involved or witness officers from duty will be the responsibility of the Involved Agency's Chief or Sheriff, or their designee.

H. Record-keeping:

1. The IIT Commander will determine and coordinate where the original IIT file will be maintained.
2. All original reports, statements, and other documentation of venue and involved agency employees should be filed and maintained by the venue agency and submitted to the IIT Commander in a timely manner.
3. Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members involved.

I. News Media Considerations:

Communication with the media will be handled by a designated member of the IIT. Either a Public Information Officer (PIO) or a Media Relations Officer (MRO) in consultation with the IIT Commander.

1. The PIO will affirmatively provide to local media, and on official social media accounts, regular updates on the investigation, at least weekly.
2. Neither the Involved Agency nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.
3. The IIT and Involved Agency Chief or Sheriff will work to ensure a proper balance is maintained between the integrity of the investigation and transparency with the public.



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DEFINITIONS: For definitions of other terms refer to [WAC 139-12-020](#)

Involved Officer(s): Unless otherwise indicated, those peace officers in on-duty or off-duty status who are involved in a serious incident or are direct witnesses to such an event.

Venue Agency: The Agency within whose geographical jurisdiction the officer-involved incident happens.

Independent Investigation Team: A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. Multiple law enforcement agencies may enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function for an involved agency, provided it is not the involved agency.



Washington State Criminal
Justice Training Commission
October 2022

INDEPENDENT INVESTIGATION OF OFFICER INVOLVED USE OF DEADLY FORCE INCIDENT

GUIDELINES

REQUIRED PER WAC 139-12





Washington State Criminal Justice Training Commission

Independent Investigation of Officer Involved Use of Deadly Force Incident Guidelines

I. PURPOSE

The purpose of this document is to provide a basic framework and guidelines for independent criminal investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm. [WAC 139-12-030](#) (4) requires the Washington State Criminal Justice Training Commission (WSCJTC) to publish best practices for homicide investigations and update them annually.

This document should be used in conjunction with the definitions and independent investigation criteria found in [WAC 139-12](#) to create an Independent Investigations Team (IIT) protocol. The Office of Independent Investigations (OII) was established after the passage of Chapter 318, Laws of 2021 (RCW 43.102, et. seq.) to conduct investigations of serious use of force incidents by Washington state law enforcement agencies. OII protocols and statutory requirements are different from IIT investigation laws and regulations. This best-practices document is for the use and application by IITs which have differing statutory requirements than the OII.

The independent investigation will follow the rules of law established by the state and federal constitutions, and statutory and case law that apply to criminal investigations. It is expected that each IIT protocol will reflect both law enforcement and community needs for independent, credible, and transparent investigations. The steps outlined in this document are intended to be a guide, and not an exhaustive collection of best practices. Further, this document is not intended to provide any form of legal advice or direction.

II. DEFINITIONS

Discuss – To talk about (something) with another person or group of people in all forms of communication including, but not limited to, verbal, written, and electronic.

Independent Investigative Team (IIT) – A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two nonlaw enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. An IIT is created when multiple law enforcement agencies enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function, provided it is not the involved agency.

Involved Agency – The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "involved agency."

Involved Agency Liaison – A member of the involved agency who is the local point of contact for the IIT commander to provide access to local resources and facilities.

Involved Officer – A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer involved in an incident where the use of deadly force results in death, substantial bodily harm, or great bodily harm. **Witness Officer** - An officer who witnessed, but did not engage in, the use of force being investigated by the IIT.

Office of Independent Investigations (OII) – An office created by the legislature in 2021 which is authorized to conduct investigations of law enforcement use of deadly force cases wholly independent



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from any law enforcement agency. OII's authorizing statute, RCW 43.102, et. seq., sets forth the rules and procedures by which OII must abide. Some of those rules are different than those that apply to IIT investigations. This document's best practices guide OII only where the language specifically refers to OII by name. Reference to IITs does not necessarily bind OII.

Public Safety Statement – Information obtained by a supervisor at an officer-involved incident using questions intended to determine existing threats to public safety and identify transitory evidence that must be preserved. The scope of this statement is limited to the collection of such critical, fleeting information in the immediate aftermath of the officer-involved incident.

Specialized Equipment – Any property, device, or apparatus used by a law enforcement agency with unique or specific performance capabilities that may require additional training to operate or extra steps to execute its function(s).

Venue Agency – The law enforcement agency or agencies having jurisdiction where the officer-involved incident occurs. This is very often the involved agency.

Additional applicable definitions are available for review in Washington Administrative Code (WAC) 139-12-020 or relevant RCWs.

III. PROCEDURES

The following procedures are tailored to address the initial incident response as well as the continuing follow-up investigation after an officer-involved use of deadly force. These general guidelines and principles can be used when investigating any serious incident.

Officer-involved uses of deadly force are dynamic situations. Preservation of life and the safety of all persons on scene are the paramount concerns. It is critical that every involved law enforcement member should recognize the transitory nature of evidence and after first aid has been provided or facilitated, take immediate steps to preserve the scene and evidence.

A. Involved Officers

Officers involved in an incident triggering the use of the OII and an IIT shall take initial steps to render the scene safe, protect the safety of themselves and others, render first aid where necessary, and preserve evidence.

B. Involved Agency Responsibilities

1. The involved agency Chief or Sheriff, or their designee shall immediately notify the OII and IIT of the incident and the need to respond.

- a. The notification to the OII and IIT should simultaneously occur. If the OII accepts the investigation, the IIT shall still be notified and respond to the scene of the incident. The involved agency would relinquish control of the scene to the IIT in accordance with RCW 43.102.120 until the OII is on scene or is otherwise provided notice that the OII is taking control of the scene.

- b. The IIT protocols should contain steps to notify the IIT leadership, and how the IIT will be deployed. At a minimum the team protocol should designate:



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- i. which member of the IIT leadership should be the first point of contact for team activation;
- ii. who will call the on-scene supervisor to obtain a briefing of the incident;
- iii. who will be the IIT commander and/or supervisor;
- iv. what personnel and equipment are needed; and
- v. how to contact and deploy the necessary IIT members.

2. A brief public safety statement is taken by an involved agency supervisor from the involved officer(s), covering only information necessary to focus initial law enforcement response and direct the preliminary investigation into the officer involved shooting. Statements made to the involved agency supervisor should be extremely brief and limited to information about the crime scene(s) to be protected and any pertinent evidence to be recovered, and identification of any involved persons, as well as witnesses who need to be located and interviewed.

a. The public safety statement can only be administered by the employer of the involved officer. If the public safety statement starts with, "You are being ordered/directed/compelled to answer the following questions..." The involved officer's responses to these questions are considered compelled, and they cannot be considered by the IIT Investigators. If public safety information is obtained voluntarily, it may be used by the IIT.

3. Designate an involved agency liaison to remain available to the IIT. The involved agency liaison shall not be privy to any information regarding the OII or IIT investigation. If OII has incident command, they will make someone available to provide contact authorized by RCW 43.102.

4. Maintain perimeter control of the scene if requested by the OII and/or IIT commander.

5. Give all evidence in their possession to the OII or IIT.

a. If a criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer-involved incident either:

i. the IIT commander shall consult with the involved and/or venue agency incident commander to determine which agency should investigate the preceding event, to include pursuing criminal charges related to that event. If mutually agreed upon, the IIT will assume responsibility for the criminal investigation of the preceding event. If not, the IIT will limit its criminal investigation to the officer-involved use of force incident. This can also be addressed in an IIT's protocol.



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ii. If the OII assumes command of a scene, the OII will coordinate with the involved agency and regional IIT (or other uninvolved agency investigating the matter) to determine who will investigate the preceding event, to include pursuing criminal charges related to that event. Because of the statutory limitations on IITs and the OII sharing information with the involved agency, in most situations the best practice is for the IIT to assume command of the preceding event(s) investigation while the OII investigates the use of deadly force incident. Nothing statutorily prohibits an IIT and the OII from sharing information about their investigations.

6. Make all documents, reports, and information on the incident to be available to the IIT immediately or as soon as possible thereafter.

7. Allow use of space, resources, and facilities as needed by the OII or IIT.

a. The OII and IIT shall make every effort to utilize other space, resources, and/or facilities during the course of their investigation. There will be cases where a specialized resource is needed that is only available from the involved agency.

b. If no other option exists, the use of the involved agency resources by the IIT shall be done in accordance with WAC 139-12-030 (1)(b) which states, "Specialized equipment belonging to the involved agency may not be used by the IIT unless: 1 - no reasonable alternative exists; 2 - the equipment is critical to carrying out the independent investigation; and 3 - the use is approved by the IIT commander. If the equipment is used, the nonlaw enforcement community representatives on the IIT must be notified about: 1 - why it needs to be used; and 2 - the steps taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment."

C. On-Scene Venue Agency Supervisor Responsibilities

These tasks are done by the venue agency until control of the scene is assumed by the OII or IIT. It is important to note that in the majority of incidents, the involved agency is also the venue agency. The on-scene venue agency supervisor shall be responsible for ensuring that standard Incident Command System (ICS) protocols have been implemented. In addition, they shall ensure the following tasks are addressed:

1. The physical condition of the involved officer(s), subject(s), and third parties is assessed, emergency first aid is provided, if necessary, and emergency medical assistance is summoned.

2. Ensure necessary notifications are made, to include initiating the response of the OII or IIT and necessary agency notifications including the involved agency chief or sheriff.



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4. Establish a perimeter. Only personnel integral to the incident and/or investigation should be inside this perimeter. The primary focus of the involved agency at this stage is the protection and preservation of evanescent evidence in order to maintain the integrity of the scene until the OII or IIT arrives. The perimeter must be clearly marked and protected.
 - a. Those to remain outside the perimeter may include command level personnel not directly involved in the incident.
 - b. Once the OII or IIT is on the scene, officers from the involved agency, including the involved officer, should be outside the perimeter unless required by the OII or IIT to be present for interviews.
 - c. The OII or IIT may adjust or add additional perimeters to further restrict areas.
6. Take steps to document and preserve any evanescent evidence.
7. A media staging area is identified and is appropriately staffed if necessary.
8. Establish a command post.
9. Appoint an officer to serve as a "recorder," with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene.
10. Photographs are taken as soon as possible of the involved officer(s) and subject(s) as they appear at the scene, to include any injuries or lack of injuries. These photos will best capture their condition immediately after the incident and before IIT personnel can arrive.
11. Any involved officer, other witness officer, or other officer shall not discuss the details of the case with any other involved officer, other witness officer, or other officer, or any other witness, until the OII or IIT has completed their interviews with those officers.
12. Involved officer(s) are separated and removed from the immediate scene and assigned a support officer to ensure the physical needs of the involved officer(s) are met. Any statement made to a support officer may be discoverable.
13. All potential witnesses are identified and separated and asked to remain on hand to provide a statement. If witnesses wish to leave and there is no legal authority to detain them, officers should obtain their contact information for future communications.
14. If an involved officer is transported to the hospital, someone, such as a support officer, accompanies or meets them there. Any communication that the accompanying officer has with the involved officer may be discoverable and used by the IIT or OII.
15. Brief the arriving members of the OII or IIT on the above issues and ensure no compelled or protected statements are shared with members of the OII or IIT.



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16. Turn over control of the scene to the OII or IIT commander, or designee, upon their arrival.

17. Immediately upon completion of the medical examiner's work, the remains will be released to the impacted family unless legal justification may be provided such as a court order.

D. Independent Investigation Team Responsibilities

The IIT commander, lead investigator, or their designee shall do the following:

1. Respond as quickly to the scene as resources and geography allow.
 - a. If the IIT arrives at the scene prior to the OII, they shall proceed with the investigation consistent with their policies, protocols, and these best practices.
 - b. The IIT investigation should continue uninterrupted unless and until the OII arrives on scene and assumes control of the scene. At that time, the IIT commander should hand over control of the scene to the OII lead investigator. A briefing should simultaneously occur. Any ongoing interviews, evidence collection/processing, or other investigative actions should be handed over in a way that does not interrupt or delay the investigation.
2. Assume command of the scene from the on-scene involved agency supervisor.
3. Receive a briefing from the involved agency liaison and/or the on-scene supervisor.
4. The IIT commander will ensure a conflict of interest (COI) form is completed to identify and manage any conflicts of interest between the involved officer(s), the involved agency, and any IIT members. This should be done as soon as possible as the non-law enforcement community representative will review COI forms no later than 72 hours after the investigation begins. If a conflict of interest exists, the conflicted person shall be removed from the specific investigation entirely.
 - If someone joins the independent investigation after the 72-hour deadline for COI forms to be reviewed, this individual must complete their COI form within 72 hours after joining the investigation.
5. The IIT commander will meet with the IIT non-law enforcement community representative and review the COI forms within 72 hours of the commencement of the investigation.
6. The IIT commander will identify an IIT member to serve as the family liaison as soon as feasibly possible who is responsible for identifying, locating, and notifying an appropriate family member, even if the family member(s) live out of the area. If the individual who was significantly injured or died in an officer-involved use of force was a tribal member, the IIT commander will identify an IIT member to serve as the tribal



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liaison within the first 24 hours and will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.

7. Identify a non-involved member agency where all evidence will be stored and coordinate with the involved agency to determine responsibility for storage and handling of extraordinary items such as vehicles, HAZMAT materials, etc.

Evidence Considerations

Recognize the transitory nature of some types of evidence and take steps to preserve it as the incident scene may be altered or compromised due to weather, foot traffic, police activities, etc., destroying or contaminating evidence beyond use or value.

- Anything that can be identified as evidence, and once identified, must be secured, documented, and/or collected.
- Ensure that any evidence in the possession of the involved or venue agency is given to the OII or IIT.
- Determine whether video recordings were made by in-car cameras; body-worn cameras; electronic control weapons; and government, business or private surveillance cameras and that they have been secured as evidence as soon as reasonably possible. IITs will attempt to identify any photos or videos made by civilians and secure as evidence.
- Obtain search warrants for any vehicles, containers, homes, electronic devices, or vehicles as may be necessary.
- Any clothing or other personal items that may have been discarded or removed from subjects or involved officer(s) by medical personnel are located and secured as evidence.
- Clothing worn by the involved officer(s) and subject(s) should be documented and collected if there is an evidentiary need. When an officer's clothing is taken for evidence, the IIT member working with the involved agency liaison will ensure that appropriate replacement clothing is provided to the involved officer.
- If a K9 was deployed as part of the initial incident, the dog and its condition should be documented.
- When firearms or other weapons are taken from an involved officer for evidence the involved agency should be responsible for replacement of those weapons, in accordance with their agency's policies. If the officer's weapon was not under the officer's control or left the officer's possession during the incident, the weapon is considered part of the secured incident scene and should not be moved.
- The IIT commander should consider an inspection of the firearms, ammunition, or other weapon or tool of all witness officers (or other officers who may have been present at the time that force was applied). All discharged weapons should be secured, packaged, and placed in an independent police property room in adherence to that property room's procedures. The objective of the weapons



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inspection is to gather information and document to what extent a weapon was discharged or used, and by whom.

- An IIT member shall inspect and document all law enforcement tools to include lethal and non-lethal weapons carried by the officer at the time of the incident to ensure all discharged firearms are collected and any other weapons are identified and examined.
- To ensure proper community safety and accountability of firearms and Alcohol, Tobacco, Firearms and Explosives (ATF) National Firearms Act (NFA) tracked items, the IIT shall provide a seized items receipt or evidence list of the firearm(s), devices, electronic control tools, and NFA items taken as part of the IIT investigation if requested by the involved agency. Providing the make, model, and serial numbers to the involved agency will provide accountability over the items retrieved from the incident.
- Consider the use of digital incident scene mapping for documenting and reconstructing the scene
- The chain of custody will be documented for each item of evidence.

Interview Considerations

- Obtain statements from subjects and witnesses. Audio and/or video-audio recording is preferred and should be attempted.
- Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement, and case law. Best practices of interview techniques shall be considered.
- Investigators should be aware of and alert for signs that indicate an officer, subject, or other witness may be suffering from psychological trauma. All involved persons will be treated with sensitivity and awareness about acute stress reactions.
- Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene when they arrived to include any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.
- Canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available.

8. In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy. A member of the IIT must attend the autopsy and take all appropriate investigative steps, consistent with other criminal investigations.

9. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete.

10. The involved agency and the venue agency chief or sheriff will be notified of the scene being released.



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11. Once all investigation materials are assembled the complete IIT investigation case file must be presented to the venue agency prosecutor who may ask for additional information, and who will use the case file to make a charging decision.

E. Family Liaison Responsibilities

The family liaison is responsible for identifying, locating, and notifying an appropriate family member of the person against whom deadly force has been used, as soon as possible to ensure that the family:

1. Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors.
 - a. Family notification of a decedent should be done in consultation with the venue coroner or medical examiner.
2. Has a reliable way to communicate directly with the liaison and the IIT.
3. Is kept informed about the investigative process, even when there is nothing new to report.
4. Is provided timely notice of significant developments of the investigation, to include press releases.
5. Has assistance in coordinating with a victim advocate if one is available, especially if requested by the family.

If OII is handling the scene, and if contact can be made within a reasonable amount of time, OII's non-uniformed, non-law-enforcement family liaison should be responsible for filling this role.

F. Tribal Liaison Responsibilities

If the fatal use of force incident involves an enrolled member of a federally recognized Indian tribe ([RCW 10.114.021](#)) the IIT commander will identify an IIT member to serve as the tribal liaison within the first twenty-four hours.

The IIT commander shall ensure that notification to the Governor's Office of Indian Affairs is completed within 24 hours of a fatal use of force incident involving an enrolled member of a [federally recognized Indian tribe](#), in accordance with [RCW 10.114.021](#).

If OII is the investigative team at a scene, they shall abide by their own statutory obligations related to tribal liaison.

G. Administrative Investigation

The administrative investigation is the responsibility of the involved agency. The IIT commander must create and enforce firewalls, which is a process to prevent information sharing between the IIT from the involved agency and train all team members to observe them to ensure no member of the IIT receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.



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H. Record-keeping

1. The IIT commander will determine and coordinate where the original IIT file will be maintained. The original file shall not be maintained at the involved agency. Public disclosure requests may be directed to the agency designated to maintain the original IIT file.
2. All original reports, statements, and other documentation of venue and involved agency employees should be filed and maintained by the venue agency and submitted to the IIT commander immediately upon request.
3. Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members designated by assignment.

I. News Media Considerations

Communication with the media will be handled by a designated member of the IIT. Either a public information officer (PIO) or a media relations officer (MRO) in consultation with the IIT commander.

1. The PIO will affirmatively provide to local media and on official social media accounts, regular updates on the investigation, at least weekly.
2. Neither the involved agency nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.
3. The IIT commander will ensure a proper balance is maintained between the integrity of the investigation and transparency with the public.

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INDEPENDENT
INVESTIGATION OF OFFICER
INVOLVED USE OF DEADLY
FORCE INCIDENT GUIDELINES

Washington State Criminal Justice Training
Commission

Abstract
Required per WAC 139-12-030



Washington State Criminal Justice Training Commission Independent Investigation of Officer Involved Use of Deadly Force Incident Guidelines

I. PURPOSE

The purpose of this document is to provide a basic framework and guidelines for independent criminal investigations into the use of deadly force by a peace officer that results in death, substantial bodily harm, or great bodily harm. [WAC 139-12-030 \(43\)](#) requires the Washington State Criminal Justice Training Commission (WSCJTC) to publish best practices for homicide investigations and update them annually.

~~Agencies should use~~ This document should be used in conjunction with the definitions and independent investigation criteria found in [WAC 139-12](#) to create an Independent Investigations Team (IIT) protocol. The Office of Independent Investigations (OII) was established after the passage of Chapter 318, Laws of 2021 (RCW 43.102, et. seq.) to conduct investigations of serious use of force incidents by Washington state law enforcement agencies. OII protocols and statutory requirements are different from IIT investigation laws and regulations. This best-practices document is for the use and application by IITs which have differing statutory requirements than the OII.

~~The independent investigation will follow the rules of law established by the state and federal constitutions, and statutory and case law that apply to criminal investigations.~~ It is expected that each IIT protocol will reflect both law enforcement and community needs for independent, credible, and transparent investigations. The steps outlined in this document are intended to be a guide, and not an exhaustive collection of best practices. Further, this document is not intended to provide any form of legal advice or direction.

II. DEFINITIONS

Discuss - To talk about (something) with another person or group of people in all forms of communication including, but not limited to, verbal, written, and electronic. ~~talk over.~~

Independent Investigative Team (IIT) - A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two nonlaw enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. An IIT is created when multiple law enforcement agencies enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function, provided it is not the involved agency.

Involved Agency - The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "involved agency."

Involved Agency Liaison - A member of the involved agency who is the local point of contact for the IIT commander to provide access to local resources and facilities, and act as a technical or subject matter experts for the officers, agency, and community they represent.

Involved Officer -- A general authority Washington peace officer, specially commissioned Washington peace officer, or limited authority Washington peace officer, as defined in RCW 10.93.020, whether on or off duty if he or she is exercising his or her authority as a peace officer involved in an ~~serious~~ incident where the use of deadly force results in death, substantial bodily harm, or great bodily harm.

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~~Witness Officer – An officer who witnessed, but did not engage in, the use of force being investigated by the IIT.~~ Witness Officer - An officer who witnessed, but did not engage in, the use of force being investigated by the IIT.

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Office of Independent Investigations (OII) – An office created by the legislature in 2021 which is authorized to conduct investigations of law enforcement use of deadly force cases wholly independent from any law enforcement agency. OII’s authorizing statute, RCW 43.102, et. seq., sets forth the rules and procedures by which OII must abide. Some of those rules are different than those that apply to IIT investigations. This document’s best practices guide OII only where the language specifically refers to OII by name. Reference to IITs does not necessarily bind OII.

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Public Safety Statement - Information obtained by a supervisor at an officer-involved incident using questions intended to determine existing threats to public safety and identify transitory evidence that must be preserved. The scope of this statement is limited to the collection of such critical, fleeting information in the immediate aftermath of the officer-involved incident.

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Specialized Equipment – Any property, device, or apparatus used by a law enforcement agency with unique or specific performance capabilities that may require additional training to operate or extra steps to execute its function(s).

Venue Agency - The law enforcement agency or agencies having jurisdiction where the officer-involved incident occurs. This is very often the involved agency.

Additional applicable definitions are available for review in Washington Administrative Code (WAC) 139-12-020 or relevant RCWs.

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III. PROCEDURES

The following procedures are tailored to address the Initial Incident Response as well as the continuing follow-up investigation after an officer-involved use of deadly force. These general guidelines and principles can be used when investigating any serious incident.

Officer-involved uses of deadly force are dynamic situations. Preservation of life and the safety of all persons on scene are the paramount concerns. It is critical that every involved law enforcement member should recognize the transitory nature of evidence and after first aid has been provided or facilitated, take immediate steps to preserve the scene and evidence.

A. Involved Officers

Officers involved in an incident triggering the use of the OII and an IIT shall take initial steps to render the scene safe, protect the safety of themselves and others, render first aid where necessary, and preserve evidence.

B. Involved and/or Venue Agency Responsibilities

1. The involved agency Chief or Sheriff, or their designee shall immediately notify the OII and IIT of the incident and the need to respond. Activate the IIT and/or Office of Independent Investigations (OII).

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a. The venue agency Chief or Sheriff, or their designee shall immediately notify the OII and IIT of the incident and the need to respond. The notification to the OII and IIT should simultaneously occur. If the OII accepts the investigation, the IIT shall still be notified and respond to the scene of the incident. The involved agency would relinquish control of the scene to the IIT in accordance with RCW 43.102.120 until the OII is on scene or is otherwise provided notice that the OII is taking control of the scene.

b. The IIT protocols should contain steps to notify the IIT leadership, and how the IIT will be deployed. At a minimum the team protocol should designate:

i. which member of the IIT leadership should be the first point of contact for team activation;

ii. who will call the on-scene supervisor to obtain a briefing of the incident;

iii. who will be the IIT commander and/or supervisor;

iv. what personnel and equipment are needed; and

v. how to contact and deploy the necessary IIT members.

2. A brief public safety statement is taken by an involved agency supervisor from the involved officer(s), covering only information necessary to focus initial law enforcement response and direct the preliminary investigation into the officer involved shooting. Statements made to the involved agency supervisor should be extremely brief and limited to information about the crime scene(s) to be protected and any pertinent evidence to be recovered, and identification of any involved persons, as well as witnesses who need to be located and interviewed.

a. The public safety statement can only be administered by the employer of the involved officer. If the public safety statement starts with, "You are being ordered/directed/compelled to answer the following questions..." The involved officer's responses to these questions are considered compelled, and they cannot be considered by the IIT Investigators. If public safety information is obtained voluntarily, it may be used by the IIT.

3. Designate an involved agency liaison to remain available to the OII or IIT. The involved agency liaison shall not be privy to any information regarding the OII or IIT investigation. If OII has incident command, they will make someone available to provide contact authorized by RCW 43.102.

4. Maintain perimeter control of the scene if requested by the OII and/or IIT commander.

5. Give Turn over all evidence in their possession to the OII or IIT.

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a. If a criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer-involved incident either:

i. the IIT commander shall consult with the involved and/or venue agency incident commander to determine which agency should investigate the preceding event, to include pursuing criminal charges related to that event. If mutually agreed upon, the IIT will assume responsibility for the criminal investigation of the preceding event. If not, the IIT will limit its criminal investigation to the officer-involved use of force incident. This can also be addressed in an IIT's protocol.

ii. If the OII assumes command of a scene, the OII will coordinate with the involved agency and regional IIT (or other uninvolved agency investigating the matter) to determine who will investigate the preceding event, to include pursuing criminal charges related to that event. Because of the statutory limitations on IITs and the OII sharing information with the involved agency, in most situations the best practice is for the IIT to assume command of the preceding event(s) investigation while the OII investigates the use of deadly force incident. Nothing statutorily prohibits an IIT and the OII from sharing information about their investigations.

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65. Arrange for Make all documents, reports, and information on the incident to be available to the IIT immediately or as soon as possible thereafter.

76. Allow use of space, resources, and facilities as needed by the OII or IIT.

a. The OII and IIT shall make every effort to utilize other space, resources, and/or facilities during the course of their investigation. There will be cases where a specialized resource is needed that is only available from the involved agency.

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b. If no other option exists, the use of the involved agency space, resources, and facilities by the IIT shall be done in accordance with WAC 139-12-030 (1)(b) which states, "Specialized equipment belonging to the involved agency may not be used by the IIT unless: 1 - no reasonable alternative exists; 2 - the equipment is critical to carrying out the independent investigation; and 3 - the use is approved by the IIT commander. If the equipment is used, the nonlaw enforcement community representatives on the IIT must be notified about: 1 - why it needs to be used; and 2 - the steps taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment."

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C. On-Scene Venue Agency Supervisor Responsibilities

These tasks are done by the venue agency until control of the scene is assumed by the OII or IIT. It is important to note that in the majority of incidents, the involved agency is also the



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venue agency. The on-scene venue agency supervisor shall be responsible for ensuring that standard Incident Command System (ICS) protocols have been implemented. In addition, they shall ensure the following tasks are addressed:

1. The physical condition of the involved officer(s), subject(s), and third parties is assessed, emergency first aid is provided, if necessary, and emergency medical assistance is summoned.
2. Ensure necessary notifications are made, to include initiating the response of the OII or IIT and necessary agency notifications including the involved agency chief or sheriff.
 - ~~3. A brief public safety statement is taken, preferably by a supervisor, from the involved officer(s), covering only information necessary to focus initial law enforcement response and direct the preliminary investigation into the officer involved shooting.~~
4. ~~Establish a~~ An inner perimeter ~~is established~~. Only personnel integral to the incident and/or investigation should be inside this perimeter. The primary focus of the involved agency at this stage is the protection and preservation of evanescent evidence in order to maintain the integrity of the scene until the OII or IIT arrives. The perimeter must be clearly marked and protected.
 - a. Those to remain outside the inner perimeter may include command level personnel not directly involved in the incident.
 - b. Once the OII or IIT is on the scene, officers from the involved agency, including the involved officer, should be outside the ~~inner~~ perimeter unless required by the OII or IIT to be present for interviews.
 - c. The OII or IIT may adjust or add additional perimeters to further restrict areas.
- ~~5. An outer perimeter established which should create boundaries for the public and representatives of the media.~~
 - ~~a. The IIT may adjust or add additional perimeters to further restrict areas.~~
6. Take steps to document and preserve any evanescent evidence.
7. A media staging area is identified and is appropriately staffed if necessary.
8. Establish a command post.
9. Appoint an officer to serve as a "recorder," with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene.
10. Photographs are taken as soon as possible of the involved officer(s) and subject(s) as they appear at the scene, to include any injuries or lack of injuries. These photos will best capture their condition immediately after the incident and before IIT personnel can arrive.

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11. ~~Any involved officer, other witness officer, or other officers shall not discuss the details of the case with any other the involved officer, or other witness officers, other officer, and/or any other witnesses until the OII or IIT has completed their interviews with those officers. Until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses.~~
12. Involved officer(s) are separated and removed from the immediate scene and assigned a support officer to ensure the physical needs of the involved officer(s) are met. Any statement made to a support officer may be discoverable.
13. All potential witnesses are identified and separated and asked to remain on hand to provide a statement. If witnesses wish to leave and there is no legal authority to detain them, officers should obtain their contact information for future communications.
14. If an involved officer is transported to the hospital, someone, such as a support officer ~~or peer support personnel~~, accompanies or meets them there. Any communication that the accompanying officer has with the involved officer may be discoverable and used by the IIT or OII. Per RCW 5.60.060 (6)(a) (6)(a) A peer support group counselor shall not, without consent of the peer support group client making the communication, be compelled to testify about any communication made to the counselor by the peer support group client while receiving counseling. The counselor must be designated as such by the agency employing the peer support group client prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding first responder, department of corrections staff person, or jail staff person; a witness; or a party to the incident which prompted the delivery of peer support group counseling services to the peer support group client.
15. Brief the arriving members of the OII or IIT on the above issues and ensure no compelled or protected statements are shared with members of the OII or IIT.
16. Turn over control of the scene to the OII or IIT cCommander, or designee, upon their his/her arrival.
17. Immediately upon completion of the medical examiner's work, the remains will be released to the impacted family unless legal justification may be provided such as a court order.

D. Independent Investigation Team Responsibilities:

The IIT cCommander, lead investigator, or their designee shall do the following:

1. ~~1.~~ Respond as quickly to the scene as resources and geography allow.
 - a. If the IIT arrives at the scene prior to the OII, they shall proceed with the investigation consistent with their policies, protocols, and these best practices.

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- b. The IIT investigation should continue uninterrupted unless and until the OII arrives on scene and assumes control of the scene. At that time, the IIT commander should hand over control of the scene to the OII lead investigator. A briefing should simultaneously occur. Any ongoing interviews, evidence collection/processing, or other investigative actions should be handed over in a way that does not interrupt or delay the investigation.
2. Assume command of the scene from the on-scene involved agency supervisor.
3. Receive a briefing from the involved agency liaison and/or the on-scene supervisor.
4. The IIT cCommander will ensure a cConflict of interest (COI) form is completed to identify and manage any conflicts of interest between the involved officer(s), the involved and their agency, and any IIT members. This should be done as soon as possible and no more than 72 hours later as the non-law enforcement community representative will review COI forms no later than 72 hours after the investigation begins. If a conflict of interest exists, the conflicted person shall be removed from the specific investigation entirely.
 - If someone joins the independent investigation after the 72-hour deadline for COI forms to be reviewed, this individual must complete their COI form within 72 hours after joining the investigation.
5. The IIT cCommander will meet with the IIT non-law enforcement community representative and review the COI forms within 72 hours of the commencement of the investigation.
6. The IIT commander will identify an IIT member to serve as the family liaison as soon as feasibly possible, who is responsible for identifying, locating, and notifying an appropriate family member, even if the family member(s) live out of the area. Identify an IIT member to serve as the Family Liaison and if a tribal member is a victim, identify a Tribal Liaison. If the individual who was significantly injured or died in an officer-involved use of force was a tribal member, the IIT commander will identify an IIT member to serve as the tribal liaison within the first 24 hours and will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.
7. Identify a non-involved member agency where all evidence will be stored and coordinate with the involved agency to determine responsibility for storage and handling of extraordinary items such as vehicles, HAZMAT materials, etc.

Evidence Considerations:

Recognize the transitory nature of some types of evidence and take steps to preserve it as the incident scene may be altered or compromised due to weather, foot traffic, police activities, etc., destroying or contaminating evidence beyond use or value.

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- Anything that can be identified as evidence, and once identified, must be secured, documented, and/or collected.
- ~~Ensure that items of potential evidentiary value are identified, documented, protected and collected.~~
- Ensure that any evidence in the possession of the ~~i~~involved or ~~v~~venue agency is ~~t~~urned ~~o~~ver ~~g~~iven to the OII or IIT.
- Determine whether video recordings were made by in-car cameras; body-worn cameras; electronic control weapons; and government, business or private surveillance cameras and that they have been secured as evidence as soon as reasonably possible. IITs will attempt to identify any photos or videos made by civilians and secure as evidence.
- Obtain search warrants for any vehicles, containers, homes, electronic devices, or vehicles as may be necessary.
- Any clothing or other personal items that may have been discarded or removed from subjects or involved officer(s) by medical personnel are located and secured as evidence.
- Clothing worn by the involved officer(s) and subject(s) should be documented and collected if there is an evidentiary need as evidence. When an officer's clothing is taken for evidence, the IIT member working with the involved agency liaison will ensure that appropriate replacement clothing is provided to the involved officer.
- If a K9 was deployed as part of the initial incident, the dog and its condition should be documented.
- When firearms or other weapons are taken from an involved officer for evidence the involved agency should be responsible for replacement of those weapons, in accordance with their agency's policies. If the officer's weapon was not under the officer's control or left the officer's possession during the incident, the weapon is considered part of the secured incident scene and should not be moved.
- The IIT commander should consider an inspection of the firearms, ammunition, or other weapon or tool of all witness officers (or other officers who may have been present at the time that force was applied). All discharged weapons should be secured, packaged, and placed in an independent police property room in adherence to that property room's procedures. The objective of the weapons inspection is to gather information and document to what extent a weapon was discharged or used, and by whom.
- An IIT member shall inspect and document all law enforcement tools to include lethal and non-lethal weapons carried by the officer at the time of the incident to ensure all discharged firearms are collected and any other weapons are identified and examined.
- To ensure proper community safety and accountability of firearms and Alcohol, Tobacco, Firearms and Explosives (ATF) National Firearms Act (NFA) tracked items, the IIT shall provide a seized items receipt or evidence list of the



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firearm(s), devices, electronic control tools, and NFA items taken as part of the IIT investigation if requested by the involved agency. Providing the make, model, and serial numbers to the involved agency will provide accountability over the items retrieved from the incident.

- Consider the use of digital incident scene mapping for documenting and reconstructing the scene
- The chain of custody will be documented for each item of evidence.

If a criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer involved incident:

- ~~The IIT Commander and Venue Agency incident commander shall consult and determine which agency should investigate the preceding event, to include pursuing criminal charges related to the event.~~
- ~~If mutually agreed, the IIT will assume responsibility for the criminal investigation of the preceding event. If not, the IIT will limit its criminal investigation to the officer involved use of force incident.~~

Interview Considerations:

- Obtain statements from subjects and witnesses. Audio and/or video-audio recording is preferred and should be attempted.
 - Interviews of ~~i~~nvolvement ~~o~~fficers should follow the policies of their individual agency, collective bargaining agreement, and case law. Best practices of interview techniques shall be considered.
 - Investigators should be aware of and alert for signs that indicate an officer, subject, or other witness may be suffering from psychological trauma. All involved persons will be treated with sensitivity and awareness about acute stress reactions.
 - Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions at the incident scene when they arrived to include any action that may have been taken to move or otherwise alter persons or objects of potential evidentiary value.
 - Canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available.
8. In the event of death, consult with the coroner or medical examiner at the scene and at, or subsequent to, the autopsy. A member of the IIT must attend the autopsy and take all appropriate investigative steps, consistent with other criminal investigations.
9. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete.
10. The involved agency and the venue agency ~~c~~Chief or ~~s~~Sheriff will be notified of the scene being released.



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11. Once all investigation materials are assembled the ~~HT~~-complete ~~IIT~~ investigation case file must be presented to the venue agency prosecutor who may ask for additional information, and who will use the case file to make a charging decision.

E. Family Liaison Responsibilities:

The family liaison is responsible for identifying, locating, and notifying an appropriate family member of the person against whom deadly force has been used, as soon as possible to ensure that the family:

1. Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors.
 - a. Family notification of a decedent should be done in consultation with the venue coroner or medical examiner.
2. Has a reliable way to communicate directly with the liaison and the IIT.
3. Is kept informed about the investigative process, even when there is nothing new to report.
4. Is ~~given-provided~~ timely notice of significant developments of the investigation, to include press releases.
5. Has assistance in ~~C~~oordinating with a victim advocate if one is available, especially if requested by the family.

If OII is handling the scene, and if contact can be made within a reasonable amount of time, OII's non-uniformed, non-law-enforcement family liaison should be responsible for filling this role.

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F. Tribal Liaison Responsibilities:

If the fatal use of force incident involves an enrolled member of a ~~f~~ederally ~~r~~ecognized Indian ~~t~~ribe (RCW 10.114.021) the IIT ~~c~~ommander will identify an IIT member to serve as the tribal liaison within the first twenty-four hours.

The IIT commander shall ensure that notification ~~o~~fto the Governor's Office of Indian Affairs is completed within 24 hours of a fatal use of force incident involving an enrolled member of a federally recognized Indian tribe, in accordance with RCW 10.114.021.

If OII is the investigative team at a scene, they shall abide by their own statutory obligations related to tribal liaison.

The tribal liaison will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.

The IIT Commander will also ensure that the Governor's Office of Indian Affairs (GOIA) is notified within 24 hours.

G. Administrative Investigation



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The administrative investigation is the responsibility of the involved agency. ~~Procedurally, the administrative investigation can access the facts and circumstances discovered during the criminal investigation, however the criminal investigation must be firewall protected from information revealed during the administrative investigation. The criminal investigation must be firewall protected from information revealed during the administrative investigation. The IIT commander must create and enforce firewalls, which is a process to prevent information sharing between the IIT from the involved agency and train all team members to observe them to ensure no member of the IIT receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.~~

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~~2. Any action to relieve the involved or witness officers from duty will be the responsibility of the involved agency's Chief or Sheriff, or their designee.~~

H. Record-keeping:

1. The IIT ~~commander~~ will determine and coordinate where the original IIT file will be maintained. ~~The original file shall not be maintained at the involved agency. Public disclosure requests may be directed to the agency designated to maintain the original IIT file.~~
2. All original reports, statements, and other documentation of venue and involved agency employees should be filed and maintained by the venue agency and submitted to the IIT ~~commander~~ in a ~~timely manner immediately upon request.~~
3. Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members ~~involved designated by assignment.~~

I. News Media Considerations:

Communication with the media will be handled by a designated member of the IIT. Either a ~~Public Information Officer (PIO) or a Media Relations Officer (MRO) in consultation with the IIT commander.~~

1. The PIO will affirmatively provide to local media, and on official social media accounts, regular updates on the investigation, at least weekly.
2. Neither the ~~involved agency~~ nor the IIT will provide the media with criminal background information of the person against whom deadly force has been used, unless it is specifically requested, and release of the information is required by the Public Records Act or other applicable laws.
3. The IIT ~~commander and Involved Agency Chief or Sheriff~~ will ~~work to~~ ensure a proper balance is maintained between the integrity of the investigation and transparency with the public.

DEFINITIONS: For definitions of other terms refer to ~~Error! Hyperlink reference not valid.~~



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~~**Involved Officer(s):** Unless otherwise indicated, those peace officers in on-duty or off-duty status who are involved in a serious incident or are direct witnesses to such an event.~~

~~**Venue Agency:** The Agency within whose geographical jurisdiction the officer involved incident happens.~~

~~**Independent Investigation Team:** A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. Multiple law enforcement agencies may enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function for an involved agency, provided it is not the involved agency.~~

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