

IIT BEST PRACTICES ANNUAL REVIEW

Summary and Comparison | 2022-2023

Contact

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1. Background and Authority

Initiative Measure No. 940 (I-940) was filed in 2017 as an Initiative to the Legislature and was eventually approved by Washington voters in the November 2018 general election. Chapter 4, Laws of 2019 (SHB 1064) was passed by the Legislature during the 2019 Legislative Session which amended certain provisions of I-940. The act added a new section to Revised Code of Washington (RCW) 10.114 requiring that where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm an independent investigation must be completed to inform any determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws and policies. The Washington State Criminal Justice Training Commission (WSCJTC) was directed to adopt rules necessary for carrying out the requirements of the legislation which subsequently created chapter 139-12 Washington Administrative Code (WAC) Law Enforcement Training and Community Safety Act—Independent Investigations Criteria (LETCSA).

WAC 139-12-030(4)(b) requires that an independent investigation follow accepted best practices for homicide investigations (best practices) published and annually updated by the WSCJTC. The Commission adopted the original best practices at their regularly scheduled meeting in September 2020. This document provides information about the first annual review of the best practices including a comparison of the original best practices to the current best practices.

A core focus of I-940, and of those who contributed to its success, is improving community engagement with the goal of increasing public trust between law enforcement and the communities they serve. WSCJTC staff elected to meet with a group of both law enforcement and non-law enforcement stakeholders to provide input during the first annual review to maintain the spirit of the legislation.

Unlike negotiated rulemaking, reaching a consensus was not required; all input was heard and considered. The scope of the review group was to assist WSCJTC staff in reviewing the best practices to ensure that it aligns with statutory requirements, and is up-to-date, consistent, and effective.

The full review process was multifaceted and involved WSCJTC staff meeting with a variety of stakeholders, incorporating Commissioner requests, and facilitating an ad hoc group of Commissioners to discuss a specific section of the best practices. Representatives from the following organizations provided input to WSCJTC staff during the review process:

Black Community Lobby	Tri-Cities Special Investigations Unit
Federal Way Multi-Service Center	Washington Association of Criminal Defense Lawyers
North Central Washington Special Investigations Unit	Washington Coalition of Police Accountability
Office of Independent Investigations	Washington Defender Association
Pierce County Force Investigation Team	Washington State Patrol
Skagit County Multiple Agency Response Team	Yakima Valley Special Investigations Unit

Due to the complex nature of the best practices, the first review period continued into 2023 and eventually concluded when Commissioners approved the proposed edits at the September 13, 2023, Commission meeting.

2. 2022-23 Annual Review – Completed Actions

WSCJTC staff hosted and attended several meetings throughout this review period. Additionally, the best practices updates were discussed at multiple Commission meetings. An ad hoc committee, consisting of a smaller group of Commissioners, was established to discuss interview considerations for the IITs. The meetings convened during the review period are outlined below and have been separated into three categories:

- stakeholder input;
- Commission meetings; and
- IIT leadership meetings.

Stakeholder input meetings:

- May 17, 2022 – This was the first IIT best practices review group meeting with both law enforcement and non-law enforcement stakeholders.
- July 13, 2022 – The second IIT best practices review group met with WSCJTC staff, and the group consisted of the same law enforcement and non-law enforcement stakeholders from the previous meeting.
- September 15, 2022 – WSCJTC staff had two separate meetings with the Office of Independent Investigations (OII) and Washington State Patrol on this date.
- September 19, 2022 – WSCJTC staff met with a non-law enforcement community group.
- October 10, 2022 – WSCJTC staff met with OII staff.
- June 12, 2023 – WSCJTC staff met with OII staff.
- August 8, 2023 – WSCJTC staff met with OII staff and IIT representatives.

Commission meetings where the best practices were discussed (including ad hoc subcommittee meetings):

- September 14, 2022 – The best practices edits were scheduled to be reviewed at this meeting. However, the Commission ran out of time due to discussing other agenda items, so a special meeting was scheduled for October.
- October 19, 2022 – The first round of edits to the best practices were presented to the Commissioners. Several comments, questions, and additions were made throughout the meeting.
- December 14, 2022 – Further discussion regarding Commissioner input occurred at this meeting. An ad hoc subcommittee was established to prepare language on a Commissioner's request regarding interview considerations for the IIT.
- January 9, 2023 – WSCJTC staff met with the Commission ad hoc subcommittee to discuss interview considerations for the IIT.
- March 8, 2023 – The best practices updates were scheduled to be reviewed at this meeting. However, the Commission postponed this discussion to the next regularly scheduled meeting.
- May 11, 2023 – WSCJTC staff met with the Commission ad hoc subcommittee to discuss language for the interview considerations.

- June 14, 2023 – The best practices were scheduled for the Commission meeting. However, WSCJTC staff received last-minute input from stakeholders, and the final review and adoption were postponed.
- September 13, 2023 – The Commissioners voted and adopted all proposed edits. The Commission established a permanent ad hoc subcommittee that will participate in the annual review.

IIT leadership meetings where updates were provided:

- March 31, 2022 – WSCJTC staff met with various IIT leaders to provide updates and solicit members for the best practices review group.
- November 3, 2022 – WSCJTC staff shared a status update regarding the best practices review with IIT leadership.
- June 27, 2023 – WSCJTC staff expected the Commission to have held their final vote of adoption for the proposed edits to the best practices at their June Commission meeting. However, due to last-minute stakeholder input, it did not occur. Instead, WSCJTC staff provided a status update to the IIT leadership and solicited representatives for a final stakeholder meeting during this review period.

3. Differences Between the Documents

The differences between the original best practices (September 2020) and the current best practices (September 2023) are outlined below.

I. Purpose

The first paragraph of the purpose statement in the current best practices is almost the same as the original best practices, except for one minor correction regarding the reference to the WAC requirement. The second paragraph in the original best practices was removed and replaced with the following language (on page 1 in the current best practices):

“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

The definitions section was at the end of the document in the initial best practices. In the current best practices, the definitions section was moved, and the definitions are now on pages 2-3. Several definitions were added including:

- Discuss
- Involved agency
- Involved agency liaison
- Office of Independent Investigations
- Public safety statement
- Witness officer

The new definitions were added because of a variety of factors such as stakeholder input and ensuring the document matches statute changes.

The definition of “involved officer” was modified to align with RCW 43.102.010 within the authorizing statute for independent investigation teams. Minor style edits were made to the definitions of “independent investigation team” and “venue agency”, however, the meaning of the terms did not change.

III. Procedures

Several modifications were made throughout the procedures section, and they are outlined below. If additional information or context is required, it is provided in *italics* or in a separate shaded row. All language from the procedures section is provided and compared in the tables below. There are instances of language being added or removed from one version of the best practices and there may not be language in the other version to compare.

A. Involved Officers

Original Best Practices	Current Best Practices
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.	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. Communications on scene between involved officer(s) and other witnesses should be limited to statements made for immediate operational and/or safety needs. There should be no additional communication about the incident until all interviews have been completed by OII or the IIT or statements have been provided thereto.

B. Involved Agency Responsibilities

Original Best Practices	Current Best Practices
<p>1. Activate the IIT.</p> <p>a. The venue agency Chief or Sheriff, or their designee shall immediately notify the IIT of the incident and the need to respond.</p>	<p>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.</p> <p>a. The OII receives the initial notification of the incident and the need to respond in accordance with RCW 43.102.120. If the OII accepts the investigation, the IIT shall still be notified of the incident in accordance with WAC 139-12-030(1)(b).</p> <p>b. The IIT protocols should contain steps to notify the IIT leadership, and how the IIT will be deployed.</p>
<p><i>The public safety statement was in the on scene venue agency supervisor responsibilities section in the original best practices. Since this is only completed by the involved officer's supervisor, it was moved to the involved agency section. The language in the left column (from the on scene venue agency supervisor responsibilities section) is provided for comparison purposes.</i></p>	
<p>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.</p>	<p>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. Public safety 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.</p> <p>a. The public safety statement can only be administered by the employer of the involved officer. A public safety statement may be a compelled statement. Prior to disclosing the contents of a public safety statement to OII or the IIT, the involved agency shall describe the context, including whether the involved officer was told he or she was being ordered/ directed/ compelled to answer any questions. If public safety information is obtained voluntarily, it may be used by the OII or IIT.</p>

2. Designate a Liaison to remain available to 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.
3. Maintain perimeter control of the scene if requested by the IIT commander.	4. Maintain perimeter control of the scene if requested by the OII and/or IIT commander.
4. Turn over all evidence in their possession to the IIT	5. Provide evidence as requested to the OII or IIT as lawfully and legally required.
<i>The preceding criminal event was a standalone subsection within the independent investigation team responsibilities in the original best practices. The language from that section is provided in the left column for comparison purposes.</i>	
<p>If criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer-involved incident:</p> <ul style="list-style-type: none"> • 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. 	<p>a. If a criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer-involved use of force incident, the IIT commander and the OII (when applicable) should coordinate with the involved and/or venue agency to determine which agency will 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 may be addressed in an IIT's protocol.</p> <p>i. The OII and/or IIT have priority access to all evidence related to the investigation. The OII or IIT chain of command shall make the determination if the evidence relates to the independent investigation. The agency identified to investigate the preceding crime(s) may have access to relevant evidence for the purposes of preserving community safety and making custodial decisions/actions as necessary and required by law. If the evidence in question relates to an incident of the use of deadly force by a peace officer, then there shall be no sharing of that evidence with the involved agency.</p>
5. Arrange for all documents, reports, and	6. Make all documents, reports, and

information on the incident to be available to the IIT immediately or as soon as possible.	information on the incident to be available to the OII or IIT immediately or as soon as possible thereafter.
6. Allow use of space, resources, and facilities as needed by the IIT.	<p>7. Allow use of space, resources, and facilities as needed by the OII or IIT.</p> <p>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.</p> <p>b. If no other option exists, the use of the involved agency resources by the IIT shall be done in accordance with WAC 13912-030 (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."</p>

C. On Scene Venue Agency Supervisor Responsibilities

Original Best Practices	Current Best Practices
<p>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:</p>	<p>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:</p>
<p>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</p>	<p>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</p>

is summoned.	is summoned. <i>(No change)</i>
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.	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.
<p><i>The public safety statement was in the on scene venue agency supervisor responsibilities section in the original best practices. Since this is only completed by the involved officer's supervisor, it was moved to the involved agency section in the current best practices. The language from that section is provided in the left column for reference only.</i></p>	
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.	<i>(Refer to number two in the involved agency responsibilities section above to view the current language.)</i>
<p><i>Numbers four and five from the original best practices were combined in the current best practices. The numbering will be off by two when comparing the versions of the documents for this section.</i></p>	
<p>4. An inner perimeter is established. Only personnel integral to the incident and/or investigation should be inside this perimeter.</p> <p>a. Those to remain outside may include command level personnel not directly involved in the incident.</p> <p>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.</p> <p>5. An outer perimeter established which should create boundaries for the public and representatives of the media.</p> <p>a. The IIT may adjust or add additional perimeters to further restrict areas.</p>	<p>3. Establish a perimeter. Only personnel integral to the incident and/or investigation should be inside this perimeter. The primary focus of the on-scene venue 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.</p> <p>a. Those to remain outside the perimeter may include command level personnel not directly involved in the incident.</p> <p>b. Involved officers should be removed from direct involvement in the critical incident and scene as soon as safely possible. If officers are transported to a secure location prior to OII/IIT arrival they should be individually transported by uninvolved personnel to a location where officers can be kept separated until OII/IIT can conduct interviews.</p> <p>c. The OII or IIT may adjust or add additional perimeters to further restrict areas.</p>
6. Take steps to document and preserve any evanescent evidence.	4. Take steps to document and preserve any evanescent evidence. <i>(No change)</i>
7. A media staging area is identified and is appropriately staffed.	5. A media staging area is identified and is

	appropriately staffed if necessary.
<p>8. Establish a command post.</p> <p>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.</p>	<p>6. Establish a command post. <i>(No change)</i></p> <p>7. 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. <i>(No change)</i></p>
<p>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.</p>	<p>8. 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. After initial photographs are taken, any fluid (blood or other bodily matter) should be swabbed and collected as evidence if it is on the skin, face, or hair, of the officer. At that point, the officer should be allowed to wash the contamination from their skin and change into clean clothing. Soiled uniforms should not be cleaned however and should be collected as evidence.</p>
<p>11. Until all statements have been taken, involved and witness officers shall not discuss the case with any other witnesses.</p>	<p>9. 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, other officer, or any other witness until the OII or IIT has completed their interviews. This includes any communication or interviews conducted both on and off the scene and any law enforcement entity associated with the specific investigation other than communications protected by RCW.</p>
<p>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.</p>	<p>10. 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. The support officer identified in this step is not the same as the peer support group counselor as defined in RCW 5.60.060.</p>
<p>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</p>	<p>11. 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</p>

for future communications.	for future communications. <i>(No change)</i>
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.	12. 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 IIT on the above issues.	13. 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. This should include but is not limited to, consideration of compelled statements that may be contained on body-worn video, in public safety statements, and in personnel files.
16. Turn over control of the scene to the IIT Commander, or designee, upon his/her arrival.	14. Turn over control of the scene to the OII or IIT commander, or designee, upon their arrival.
<i>Language was added regarding access of remains for the impacted family to the current best practices.</i>	
<i>(There is no language in the original best practices to compare.)</i>	15. 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

Original Best Practices	Current Best Practices
1. Respond as quickly to the scene as resources and geography allow.	<p>1. Respond as quickly to the scene as resources and geography allow.</p> <p>a. If notified that the incident is also within the jurisdiction of OII, communicate with the OII regional supervisor or designee to coordinate responses.</p> <p>b. If the IIT arrives at the scene prior to the OII, or if the OII declines to respond, they shall proceed with the investigation consistent with their policies, protocols, and these best practices.</p> <p>c. 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</p>

	<p>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.</p> <p>d. The IIT may continue to engage in the investigation at the scene if requested to do so by OII. The IIT's involvement is limited to activities requested by OII.</p>
2. Assume command of the scene from the on-scene supervisor.	2. Assume command of the scene from the on-scene involved agency supervisor.
3. Receive a briefing from the on-scene supervisor.	3. Receive a briefing from the involved agency liaison and/or the on-scene supervisor.
<p><i>The notification to the Governor's Office of Indian Affairs was moved to the IIT responsibilities section in the current best practices. In the original best practices, this notification was in the tribal liaison responsibilities. The language from that section is provided in the left column for comparison purposes and the numbering will be off by one.</i></p>	
<p>The tribal liaison will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.</p> <p>The IIT Commander will also ensure that the Governor's Office of Indian Affairs (GOIA) is notified within 24 hours.</p>	4. The IIT commander shall ensure that notification to the Governor's Office of Indian Affairs is completed within a reasonable period of time, but not more than 24-hours after they have good reason to believe the deceased person was an enrolled member of a federally recognized tribe, in accordance with RCW10.114.021.
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.	<p>5. 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 nonlaw enforcement community representative will review COI forms no later than 72 hours after the investigation begins.</p> <p>a. If someone joins the independent investigation after the initial 72-hour deadline, this individual must complete their COI form as soon as possible and no later than 72 hours after joining the investigation.</p>
5. The IIT Commander will meet with the IIT Non-Law Enforcement Community Representative and review the COI forms.	6. The IIT commander will meet with the IIT nonlaw enforcement community representative and review the COI forms within 72 hours of the commencement of the investigation. If the

	<p>IIT commander and the nonlaw enforcement community representative(s) determine that a conflict exists, the conflicted person shall be removed from the specific investigation entirely.</p>
<p><i>Language was added regarding additional background check steps to be completed by the IIT commander. The numbering will be off by two when comparing the versions of the documents in this section.</i></p>	
<p><i>(There is no language in the original best practices to compare.)</i></p>	<p>7. The IIT commander, no later than 72 hours after the investigation begins, shall determine whether each member of the IIT is free from sustained misconduct or free from a personal history of bias or discrimination. The IIT commander shall remove any member so affected and shall verify in the investigation file that these steps have been taken. During the IIT's annual training an audit shall occur regarding any sustained misconduct on IIT members. Any sustained misconduct found for an IIT member will result in immediate removal from the IIT. Any misconduct that occurs between this annual review shall be immediately reported by the agency head or designee to the IIT commander.</p>
<p>6. Identify an IIT member to serve as the Family Liaison and if a tribal member is a victim, identify a Tribal Liaison.</p>	<p>8. 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 liaison within the first 24 hours of tribal enrolment identification and will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.</p>
<p>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.</p>	<p>9. Identify an uninvolved 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. <i>(No change)</i></p>

Evidence Considerations

Original Best Practices	Current Best Practices
<ul style="list-style-type: none"> • Ensure that items of potential evidentiary value are identified, documented, protected and collected. 	<ul style="list-style-type: none"> • Anything that can be identified as evidence, and once identified, must be secured, documented, and/or collected.
<ul style="list-style-type: none"> • Ensure that any evidence in the possession of the Involved or Venue agency is turned over to the IIT. 	<ul style="list-style-type: none"> • Ensure that any evidence in the possession of the involved or venue agency is given to the OII or IIT.
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • Obtain search warrants for any vehicles, containers, homes, electronic devices, or vehicles as may be necessary. 	<ul style="list-style-type: none"> • Obtain search warrants for any vehicles, containers, homes, electronic devices, or vehicles as may be necessary. <i>(No change)</i>
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. <i>(No change)</i>
<ul style="list-style-type: none"> • Clothing worn by the involved officer(s) and subject(s) should be documented and collected as evidence. 	<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • If a K9 was deployed as part of the initial incident, the dog and its condition should be documented. 	<ul style="list-style-type: none"> • If a K9 was deployed as part of the initial incident, the dog and its condition should be documented. <i>(No change)</i>
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
<i>The language regarding an inspection of firearms, ammunition, or other weapon or tool is a new addition to the current best practices.</i>	
<i>(There is no language in the original best practices to compare.)</i>	<ul style="list-style-type: none"> 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) taken from the involved agency. 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.
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> An IIT member shall consider an inspection (and documentation) of all law enforcement tools to include lethal and nonlethal 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.
<i>The language regarding community safety and accountability of firearms is a new addition to the current best practices.</i>	
<i>(There is no language in the original best practices to compare.)</i>	<ul style="list-style-type: none"> 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 from the involved agency 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.
<ul style="list-style-type: none"> Consider the use of digital incident scene mapping for documenting and reconstructing the scene 	<ul style="list-style-type: none"> Consider the use of digital incident scene mapping for documenting and reconstructing the scene. <i>(No change)</i>
<ul style="list-style-type: none"> The chain of custody will be documented for each item of evidence. 	<ul style="list-style-type: none"> The chain of custody will be documented for each item of evidence. <i>(No change)</i>

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

Original Best Practices	Current Best Practices
<ul style="list-style-type: none"> • 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. 	<p><i>(Refer to number five in the involved agency responsibilities section above to view the current language.)</i></p>

Interview Considerations

Original Best Practices	Current Best Practices
<ul style="list-style-type: none"> • Obtain statements from subjects and witnesses. Audio and/or video-audio recording is preferred and should be attempted. 	<ul style="list-style-type: none"> • Obtain statements from subjects and witnesses. Audio and/or video-audio recording is preferred and should be attempted. <i>(No change)</i>
<ul style="list-style-type: none"> • Interviews of Involved Officers should follow the policies of their individual agency, collective bargaining agreement, and case law. 	<ul style="list-style-type: none"> • Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement, and case law. <i>(No change)</i>
<p><i>The language regarding interview goals is a new addition to the current best practices.</i></p>	
<p><i>(There is no language in the original best practices to compare.)</i></p>	<ul style="list-style-type: none"> • Interviews shall have the goal of allowing and encouraging full cooperation from the involved officer, full accounting for what occurred, and adherence to state law, best practices and agency policy. Interviewers shall rely on training, experience, industry standards and challenging questions with the goal of determining the truth.
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. <i>(No change)</i>
<ul style="list-style-type: none"> • Interviews with emergency medical personnel, fire department personnel, and first responding officers should address conditions 	<ul style="list-style-type: none"> • 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.	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. <i>(No change)</i>
• Canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available.	• Canvass the immediate area for potential witnesses who have not come forward and obtain information or statements as available. <i>(No change)</i>

D. Independent Investigation Team Responsibilities (continued)

Original Best Practices	Current Best Practices
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.	10. 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. <i>(No change)</i>
9. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete.	11. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete. <i>(No change)</i>
10. The involved agency and the venue agency Chief or Sheriff will be notified of the scene being released.	12. The involved agency and the venue agency chief or sheriff will be notified of the scene being released. <i>(No change)</i>
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.	13. 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. <i>(No change)</i>

E. Family Liaison Responsibilities

Original Best Practices	Current Best Practices
<p><i>There are no significant changes to most of the family liaison responsibilities except for a few minor edits. The numbering in this section was also changed to a list with bullet points in the current best practices.</i></p>	
<p>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:</p> <ol style="list-style-type: none"> 1. Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors. <ol style="list-style-type: none"> 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. 	<p>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:</p> <ul style="list-style-type: none"> • Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors. <ul style="list-style-type: none"> o Family notification of a decedent should be done in consultation with the venue coroner or medical examiner. • Has a reliable way to communicate directly with the liaison and the IIT. • Is kept informed about the investigative process, even when there is nothing new to report. • Is provided timely notice of significant developments of the investigation, to include press releases.
<p>5. Coordinate with a victim advocate if one is available.</p>	<ul style="list-style-type: none"> • Has assistance in coordinating with a victim advocate if one is available, especially if requested by the family.
<p><i>The language regarding access to the remains of the deceased individual and the OII liaison are new additions to the current best practices.</i></p>	
<p><i>(There is no language in the original best practices to compare.)</i></p>	<ul style="list-style-type: none"> • If requested, the IIT family liaison may assist the impacted family with any communication and/or access to the remains of the deceased individual that is within their statutory authority.
<p><i>(There is no language in the original best practices to compare.)</i></p>	<p>If OII is handling the scene, and if contact can be made within a reasonable amount of time, OII's nonuniformed, nonlaw-enforcement family liaison should be responsible for filling this role.</p>

F. Tribal Liaison Responsibilities

Original Best Practices	Current Best Practices
<p>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.</p>	<p>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.</p>
<p>The tribal liaison will keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.</p> <p>The IIT Commander will also ensure that the Governor's Office of Indian Affairs (GOIA) is notified within 24 hours.</p>	<p><i>(This language was moved to the IIT responsibilities section in the current best practices; see number four. There is no language in the current best practices to compare in this section.)</i></p>

G. Administrative Investigations

Original Best Practices	Current Best Practices
<p>The administrative investigation is the responsibility of the involved agency.</p>	<p>The administrative investigation is the responsibility of the involved agency. <i>(No changes)</i></p>
<p>1. The criminal investigation must be firewall protected from information revealed during the administrative investigation.</p>	<p>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.</p>
<p>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.</p>	<p><i>(This was removed from the current best practices and there is no language in this section to compare.)</i></p>

H. Record Keeping

Original Best Practices	Current Best Practices
<p>1. The IIT Commander will determine and coordinate where the original IIT file will be maintained.</p>	<p>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</p>

	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.	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 involved.	3. Until the case file is delivered to the prosecutor, access to the IIT case file should be restricted to the IIT members and support staff designated by assignment.

I. News Media Considerations

Original Best Practices	Current Best Practices
<i>This news media considerations section has almost no changes except for number three.</i>	
<p>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.</p> <p>1. The PIO will affirmatively provide to local media, and on official social media accounts, regular updates on the investigation, at least weekly.</p> <p>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.</p>	<p>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.</p> <p>1. The PIO will affirmatively provide to local media and on official social media accounts, regular updates on the investigation, at least weekly.</p> <p>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. <i>(No changes)</i></p>
<p>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.</p>	<p>3. The IIT commander will ensure a proper balance is maintained between the integrity of the investigation and transparency with the public.</p>

4. Next Steps

The Commission met on September 13, 2023, and approved all proposed edits from this first review period. On October 18, 2023, WSCJTC staff sent out an updated version of the best practices that incorporated a typographic correction in the interview considerations for the IIT responsibilities section.

When the Commission adopted the best practices, an indefinite ad hoc subcommittee of Commissioners was established to participate in the annual review. At the time of creating this comparison document, this process was not established. The best practices will be reviewed and updated on an annual basis as required in WAC 139-12.