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](https://apps.leg.wa.gov/wac/default.aspx?cite=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](https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030) 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.

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.

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.

* 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.
* 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:**

If the fatal use of force incident involves an enrolled member of a Federally Recognized Indian Tribe ([RCW 10.114.021](https://app.leg.wa.gov/RCW/default.aspx?cite=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.

**DEFINITIONS**: For definitions of other terms refer to [WAC 139-12-020](https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-020&pdf=true)

**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.