



Washington State

Criminal Justice Training Commission

Location: WSCJTC Auditorium - Burien, WA

September 13, 2023 – 10 a.m.

- Welcome *Chair Quinn*
- Roll Call *Renee Berry*
- Chair's Report *Chair Quinn*
- Director's Report *Executive Director Alexander*
 - Certification Report *Mike Devine*
- Old Business *Chair Quinn*
 - Medical Examiner WACs *Jennifer Pendray/Derek Zable*
 - Public Comment
 - IIT Best Practices *Commissioner Scairpon/
Alex Buijs*
- New Business *Chair Quinn*
 - Meeting Minutes (June 2023)
 - Canine Evaluator Application *Valerie Jenkins-Weaver*
 - Limited Authority WACs *Valerie Jenkins-Weaver/
Lacey Ledford*
 - Public Comment
 - Hearing Panel Member Applications *Derek Zable*
- Adjourn *Chair Quinn*

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NOTICE: This meeting will be recorded.

JUNE – AUGUST 2023 CERTIFICATION REPORT

June 1 to June 30, 2023					
Complaints/Agency Reports June			Monthly Tracking June		
All Agency Reports	158		Intake	49	
NOS Misconduct Forms	7		Pending Investigator Assignment	134	
Reporting Forms w/ Potential Misconduct <i>(not including NOS)</i>	52		Active Investigations	107	
Complaints	11		Under Admin Review	43	
Division Initiated	0		Decline	7	
Lack of Jurisdiction	0		AGO Referral	31	
July 1 to July 31, 2023					
Complaints/Agency Reports July			Monthly Tracking July		
All Agency Reports	88		Intake	45	
NOS Misconduct Forms	8		Pending Investigator Assignment	128	
Reporting Forms w/ Potential Misconduct <i>(not including NOS)</i>	27		Active Investigations	106	
Complaints	10		Under Admin Review	81	
Division Initiated	1		Decline	2	
Lack of Jurisdiction	0		AGO Referral	5	
August 1 to August 31, 2023					
Complaints/Agency Reports August			Monthly Tracking August		
All Agency Reports	107		Intake	28	
NOS Misconduct Forms	3		Pending Investigator Assignment	119	
Reporting Forms w/ Potential Misconduct <i>(not including NOS)</i>	22		Active Investigations	123	
Complaints	3		Under Admin Review	50	
Division Initiated	0		Decline	9	
Lack of Jurisdiction	0		AGO Referral	13	

INTEROFFICE COMMUNICATION

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

TO: WSCJTC Commissioners

FROM: Jennifer Pendray, Coroner/Medical Examiner Program Manager & Derek Zable, Records Manager

SUBJECT: WAC language for the Coroner & Medical Examiner Certification & Scope of Authority

DATE: August 30, 2023



Hello Commissioners,

After the last Commission meeting, staff engaged the AG based on the recommended language. We first set to determine if the recommended language was within the scope of authority provided to the WSCJTC. Unfortunately, much of the language was outside that scope. These conversations helped staff amend the WAC language to the authority provided to the WSCJTC in [RCW 43.101.480](#). Also, the powers provided in [RCW 43.101.080](#) provide no additional authority.

Scope of RCW 43.101.480:

The scope of certification is based in RCW 43.101.480 (3) and (4)(a). Per RCW 43.101.480 (3) – “The commission must certify successful completion of the medicolegal forensic investigation training or exemption from the medicolegal training requirement within 60 days from the receipt of proof of completion or request for exemption.” RCW 43.101.480 (4) provides the requirements WSCJTC training must include. The focus of (3) and (4) for certification is based on training requirements. It does not include other standards, conditions of employment, or ethic requirements. The WSCJTC is given the authority to determine *training* requirements within the scope of (3) and (4). The scope of RCW 43.101.480 doesn’t authorize WSCTJC to impose non-training requirements as a condition of certification or condition of employment as the WSCJTC does for peace or correction officers.

Within that scope, WSCJTC cannot revoke, nor deny, certification based on a potential impeachment or “Brady” finding, nor for a complaint made to another agency, unless that complaint indicates an incomplete training or inaccurate training history otherwise required for eligibility or recertification.

Amended WAC Language:

WAC 139-27-010(2)(b): Removal of (b) from Good standing due to a lack of legal authority to have ethics requirements as a condition of certification.

WAC 139-27-020(3): The notice of ineligibility was added to establish the responsibility of the agency to notify the commission of ineligibility of a certificant at any time during the certification period.

WAC 139-27-120: Added to require the WSCJTC to collaborate with interstate and local agencies regarding certification eligibility regarding the status of their required industry licenses and/or certifications.

Decrease in re-certification time: The timeframe between recertification was reduced from five years to three years (with a corresponding decrease of continuing education from 45 hours to 30 hours). This was done to reflect the concerns by the commission of a long period between re-certification and subsequent confirmation that the certificant has maintained their good standing. This recertification standard follows industry standards and the guidelines suggested by the National Commission on Forensic Science.

What follows is information regarding the other commissions, agencies, associations, and boards that have jurisdiction over medical examiners, coroners and medicolegal investigators.

Washington Medical Commission (WMC)

The primary purpose and responsibility of the WMC is to protect the public by ensuring quality healthcare is provided by physicians. The WMC establishes, monitors, and enforces qualifications for licensure, consistent standards of practice, and continuing competency. Membership to the commission is by Governor appointment and consists of physicians, physician assistants, and public members and these individuals are therefore qualified to make determinations regarding a practitioner's license. The WMC assesses, investigates, and makes recommendations related to complaints. Investigators are full-time health care investigators who gather medical records, perform interviews, and gather evidence relevant to an allegation. The WMC is regulated by the Uniform Disciplinary Act (RCW 18.130) with unprofessional conduct listed under RCW 18.130.180. Conduct under this RCW includes "any act involving moral turpitude, dishonesty, or corruption relation to the practice of the person's profession". The commission reviews the case and determines if the practitioner did violate the RCW and they determine how to discipline the medical practitioner. Disciplinary action from these investigations ranges from a notice of correction to a license revocation.

American Board of Pathology (ABP)

The mission of the ABP, which is a member of the American Board of Medical Specialties, is to serve the public and advance the profession of pathology by setting certification standards and promoting lifelong competency of pathologists. The ABP establishes certification and continuing certification standards and assesses the qualifications of those seeking certification. To receive board certification as a forensic pathologist, physicians must have completed at least two years of training in anatomic pathology and/or clinical pathology, 12 months in an accredited forensic pathology program, and successfully pass a certification examination. Certificants of the ABP must adhere to an honor code which is a legally binding contract between the physician and the ABP. The ABP may revoke a certification for cause, which includes violation of the honor code, conviction by a court of a felony or misdemeanor that involves moral turpitude, and behavior that is inconsistent with ethical behavior by a physician.

American Board of Medicolegal Death Investigators (ABMDI)

The ABMDI is a national, independent, professional certification board established to promote the highest standards of practice for medicolegal death investigators. The purpose of the ABMDI is to encourage adherence to high standards of professional practice and ethical conduct. The registry certification provides recognition that the individual has acquired basic knowledge and demonstrated proficiency of standards of practice necessary to properly conduct a competent, thorough, medicolegal death investigations. The certificants are required to comply with a code of ethics which requires exercising professional, personal, and public conduct consistent with the ABMDI. Certificants must adhere to the ABMDI Code of Professional Responsibility which includes being knowledgeable about laws, authority, and forensic science and maintaining professional working relationships. There is a standardized process for complaints which includes written complaints submitted to the ethics committee. If probable cause exists, the ethics committee shall assemble written information from the accused, complainants, and other pertinent sources. A report is issued to the board of directors which includes a recommendation for censure or revocation. Violation of the provisions of the code of ethics and conduct can result in certificate censure or revocation.

National Association of Medical Examiners (NAME)

Per RCW 36.24.210 - all county coroner's offices and medical examiner's offices must be accredited by either the international association of coroners and medical examiners or the national association of medical examiners.

NAME is a professional organization for medical examiners, forensic pathologists, and medicolegal affiliates and administrators. The organization is committed to providing leadership and advocacy for best practice in forensic pathology and death investigation and ensuring ethical, objective, and impartial services to all stakeholders. The NAME accreditation standards have been prepared, and are periodically revised as needed, for the purpose of improving the quality of medicolegal investigation of death in this country. This accreditation is an endorsement that indicates that the office or system provides an adequate environment for a medical examiner to practice and provides assurances that the office or system well serves its jurisdiction. The objective of accreditation is to apply standards to aid in developing and maintaining high caliber medicolegal investigation of death. Accreditation maintenance checklists are completed and reviewed annually, and reaccreditation occurs every 4-5 years which requires an on-site inspection.

International Association of Coroners and Medical Examiners (IACME)

Per RCW 36.24.210 - all county coroner's offices and medical examiner's offices must be accredited by either the international association of coroners and medical examiners or the national association of medical examiners.

IACME is a non-profit international organization focused on professional development, education, and accreditation of coroner and medical examiner offices. The organization is committed to the promotion of excellence in medicolegal death investigation through collaboration, education, and accreditation. The purpose of the organization is to bring about the best standard uniform of practice developed in the field of medicolegal death investigation. To achieve accreditation, agencies must meet and maintain the standards set forth by the association which ensures coroners and medical examiner offices are conducting appropriate business practices and procedures.

Agencies are required to maintain records of accreditation for the full length of the accreditation. Reaccreditation occurs every five years which requires an on-site inspection.

National Commission on Forensic Science (NCFS)

The NCFS was established to enhance the practice and improve the reliability of forensic science. The objectives of the NCFS include strengthening the validity and reliability of forensic science and enhancing quality assurance within the community. Per RCW 43.101.480(4)(a), the medicolegal forensic investigation training required must meet the recommendations of the NCFS for certification and accreditation. The NCFS recommends a process is established to ensure all qualified practitioners receive and maintain certification. The NCFS suggests that professional certification programs include testing, evaluation of training and experience, and requirements for continuing educations.

WAC 139-03-030 Request for exemption, waiver, extension or variance. (1) Requests for exemption, waiver, extension or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption, waiver, extension or variance may be made only by the head of a law enforcement or corrections agency or head of an agency responsible for death investigations, on behalf of an employee or employees directly affected by the regulation. Where a request for an exemption or variance is on behalf of a chief of police or chief medical examiner, such request shall be made by the appointing authority. Requests under this section shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the executive director of the commission and shall include, where applicable:

(a) The particular regulation from which exemption, waiver, extension or variance is sought;

(b) The nature of the exemption, waiver, extension or variance which is sought;

(c) The mitigating factors in the particular case;

(d) The name and mailing address of the requesting party and any person who will personally appear in support of the requesting party, including legal counsel;

(e) A statement that the person signing the request has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request under this section which satisfies the requirements of subsection (2) of this section, the executive director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chair that circumstances justify expedited review, the chair may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the commission shall deny the request, grant the request or provide alternative mitigating relief.

Chapter 139-27 WAC
MEDICOLEGAL FORENSIC INVESTIGATION TRAINING AND CERTIFICATION

NEW SECTION

WAC 139-27-010 Definitions. (1) **Coroner** means the elected or appointed official tasked with overseeing the medicolegal system of a county, whose principal duty is to investigate death.

(2) **Good standing** means a member of a profession regulated by this chapter who:

(a) Does not have their professional license(s) or certification(s) suspended or revoked; and

(b) Is in compliance with their employing agency's training requirements.

(3) **Medical examiner** means a physician who is responsible for examining bodies postmortem to determine the cause and manner of death.

(4) **Medicolegal forensic investigation training** means training designated to provide tools, resources, and standards to individuals who perform medicolegal death investigations.

(5) **Medicolegal investigative personnel** means personnel whose role is to investigate any death that falls under the jurisdiction of a coroner's or medical examiner's office, including all unnatural, suspicious, or violent deaths.

(6) **Part-time** means any personnel who work less than full-time hours. Full-time hours are defined by their employer. For the purposes of this chapter, a single day of work in a month will count as employment for that month.

NEW SECTION

WAC 139-27-020 Notice of hire/separation and ineligibility. (1) Coroner's and medical examiner's offices must use an approved form to notify the commission within 15 days when mandated personnel begin on-going regular employment or appointment with the agency.

(2) Upon separation of a coroner, medical examiner, or medicolegal investigative personnel from a coroner's or medical examiner's office, or upon their movement or rotation, for any reason, to a position within that office that does not require certification, the agency shall notify the commission via an approved form within 15 days of the separation date.

(3) Upon an agency receiving notice or making a final determination on any matter that is defined in WAC 139-27-010(2) that would otherwise make a certificiant ineligible to receive certification, an agency shall notify the commission via an approved form within 15 days of the notice or final determination date. If the employee is separated or removed from their position as stated in subsection (2) of this section, the requirements of that section shall be followed.

NEW SECTION

WAC 139-27-030 Certifications. (1) All coroners, medical examiners, and medicolegal investigative personnel who are employed in a coroner's or medical examiner's office, must maintain certification as a condition of continued employment.

(2) The commission shall issue a certificate if:

(a) The individual has completed the core medicolegal forensic investigation training developed and delivered by the commission; or

(b) The individual has been granted exemption following the requirements of WAC 139-27-110.

(3) Certificates shall be valid for a period of three years from the date of initial certification.

(4) Certifications may be revoked during their three-year period upon notice that the individual is ineligible or no longer in good standing for certification.

(5) Certification shall be revoked for the following reasons:

(a) No longer maintaining eligibility for certification due to the revocation of required existing license or certification.

(b) Admission by the employing agency that the certificant is not in good standing.

(c) Determination that the certificant was not eligible to receive a certificate at the time of its issuance.

NEW SECTION

WAC 139-27-040 Continuing education conditions and requirements.

(1) After the initial training period, continuing education is necessary to maintain knowledge and update skills in new technology, equipment, methods, and practices. Every coroner, medical examiner, and medicolegal investigative personnel required to satisfy RCW 43.101.480 must complete a minimum of 30 continuing education hours every three years to be eligible for recertification.

(a) Training may be obtained through the commission or other training resources.

(b) All courses must be relevant to medicolegal forensic death investigation.

(c) Courses must be taught by instructors who are subject matter experts, qualified by industry standards, and are not involved in controversy over their instruction.

(2) Continuing education hours accrued will only count towards recertification if they are attained after the date of initial certification and before the expiration date.

(3) Continuing education credits must be provided by an accredited institution or agency and approved by the commission including, but not limited to: American Board of Medicolegal Death Investigators, American Medical Association, American Osteopathic Association, American Nursing Association, American Academy of Physician Assistants, American Society for Clinical Pathology, American Bar Association, College of American Pathologists, Emergency Medical Services, Federal Emergency Management Agency, International Association for Continuing Education and Training, Peace Officer Standards and Training (or equivalent), Pennsylvania Coroner's Education Board, U.S. Department

of Homeland Security or a postsecondary institution recognized by a national educational accrediting agency.

(4) Medical examiner's who maintain certification as a board-certified forensic pathologist certified from the American Board of Pathology meet the continuing education requirements.

NEW SECTION

WAC 139-27-050 Recertification eligibility and requirements.

(1) All medicolegal forensic death investigation certificates have a three-year duration from the date issued, after which individuals who continue to meet the requirements of WAC 139-27-100 or 139-27-030 must seek recertification. Recertification will begin six months prior to the certification expiration date, and materials must be received by or before the expiration date. The recertification process is provided in WAC 139-27-060. To be eligible for recertification, individuals must meet these requirements:

(a) A medical examiner must:

(i) Maintain employment by a coroner's or medical examiner's office in Washington state.

(ii) Maintain their status as a board-certified forensic pathologist certified by the American Board of Pathology or has completed continuing education following WAC 139-27-040.

(iii) Maintain their license by the Washington state medical commission.

(iv) Be in good standing with their agency of employment.

(b) A coroner or medicolegal investigative personnel must:

(i) Maintain employment by a coroner's or medical examiner's office in Washington state.

(ii) Complete 30 hours of continuing education following WAC 139-27-040 over the three-year certification period.

(iii) Be in good standing with their agency of employment.

(2) If certification lapses, the coroner, medical examiner, or medicolegal investigative personnel will be required to complete the initial certification process again. If certification lapses by one year or more, the individual will be required to attend the core medicolegal forensic investigation training regardless of previous attendance.

NEW SECTION

WAC 139-27-060 Recertification process. (1) Requests for recertification must be submitted by the employing agency designee for any coroner, medical examiner, or medicolegal investigative personnel directly affected by the regulation.

(2) Requests shall be submitted in writing, with appropriate documentation, to the commission. Requests shall be accepted up to six months prior to the expiration date and due by or before the expiration date.

(3) Request for recertification:

(a) For a medical examiner:

(i) Proof of continued board certification as a forensic pathologist by the American Board of Pathology or proof of 45 hours of continuing education, for which documentation shall include:

(A) Certificate of completion or other documentation showing completion;

(B) Course description;

(C) Agenda/syllabus/program;

(D) Number of education hours.

(ii) Proof of continued licensure by the Washington state medical commission.

(iii) Proof of good standing by the employing agency on agency letterhead.

(b) For a coroner or medicolegal investigation personnel:

(i) Proof of 30 hours of continuing education. Documentation shall include:

(A) Certificate of completion or other documentation showing completion;

(B) Course description;

(C) Agenda/syllabus/program;

(D) Number of education hours.

(ii) Proof of good standing by the employing agency on agency letterhead.

(4) Upon submission of the appropriate documentation, the commission shall review and evaluate relevant materials and issue recertification, if applicable, within 60 days.

(5) If the applicant has not met the qualifications to receive recertification, the commission shall:

(a) Issue recertification upon satisfactory completion of acceptable continuing education to be completed within six months from time application for recertification is deemed not to have met the qualifications, or submission of needed materials; or

(b) Require attendance of the core medicolegal forensic investigation training regardless of previous attendance if certification has lapsed by one year or more.

(6) During the six-month period to complete or rectify missing eligibility requirements for recertification required by the commission as provided in subsection (5)(a) of this section, expiration of the current certificate will be delayed until the end of this six-month period or upon the issuance of a new certificate.

NEW SECTION

WAC 139-27-070 Core medicolegal forensic death investigation training curriculum. The core medicolegal forensic death investigation training shall include, but is not limited to, the following subject areas:

(1) Medicolegal systems;

(2) Ethics;

(3) Cause and manner of death;

(4) Sharp force trauma;

(5) Blunt force trauma;

(6) Gunshot wounds;

(7) Identification;

(8) Drowning/water related deaths;

- (9) Fire deaths;
- (10) Decomposition and postmortem changes;
- (11) Infant death investigations;
- (12) Next of kin;
- (13) Report writing;
- (14) Photography;
- (15) Missing persons;
- (16) Toxicology.

NEW SECTION

WAC 139-27-100 Exemption eligibility and requirements. (1) As a condition of continued employment, unless exempted by the commission under this section, all coroners, medical examiners, and medicolegal investigative personnel employed at a county coroner's or medical examiner's office must complete training and receive certification within 12 months of hire for full-time personnel or 18 months of hire for part-time personnel.

(2) Requirements for exemption:

(a) A medical examiner who:

(i) Is employed by a coroner's or medical examiner's office in Washington state.

(ii) Is a board-certified forensic pathologist certified by the American Board of Pathology (ABP), maintains their certification, and who shows proof of certification.

(iii) Is licensed by the Washington state medical commission, maintains their license, and who shows proof of license.

(iv) Is in good standing with their agency of employment.

(b) A coroner or medicolegal investigative personnel who:

(i) Has been employed as a coroner or medicolegal investigative personnel by a county coroner's or medical examiner's office for at least 12 months as a full-time employee or 18 months as a part-time employee.

(ii) Is certified (minimum registry certification required) by the American Board of Medicolegal Death Investigators (ABMDI).

(iii) Has attended a basic, introductory, or core training course or program or has attended an accumulation of courses which is equivalent to a basic, introductory, or core training course or program within the last five years. The courses/program substitution must be comparable in content and quality to that produced by the commission for the core medicolegal forensic investigation training.

(iv) Is in good standing with their agency of employment.

NEW SECTION

WAC 139-27-110 Exemption process. (1) Requests for exemption must be submitted by the employing agency designee for any coroner, medical examiner, or medicolegal investigative personnel directly affected by the regulation who wish to receive exemption from the initial certification training requirement. Requests shall be submitted in writing with appropriate documentation to the commission.

- (2) Request for exemption:
 - (a) For a medical examiner:
 - (i) Proof of board certification as a forensic pathologist by the American Board of Pathology.
 - (ii) Proof of licensure by the Washington state medical commission.
 - (iii) Proof of good standing by the employing agency on agency letterhead.
 - (b) For a coroner or medicolegal investigative personnel:
 - (i) Proof of employment as a coroner or medicolegal investigative personnel by a county coroner's or medical examiner's office for at least 12 months as a full-time employee or 18 months as a part-time employee.
 - (ii) Proof of certification (minimum registry) by the American Board of Medicolegal Death Investigators.
 - (iii) Proof of medicolegal forensic investigation training comparable to that offered by the commission. Documentation shall include:
 - (A) Certificate of completion or other documentation showing completion;
 - (B) Course description;
 - (C) Agenda/syllabus/program;
 - (D) Number of education hours.
 - (iv) Proof of good standing by the employing agency on agency letterhead.
- (3) Upon submission of the appropriate documentation, the commission shall review and evaluate relevant materials and issue a certificate if applicable within 60 days (days calculated per RCW 1.12.040).
- (4) If the individual has not met the qualifications to receive exemption, the commission shall:
 - (a) Issue a certificate upon satisfactory completion of required training or submission of needed materials; or
 - (b) Require the individual to attend the core medicolegal forensic investigation training produced by the commission in conjunction with the Washington Association of Coroners and Medical Examiners (WACME).
- (5) Issuance of a certificate through the exemption process does not exempt the individual from recertification requirements of WAC 139-27-050 or the continuing education requirements of WAC 139-27-040.

NEW SECTION

WAC 139-27-120 Collaboration with interstate and local agencies regarding certification eligibility. Commission staff shall work with other licensing state agencies and commissions to determine if individuals can be and continue to be eligible for certification including, but not limited to:

- (1) Inquiring about potential revocations;
- (2) Receiving determinations on revocations of other certifications or licenses; or
- (3) Sharing and receiving records on a case-by-case basis when necessary.

RCW 43.101.080 Commission powers and duties—Rules and regulations. The commission shall have all of the following powers:

- (1) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (2) Grant, deny, suspend, or revoke certification of, or require remedial training for, peace officers and corrections officers under the provisions of this chapter;
- (3) Grant, deny, suspend, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process;
- (4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law and agency policy, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state;
- (5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute;
- (6) Own, establish, and operate, or contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel;
- (7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies;
- (8) Direct the development of alternative, innovative, and interdisciplinary training techniques;
- (9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards, including continuing education;
- (10) Allocate financial resources among training and education programs conducted by the commission;
- (11) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;
- (12) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;
- (13) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;
- (14) Establish rules and regulations prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;
- (15) Require county, city, port, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation in accordance with the requirements of RCW 43.101.095 to determine the

applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;

(16) Appoint members of a hearings panel as provided under RCW 43.101.380;

(17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters;

(18) Promote positive relationships between law enforcement and the residents of the state of Washington through commissioners and staff participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC;

(19) Adopt, amend, repeal, and administer rules and regulations pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW. [2021 c 323 § 6; 2020 c 119 § 13; 2018 c 32 § 4; 2015 c 225 § 90; 2011 c 234 § 1; 2008 c 69 § 3; 2005 c 434 § 1; 2001 c 166 § 1; 1982 c 124 § 1; 1975-'76 2nd ex.s. c 17 § 3. Prior: 1975 1st ex.s. c 103 § 1; 1975 1st ex.s. c 82 § 1; 1974 ex.s. c 94 § 8.]

Finding—2008 c 69: See note following RCW 43.101.010.

RCW 43.101.480 Medicolegal forensic investigation training required for coroners and medical examiners—Exceptions. (1)(a) All elected coroners, appointed coroners, persons serving as coroners, medical examiners, and all other full-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 12 months of being elected, appointed, or employed unless otherwise exempted by the commission. This section does not apply to elected prosecutors who are coroners in their counties.

(b) All part-time medicolegal investigative personnel employed by a county coroner's or medical examiner's office must successfully complete medicolegal forensic investigation training through the medicolegal training academy program within 18 months of being employed unless otherwise exempted by the commission.

(2) The commission, in conjunction with the Washington association of coroners and medical examiners and a practicing physician selected by the commission, shall develop the medicolegal forensic investigation training curriculum and adopt the standards for the medicolegal training academy and any exemption from the requirement to complete the medicolegal forensic investigation training. The commission shall exempt from this requirement any coroner, medical examiner, or medicolegal investigative personnel who has obtained training comparable to the medicolegal forensic investigation training by virtue of educational or professional training or experience.

(3) The commission must certify successful completion of the medicolegal forensic investigation training or exemption from the medicolegal training requirement within 60 days from the receipt of proof of completion or request for exemption.

(4) The medicolegal forensic investigation training required under this section must:

(a) Meet the recommendations of the national commission on forensic science for certification and accreditation; and

(b) Satisfy the requirements for training on the subject of sudden, unexplained child death including, but not limited to, sudden infant death syndrome developed pursuant to RCW 43.103.100 and missing persons protocols pursuant to RCW 43.103.110.

(5) Certification under this section is a condition of continued employment in a coroner's or medical examiner's office.

(6) A county in which a coroner, person serving as coroner, medical examiner, or other medicolegal investigative employee, who has not otherwise been exempted by the commission, is not certified within 12 months of being elected, appointed, or employed as required by this section, may have its reimbursement from the death investigations account reduced as provided under RCW 68.50.104 until the office is in compliance with all requirements under this section. [2021 c 127 § 3.]



Washington State Criminal
Justice Training Commission
June 2023

INDEPENDENT INVESTIGATION OF OFFICER INVOLVED USE OF DEADLY FORCE INCIDENT

BEST PRACTICES



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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

Term	Definition
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.
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.

Definitions (continued)

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

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. 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

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. If the OII accepts the investigation, the IIT shall still be notified of the incident in accordance with WAC 139-12-030(1)(b). However, the IIT shall only respond to the scene of the incident if requested by the OII.
 - b. The IIT protocols should contain steps to notify the IIT leadership, and how the IIT will be deployed.
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.
 - 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 IIT

Involved Agency Responsibilities (Continued)

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. Provide evidence as requested to the OII or IIT as lawfully and legally required.
 - a. If a criminal action (i.e. robbery, burglary, assault, or warrant service) preceded the officer-involved incident either:
 - i. if not already addressed in an IIT's protocol, the IIT commander will consult with the involved and/or venue agency 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.

Involved Agency Responsibilities (Continued)

- 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.
 - iii. The agency identified to investigate the preceding crime(s) may have access to relevant evidence for the purposes of preserving community safety and make 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. The IIT chain of command shall make the determination if the evidence relates to the independent investigation.
6. Make all documents, reports, and information on the incident to be available to the OII or IIT immediately or as soon as possible thereafter.
7. Allow use of space, resources, and facilities as needed by the OII or IIT.

Involved Agency Responsibilities (Continued)

- 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.

On Scene Venue Agency Responsibilities (Continued)

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.
 - a. Those to remain outside the perimeter may include command level personnel not directly involved in the incident.
 - 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.
 - c. The OII or IIT may adjust or add additional perimeters to further restrict areas.
4. Take steps to document and preserve any evanescent evidence.
5. A media staging area is identified and is appropriately staffed if necessary.
6. Establish a command post.
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.
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.

On Scene Venue Agency Responsibilities (Continued)

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.
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.
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 for future communications.
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.
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.
14. Turn over control of the scene to the OII or IIT commander, or designee, upon their arrival.
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

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 notified that the incident is also within the jurisdiction of OII, communicate with the OII regional supervisor or designee to coordinate responses.
 - 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.
 - 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 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.
 - 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.
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 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.
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.

D. Independent Investigation Team Responsibilities (continued)

- 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.
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 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.
 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.
 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.
 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.

D. Independent Investigation Team Responsibilities (continued)

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.

Evidence Considerations (Continued)

- 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) 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.
- 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.
- 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.

D. Independent Investigation Team Responsibilities (Continued)

Interview Considerations

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

D. Independent Investigation Team Responsibilities (Continued)

11. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete.
12. The involved agency and the venue agency chief or sheriff will be notified of the scene being released.
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.

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.
6. 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.

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.

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.

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.

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 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 and support staff 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.

IV. Appendix

Document Version History

First adopted - September 2020

Annual update - September 2023





WASHINGTON STATE
CRIMINAL JUSTICE TRAINING COMMISSION
19010 1ST AVENUE SOUTH, BURIEN, WA 98148

COMMISSION MEETING
Wednesday, June 14, 2023
10 AM

COMMISSION MEMBERS PRESENT:

De'Sean Quinn (Chair), Councilman, Tukwila
Penelope Sapp (Vice Chair), Chief of Corrections, Kitsap County Sheriff's Office
Rosemary Kaholokula, Incumbent Prosecuting Attorney or Municipal Attorney
Robert Snaza, Sheriff, Lewis County
Erik Scairpon, Chief, Marysville Police Department
Ryan Dreveskracht, Attorney Presiding over Law Enforcement Practices and Accountability
Mike Webb, Attorney General Designee
Shannon Bendiksen, Assistant Chief of Washington State Patrol (Designee for John Batiste)
Tim Reynon, Tribal Representative, Puyallup Tribe
Darryl Barnes, Officer or First Line Supervisor
Annalesa Thomas, Citizen at Large
Sonia Joseph, Citizen at Large
Katrina Johnson, Citizen at Large
Bart Logue, Civilian Oversight over Law Enforcement
Velma Lockrem, Tribal Police Officer
Taryn Jones, Assistant Attorney General

WSCJTC STAFF PRESENT:

Monica Alexander, Executive Director
Jerrell Wills, Deputy Director
Chad Arceneaux, Assistant Director of Certifications
Ed Wade, Assistant Director
Lacey Ledford, Legislative Liaison
Bart Hayes, Manager, Advanced Training Division
Henry Gill, Commander, Basic Training Division
Christine Rickert, Assistant Commander, Basic Training Division
Chris Travis, Division Manager, Applied Skills Training Division
Ciara Colon, Administrative Assistant, Applied Skills Training Division
Megan Saunders, Manager, Communications
Mike Devine, Manager, Certifications Division
Dusty Pierpoint, Investigator, Certifications Division
Valerie Jenkins-Weaver, Program Manager, Certifications Division
Alex Buijs, Program Manager, LETCSA
Antonio Asencio-Pigmon, Program Specialist, LETCSA
Jennifer Pendray, Program Manager, Coroner/ Medical Examiner

Janene Bessent, Confidential Secretary
Norma Gastelum, Confidential Secretary
Derek Zable, Records Manager
Kayla Wold, Hearings Coordinator
Serena Anastasio, Assistant to the Commander, Basic Training Division
Madelyn Ellison, Administrative Intern, Human Resources

OPENING

De'Sean Quinn, Commission Chair

Chair Quinn called the meeting to order at 10:03 AM

Lacey Ledford conducted a roll call of the Commissioners. A quorum was present. Chair Quinn thanked the Commissioners for being present and welcomed them to the meeting.

EXECUTIVE DIRECTOR'S REPORT

Monica Alexander, Executive Director

Director Alexander updated the Commission that **Lacey Ledford** was being promoted to Legislative Liaison and congratulated her on her new position. **Director Alexander** informed the Commission that **Lacey Ledford** would be sitting in as the Executive Assistant for today's meeting in place of **Renee Berry** who will be the new Executive Assistant. **Director Alexander** noted that **Lacey Ledford** sent out the end of session report and let the Commissioners know that if they have yet to receive said email, to contact them.

Director Alexander noted that WSCJTC had a positive legislative session. Four new investigators were allotted into the budget for the Certification Division. WSCJTC is at the end of the hiring process for said new investigators. In total, WSCJTC received approval for 33 new full-time employees, however, **Director Alexander** noted a lack of space for them. The facilities team is reviewing the available space, while WSCJTC is still in the process of looking for a new facility. As a result of the legislative session, \$500,000 was allotted for a pre-design in the new budget.

Chair Quinn thanked the Commission for their support in the legislative session and advocating for the new budget.

Director Alexander updated the Commission that they have been meeting monthly with the Department of Enterprise Services concerning the pre-design.

Commissioner Thomas asked if WSCJTC intended to remain in the current location. **Director Alexander** responded that she believes a new campus is required to keep up with the training demand from stakeholders. She added that not all recruits are able to receive housing at the dorms which requires them to locate them elsewhere. After stating her concerns, she noted that the legislature asked them to explore a new facility.

Commissioner Snaza voiced his support for finding a new facility and agreed that housing recruits in hotels is a liability. **Commissioner Snaza** mentioned wanting the Commissioners to be included in the decision for a new facility so that they can collaborate with legislators.

Director Alexander stated that the current building was never designed for its current use. She noted that before the legislative session, WSCJTC was in contact with various agencies with the intention of partnering on a new facility. **Director Alexander** mentioned the possibility of partnering with colleges.

Director Alexander updated the Commission that on May 3rd, the grand opening of the WSCJTC Pasco Regional Academy was successfully held. **Director Alexander** thanked **Commissioner Anaya** for his presence at the event. The first class was held on May 8th. **Director Alexander** stated that this opening contributes to the breaking of barriers for people who want to become officers. **Director Alexander** noted that **Deputy Director Wills** has been visiting Pasco to check in on their process.

Commissioner Barnes notified the Commission that an individual from his agency was currently attending WSCJTC Pasco Regional Academy and spoke positively of the experience.

Commissioner Reynon inquired if it was feasible to hold multiple classes in Pasco at one time. **Director Alexander** responded that it was not.

Commissioner Johnson inquired about the timeline for a satellite campus to be set up. **Director Alexander** responded that for Pasco, it took approximately 9 months. **Commissioner Snaza** added that obtaining TAC officers would be the main issue.

Director Alexander stated that the ideal opening date for the Skagit location is November 2023.

Vice Chair Sapp inquired about the current wait for corrections officers.

Director Alexander informed the Commission that there are currently 298 recruits on campus and 224 registered for BLEA with an 8-month registration wait time. For Corrections Officers Academy, there are 137 currently registered and waiting. The next availability of a class starts in April of 2024.

Commissioner Webb inquired about the process of creating the decision packages for the legislative session. **Director Alexander** responded that on July 11th, all of the decision packages will be presented to her. The packages are due in September.

NEW BUSINESS

Chair Quinn welcomed and introduced Commissioner Lockrem to the Commission.

Approval of Meeting Minutes

Chair Quinn called for review and approval of the meeting minutes from March 2023. **Vice Chair Sapp** motioned to approve. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

WAC Review

Jennifer Pendray, Coroner/Medical Examiner Program Manager

WAC 139-27-010 - Definitions

Jennifer Pendray stated that definitions were based on industry standards. “Good standing,” meaning, “to remain ethical conduct required for practice.”
“Part time,” meaning, “anyone who works less than full time for a coroner or medical examiner regardless of the time spent in that practice must maintain the same standards as a full-time employee.”

Commissioner Reynon asked for clarification on industry standards. **Jennifer Pendray** confirmed that the standards are based on associations such as; National Association of Medical Examiners, International Association of Coroners and Medical Examiners, and the National Commission on Forensic Science.

Commissioner Snaza inquired how part-time individuals will be held to the same standard. **Jennifer Pendray** confirmed that within 18 months, the part-time person will have to be certified by WSCJTC compared to a full-time person’s 12 months.

WAC 139-27-020 - Notice of Hire/ Separation

Commissioner Snaza inquired about protocol when a Pathologist receives a Brady letter. **Jennifer Pendray** once again clarified that said a Pathologist must align with their industry standards.

WAC 139-27-030 Certifications

WAC 139-27-040 Continuing Education Conditions and Requirements

Allows practitioners to remain current or continue their level of expertise. Proof of continuing education hours. Requires 45 hours of relevant “continuing education” over 5 years. This is in place to ensure that the practitioners are still receiving education throughout the years.

WAC 139-27-050 Recertification Eligibility and Requirements

WAC 139-27-060 Recertification Process

Recertification takes place every 5 years. Requires that proof of licensure, continuing education, and good standing by employer be provided.

WAC 139-27-070 Core Medicolegal Forensic Death Investigation Training Curriculum

WAC 139-27-100 Exemption Eligibility and Requirements

WAC 139-27-110 Exemption Process

WAC 139-03-030 Request for Exemption, Waiver, Extension or Variance

Chair Quinn suggested the Commission table this until the September Commission meeting for further review. **Commission Reynon** moved to do so. **Commissioner Snaza** seconded the motion. **Commissioner Snaza** asked that the proposed draft of the WAC be sent to Commissioners a week prior to the Commission meeting for initial review. It was agreed and noted that it would be sent to Commissioners in August. **The motion passed unanimously.**

Canine Evaluators Application

Valerie Jenkins-Weaver informed the Commission that each applicant was in good standing and met requirements.

Commissioner Snaza motioned to approve all four applications. **Commissioner Logue** seconded the motion. **The motion passed unanimously.**

Valerie Jenkins-Weaver set up a meeting with the canine work group. She stated that there have been no requests from Commissioners to be part of that group. If anyone is interested, please contact her.

Hearing Panel Application

Kayla Wold requested approval of an application. **Commissioner Dreveskracht** motioned to approve. **Commissioner Snaza** seconded the motion. **The motion passed unanimously.**

Commissioners took a break at 12:07 PM. The Commission meeting resumed at 12:18 PM.

OLD BUSINESS

OII - IIT Best Practices

Alex Buijs, Law Enforcement Training and Community Safety Act Program Manager

Commissioner Scairpon updated the Commission on the subcommittee findings concerning the inquiries on the Independent Investigations Team (IIT) Best Practices that were mentioned in the December Commission meeting.

Alex Buijs informed the Commission that they had a meeting with Director Rogoff of the Office of Independent Investigations (OII) regarding coordination with their agency and Best Practices.

Director Alexander added that Director Rogoff suggested that the Commission gather and work on the document to finalize the annual review. **Director Alexander** expressed the importance of being aligned with the Office of Independent Investigations and that they would discuss details with his team.

Chair Quinn inquired if it would be best to approve the document with the intention to continue the review and editing of the Interview Practices. **Commissioner Scairpon** motioned to continue working with **Alex Buijs** and WSCJTC to study the concerns of IIT and OII to or before

the September commission meeting. **Commissioner Reynon** seconded the motion. **The motion passed unanimously.**

Commissioner Thomas mentioned that a Certification report was requested in the last meeting and Commissioners asked for a report of the copy that was made last time. Requests the last report and a consistent report emailed to the commissioners. **Director Alexander** confirmed that although **Chad Arceneaux** was unable to make it, he will send the Commissioners the information.

Chair Quinn adjourned the meeting at 12:39 PM.

Next Meeting: September 13, 2023, 10 AM, WSCJTC

Written by:	_____	_____
	Renee Berry, Executive Assistant	Date
Reviewed by:	_____	_____
	Monica Alexander, Executive Director	Date
Approved by:	_____	_____
	De'Sean Quinn, Commission Chair	Date



APPLICATION FOR CERTIFIED CANINE EVALUATOR

Washington State Criminal Justice
Training Commission

Send completed packets to:
certmail@cjtc.wa.gov

Applicant must attached a letter and resume that details how they meet criteria 1-5:

1. Must be a fully commissioned Washington State Certified Peace Officer, Certified Tribal Police Officer, or Corrections Officer.
2. Must have four years of canine handler experience.
3. Must be in compliance to all mandated training.
4. Must be recognized as a trainer of canines by a professional organization of police and/or corrections dog handlers/trainers (includes departments and associations) in the discipline they are applying.
 - a. If recognition is by a department, applicant must provide what process was followed to be recognized as a trainer of canines for that department.
5. Must have certified to the WAC in the past in the discipline they are applying.
6. Must have completed the CJTC Instructor Development class or other approved CJTC Instructor Course.
7. Must attach a letter from home agency supporting the applicant's position as an evaluator for CJTC to certify teams on department time, as approved.

Applicant's Full Name: Nathan Lerma	Applicant's Home Agency: Mill Creek Police Department
Applicant's Email Address nathan.lerma@millcreekwa.gov	Applicant's Contact Phone: 425-375-3282
Years of canine handler experience: 5	Which organization(s) recognizes you as a trainer of canines: WSPCA
Which discipline are you applying to evaluate? (Mark all that apply)	
<input checked="" type="checkbox"/> PATROL <input type="checkbox"/> EXPLOSIVE DETECTION <input type="checkbox"/> NARCOTIC DETECTION	
Date completed the CJTC Instructor Development class or other approved CJTC Instructor Course. If other, please explain:	

I recognize this is an application for certification or training to the Commission (See [RCW 43.101.105\(3\)\(c\)](#)); therefore, I hereby attest that I have read and understand the requirements outlined in the CJTC Policy "K-9 Certification Requirements" and WAC 139-05-915.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed this 15 day of June, 2023, in Mill Creek, Washington.

Applicant's Signature



15728 Main Street, Mill Creek, WA 98012

Administration 425-745-1891

Police 425-745-6175

All Other Departments 425-551-7254

Valerie Jenkins-Weaver,

I am writing to you and the Washington State Criminal Justice Training Commission to express the Mill Creek Police Department's support of Corporal Nathan Lerma's application for WSCJTC certified canine evaluator.

Corporal Lerma has been a canine handler for over five years, and has handled two dogs during his tenure within our canine unit. In September of 2022, Corporal Lerma achieved patrol dog trainer status with the Washington State Police Canine Association (WSPCA), after completing the WSPCA trainer evaluation process. Additionally, Corporal Lerma serves as a field training officer and Taser instructor within our agency. The Mill Creek Police Department fully supports Corporal Lerma in seeking certification as a canine evaluator and will support him in certifying canine teams on department paid time.

Corporal Lerma consistently demonstrates the highest level of motivation and effort, both as a canine handler and as a mentor to other handlers he interacts with. Corporal Lerma seeks out canine training and education on his own as well as draws on his own experience. He is knowledgeable, patient, and humble. He demonstrates sincere investment in the development and success of the students he has instructed within our own agency. There is no doubt that he would continue to bring this same level of consistency and energy to his role as a canine evaluator. He attends weekly regional canine training and fills any role necessary to help facilitate training. He frequently takes the lead in developing training plans, training scenarios, and providing feedback and input when problem solving a dog's performance or behavior.

Part of our vision as a department is to "commit to the constant and never-ending improvement of self and service". Corporal Lerma attaining certification as a canine evaluator would align with our department vision. Corporal Lerma understands the commitments necessary to be a canine evaluator, and the Mill Creek Police Department fully understands and supports these commitments as well.

Sincerely,

Sergeant Ian Durkee

A handwritten signature in blue ink, appearing to read "Ian Durkee", written over a horizontal line.

Canine Unit Supervisor



15728 Main Street, Mill Creek, WA 98012

Administration 425-745-1891

Police 425-745-6175

All Other Departments 425-551-7254

To whom it may concern,

I, Corporal Lerma, have been assigned to the K9 Division of the Mill Creek Police Department as a fully commissioned WA Certified Peace Officer since November 2017. I certified my first patrol dog to WAC standards on January 4th, 2018. I have a total of approximately five (5) years of experience with two patrol dogs. I became a Patrol Dog Trainer on September 27th, 2022, with the Washington State Police Canine Association (WSPCA).

I am a Police Training Officer (PTO) and Field Training Officer (FTO) for the Mill Creek Police Department. I ask that the Washington State Criminal Justice Training Commission (WSCJTC) recognize both the PTO and FTO training modules as equivalent to WSCJTC Instructor Development. Lastly, please see the attached letter of support from K9 Division Sergeant Durkee.

With the above information, I request approval to become a Patrol Dog Evaluator with the WSCJTC.

Respectfully submitted,

A handwritten signature in black ink that reads "Nathan Lerma". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Corporal Lerma

Attachments: PTO Certificate, FTO Certificate, WSPCA Trainer Certificate, Agency Letter of Support



Training History Report

WA State Criminal Justice Training Commission

Reported by Acadis® Readiness Suite

08/20/2023

For: **Lerma, Nathan S.**
Student ID **1000-9037**

Lerma, Nathan S.

Person Status Active

DOB [REDACTED]

EEOC White

SSN [REDACTED]

Gender Male

Employment

Organization	Active Dates	Most Recent			Current Status
		Title/Rank	Employment Assignment	Appointment Type	
Mill Creek Police Department (Primary)	11/17/2011 - Current	Corporal		Certified Peace Officer	Active

Certifications

Name	Issued	Expiration	Status
Annual Crisis Intervention Team Training Online	11/06/2018	02/21/2024	Active (Active)
Certified Patrol Canine Team - Team 2	05/06/2020	04/19/2025	Active (Active)
LED 2022 February Certificate	02/20/2023	Never Expires	Active (Active)
LED 2022 January	10/23/2022	Never Expires	Active (Active)
LED 2022 March	10/22/2022	Never Expires	Active (Active)
LED April 2020 Certificate	06/29/2020	Never Expires	Active (Active)
LED April 2021 Certificate	11/21/2022	Never Expires	Active (Active)
LED August 2020 Certificate	10/17/2020	Never Expires	Active (Active)
LED August 2021 Certificate	03/26/2022	Never Expires	Active (Active)
LED December 2020 Certificate	07/15/2021	Never Expires	Active (Active)
LED December 2021	05/24/2022	Never Expires	Active (Active)
LED February 2020 Certificate	02/21/2023	Never Expires	Active (Active)
LED February 2021 Certificate	03/26/2022	Never Expires	Active (Active)
LED January 2020 Certificate	02/20/2023	Never Expires	Active (Active)
LED January 2021 Certificate	02/21/2023	Never Expires	Active (Active)
LED July 2020 Certificate	10/16/2020	Never Expires	Active (Active)
LED July 2021 Certificate	10/29/2021	Never Expires	Active (Active)
LED June 2020 Certificate	09/02/2020	Never Expires	Active (Active)
LED June 2021 Certificate	10/29/2021	Never Expires	Active (Active)
LED March 2020 Certificate	06/29/2020	Never Expires	Active (Active)
LED March 2021 Certificate	02/20/2023	Never Expires	Active (Active)
LED May 2020 Certificate	06/29/2020	Never Expires	Active (Active)
LED May2021 Certificate	07/15/2021	Never Expires	Active (Active)
LED November 2020 Certificate	02/20/2023	Never Expires	Active (Active)
LED November 2021 Certificate	04/28/2022	Never Expires	Active (Active)



Training History Report

WA State Criminal Justice Training Commission

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08/20/2023

For: **Lerma, Nathan S.**
Student ID **1000-9037**

LED October 2020 Certificate	04/23/2021	Never Expires	Active (Active)
LED October 2021 Certificate	02/20/2023	Never Expires	Active (Active)
LED September 2021 Certificate	04/28/2022	Never Expires	Active (Active)
Peace Officer Certification	04/06/2012	Never Expires	Active (Active)
The Criminal Legal System: Structural Inequalities, Monetary Sanctions, Policy and Reform	10/18/2022	Never Expires	Active (Active)
Certified Patrol Team Canine	01/04/2018	01/04/2020	Expired (Inactive)
Certified Narcotic Team Canine	06/27/2018	12/23/2020	Team Disbanded (Inactive)

Training

Upcoming, Ongoing, & Unconfirmed

<i>Course/Title (Course No.)</i>	<i>Training Dates</i>		<i>Grade</i>	<i>Status</i>	<i>Training Category</i>	<i>Hours</i>
LETCSA - People First: Awareness, Challenges, and Response to Poverty and Recidivism	07/17/2023			Assigned	LETCSA	1h 0m
Leadership - 4127-16 First Level Supervision (Virtual)	10/23/2022	07/10/2023	N/A	Pending (Registered)		40h 0m
Total Hours						(41h 0m)

Current Period to Date (01/01/2023 - 08/20/2023)

<i>Course/Title (Course No.)</i>	<i>Training Dates</i>		<i>Grade</i>	<i>Status</i>	<i>Training Category</i>	<i>Hours</i>
Crisis Intervention - Annual CIT 2hr Online Course (2023)	02/21/2023	02/21/2023	0.00%	Completed - Passed	CIT Crisis Intervention Team	1h 55m
Law Enforcement Digest - LED 2021 Jan	02/21/2023	02/21/2023		Completed - Passed		1h 0m
LETCSA - 4050 - Introduction to the Historical Intersection of Race and Policing	02/21/2023	02/21/2023		Completed - Passed	LETCSA	3h 0m
Law Enforcement Digest - LED February 2020	02/20/2023	02/21/2023		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2021 March	02/20/2023	02/20/2023		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2021 October	02/20/2023	02/20/2023		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2022 February	02/20/2023	02/20/2023		Completed - Passed	Law Enforcement Digest	1h 0m



Training History Report

WA State Criminal Justice Training Commission

Reported by Acadis® Readiness Suite

08/20/2023

For: **Lerma, Nathan S.**
Student ID **1000-9037**

Law Enforcement Digest - LED 2022 May	02/20/2023	02/20/2023	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED January 2020	02/20/2023	02/20/2023	Completed - Passed		1h 0m
Law Enforcement Digest - LED November 2020	02/20/2023	02/20/2023	Completed - Passed	Law Enforcement Digest	1h 0m
				Total Hours	(12h 55m)

Previous Period (01/01/2022 - 12/31/2022)

<i>Course/Title (Course No.)</i>	<i>Training Dates</i>		<i>Grade</i>	<i>Status</i>	<i>Training Category</i>	<i>Hours</i>
LETCSA - 4010-23 Law Enforcement and Society: Lessons of the Holocaust	12/01/2022	12/01/2022		Graduated - 12/01/2022		2h 30m
Law Enforcement Digest - LED 2021 April	11/21/2022	11/21/2022		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2022 January	10/22/2022	10/23/2022		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2022 April	10/22/2022	10/22/2022		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2022 June	10/22/2022	10/22/2022		Completed - Passed	Law Enforcement Digest	2h 0m
Law Enforcement Digest - LED 2022 March	10/22/2022	10/22/2022		Completed - Passed	Law Enforcement Digest	1h 0m
LETCSA - 4040 - LGBTQ+ Core Competency	10/19/2022	10/22/2022		Completed - Passed	LETCSA	2h 30m
LETCSA - 4030 - Effective Communication	10/18/2022	10/19/2022		Completed - Passed	LETCSA	2h 30m
LETCSA - 4020-1 The Criminal Legal System: Structural Inequalities, Monetary Sanctions, Policy and Reform	02/04/2022	10/18/2022		Completed - Passed	LETCSA	2h 0m
Law Enforcement Digest - LED 2021 December	05/24/2022	05/24/2022		Completed - Passed	Law Enforcement Digest	1h 0m



Training History Report

WA State Criminal Justice Training Commission

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08/20/2023

For: **Lerma, Nathan S.**
Student ID **1000-9037**

Crisis Intervention - Annual CIT 2hr Online Course (2022)	05/08/2022	05/09/2022	Completed - Passed	CIT Crisis Intervention Team	2h 0m
Law Enforcement Digest - LED 2021 November	04/28/2022	04/28/2022	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2021 September	04/28/2022	04/28/2022	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2021 August	03/26/2022	03/26/2022	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2021 February	03/26/2022	03/26/2022	Completed - Passed		1h 0m

Total Hours (22h 30m)

Other Periods (through 12/31/2021)

<i>Course/Title (Course No.)</i>	<i>Training Dates</i>		<i>Grade</i>	<i>Status</i>	<i>Training Category</i>	<i>Hours</i>
Law Enforcement Digest - LED 2021 July	10/29/2021	10/29/2021		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED 2021 June	10/29/2021	10/29/2021		Completed - Passed	Law Enforcement Digest	1h 0m
Violence De-escalation (PTIS) - 2192-29 Patrol Tactics In-Service Training (24 hrs) (2)	10/04/2021	10/06/2021		Graduated - 10/06/2021		24h 0m
Law Enforcement Digest - LED 2021 May	07/15/2021	07/15/2021		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED December 2020	07/15/2021	07/15/2021		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED October 2020	04/23/2021	04/23/2021		Completed - Passed	Law Enforcement Digest	1h 0m
Crisis Intervention - Annual CIT 2hr Online Course (2021)	02/11/2021	02/12/2021		Completed - Passed	CIT Crisis Intervention Team	2h 0m
Law Enforcement Digest - LED Aug 2020	10/16/2020	10/17/2020		Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED Jul 2020	10/16/2020	10/16/2020		Completed - Passed	Law Enforcement Digest	1h 0m
Crisis Intervention - Annual CIT 2hr Online Course (2020)	09/02/2020	09/02/2020		Completed - Passed	CIT Online Refresher	2h 0m



Training History Report

WA State Criminal Justice Training Commission

Reported by Acadis® Readiness Suite

08/20/2023

For: **Jerma, Nathan S.**
Student ID **1000-9037**

Law Enforcement Digest - LED June 2020	09/02/2020	09/02/2020	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED April 2020	06/29/2020	06/29/2020	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED March 2020	06/29/2020	06/29/2020	Completed - Passed	Law Enforcement Digest	1h 0m
Law Enforcement Digest - LED May 2020	06/29/2020	06/29/2020	Completed - Passed	Law Enforcement Digest	1h 0m
Crisis Intervention - 5509-2 CIT-Crisis Intervention Team 8hr - In-Service - Statewide (8 hrs) (7)	09/24/2019	09/24/2019	Graduated - 09/24/2019		8h 0m
Crisis Intervention - Annual CIT 2hr Online Course (2019)	06/11/2019	08/25/2019	Completed - Passed	CIT Online Refresher	2h 0m
Crisis Intervention - 5509-44 CIT-Crisis Intervention Team 8hr - In-Service - Statewide (8 hrs) (2)	11/26/2018	11/26/2018	Departed - 11/26/2018		0h 0m
Crisis Intervention - Annual CIT 2hr Online Course (2018)	11/06/2018	11/06/2018	Completed - Passed	CIT Online Refresher	2h 0m
Crisis Intervention - 8071-5 CIT-Crisis Intervention Team 8hr - In-Service - King County (8 hrs) (5)	09/07/2016	09/07/2016	Departed - 09/07/2016		0h 0m
Crisis Intervention - 8071-8 CIT-Crisis Intervention Team 8hr - In-Service - King County (8 hrs) (5)	05/26/2016	05/26/2016	Departed - 05/26/2016		0h 0m
Inactive Program - 5601-4 Police Training Officer Academy (44 hrs) (2)	04/27/2015	05/01/2015	Graduated - 05/01/2015		44h 0m
Basic Law Enforcement Academy - 0100-7 Basic Law Enforcement Academy (720 hrs) (16)	11/29/2011	04/06/2012	Graduated - 04/06/2012		720h 0m
Support Services - 2390-1 Animal Control Officer Academy (80 hrs) (7)	03/14/2011	03/25/2011	Departed - 03/25/2011		0h 0m
Corrections Officers Academy - 1000-4 Corrections Officers Academy (160 hrs) (13)	11/19/2009	12/18/2009	Graduated - 12/18/2009		160h 0m
Basic Law Enforcement Academy - 0100-10 Basic Law Enforcement Academy (720 hrs) (5)	04/11/2007	08/16/2007	Departed - 08/16/2007		0h 0m
Basic Law Enforcement Academy - 0100-9 Basic Law Enforcement Academy (720 hrs) (5)	03/14/2007	07/19/2007	Departed - 07/19/2007		0h 0m
				Total Hours	(975h 0m)

A grade of ## indicates that the weights for this class are not valid and grades cannot be calculated.

Education

Degree Year	Level / Degree	Institution	Major	Minor
	Not Available / Not Available	Did Not Collect		

Miscellaneous

Allen LMS SID	121180
Profile Comments (Must Initial & Date)	Officer

Washington State Criminal Justice Training Commission


Hereby recognizes that

Nathan S. Lerma

Has satisfactorily completed the 44-hours course of instruction in

Police Training Officer Academy (5601)

Granted May 1, 2015


Program Manager

Certificate of Completion

This certifies that

Corporal Nathan Lerma

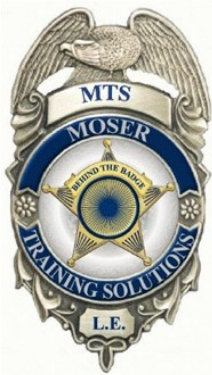
has successfully completed 32-hours of certification training
on the topic of:

Field Training Officer (FTO)

Facilitated through blended eLearning

March 6- 20, 2023

Larry Moser
Facilitator



INTEROFFICE COMMUNICATION

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

TO: WSCJTC Commissioners

FROM: Mike Devine, Certification Division Manager
Valerie Jenkins-Weaver, Certification Operations Manager
Derek Zable, Records Manager

SUBJECT: WAC Changes Summary

DATE: August 27, 2023



The intent of these WAC changes is to update **WAC 139-01-310, WAC 139-05, and WAC 139-06** to incorporate limited authority peace officers' certification requirements under RCW 43.101 after the passing of Substitute House Bill 1132. The WACs also received overall clean-up to enhance clarity, improve public comprehension, and edit minor grammatical errors.

Please find a summary of changes to the WACs and the OTS document of changes below.

Overall changes:

- Added reserve officers throughout WAC 139-06-020 under the agency reporting requirements.
- Added "suspension" or "denial" as needed in WAC 139-06 to provide consistency of language regarding potential commission actions.
- Added or modified language to establish consistent rules for the inclusion of certified limited authority officers.

WAC 139-01-310 - Definitions for Title 139 WAC

**Please note these definitional changes to fully contextualize the changes to WACs 139-05 & 139-06.*

- Added definitions for certified limited authority peace officer, certified tribal law enforcement agency, certified tribal officer, and law enforcement personnel.
- Modified definition of certified officer to include certified limited authority peace officers and replaced "tribal police officer with a recognized certified tribe" with "certified tribal police officer".
- Modified definition of peace officer to include certified limited authority peace officers.

WAC 139-05-200 - Requirement of basic law enforcement training for officers

- (1) Added "denial" to criteria disqualifying an officer from receiving a BLEA diploma.
- (2) Relabeled (2) to (2)(a) and added (b)-(c).
 - (a) Added "general authority" to the language to clarify that the 6-month training requirement is for general authority officers.
 - (b) Added the 12-month training requirement for limited authority officers subject to certification employed on or after 7/1/2023.

- (c) Added requirement for certified limited authority officers employed prior to 7/1/2023 to complete any necessary supplemental training by 12/31/2024 as a condition of continued certification.
- (3)(b): Removed specification that officers need to be employed by a “general authority law enforcement agency” within 24 months of completing training to be exempt from the requirement to attend BLEA or equivalency academy.
- (4): Clarified that employment reporting requirements are for officers subject to certification.

WAC 139-05-210 - Process for equivalency

- (1) Modified language to clarify that this section applies to peace officers, tribal officers, and corrections officers.
 - Added “denial” to criteria disqualifying an officer from attending equivalency academy.
- (3)(b) Added limited authority officers.
- (3)(d) Added a new language to (3)(d) to include previously certified limited authority officers to the eligibility list. Prior (3)(d) language was moved to (3)(e).
- Renumerated all subsequent subsections.
- (3)(g) Added “certified limited authority officer” to maintain consistency for equivalency academy eligibility upon conditional offer of employment.
- (9) Made minor administrative edits for acronyms, language consistency, and clarity.

WAC 139-06-070 - Conference and hearings procedures

- Made minor administrative edits to fix grammar and consistency throughout section – no substantive changes.

WAC 139-06-100 - Outcomes for determinations of misconduct- Denial, suspension, probation, revocation, retraining, or dismissal of the statement of charges

- (1) Removed probation from list of potential outcomes.
- Modified title to be consistent with outcomes listed in (1).

WAC 139-01-310 Definitions for Title 139 WAC. The following definitions apply to Title 139 WAC, unless otherwise defined in a specific chapter or subchapter of this title.

(1) **Affiliation** means advocating for or providing material support or resources to extremist organizations by:

(a) Knowingly or publicly displaying, posting, or wearing associated items, symbols, costumes, insignias, slogans, tattoos, or body modifications on public property, private property, online, or digitally;

(b) Making public statements in support of an extremist group's activities including, but not limited to, online statements;

(c) Fund-raising for, or making personal contributions through donations, services, or payments of any kind to a group or organization that engages in extremist activities;

(d) Organizing or participating in the activities of an extremist organization;

(e) Recruiting or training others to engage in extremist activities;

(f) Recruiting or training others on behalf of an extremist organization;

(g) Creating, organizing, or taking a leadership role in a group or organization that engages in or advocates for extremist activities; or

(h) Actively demonstrating or rallying in support of extremist activities.

(2) **Applicant** means an individual who must satisfy the requirements of RCW 43.101.095 as a condition of employment.

(3) **Certified limited authority peace officer** means any limited authority Washington peace officer as defined in subsection (22) of this section who as a normal part of their duties has powers of arrest and carries a firearm.

(4) **Certified officer**, unless otherwise specified, means any full-time, general authority peace officer, certified limited authority peace officer, certified tribal police officer (~~((with a recognized certified tribe))~~), and corrections officer as defined in RCW 43.101.010 (6), (10), and (12).

~~((+4))~~ (5) **Certified tribal law enforcement agency** means any tribal law enforcement agency in Washington who has signed a tribal certification agreement with the commission as outlined in WAC 139-06-015 and who is currently in good standing.

(6) **Certified tribal police officer** means any police officer employed by a certified tribal law enforcement agency who has completed the requirements of certification.

(7) **Commission** means the Washington state criminal justice training commission.

~~((+5))~~ (8) **Conclusion** means the final disposition issued by an employing agency after it has conducted an investigation into alleged misconduct or policy violation.

~~((+6))~~ (9) **Day** means one calendar day. Computation of time does not include the day of the act or event from which the designated period of time begins to run. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which

event the period runs until the end of the next weekday that is not a legal holiday.

~~((7))~~ (10) **Denial** means a commission decision to refuse to grant certification to a prospective certified officer.

~~((8))~~ (11) **Discipline** means an oral reprimand (where a written record of the reprimand has been placed in an employee's file), written reprimand, suspension, demotion, or termination. Discipline does not include performance reviews, work plans, or corrective actions that do not include a reprimand or other adverse employment action.

~~((9))~~ (12) **Executive** means the head of a law enforcement agency, such as chiefs, sheriffs, directors, or other equivalent positions.

~~((10))~~ (13) **Expired certification** means that a certified officer has had a break in service of over 60 months and their certification is no longer valid.

~~((11))~~ (14) **Extremist organization** means an organization or persons that:

(a) Seeks to undermine the democratic process through intimidation, violence, unlawful threat, or by depriving individuals of their rights under the United States Constitution or Washington state Constitution;

(b) Promotes the changing of American government structures through undemocratic means involving violence, unlawful threat, or intimidation;

(c) Promotes hatred, intolerance, unlawful discrimination, intimidation or violence against, public marginalization, or disenfranchisement of protected classes, including on the basis of sex, sexual orientation, gender, perceived gender, or gender expression, race, color, religion, ability, or national origin and other protected classes under RCW 49.60.030 and 43.101.105 (3) (h);

(d) Espouses, advocates, or engages in using force, violence, or unlawful threat to further explicit racism, antisemitism, anti-Muslim, white supremacy or any white nationalist ideology, or any ideology that discriminates based on religion or belief; or

(e) Espouses or advocates that the powers held by local law enforcement executives, and their interpretation of the law, supersedes those of any other federal, state, or local authority.

~~((12))~~ (15) **Final disposition** means an employing agency's final decision on a misconduct investigation. The final disposition is not dependent upon any appeals brought by an officer.

~~((13))~~ (16) **Findings or findings of fact and conclusion of law** means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred but was consistent with law and policy; or can neither be proven or disproven.

~~((14))~~ (17) **General authority Washington law enforcement agency** means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

~~((15))~~ (18) **General authority Washington peace officer** means any full-time, fully compensated and elected, appointed, or employed

officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

~~((16))~~ (19) Lapsed certification means that a certified officer has had a break in service of at least 24 months, but no more than 60 months, and that as a condition of continuing employment the officer must complete the commission's equivalency process.

~~((17))~~ (20) Law enforcement personnel means any person elected, appointed, or employed as a general authority Washington peace officer or certified limited authority peace officer.

(21) Limited authority Washington law enforcement agency means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas including, but not limited to, the state department of natural resources and social and health services, the state gambling commission, the state department of corrections, and the office of independent investigations.

~~((18))~~ (22) Limited authority Washington peace officer means any full-time fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible.

~~((19))~~ (23) Peace officer means any officer of general authority or certified limited authority as defined in subsections (18) and (22) of this section respectively.

(24) Petitioner means the commission's certification division.

~~((20))~~ (25) Probationary periods or probationary terms means a determination by a hearing panel that a certified officer may work under supervision based on agreed-upon terms.

~~((21))~~ (26) Recruit means an individual registered for, selected for, accepted to, enrolled in, or required to complete a basic training academy.

~~((22))~~ (27) Reserve officer means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce criminal laws of this state.

~~((23))~~ (28) Respondent means the certified officer against whom the petitioner has filed a statement of charges.

~~((24))~~ (29) Retraining means the teaching or reteaching of skills and conduct required to succeed as a certified officer and imposed by the commission's hearings panel in a final order pursuant to RCW 43.101.105.

~~((25))~~ (30) Revocation means to cancel a certified officer's certification.

~~((26))~~ (31) Serious injury means **substantial bodily harm** and **great bodily harm** as defined in RCW 9A.04.110 (4) (b) and (c).

~~((27))~~ (32) Specially commissioned Washington peace officer means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specifically commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon

and Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho.

~~((28))~~ (33) **Surrender** means that a holder of a certificate voluntarily relinquishes their certificate. This may happen while pending potential discipline or for any other reason.

~~((29))~~ (34) **Suspension** means a determination by a hearing panel on agreed-upon terms that a certified officer's certification will be withheld and the officer will be temporarily prevented from performing the duties of a certified officer during the determined period.

AMENDATORY SECTION (Amending WSR 22-13-075, filed 6/9/22, effective 7/10/22)

WAC 139-05-200 Requirement of basic law enforcement training for officers. (1) A peace officer or tribal police officer whose certification has been denied, revoked (~~((or))~~), suspended, or is under review by this state or any other state or territory, is not eligible for a basic law enforcement academy diploma.

(2) (a) As a condition of continued employment, unless exempted by the commission, all general authority peace officers must commence training in the basic law enforcement academy or the basic law enforcement equivalency academy within the initial six-month period of employment and then successfully complete the training.

(b) As a condition of continued employment, unless exempted by the commission, all limited authority peace officers subject to certification whose employment commences on or after July 1, 2023, must commence training in the basic law enforcement academy or the basic law enforcement equivalency academy within the initial 12-month period of employment and then successfully complete the training.

(c) As a condition of continued certification, all certified limited authority peace officers whose employment commenced prior to July 1, 2023, must submit to the commission documentation of any prior training received and complete any supplemental training deemed necessary by the commission by December 31, 2024, unless otherwise waived or extended by the commission.

(3) Law enforcement personnel exempted from the requirements of subsection (2) of this section include commissioned personnel:

(a) Who have met the training requirements in subsection (2) of this section and who have been employed with no break in service in this state for more than 24 months.

(b) Who have met the training requirements of subsection (2) of this section and within 24 months of completion are employed as a peace or tribal officer (~~((with a general authority law enforcement agency))~~). This includes any limited authority personnel as defined in RCW 10.93.020 and in the definitions of this chapter.

(4) Law enforcement agencies must use an approved form to immediately notify the commission when an officer subject to certification begins ongoing regular employment with the agency.

AMENDATORY SECTION (Amending WSR 23-01-086, filed 12/16/22, effective 1/16/23)

WAC 139-05-210 Process for equivalency. (1) (~~((An))~~) A peace officer, tribal police officer, or corrections officer whose certification, commission, or licensing has been revoked or suspended, or is under review by this state or any other state or territory is not eligible to receive certification through an equivalency academy, regardless of the officer's prior years of service.

(2) A diploma of equivalent basic law enforcement academy or corrections officers academy is issued to recruits who successfully complete the equivalency process as required by the commission. For this purpose, the term "process" includes all documentation and prerequisites set forth in subsection (9) of this section and successful com-

pletion of all knowledge and skills requirements within the equivalency academy.

(3) Participation in the equivalency process is limited to:

(a) Certified officers whose certification, commission, or licensing has lapsed because of a break in service in Washington or any other state or territory for more than 24 months but less than 60 months;

(b) Fully commissioned officers of a general authority, limited authority, or certified tribal law enforcement agency in Washington state who otherwise are eligible to attend the basic law enforcement academy;

(c) Fully commissioned officers who have been certified by completing a basic training program in Washington or another state;

(d) Limited authority officers who have been certified by completing a basic training program in Washington or another state;

(e) Corrections officers as defined in RCW 43.101.010(6) who otherwise are eligible to attend the corrections officers academy;

~~((e))~~ (f) Corrections officers who have successfully completed an approved corrections officers academy in Washington or another state; or

~~((f))~~ (g) Persons who have not attained commissioned officer status but have successfully completed a basic law enforcement academy recognized as fully equivalent to Washington's basic law enforcement academy by the commission and within 12 months of the date of completion has received a conditional offer of employment as a fully commissioned, or certified limited authority, officer in Washington state.

(4) For the purposes of this section, the term "basic training program" does not include any military or reserve training or any federal training program not otherwise approved by the commission.

(5) Recruits who must participate in the equivalency academy to become a certified officer must attend an academy within six months of hire as a condition of employment.

(6) It is the responsibility of a recruit's agency to ensure that all necessary backgrounding forms and documentation are completed and submitted to the commission in a timely manner and all requirements within this section are met.

(7) The decision to request an officer's participation in the equivalency process is at the discretion of the sheriff or chief of the officer's employing agency who must advise the commission of that decision. The commission has final approval of the officer's acceptance into the equivalency academy.

(8) The commission shall have authority to approve a recruit for participation in the equivalency process.

(9) The recruit's employing agency must submit to the commission the following documentation as a condition of participating in the equivalency process:

(a) A statement of the recruit's health and physical condition including a physician signature;

(b) A liability release agreement by the recruit;

(c) Previous employment agencies with dates of employment;

(d) Documentation of completion of the previous training program;

(e) Written syllabus detailing specific areas of training and hours of training;

(f) Documentation of current certification status; and

(g) For peace and tribal officers:

(i) A record of the recruit's firearms qualification; and

(ii) Verification of comparable emergency vehicle operations (EVO) training (~~((EVOC))~~).

If this has not been completed previously, the recruit must complete the commission's current basic law enforcement (~~(EVOC)~~) EVO training, either by an instructor certified by the commission or through the Washington state patrol; all costs associated with this training will be the responsibility of the law enforcement agency.

(10) Upon completion of the equivalency process and review and evaluation of the recruit's performance, the commission shall issue a diploma and a certificate of certification.

(11) If the recruit has not met the qualifications to satisfactorily complete an equivalency academy, the commission shall:

(a) Issue a diploma and certificate of certification upon satisfactory completion of any required additional training; or

(b) Require the recruit to attend the basic law enforcement academy or the corrections officers academy.

WAC 139-06-020 Agency reporting requirements—Force, separation, and investigation. (1) Within 15 days the employing agency of either a certified officer or reserve officer shall use an approved form to notify the commission of the following occurrences:

(a) When a certified officer or reserve officer is separated from the agency for any reason;

(b) When the agency first learns of a use of force by a certified officer or reserve officer, including canine bites, that caused serious injury or death;

(c) When the agency first learns that a certified officer or reserve officer has been charged with a crime. An employing agency shall have written policies that require a certified officer or reserve officer to immediately report any pending criminal charges and any conviction, plea, or other case disposition to their agency; and

(d) When the agency makes an initial disciplinary decision for alleged misconduct by a certified officer or reserve officer that is noncriminal and may constitute misconduct within RCW 43.101.105.

(2) An employing agency shall provide timely updates to the commission on the status of a reported internal investigation until the investigation concludes.

(3) If the employing agency accepts a certified officer's or reserve officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission including the findings from any internal or external investigations into alleged misconduct.

(4) If the totality of the circumstances supports a conclusion that a certified officer or reserve officer resigned or retired in anticipation of discipline, the agency who employed the officer at the time of the misconduct shall timely conduct and complete an internal investigation and provide all relevant information to the commission as it would if the (~~certified~~) officer were still employed by the agency, regardless of whether the misconduct was discovered at the time:

(a) When such discipline if carried forward would more likely than not have led to discharge; or

(b) If the certified officer or reserve officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the (~~certified~~) officer's suspension or discharge.

(5) Within 15 days of the conclusion of its internal investigation, the agency shall provide the commission with a summary of findings.

(a) If sustained misconduct results in separation, then a commission separation form is also required.

(b) The commission will review the separation form and may request investigative files for review of certification misconduct.

(6) The agency shall, upon request by the commission, provide any records and information the commission deems necessary to determine whether the certified officer committed misconduct that falls within RCW 43.101.105.

(7) In addition to disciplinary action authorized in RCW 43.101.105, the commission may impose a civil penalty not to exceed

\$10,000 for the failure by a certified officer, reserve officer, or an employing agency to timely and accurately report information pursuant to this section.

(8) Pursuant to RCW 43.101.135(7) an employing agency may not enter into any agreement or contract with a certified officer, reserve officer, or labor union that:

(a) Agrees not to report conduct, or to delay reporting, or to preclude disclosure of any relevant information to the commission, including any promise not to inform the commission that a certified officer or reserve officer may have committed misconduct in exchange for allowing that ((eertified)) officer to resign or retire or for any other reason; or

(b) Allows the agency to destroy or remove any personnel record while the certified officer or reserve officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and any other disciplinary appeals and litigation records.

AMENDATORY SECTION (Amending WSR 22-13-075, filed 6/9/22, effective 7/10/22)

WAC 139-06-040 Investigation and appeal—Procedures for misconduct. (1) Commission investigations are to determine whether there is preponderance of the evidence to believe the certified officer's certification should be denied, revoked, or suspended.

(2) Investigations may commence on the commission's own initiative under RCW 43.101.105, or upon receiving a complaint per WAC 139-17-010.

(3) The commission may conduct its investigation before, during, or after any internal or criminal investigation by another agency, except in cases where a revocation decision requires a finding that the certified officer's conduct violated policy or law under RCW 43.101.105 (2) or (3).

(4) The commission may investigate any instance where there is a pattern of acts by a certified officer that may have not resulted in formal adjudication of wrongdoing but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3).

(5) The commission may initiate a certification hearing by preparing a statement of charges regardless of the status or posture of any internal disciplinary action by the employing agency.

(6) Upon a determination by the commission that there is a preponderance of the evidence to believe that a certified officer's certification should be denied, revoked, or suspended, the commission shall prepare a statement of charges and commence proceedings under RCW 43.101.155.

(7) Upon a determination by the commission that there is not preponderance of the evidence to revoke, suspend, or deny the certified officer's certification, a copy of the decision not to proceed, with a brief statement of the reasons for the decision, shall be furnished to the certified officer's employing agency and the complainant, if any.

(8) The certified officer's employing agency, or the complainant, if any, may request a review by the executive director of the commission, or their designee, of a determination that there is not preponderance of the evidence to revoke or suspend the certified officer's certification, by making such request in writing within 14 days of the receipt of written notification of the decision not to proceed.

(9) The commission's final order is subject to the judicial review provisions of the Administrative Procedure Act, RCW 34.05.510 through 34.05.598.

(10) The commission shall maintain all records obtained during an investigation in a permanent file in accordance with the retention schedule provided in RCW 43.101.400.

AMENDATORY SECTION (Amending WSR 22-13-075, filed 6/9/22, effective 7/10/22)

WAC 139-06-050 Statement of charges and notification for hearing.

(1) The commission shall prepare a statement of charges providing the grounds for denial, suspension, or revocation of the certified officer's certification under RCW 43.101.105.

(a) The statement of charges shall include a notice informing the certified officer that they are entitled to a hearing on the denial, suspension, or revocation of their certification, the steps to request a hearing, and that failure to request or attend a hearing will cause their certification to be denied or revoked.

(b) The statement of charges shall be sent to the certified officer and to the agency that employed the certified officer at the time of the alleged misconduct. If the certified officer is employed by a different law enforcement agency at the time the statement of charges is issued, that agency shall also be sent a copy of the statement of charges.

(2) A request for a hearing on the potential denial, suspension, or revocation of certification must be made by the certified officer on an approved form and received by the commission within 60 days from the date of sending the statement of charges.

(a) If a hearing is requested, the officer must provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission.

(b) If a hearing is requested, the first prehearing conference shall be held within 14 days of receipt of the hearing request form. The hearing shall occur within 90 days of the first prehearing conference.

(c) Any date related to the hearing schedule including, but not limited to, the dates of prehearing and status conferences, due dates for pleadings, briefings, and exhibits and the date of the hearing itself may be extended upon mutual agreement of the parties or for good cause.

(3) Failure by the certified officer to request a hearing within 60 days of sending of the statement of charges, or failure by the certified officer or their counsel to appear at any prehearing or status conference, shall constitute default and the commission shall enter an order of default and final order under RCW 34.05.440.

(4) Failure of the certified officer to appear at the scheduled hearing shall constitute default and the hearing panel shall enter an order of default and final order under RCW 34.05.440.

(5) The certified officer may waive the right to a hearing on an approved form. By waiving the right to a hearing, the certified officer acknowledges that their certification will be revoked, suspended, or denied and that the commission shall enter an order of default and a final order under RCW 34.05.440.

AMENDATORY SECTION (Amending WSR 22-13-075, filed 6/9/22, effective 7/10/22)

WAC 139-06-070 Conference and hearings procedures. (1) An administrative law judge (ALJ) shall preside over all prehearing conferences, status conferences, and the hearing itself.

(2) The attorney general's office shall represent the commission in all adjudicative proceedings before the commission.

(3) Once the commission hearings coordinator receives the request for hearing, the first prehearing conference shall be held within 14 days unless that time is extended by mutual agreement of the parties or for good cause.

(a) Prior to the first prehearing conference, the parties shall receive timely notice of prehearing conference. The notice will contain the date and time for the first prehearing conference as well as sign-on information and the names of the hearing panel members for the hearing.

(b) Any motion for disqualification of a panel member must be filed prior to the first prehearing conference.

(4) The first prehearing conference is administrative. Its primary purpose is to schedule the hearing date, which must occur within 90 days of the first prehearing conference unless that time is extended on mutual agreement of the parties or for good cause.

(a) During the first prehearing conference, the administrative law judge (ALJ) may schedule due dates for the filing of any prehearing briefs, witness lists, exhibit lists and exchange of exhibits, objections to witnesses and exhibits, and prehearing motions. The ALJ will also schedule a second prehearing conference.

(b) The ALJ shall issue a prehearing conference order within one week of the conclusion of the first prehearing conference. The prehearing conference order shall describe the action taken at the conference and the agreements made by the parties.

(5) The purpose of the second prehearing conference will be to address any objections to the parties' witnesses and exhibits and ascertain the parties' readiness to proceed to hearing. During the second prehearing conference, parties shall be prepared to discuss any remaining matters including any objections to ~~((witness))~~ witnesses or exhibits, and any remaining motions.

(a) The ALJ will make any necessary rulings on motions and objections to witnesses and exhibits.

(b) An order shall be issued by the ALJ within 10 days of the conclusion of the second prehearing conference.

(c) After the second prehearing ~~((teleconference))~~ conference, the panel members will be provided with all materials admitted into

evidence, to include witness list and copies of the statement of charges, as well as all briefings submitted by the parties.

(6) Failure of the respondent or the respondent's attorney to attend or participate in any scheduled prehearing conference will result in a finding of default and an order will be entered under RCW 34.05.440.

(7) Hearings may be held in person or virtually.

(a) Once the hearing date has been set, a written notice will appear on the commission website with the date, time, and location of the hearing.

(b) Hearings are open to the public and accommodations will be made for public attendance of virtual meetings.

(c) The commission shall create audio or video recordings of all prehearing conferences and hearings.

(8) If an in-person hearing is scheduled, the hearings coordinator will provide an admitted exhibits binder including all admitted exhibits from both parties. The admitted exhibits binder shall be used by both parties to reference or display any admitted exhibits during the hearing. If a virtual hearing is scheduled, the parties shall maintain control of their exhibits and, if necessary, will be required to share their screens when referencing or displaying an admitted exhibit during the proceeding. Parties are forbidden from screen sharing any exhibits or any versions of exhibits not previously admitted.

(9) If an in-person hearing is scheduled, the respondent must attend the proceeding in person. Respondents who fail to comply with this attendance requirement will result in the revocation, suspension, or denial of certification and the hearings panel shall enter an order of default and final order under RCW 34.05.440.

(a) In person hearings will be conducted at the training commission located at: 19010 1st Avenue South, Burien, Washington, 98148.

(b) If a virtual hearing is scheduled, the respondent shall remain visible on screen at all times the parties are on the record. Respondents who fail to comply with this attendance requirement will result in the revocation, suspension, or denial of certification and the hearings panel shall enter an order of default and final order under RCW 34.05.440.

(10) Regardless of whether a hearing is scheduled in-person or virtually, witnesses may testify at the hearing in-person, by telephone, or virtually.

(11) A five-member hearings panel shall hear the case and will make the commission's final administrative decision based on a majority of the vote.

(12) The standard of proof in actions before the commission is a preponderance of the evidence. RCW 43.101.380(1).

AMENDATORY SECTION (Amending WSR 23-01-086, filed 12/16/22, effective 1/16/23)

WAC 139-06-100 Outcomes for determinations of misconduct—Denial, suspension, ((probation)) revocation, retraining, or dismissal of the statement of charges. (1) When an applicant or certified officer is found to have committed misconduct listed under RCW 43.101.105(3), the commission may convene a hearing panel to review the facts and,

with any finding of misconduct, determine any appropriate outcomes. Outcomes include any or multiple of the following: Denial, suspension(~~(, probation)~~), revocation of certification, remedial training, or dismissal of the statement of charges. In determining an appropriate outcome following a finding of misconduct, the hearings panel shall review the following evidence, if admitted:

(a) Information provided by the complainant(s), if any;

(b) The final disposition and all supporting documentation and information submitted to the commission and the basis for the final disposition following an investigation by a law enforcement or corrections agency regarding alleged misconduct;

(c) The final disposition and any documentation submitted to the commission and the basis for the final disposition of any due process hearing or disciplinary appeals hearing provided such hearing has occurred prior to the commission's action;

(d) Any information obtained by the commission through its own investigation or research;

(e) Any discipline or training ordered by the employing agency regarding the alleged misconduct; and

(f) Whether the employing agency bears any responsibility for the situation.

(2) Additional bases for determining appropriate outcomes shall be developed by the commission.

(3) The fact that the commission has suspended the certified officer's certification is not in and of itself a bar to the employing agency's maintenance of the officer's health and retirement benefits.

(4) Any suspension imposed by the commission shall run concurrently to any leave or discipline imposed by the employing agency for the same incident.

(5) An agency may not terminate the certified officer based solely on imposition of suspension or probation by the commission.

(6) This subsection does not prohibit a law enforcement agency from terminating the certified officer based on the underlying acts or omissions for which the commission took such action.

(7) Reserve officers are subject to the same commission actions as certified officers based on alleged misconduct listed in RCW 43.101.105 (2) and (3) if the reserve officers are certified pursuant to RCW 43.101.095.



WSCJTC Certification Hearings – Panel Member Application

RCW 43.101.380

APPLICANT INFORMATION

Name: Mon-Cheri Barnes **Agency:** King County Department of Public Defense

Title/Rank: Project/Program Manager III -
Public Records Specialist **Email & Phone:** Mon-Cheri.Barnes@kingcounty.gov &

Question for Law Enforcement/Corrections Officers Only

To be considered for selection to a hearing panel, a peace officer or corrections officer must have at least 10 years' experience. Do you meet this qualification: Yes No

Please select the hearing panel you wish to be considered for:

Peace Officer Hearings

- Police Chief or Sheriff
 Peace Officer, First Line Supervisor or below

Corrections Officer Hearings

- Person that heads a city or county corrections agency or a WA DOC corrections facility
 Corrections Officer, First Line Supervisor or below

Tribal Officer Hearings

- Tribal Police Chief
 Tribal Police Officer, First Line Supervisor or below

All Hearings

- Civilian member of the Washington State Criminal Justice Training Commission.
 Member of the public who is NOT a prosecutor, defense attorney, judge, or LE officer.
 Person with expertise and background in police accountability who is NOT a current or former peace officer or corrections officer. **Please provide your experience:**

Required Materials

Application Cover Letter Resume & contact for three references Letter of Support from Agency Supervisor*

*Members of the public may submit a letter of recommendation in lieu of a letter of support.

Please submit materials to: Hearings Coordinator, Kayla Wold; kwold@cjtc.wa.gov or
WSCJTC: 19010 1st Ave S. Burien, WA 98148
Questions: (206) 372-5391

Applicant Submittals

Materials submitted to WSCJTC will be presented at the quarterly commission meeting (September, December, March, June – dates subject to change). Please note, the applicant need not attend. Upon approval or denial, a letter will be sent to you with additional information.

COVER LETTER

Mon-Cheri Barnes | mon-cheri.barnes@kingcounty.gov

Thursday August 10, 2023

To Whom It May Concern:

I believe that I should be a Panel Member on the Washington State Criminal Justice Training Commission Hearings because I have a well rounded view of the criminal justice system.

As an experience profession within the criminal justice system, I believe that I would be a valuable addition to the Washington State Criminal Justice Training Commission Hearings as a Panel Member.

Throughout my career, I have gained a wealth of knowledge and experience working in various roles within the criminal justice system. I have a deep understanding of the complexities and nuances of the system since working for the public defense, prosecutors and law enforcement point of view. This has given me a unique perspective on the challenges faced within every side within the system and has allowed me to develop a comprehensive understanding of the issues at hand.

In summary, I believe that I possess the skills, experience and perspective needed to be an effective Panel Member on the Washington State Criminal Justice Commission Hearings. I am committed to ensuring that the criminal justice system is fair and just.

If you need any additional information, feel free to contact me by email at mon-cheri.barnes@kingcounty.gov anytime.

Sincerely,

Mon-Cheri Barnes

Mon-Cheri Barnes

Mon-Cheri Barnes

[LinkedIn Profile](#) • Tacoma, WA 98408

Analytical and results-driven professional with substantial years of experience analyzing complex data, identifying patterns, and uncovering critical insights. Well-versed in utilizing advanced investigative techniques and tools to conduct thorough examinations and produce actionable recommendations. Proven ability to assess risks, develop investigative strategies, and collaborate with cross-functional teams. Demonstrated expertise in conducting in-depth research, compiling comprehensive reports, and presenting findings to stakeholders. Skilled in maintaining data confidentiality/integrity throughout the investigation process. Refined communicator; equipped with exceptional attention to detail, problem-solving, time/resource management, and leadership skills. Committed to upholding legal and ethical standards, while delivering accurate and timely results.

Areas of Expertise

- ◆ Evidence Collection & Preservation
- ◆ Regulatory Compliance Assurance
- ◆ Data Privacy & Confidentiality
- ◆ Research & Information Gathering
- ◆ Investigative Analysis
- ◆ Records Management
- ◆ Risk Assessment & Mitigation
- ◆ Reporting & Documentation
- ◆ Cross-Functional Collaboration

Professional Experience

King County – Department of Public Defense, Seattle, WA

2022 – Present

Public Records Specialist - Program Manager III

Supervise the department's records retention policies, while proposing necessary amendments. Confirm departmental adherence to the timeliness requirements of Public Records Act requests. Deliver constructive feedback to enhance customer service and departmental efficiencies. Cultivate productive relationships with each requester to clarify inquiries and deliver prompt responses.

- Processed, finalized, and addressed intricate public disclosure act requests in accordance with the Washington State Public Records Act (RCW 42.56) and King County Executive Branch Public Records Act Procedures.
- Maintained department records, including storage, archiving, and appropriate destruction using Excel, Access, and Adobe Pro in accordance with set regulations and policies.
- Improved the effectiveness of departmental records management by devising and implementing robust records retention plans and procedures.

King County - Department of Public Defense, Seattle, WA

2020 – 2022

Public Defense Investigator

Assisted attorneys in examining misdemeanor and felony criminal cases from a defense standpoint. Developed scaled diagrams and drawings for courtroom presentation. Identified and located witnesses and supported attorneys in identifying suitable expert witnesses. Conducted extensive interviews with victims, witnesses, police personnel, medical professionals, and clients. Gleaned vital information pertaining to the case by formulating and prioritizing questions. Compiled comprehensive summaries of interviews and investigative findings. Participated in unit and agency training sessions and meetings.

- Obtained and reviewed reports, records, and other information, including employment, law enforcement, medical, government agency, and criminal records of both state and defense witnesses.
- Supported the defense strategy by discovering evidence and conducting thorough crime scene analysis and investigating physical locations or objects.

- Provided trial support by communicating the trial schedule to witnesses, while responding to last-minute investigative requests.
- Organized investigative case files, maintained and updated time logs, calendar due dates, and court dates.

Seattle Police Department, Seattle, WA

2017 – 2019

Paralegal

Addressed intricate public disclosure requests in adherence to mandated state deadlines. Redacted diverse electronic, paper, and media records in accordance with applicable laws and standards. Performed complex research and analysis related to public records requests, while acting as a technical expert. Facilitated communication/meetings between record holders and requesters. Reviewed substantial volumes of responsive records for redactions and withholding exemptions.

- Conducted comprehensive legal research utilizing a range of legal resources, including law libraries and online legal research tools.
- Responded to records requesters, providing regular updates on the progress of public records requests.
- Identified and coordinated the production of public records in compliance with legal deadlines.

Pierce County Department of Assigned Counsel, Tacoma, WA

2015 – 2016

Investigative Intern

Led interview, screening, and review of discovery with clients facing Misdemeanor/Felony charges. Conducted interviews with victims and witnesses as requested by attorneys. Verified and investigated information provided by clients. Delivered pro se clients' motions to the appropriate judge in the Superior Court. Redacted discovery materials upon attorney's request for clients.

- Generated detailed investigative reports and devised effective communication strategies for defense attorneys based on client consultations.
- Developed expertise in criminal cases by partnering with licensed investigators and public defenders.

Additional Experience

Admin Staff Assistant – Seattle Police Department, Seattle, WA

Research Analyst – Seattle University & Seattle Police Department

Case Prep Clerk, Admin Spec. I – Seattle City Attorney's Office: Criminal Division

Assistant Paralegal (Intern) – Seattle City Attorney's Office: Criminal Division

Education & Credentials

Master of Arts in Criminal Justice – Seattle University, WA

Bachelor of Arts in Criminal Justice – University of Washington, WA

Associates in Arts & Sciences – Bellevue College, WA

Licenses & Certifications

Certified in Essentials of Information Governance

Certified in Generally Accepted Recordkeeping Principles

Certified Information Professional

Certified in Professional Leadership

Certified in Government Archives & Records Administration

Certified in eDiscovery Executive

Technical Proficiencies

Microsoft Office Suite | Microsoft Security & Compliance (eDiscovery) | LINX | JIS | JABS | MCIS | DAMION | SCOMIS, DISCIS | GovQA & Adobe Acrobat Pro | Versadex | Evidence.com | Mark43 | IAPro | BlueTeam | Legacy | Keyfile | COBAN | Legal Files | GIS (Geographical Information Software) | CLEAR

REFERNECE LIST

Sarah Hudson
Immigration Project Resource Attorney
Washington Defenders Association
sarah@defensenet.org
[REDACTED] (personal)

Ryan Gray
Investigator
Whatcom County – Public Defender
RGray@co.whatcom.wa.us
[REDACTED] (personal)

Ryan Gray
Senior Director of Performance Analytics & Research
Seattle Police Department
[REDACTED]

Friday, July 21, 2023

To whom it may concern,

My name is Sarah Hudson, I am a Washington licensed attorney who is writing in support of MonCheri Barnes' appointment as a panel member for the Washington State Criminal Justice Training Commission for Peace and Corrections Officer Certification Hearings.

MonCheri is currently employed at the Department of Public Defense in King County in the Director's office but her experience is not limited to the realm of defense attorneys and public defenders. However, she is an excellent investigator and has made use of her exceptional people skills to aid public defense clients. MonCheri was assigned to some of my cases when I was a public defender at the Department of Public Defense. She was thorough in her interviews of clients as well as potential witnesses to the cases I had with her, many resulting in greatly reduced charges or outright dismissals.

When she investigates, she seeks not only one possible avenue to the truth, but the possibility that the truth lies somewhere in between the multitude of stories that are relayed by people involved in a case. This quality of being able to consider the availability of more than one narrative would make her an exceptional panel member because she looks at people as a collection of narratives, not just one story or one role they have to play. She approaches people without judgment and accepts what they tell her, despite her personal beliefs.

Before the Department of Public Defense she worked for the Seattle Police Department, a job that likely challenged her, going from the police to public defense is quite a switch in perspective, but one she seemed to handle with the utmost grace. She brought her knowledge and expertise around police practices to her investigation and quickly took on the role of training others on how to accomplish specific investigative tasks. Her willingness to take on whatever role or challenge was presented to her, with enthusiasm, was part of what made her a frequently requested investigator on the tough charges that required a keen attention to detail.

It bears mentioning that her lived experience, as both a woman and a person of color, would be vital to this panel. She brings a unique perspective that she generously shares with the people around her. Law enforcement has historically had numerous issues with both women and persons of color, by giving MonCheri a place on this panel, she will bring her perspective and considerable experience to a space when historically she would not have been heard.

If you have any questions, feel free to contact me at [REDACTED]

SINCERELY,

A handwritten signature in black ink, appearing to read 'Sarah Hudson', with a stylized, cursive script.

SARAH HUDSON

Loren T. Atherley, MA

8/8/2023

To Whom It May Concern:

This letter concerns Mon-Cheri Barnes' application to join the Washington State Criminal Justice Training Commission as a panel member for Peace and Corrections Officer Certification Hearings.

Presently, I serve as Sr. Director of Performance Analytics & Research at the Seattle Police Department. In addition, I am an internationally recognized expert on police performance, police behavior, police misconduct, constitutional policing, disparate impact, risk management and Evidence-Based Policing. I am a NIJ LEADS Scholar and in 2022 was inducted into the Evidence-Based Policing Hall of Fame at George Mason University.

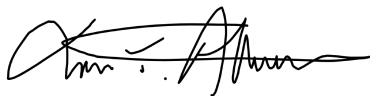
Ms. Barnes and I first met through an alumni event at Seattle University. In addition, during her tenure at the Seattle Police Department (SPD), I worked with Ms. Barnes directly and indirectly on many projects. Her attention to detail, diligence and expansive knowledge of the criminal justice system proved to be an invaluable asset, in every case. In a world where resources are consistently in short supply, Ms. Barnes was always willing to roll up her sleeves and help.

With a reputation for confronting the sometimes difficult truth of our work, Ms. Barnes demonstrated a commitment to ethics and professionalism. She was never afraid to surface issues, or questions or surface, and always with respect and professionalism. I have always been impressed with her ability to communicate effectively and work collaboratively with others to find solutions that benefit everyone involved.

I have found Mon-Cheri Barnes to be a highly competent, skilled professional who consistently performs above expectations. Her attention to detail, dedication to the work, and exceptional communication skills make her an invaluable asset to any team. I would highly recommend her for any professional position without hesitation.

Please, feel free to reach out to me with any questions.

Sincerely,



Loren T. Atherley, MA

6/26/2023

RE: Mon-Cheri Barnes Letter of Recommendation

To whom it may concern,

Hello, this letter is regarding Mon-Cheri Barnes application to be a panel member at the Washington State Commission for Peace and Corrections Officer Certification hearings. I had the pleasure of supervising Mon-Cheri as a Public Defense Investigator with the King County Department of Public Defense, Northwest Defenders Division from February 2020 until October 2021 when I left to work in Whatcom County. During that time, I was able to watch Mon-Cheri grow into a reliable, tenacious, and adaptable investigator who could handle all manner of cases as well as assist with training new investigators, and becoming the "go to" person in the entire department of public defense when it came to Public Records requests.

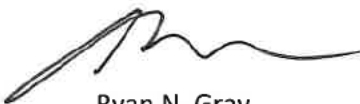
Mon-Cheri has a history of working in different aspects of the criminal justice system including both public defense and law enforcement. This gives her a unique insight from working on "both sides" of the aisle. She is an excellent interviewer and active listener who can ask the hard questions in a tactful manner and can follow up with new information as necessary. During her time as a defense investigator she conducted hundreds of interviews with alleged victims, eyewitnesses, medical professionals, and law enforcement officers.

She is a reliable individual who works hard, no matter the task, in order to do a good job. Mon-Cheri is detail oriented and thorough but does not get bogged down in the minutia of the task she is working on. Although Mon-Cheri had experience in the criminal justice system when she was hired as an investigator, she had very little investigation experience. She was eager to learn and would volunteer in tasks to learn through experience. I was impressed at how quickly she picked up the skills of a good investigator and applied them in her every day work, quickly becoming able to handle serious and complex cases.

Mon-Cheri exercised good judgement when confronted with new or novel situations as an investigator. She would follow up with me as her supervisor and would discuss how and why she made the decisions she did. Mon-Cheri was also never afraid to ask questions if she didn't understand a task and was receptive to constructive criticism. Her reliability and quick learning made her an easy choice, for me to utilize her as a mentor and roll model to new investigators that were hired after her.

I thoroughly enjoyed supervising Mon-Cheri and was always impressed with her dedication and work product. Her knowledge and experience in the criminal justice system is unique and immense. If you have any additional question or need any additional information, please do not hesitate to reach out to me.

Sincerely,



Ryan N. Gray





**Department of
PUBLIC DEFENSE**

Nathan Bays, Special Counsel
710 Second Avenue, Suite 200
Seattle, WA 98104
nbays@kingcounty.gov

June 12, 2023

Dear Washington State Criminal Justice Training Commission:

As the supervisor for Mon-Cheri Barnes at the King County Department of Public Defense, I write in full support of her application to become a volunteer panel member for the Peace and Corrections Officer Certification Hearings.

Mon-Cheri is diligent, hardworking, and committed to the core principles of justice and fairness. As the public records specialist for DPD, Mon-Cheri's job requires her to be attentive to detail and careful in tracking and keeping ahead of numerous ongoing matters. Mon-Cheri excels in all these qualities and performs her job responsibilities at a high level.

In addition to her careful attention to detail, Mon-Cheri is unique in that she also has valuable past experience working with law enforcement, having previously handled public records issues for the Seattle Police Department prior to her time at DPD. Also, Mon-Cheri has a wonderfully supportive and collegial presence that I believe would be a great benefit to both the Commission in general and the other panel members with whom she would be serving.

Mon-Cheri would be handling her work for the Commission separate from and in addition to her existing responsibilities with DPD, and I am confident she would be able to balance these responsibilities effectively through the same careful planning and preparation with which she approaches all her work.

I fully support Mon-Cheri's application, and I would welcome the opportunity to answer any specific questions the Commission might have.

Thank you for your consideration,

A handwritten signature in black ink that reads 'Nathan Bays'.

Nathan Bays
nbays@kingcounty.gov





WSCJTC Certification Hearings – Panel Member Application

RCW 43.101.380

APPLICANT INFORMATION

Name: Alicia Briones Agency: Columbia Basin College
Title/Rank: Assistant Professor of Criminal Justice Email & Phone: alicia.briones@gmail.com
Question for Law Enforcement/Corrections Officers Only
To be considered for selection to a hearing panel, a peace officer or corrections officer must have at least 10 years' experience. Do you meet this qualification: Yes No

Please select the hearing panel you wish to be considered for:

Peace Officer Hearings

- Police Chief or Sheriff
 Peace Officer, First Line Supervisor or below

Corrections Officer Hearings

- Person that heads a city or county corrections agency or a WA DOC corrections facility
 Corrections Officer, First Line Supervisor or below

Tribal Officer Hearings

- Tribal Police Chief
 Tribal Police Officer, First Line Supervisor or below

All Hearings

- Civilian member of the Washington State Criminal Justice Training Commission.
 Member of the public who is NOT a prosecutor, defense attorney, judge, or LE officer.
 Person with expertise and background in police accountability who is NOT a current or former peace officer or corrections officer. **Please provide your experience:**

Required Materials

- Application Cover Letter Resume & contact for three references Letter of Support from Agency Supervisor*

*Members of the public may submit a letter of recommendation in lieu of a letter of support.

Please submit materials to: **Hearings Coordinator, Kayla Wold; kwold@cjtc.wa.gov or
WSCJTC: 19010 1st Ave S. Burien, WA 98148
Questions: (206) 372-5391**

Applicant Submittals

Materials submitted to WSCJTC will be presented at the quarterly commission meeting (September, December, March, June – dates subject to change). Please note, the applicant need not attend. Upon approval or denial, a letter will be sent to you with additional information.

Alicia Briones

7.27.23

Dear Kayla,

I was very pleased to receive your email for the panel position opening at WA State Criminal Justice Training Commission - Certification Hearings. I am grateful for the opportunity to apply to join a board that provides a vital checks-and-balances system. With several years of criminal justice experience, including everything from teaching to working at the American Civil Liberties Union of Washington (ACLU of WA), I am always looking for new ways to help by giving back to my state through holding high standards for our most important roles namely those who serve our community and are in positions of power.

As you can see from my resume, I am passionate and dedicated to helping my community and my many years of experience has created a strong sense of justice and safety. I have worked with diverse communities, including with teens, children, LGBTQ+ communities, socioeconomic variants, and disability groups. I have also worked on projects where I have managed hundreds of people, which has exposed me to many different ideas and perspectives, allowing me to see different sides of every story.

If I was chosen for this position, I would hold myself and those around me to the highest standards, and take my role very seriously. I hope to be able to show you my sincerity and discernment in action.

Sincerely,

Alicia Briones

ALICIA J. BRIONES



Education

Seattle University

Master of Criminal Justice June 2012

University of Washington

Bachelor of Arts in Law, Societies, and Justice June 2006

Primary Work Experience

Arts Center Task Force Richland, WA

Operations Director April 2023- Present

Operations Manager June 2022-April 2023

- Works with the Executive Director to develop, maintain, evaluate, and continuously improve Arts Center Task Force's day-to-day operations systems, processes, controls, and policies
- Supports human resources activities by scheduling and supervising part time staff and volunteers, developing and maintaining an employee/volunteer handbook, developing, maintaining, and carrying out new employee/volunteer on-boarding procedures and exit protocols, etc.
- Serves as person in charge of the ACTF office in the Executive Director's absence
- Coordinates with the Executive Director, Board Treasurer, and outside accountant to maintain financial workflow and records
- Supports the Fundraising Committee Chair through data entry, gift acknowledgement, and fundraising mailings and events
- In collaboration with the Fundraising Committee, leads operations fundraising efforts through a range of channels, including grant submissions and grant management, fundraising events, direct solicitation, sponsorships etc.
- Schedules and coordinates staff, board, and committee meetings and appointments, and maintains organizational calendars
- Assists with communications including newsletters, website updates, social media management, and presentation development and review
- Producer for the Green Room Podcast

Columbia Basin College Pasco, WA

Assistant Professor of Criminal Justice (Tenure Track) May 2023-Present

Criminal Justice Adjunct Instructor July 2019-May 2023

- Criminal Law 110 (campus/online)
- Introduction to Criminal Justice 101 (campus/online)
- Juvenile Justice 106 (campus/online)
- Alcohol/Drug Psychopharmacology 222 (campus/online)
- Instructs students in criminological theories, history, developments, and solutions
- Teaches issues facing juveniles today concerning delinquency, control, and punishment
- Educates students regarding drug effects on human biology in relation to criminal activity, and creating criminal justice policy
- Built syllabus, class instruction, tests/quizzes, and overall learning goals/guidelines for students to be able to excel during COVID-19 disruption and uncertainty

The Children's Reading Foundation of the Mid-Columbia Kennewick, WA

Team Read Director July 2015-May 2019

- Presented and participated in various events promoting Team Read
- Created curriculum for 1st-3rd grade students to improve their reading, and bolster their confidence overall
- Responsible for a budget of \$96,000
- Supervised seven staff members at seven different schools, two hundred volunteer tutors, and four hundred students
- Managed MS Access database of all school, teacher, volunteer, and student information
- Conducted MS Access database's program data collection, and analysis
- Supervised day to day activities including creating and providing necessary program materials and supplies
- Handled all hiring, evaluations, and trainings for staff and volunteers

Safe Harbor and My Friend's Place Homeless Teen Shelter Kennewick, WA

Board Member and Fundraiser January 2016-December 2018

- Silent auction lead/event organizer
- Commanded database and tracking of volunteers, patrons, and auction items for fundraisers
- Acted as support and guide for Executive Director

Kennewick Fire Department Kennewick, WA

Fire Data Analyst January 2015-July 2015

- Analyzed fire data trends and projection using Crystal Reports and StatsFD
- Project Lead on various administrative programs, delegating and assigning work as needed
- Executive Assistant to the Fire Chief

Northwest Justice Project Pasco, WA

Legal Assistant (Temporary position) October 2014-October 2014

- Managed legal server
- Wrote up subpoenas, notice of appearances, and other legal documents
- Assisted all lawyers with various needs

American Civil Liberties Union of Washington Seattle, WA

Legal Intake Assistant and Reception Supervisor July 2009-June 2014

- Tracked and responded to all complaints received (4,000+ per year)
- Operated and continuously improved complaint database using Access and SQL coding
- Recruited, hired, trained, and supervised intake counselors and reception team volunteers
- Supported entire legal team including helping with discovery on cases, intake interviews for potential clients, and court document preparation
- Responsible for alleviating stressful/tense situations involving discontented public members
- Presenter for "Know Your Rights" with law enforcement, student conferences, and various panels

Seattle University's Criminal Justice Department Seattle, WA

Research Assistant January 2010-July 2010

- Evaluator of Community Center for Alternative Programs (diversion program)
- Creator and primary handler for the tracking/status database
- Helped individuals find and focus on what they needed so they could be successful in the program to avoid relapsing
- Provided a written report of changes and improvements to be made for the program at end of evaluation, including what was successful and could transfer to other similar programs

To Whom It May Concern,

I am pleased to write this letter of recommendation for my friend and colleague, Alicia Briones, who is seeking a position on the Washington State Criminal Justice Hearings Commission. Having worked closely with Alicia as her supervisor at the charitable nonprofit organization, Arts Center Task Force, I can confidently attest to her exceptional character, ethical standards, and dedication to her work.

Throughout our professional and personal interactions, Alicia has consistently demonstrated a strong sense of integrity and a genuine commitment to upholding the principles of fairness and justice. Her ethical conduct has been exemplary, and her educational background affords her a keen understanding of the complex issues that arise within the criminal justice system. Whether handling sensitive information, making tough decisions, or engaging with stakeholders, Alicia always maintains a high level of professionalism and empathy.

Alicia's conscientious approach to her work ensures that she is well-informed and prepared to make decisions. Her attention to detail and willingness to listen to all perspectives make her a valuable asset in any deliberative setting. I have witnessed her engaging in constructive dialogue, promoting an inclusive environment, and fostering collaboration to achieve positive outcomes.

I wholeheartedly endorse Ms. Briones for the position on the Washington State Criminal Justice Hearings Commission. I am confident that she will make significant contributions to the commission and continue to be a driving force for positive change in the criminal justice system.

Should you require any further information or have any questions, please don't hesitate to contact me at phinney@artscentertaskforce.com or (509) 396-1035. Thank you for considering Alicia for this opportunity.

Sincerely,

A handwritten signature in black ink that reads "Phinney Brown". The signature is written in a cursive, flowing style.

Phinney Brown
Executive Director
Arts Center Task Force

Below are three references:

Bryan Grossman

[REDACTED]
[REDACTED]

Patti Hackney

[REDACTED]
[REDACTED]

Jubilee Alexander

[REDACTED]
[REDACTED]

Thank you,
Alicia Briones MA

[REDACTED]



WSCJTC Certification Hearings – Panel Member Application

RCW 43.101.380

APPLICANT INFORMATION

Name: ADAM PACZKOWSKI	Agency:
Title/Rank: ATTORNEY AT LAW	Email & Phone: ADAMLPAZKOWSKI@GMAIL.COM / 360-672-2087
Question for Law Enforcement/Corrections Officers Only To be considered for selection to a hearing panel, a peace officer or corrections officer must have at least 10 years' experience. Do you meet this qualification: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the hearing panel you wish to be considered for:	
Peace Officer Hearings <input type="checkbox"/> Police Chief or Sheriff <input type="checkbox"/> Peace Officer, First Line Supervisor or below	
Corrections Officer Hearings <input type="checkbox"/> Person that heads a city or county corrections agency or a WA DOC corrections facility <input type="checkbox"/> Corrections Officer, First Line Supervisor or below	
Tribal Officer Hearings <input type="checkbox"/> Tribal Police Chief <input type="checkbox"/> Tribal Police Officer, First Line Supervisor or below	
All Hearings <input type="checkbox"/> Civilian member of the Washington State Criminal Justice Training Commission. <input type="checkbox"/> Member of the public who is NOT a prosecutor, defense attorney, judge, or LE officer. <input checked="" type="checkbox"/> Person with expertise and background in police accountability who is NOT a current or former peace officer or corrections officer. Please provide your experience: PREVIOUS CRIMINAL DEFENSE ATTORNEY	

Required Materials

Application Cover Letter Resume & contact for three references Letter of Support from Agency Supervisor*

*Members of the public may submit a letter of recommendation in lieu of a letter of support.

Please submit materials to: Hearings Coordinator, Kayla Wold; kwold@cjtc.wa.gov or
WSCJTC: 19010 1st Ave S. Burien, WA 98148
Questions: (206) 372-5391

Applicant Submittals

Materials submitted to WSCJTC will be presented at the quarterly commission meeting (September, December, March, June – dates subject to change). Please note, the applicant need not attend. Upon approval or denial, a letter will be sent to you with additional information.

Adam Paczkowski

PO Box 1632 Olympia, WA 98507 | 360.672.2087 | adamlpaczkowski@gmail.com

August 28, 2023

Washington State Criminal Justice Training Commission
19010 1st Ave. South
Burien, WA 98148

RE: Peace and corrections officer certification hearing panel member

To whom it may concern:

I am submitting this letter along with the included resume, application, and letter of recommendation in consideration for service as a panel member on peace and correction officer certification hearings under RCW 43.101.380.

I am a licensed attorney with experience in working with a diverse range of people given my area of practice. Since becoming licensed in Washington, I have spent most of my legal career providing representation to indigent persons in criminal and dependency/termination cases. I initially did this as a solo practitioner working on a public defense contract in Grays Harbor County as well as cases with the Mason County Public Defender's Office. Since January of 2017 when I started in my current position, I continued to represent clients in criminal matters, and in 2019 expanded my practice to represent indigent parents in dependency and parental rights termination cases. In this work I developed a keen eye in observing law enforcement officers and state social workers who were conducting investigations and interacting with the public. I became familiar with standard practices of law enforcement officers and have experience interpreting law enforcement actions for compliance with state and federal law. Further, I have developed the ability to work collaboratively with various stakeholders including other attorneys, case workers, community advocates, social workers, and health care professionals.

I am excited by the possibilities of expanding my service to the people of the State of Washington that this panel would allow.

Sincerely,



Adam Paczkowski
360-672-2087

adamlpaczkowski@gmail.com

Adam Paczkowski

P.O. Box 1632

Olympia, WA 98507

360-868-6558

adamlpaczkowski@gmail.com

EXPERIENCE

Northwest Justice Project Aug. 2021 – Present

Staff Attorney

- Represent low-income persons as court-appointed counsel in qualifying unlawful detainer (eviction) in Washington State Superior and Appellate courts
- Provide training on relevant laws to community partners and client populations

Taschner & Associates, PLLC Jan. 2017 – August 2021

Associate Attorney

- Provide direct representation of criminal defendants in misdemeanor and felony cases in Western Washington
- Represent parents in dependency and parental rights termination cases

Law Office of Adam Paczkowski Dec. 2015 – Dec. 2016

Attorney at Law

- Provide direct representation of defendants in misdemeanor cases in Mason and Grays Harbor Counties

Van Ness, Williamson LLP Jan. 2014 – Dec. 2015

Certified Law Clerk

- Assist supervising attorney's in representing indigent clients in their Post-Conviction Relief proceedings as well as other criminal matters

Public Defender of Marion County, Inc. May 2013 – Dec. 2014

Law Clerk (WUPLP Summer Fellow/unpaid)

- Provide legal research and writing services, conduct jail visits and staff attorneys at out of custody arraignments

Washington State Patrol, Olympia, WA

Budget and Fiscal Services Division

Fiscal Technician II, 2010-2012

Office Assistant II, 2008-2010

EDUCATION

Willamette University College of Law, Salem, OR

J.D. May 2015

- **Service** - WUPLIP, 2013-14 Vice President, 2014-15 Co-President; Moot Court Board Executive Board, 2014-15, Treasurer
- **Organizations** - Moot Court Board, Willamette Law Online, Willamette Journal of Int. Law and Dispute Resolution, Sports Law Journal, Willamette Univ. Public Interest Law Project
- **Awards** – Willamette Univ. Public Interest Law Project Summer Fellowship; Order of the Barristers.

St. Martin's University, Lacey, WA

B.A., Political Science, 2007

MEMBERSHIPS

Washington State Bar Association Oct. 2015 – Present

Washington Defenders Association 2016-2021

REFERENCES

Professional References:

- Anthony Thach: [REDACTED]
Washington Attorney General's Office, Deputy AG
- Randy Trick [REDACTED]
Thurston County Prosecutor's Office, Deputy Prosecuting Attorney
- Hon. Judge David Mistachkin [REDACTED]
Grays Harbor County Superior Court Judge

Personal References:

- Justus Kandoll: [REDACTED]
- James Van Ness: [REDACTED]
- Zachary Stern: [REDACTED]



Northwest Justice Project

711 Capitol Way S, #704
Olympia WA 98501
P: 206-707-7295
TF: 1-888-212-0380
F: 360-753-0174

Jason.kinn@nwjustice.org
www.nwjustice.org

César E. Torres
Executive Director

August 23, 2023

Kayla Wold
Hearings Coordinator
Washington State Criminal Justice Training Commission

Re: panel member candidate Adam Paczkowski

Dear Ms. Wold:

I recommend Adam Paczkowski without reservation for the role of panel member in peace and corrections officer certification hearings. He has several personal and professional characteristics that make him ideal for a role in which he must, in collaboration with others, look at facts and apply those facts to rules and policy even-handedly.

Adam and I work as lawyers in the same unit at NJP—the eviction prevention unit based out of Olympia. We have several unit-wide meetings a month in which we share facts and conundrums that we are faced with. Adam is a great listener, and his counsel to other lawyers is well-timed and thoughtful. He knows the law very well, but he does not need to take credit when his suggestions work.

I've also seen Adam's practice in court. He has a very even demeanor and is always respectful to the judge and to the participants at court. He does not get flustered by unexpected things happening in his cases, or by the bad behavior of others. He prepares well and has his legal arguments ready to go in advance. Opposing counsel respect his willingness to attempt to reach a deal in good faith. But even though he is collaborative by nature, he also stands his ground and fights when the client chooses that option.

Adam has years of experience as a public defender, and now has two years of experience representing people who are facing eviction. His clients have thus been at the lower end of the socioeconomic rung, and many of them have had significant mental health disabilities or physical disabilities. Adam shows a great deal of care to these vulnerable people. I see him interact with his tenant clients in the office and at court. He



takes the time to listen to his clients and he understands that even something that appears simple, like a failure to pay rent, or a failure to leave when the rental property is being sold, can sometimes have roots in disability and other historical circumstances. Adam demonstrates care at the same time that he provides clear-eyed legal advice.

Adam is very good at listening and collaboration, he is a very good reader of rules and law, and he looks for context when he examines facts. I think he would be ideal for the peace and corrections officer certification board. Please let me know if I can provide any further information, or if you'd like to talk over the phone.

Sincerely,

A handwritten signature in black ink that reads "Jason Kinn". The signature is written in a cursive style with a long horizontal stroke at the end.

Jason Kinn
Staff Attorney
Northwest Justice Project
206-707-7295
jason.kinn@nwjustice.org



WSCJTC Certification Hearings – Panel Member Application

RCW 43.101.380

APPLICANT INFORMATION

Name: Michael L. Morrison

Agency: Chelan County Sheriffs Office

Title/Rank: Sheriff

Email & Phone: Michael.Morrison@co.chelan.wa.us

Question for Law Enforcement/Corrections Officers Only

To be considered for selection to a hearing panel, a peace officer or corrections officer must have at least 10 years' experience. Do you meet this qualification: Yes No

Please select the hearing panel you wish to be considered for:

Peace Officer Hearings

- Police Chief or Sheriff
 Peace Officer, First Line Supervisor or below

Corrections Officer Hearings

- Person that heads a city or county corrections agency or a WA DOC corrections facility
 Corrections Officer, First Line Supervisor or below

Tribal Officer Hearings

- Tribal Police Chief
 Tribal Police Officer, First Line Supervisor or below

All Hearings

- Civilian member of the Washington State Criminal Justice Training Commission.
- Member of the public who is NOT a prosecutor, defense attorney, judge, or LE officer.
- Person with expertise and background in police accountability who is NOT a current or former peace officer or corrections officer. **Please provide your experience:**

Required Materials

Application Cover Letter Resume & contact for three references Letter of Support from Agency Supervisor*

*Members of the public may submit a letter of recommendation in lieu of a letter of support.

Please submit materials to: Hearings Coordinator, Kayla Wold; kwold@cjtc.wa.gov or
WSCJTC: 19010 1st Ave S. Burien, WA 98148
Questions: (206) 372-5391

Applicant Submittals

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MIKE MORRISON

SHERIFF

PROFILE

Sheriff Mike Morrison started his law enforcement career in January of 2006 after graduating Central Washington University with a degree in Law & Justice and Sociology. During that time Sheriff Morrison also served on numerous agency committees, received two Life Saving Awards and completed the West Point Model Police Leadership Program in addition to the National Sheriffs Institute Leadership Development Course. As Sheriff, his mission has been to establish transparency and accountability to the agency. He has ensured all residents are treated with fairness, respect and dignity, while protecting constitutional rights.

CONTACT

PHONE:
(509) 667-6831

WEBSITE:
<https://www.co.chelan.wa.us/sheriff>

EMAIL:
michael.morrison@co.chelan.wa.us

HOBBIES

Homeless Housing Task Force
Volunteer Track & Field Coach
Outdoor Recreating (Hiking)
Reading

EDUCATION

CJTC Basic Law Enforcement Academy (2006)

Central Washington University – B.A. Law and Justice with a minor in Sociology (2004)

Spokane Community College – A.A.S. Administration of Justice (2001)

North Thurston High School – Diploma (1999)

WORK EXPERIENCE

Chelan County Sheriff's Office – Current Elected Sheriff

03/2014 – Present (Elected 2022)

Search and Rescue, High Angle Rope Rescue, Swift Water Rescue, School Resource Officer, Field Training Officer, Instructor, Association President

Omak Police Department – Patrol Officer

01/2006 – 03/2014

Patrol, Investigations, Instructor, SWAT Team (Okanogan County Sheriff's Office), Union President

SKILLS

- Strong knowledge of law enforcement principles, procedures, and practices.
- Excellent analytical and decision-making skills.
- Effective communication and interpersonal skills.
- Ability to maintain impartiality and fairness in decision-making processes.
- Leadership and team management abilities.
- Proficient in utilizing technology and law enforcement software.



Mike Morrison | Sheriff

Law and Justice Building | 401 Washington St. #1 | Wenatchee, WA 98801
Office (509) 667-6851 | Fax (509) 667-6860

08/15/2023

Dear Members of the Washington State Criminal Justice Training Commission,

I am writing to express my interest in serving as a panel member for the Washington State Criminal Justice Training Commission's peace officer certification hearings. As the elected Sheriff of Chelan County with a profound commitment to upholding justice and ensuring the highest standards of law enforcement, I believe that my qualifications and experience make me a suitable candidate for this crucial role.

Throughout my seventeen plus year law enforcement career, I have gained extensive firsthand knowledge of the challenges faced by law enforcement agencies, the importance of maintaining public trust, and the critical need for well-trained and responsible law enforcement officers. I have been dedicated to promoting professionalism, accountability, and community-oriented policing within my jurisdiction, and I have actively sought opportunities to enhance the effectiveness and integrity of law enforcement practices.

Some of my qualifications for sitting on the panel stem from the following key attributes:

1. **Experience and Expertise:** Serving as an elected sheriff has equipped me with a comprehensive understanding of law enforcement policies, practices, and training requirements. This experience has afforded me the ability to objectively evaluate and make informed judgments on matters pertaining to officer conduct, training, and certification.
2. **Commitment to Fairness and Accountability:** As an elected official entrusted with maintaining public safety, I recognize the paramount importance of fair and impartial decision-making. I am dedicated to ensuring that the certification hearings are conducted with the highest level of integrity, transparency, and adherence to due process.
3. **Collaborative and Communicative Approach:** Throughout my career, I have cultivated strong working relationships with various stakeholders, including community members, law enforcement agencies, and criminal justice organizations. These skills would enable me to contribute effectively to the panel's deliberations and decision-making processes.
4. **Understanding of Community Needs:** As an elected sheriff, I have prioritized community engagement and understanding the unique needs and perspectives of the communities I serve. This perspective allows me to bring a community-oriented approach to the certification hearings, ensuring that the concerns and expectations of the public are duly considered in the panel's deliberations.

In conclusion, my qualifications, experience, and dedication to promoting excellence in law enforcement make me a strong candidate for the panel member position. I am eager to contribute my knowledge and expertise to the Washington State Criminal Justice Training Commission's vital work of ensuring the certification of competent and accountable peace officers.

Thank you for considering my application. I look forward to the opportunity to discuss my suitability for this role further. Please find attached my resume for your review.

Respectfully,

Mike Morrison

Chelan County Sheriff

Undersheriff
Dan Ozment



Chief of Operations
Ryan Moody



Chief of Patrol
Seth Buhler



Chief Civil Deputy
Kim Oglesbee



Executive Assistant
April Moore



OFFICE OF THE OKANOGAN COUNTY SHERIFF

PAUL D. BUDROW, SHERIFF

ADMINISTRATION, INVESTIGATION AND CIVIL
123 - 5TH AVENUE NORTH, ROOM 200
OKANOGAN, WA 98840
509-422-7200 FAX: 509-422-7217

CORRECTIONS AND COMMUNICATIONS
149 - 4TH AVENUE NORTH
OKANOGAN, WA 98840
509-422-7200 FAX: 509-422-7236

August 16, 2023

Washington State Criminal Justice Training Commission
19010 1st Avenue South
Burien, WA 98148

RE: Letter of recommendation for Sheriff Michael L. Morrison

To Whom it May Concern:

I am pleased to offer this letter support and recommendation for Sheriff Michael L. Morrison's application to become a hearing panel member for the Washington State Criminal Justice Training Commission. I have been in law enforcement for 39+ yrs as a patrolman, 20 of those as a Chief of Police and now as the Sheriff of Okanogan County.

In my role as a Chief of Police I was a member of the hearings board prior to the new legislative update of the process. I have worked the countless Chief's and Sheriff's in various settings from the field to the hearing of officers appeals. I had the pleasure to meet Sheriff Morrison and have done research into his background as a deputy and was actually going to ask him to join my administration if he had not won the election in Chelan County. I was very happy he become the Sheriff for Chelan County as I knew our ability to serve both our communities was going to be very strong.

Based on my knowledge of how important it is to have through, knowledgeable, with high integrity for this position, I can't think of a better person in law enforcement who would be better-suited for this position. I am pleased to recommend Sheriff Morrison for this position without hesitation.

Please don't hesitate to contact me if you have further questions.
You may reach me at [REDACTED]

Sincerely,

Sheriff Paul D. Budrow
Electronically signed 08/16/2023

ADMINISTRATION
DAVID YARNELL
Undersheriff

INVESTIGATIONS
RICK BALAM
Chief Criminal Deputy

COMMUNICATIONS
MIKE WORDEN
Chief Special Operations Deputy

CORRECTIONS
[REDACTED]
Chief Corrections Deputy

CIVIL
BETH BARKER
Chief Civil Deputy



Omak Police Department

8 N. Ash, P.O. Box 72, Omak, WA 98841 • (509) 826-0383 • FAX 826-0116

DANIEL J. CHRISTENSEN
Chief of Police

August 2, 2023

Washington State Criminal Justice Training Commission
19010 1st Ave S
Burien, WA 98148

Selection Committee,

I would like to take this opportunity to offer my support for Sheriff Mike Morrison of Chelan County to be selected as a Sheriff representative to sit on the Peace Officer Certification hearings panel.

I have worked alongside Sheriff Morrison as a fellow peace officer for over ten years. I believe he holds a high value in ethics in law enforcement and has worked in at least two agencies both large and small for Central Washington. He has also held the position of police officer, deputy sheriff, and now elected Sheriff. He has also held a position as a Student Resource Officer.

Please consider my recommendation for Sheriff Morrison to be selected to the Peace Officer Certification hearings panel.

Respectfully,

Daniel J. Christensen
Chief of Police

July 16, 2023

Washington State Criminal Justice Training Commission
19010 1st Avenue South
Burien, WA 98148

Re: Letter of recommendation for Sheriff Mike Morrison

To Whom it May Concern:

I am pleased to offer this letter of support for Sheriff Mike Morrison's application to become a hearing panel member for the WSCJTC. I served Okanogan County in various roles as a Deputy Prosecuting Attorney for over 18 years. My last position with the office was as Chief Criminal Deputy Prosecutor. I also recently served the State of Washington as an Assistant Attorney General. On August 1, 2023 I will be joining the Chelan County Prosecutor's Office as a Senior Deputy Prosecutor.

In my role as a deputy prosecutor, I have worked with countless law enforcement officers in various settings from the field to the courtroom. I had the pleasure of working with Sheriff Morrison when he served as an officer with the Omak Police Department for 8 years. In my experience, having Sheriff Morrison as an officer working my cases was always a benefit. His reports and investigations were always thorough and complete and even back then, he had a firm grasp of the laws and criminal procedures so that my office didn't have to respond to unnecessary motions and legal challenges.

My experience in working with Sheriff Morrison goes beyond just reviewing his reports and investigations, I have also been in trial with him on a serious violent offense where he was the lead investigator and I have ridden with him on multiple occasions. In my experience, Sheriff Morrison is not only ethical, but he is fair in his dealings with all involved in his cases/investigations and his peers.

Although until recently our careers have led us in different directions over the past several years, Sheriff Morrison and I have remained in contact to discuss changes in the laws and to offer one another peer support as we both have advanced in our careers. Based on my experience in working with Sheriff Morrison and my knowledge of his character and reputation, I was very pleased to see him become the elected Sheriff for Chelan County. Sheriff Morrison recently spoke with me about his interests in serving in this role for the WSCJTC and I can't think of anyone I know in law enforcement who would be better-suited for this position, given his experience in law enforcement and character. I am happy to recommend him for this position without hesitation. Please don't hesitate to contact me if you have further questions. You may reach me at [REDACTED].

Sincerely,

Felecia S. Chandler
Electronically signed 7/16/2023

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 – Follow-up
DATE: September 13, 2023



Background and Purpose.

Per Washington Administrative Code (WAC) 139-12-030(4)(b) the Washington State Criminal Justice Training Commission (WSCJTC) will annually update and publish an accepted best practices document that the independent investigation teams (IIT) follow during the independent investigative process.

Edits to the IIT best practices document were presented to Commissioners at multiple commission meetings throughout 2022 and 2023. At the June 2023 Commission Meeting, the final approval of the proposed edits was postponed so that WSCJTC staff could coordinate with the Office of Independent Investigations (OII) and ensure the document aligns with their agency statute and practices. Representatives from IIT leadership also participated in discussions regarding these final edits.

Follow-up Edits and Recommendations.

The edits and recommendations that were added between the June and September 2023 Commission Meetings are outlined below. Background information is included as well to clarify where the edit originated and why it is being proposed.

Page 4 – Involved Officers

Current proposed language: “There shall be no communication (in any format) between any involved officer(s), witness officer(s), or other officer(s) until all interviews have been conducted by the OII or IIT.”

New proposed edit: “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.”

Background: At the October 19, 2022, Commission Meeting, Commissioner Thomas requested a change in language that prevents involved officers from discussing a case to apply to all officers on the scene so that discussions cannot occur amongst themselves, which would further apply to the IIT and the venue agency, extending this requirement throughout the investigation until interview are completed. WSCJTC staff drafted the current language as it reads and concerns were shared with WSCJTC staff regarding legal rights. However, both law enforcement stakeholders

and the OII requested a modification of the language that would work for operational and procedural realities, but still keep the same requirement regarding communication.

Page 5 – Involved Agency Responsibilities

Current proposed language: “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.”

New proposed edit: “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).”

Background: This was language provided to WSCJTC by OII in 2022, however, it does not fully reflect the relevant statute and operational procedure and the OII has requested a modification.

Page 5 – Involved Agency Responsibilities

Current proposed language: “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.”

New proposed edit: “b. The IIT protocols should contain steps to notify the IIT leadership, and how the IIT will be deployed.”

Background: The current proposed language makes several assumptions about the operation of an IIT and they all vary across the state. The current proposed language is not in the adopted best practices from 2020 and was a new addition during this initial annual review.

Page 5 – Involved Agency Responsibilities

Current proposed language: “2. ... Statements made to the involved agency supervisor should be extremely brief and limited...”

New proposed edit: “2. ... Public safety statements made to the involved agency supervisor should be extremely brief and limited...”

Background: This edit was requested for clarity and is not a significant change.

Page 5 – Involved Agency Responsibilities

Current proposed language: “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.”

New proposed edit: “a. 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.”

Background: The OII proposed this edit to focus on making sure IIT or OII has the necessary information so they can determine whether any statements given are voluntary or compelled rather than making that determination in advance.

Page 6 – Involved Agency Responsibilities

Current proposed language: “5. Give all evidence in their possession to the OII or IIT.”

New proposed edit: “5. Provide evidence as requested to the OII or IIT as lawfully and legally required.”

Background: This language was modified as a result of stakeholder input. There are laws that require different procedures depending on the evidence.

Page 6 – Involved Agency Responsibilities

Current proposed language: “5. 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. iii. The agency identified to investigate the preceding crime(s) may have access to relevant evidence for the purposes of preserving community safety and make 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. The IIT chain of command shall make the determination if the evidence relates to the independent investigation.”

New proposed edit: “5. 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. 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.”

Background: The OII requested for 5. a. ii. to be removed from the document as this was language that was originally provided to WSCJTC during 2022. Additionally, the OII had concerns with 5. a. iii. from the current proposed language regarding control of the evidence.

This practice (5. a. iii.) was added in December 2022 as a result of Commissioner Batiste and WSP’s request. This language was reviewed by WSCJTC’s assistant attorney general who provided advice to the Commission regarding the implications and the Commission’s authority to make determinations on access to evidence. They stated “The Commission probably does have authority to make determinations on access to evidence because such determination are critical to defining what constitutes an independent investigation. If the evidence in question relates to an incident of the use of deadly force by a peace officer, then there should be no sharing of that evidence with the involved agency and the involved agency should not have priority access – or any access at all – to the evidence.”

The new proposed edit attempts to address the OII’s concerns with evidence access but maintains the Commissioner’s request. The IIT and/or OII will “coordinate” with the involved agency versus “consult” to address that this is often in an IIT’s protocol, and a consultation is not always necessary, but this is still coordinated. The language from 5. a. ii. was removed per the OII’s request.

Page 8 – On Scene Venue Agency Supervisor Responsibilities

Current proposed language: “3. 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.”

New proposed edit: “3. 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.”

Background: The new edit is agreed language between the OII and IIT stakeholders that more accurately describes the operational realities of this stage.

Page 9 – On Scene Venue Agency Supervisor Responsibilities

Current proposed language: “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.”

New proposed edit: “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.”

Background: A request was made to address blood-borne pathogen exposure to involved officers that allows for them to have photographs and video of the officer’s condition prior to the IIT’s arrival. This proposed edit was drafted in consultation with the OII.

Page 9 – On Scene Venue Agency Supervisor Responsibilities

Current proposed language: “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.”

New proposed edit: “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.”

Background: IIT stakeholders requested clarification that this is not the peer support group counselor. This does not change anything from the current language and only clarifies.

Page 10 – On Scene Venue Agency Supervisor Responsibilities

Current proposed language: “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.”

New proposed edit: “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.”

Background: This language was drafted by OII and added in consideration of IIT stakeholder feedback. Body-worn cameras and public safety statements are of concern for some IITs and clarification was requested to ensure no compelled information is given to the OII or IIT.

Page 10 – Independent Investigation Team Responsibilities

Current proposed language: “1. Respond as quickly to the scene as resources and geography allow. 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.”

New proposed edit: “1. Respond as quickly to the scene as resources and geography allow. a. If notified that the incident is also within the jurisdiction of OII, communicate with the OII regional supervisor or designee to coordinate responses. 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. 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 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. 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.”

Background: These edits were requested from OII to align with RCW 43.102.120(4) which states “If an independent investigation team takes control of the scene at the request of the office, the independent investigation team shall relinquish control of the scene and investigation at the request of the office when the office is on the scene or otherwise provides notice that the office is taking control of the scene. The independent investigation team may continue to engage in the investigation conducted at the scene if requested to do so by the lead office investigator, director, or the director's designee. The involvement of the independent investigation team is limited to activities requested by the office and must terminate following the securing of the scene and any evidence preservation or other actions as determined necessary by the office at the scene. The independent investigation team may not continue to participate in the ongoing investigation.”

Page 11 – Independent Investigation Team Responsibilities

Current proposed language: “4. 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.”

New proposed edit: “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.”

Background: This does not make significant changes, but only clarifies the language from the referenced RCW. RCW 10.114.021 states “Notice by the law enforcement agency to the governor's office of Indian affairs must be made within a reasonable period of time, but not more than twenty-four hours after the law enforcement agency has good reason to believe that the person was an enrolled member of a federally recognized Indian tribe.”

Page 12 – Independent Investigation Team Responsibilities

Current proposed language: “8. ... 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...”

New proposed edit: “8. ... 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...”

Background: This addition makes this within the requirements of the law similar to the edit on page 11.

Page 14 – Independent Investigation Team Responsibilities, Evidence Considerations

Current proposed language: “• An IIT member shall inspect and document all law enforcement tools...”

New proposed edit: “• An IIT member shall consider an inspection (and documentation) of all law enforcement tools...”

Background: Requested edit to be consistent with similar practices in the document. This task is dependent on the evidence and the scene and may not be necessary.

Page 14 – Independent Investigation Team, Evidence Considerations

Current proposed language: “• 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.”

New proposed edit: “• 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

September 13, 2023

control tools, and NFA items taken from the involved agency as part of the IIT investigation if requested by the involved agency.”

Background: Clarified that the items taken are from the involved agency as a result of a stakeholder request.

Page 17 – Record Keeping

Current proposed language: “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.”

New proposed edit: “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.”

Background: IIT stakeholders requested to clarify the meaning of “designated by assignment” as various support staff may complete transcription work and will need access to the file.

Closing.

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

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 (1)

IIT Best Practice Guidelines - September 2023 - Draft



Washington State Criminal
Justice Training Commission
September 2023

INDEPENDENT INVESTIGATION OF OFFICER INVOLVED USE OF DEADLY FORCE INCIDENT **BEST PRACTICES**



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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

Term	Definition
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	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.

Definitions (continued)

Term	Definition
Office of Independent Investigations	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.
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.
Venue Agency	The law enforcement agency or agencies having jurisdiction where the officer-involved incident occurs. This is very often the involved agency.
Witness Officer	An officer who witnessed, but did not engage in, the use of force being investigated by the IIT.

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.

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

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 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).
 - b. The IIT protocols should contain steps to notify the IIT leadership, and how the IIT will be deployed.
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.
 - 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.

Involved Agency Responsibilities (continued)

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. Provide evidence as requested to the OII or IIT as lawfully and legally required.
 - 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.
 - 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.

Involved Agency Responsibilities (continued)

6. Make all documents, reports, and information on the incident to be available to the OII or 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 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.
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.
 - a. Those to remain outside the perimeter may include command level personnel not directly involved in the incident.
 - 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.
 - c. The OII or IIT may adjust or add additional perimeters to further restrict areas.
4. Take steps to document and preserve any evanescent evidence.
5. A media staging area is identified and is appropriately staffed if necessary.

On Scene Venue Agency Supervisor Responsibilities (continued)

6. Establish a command post.
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.
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.
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.
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.
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 for future communications.

On Scene Venue Agency Supervisor Responsibilities (continued)

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

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 notified that the incident is also within the jurisdiction of OII, communicate with the OII regional supervisor or designee to coordinate responses.
 - 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.

Independent Investigation Team Responsibilities (continued)

- 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 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.
 - 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.
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 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.
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.
 - 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.

Independent Investigation Team Responsibilities (continued)

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 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.
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.
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.
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.

Independent Investigation Team Responsibilities (continued)

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.

Evidence Considerations (continued)

- 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) 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.
- 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.
- 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.
- 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 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.
 - Interviews of involved officers should follow the policies of their individual agency, collective bargaining agreement, and case law. 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.
 - 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.
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.

Independent Investigation Team Responsibilities (continued)

11. The incident scene will be released by the IIT once investigators are satisfied the crime scene processing is complete.
12. The involved agency and the venue agency chief or sheriff will be notified of the scene being released.
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.

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:

- Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors.
 - 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.
- Has assistance in coordinating with a victim advocate if one is available, especially if requested by the family.
- 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.

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.

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.

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.

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 and support staff 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.

IV. Appendix

Document Version History

- 1.0 First adopted - September 2020
- 2.0 Annual update - September 2023

