

IIT BEST PRACTICES ANNUAL REVIEW

Summary and Comparison | 2024

Contact

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INTEROFFICE COMMUNICATION

WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION



TO: WSCJTC Commissioners
FROM: WSCJTC ATD LETCSA Staff
SUBJECT: Annual IIT Best Practices Review
DATE: September 11, 2024

Background and Purpose.

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

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

Stakeholder and Commissioner Involvement.

At the December 2023 Commission Meeting, an ad hoc subcommittee was indefinitely established to participate in the annual IIT best practices review.

The ad hoc group's work plan states that, "stakeholder input is received until May 31 of the relevant calendar year. This is a hard deadline for the review to be considered at the September Commission meeting. Input may be provided to LETCSA staff at any point during the year."

During the annual review meeting, held on July 31, the ad hoc subcommittee reviewed submitted stakeholder input. They also requested edits to the best practices.

2024 Recommended Edits.

These changes are being recommended to the Commission with the goal of incorporating stakeholder and commissioner feedback and ensuring the best practices document is consistent with relevant RCWs and WACs. The differences between the current best practices and proposed edits are outlined below.

III. Procedures

B. Involved Agency Responsibilities

- Language was added to the public safety statement section that clarifies the statement will be taken if part of an agency protocol or policy.

E. Family Liaison Responsibilities

- Language was added that states an in-person family notification best practice is done in clothing other than their duty uniform. However, this must be permitted by the employing agency.
- Language was added to allow for family notification frequency to be waived or modified.

Closing.

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

Best regards,



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

Attachments (3)

Best Practice Guidelines - September 2024

Best Practice Guidelines - September 2024 - Track Changes

Completed Actions and Stakeholder Input - 2024 IIT Best Practices Annual Review

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

Completed Actions & Input Analysis

Wednesday, September 11, 2024 | Commission Meeting



Background

Per WAC 139-12-030(4)(b), “the independent investigation will follow accepted best practices for homicide investigations published and annually updated by the Washington State Criminal Justice Training Commission (WSCJTC).”

The independent investigation team (IIT) best practices ad hoc committee work plan states that staff will provide a “completed actions outline of all hosted meetings during review period,” and “collated stakeholder input with details and response.”

This document provides an overview of all stakeholder input received with responses and all actions leading up to the Commission meeting on Wednesday, September 11, 2024.

Completed Actions

Stakeholder input for the 2024 IIT best practices annual review was collected until May 31, 2024.

On Wednesday, July 31, 2024, WSCJTC staff met with the ad hoc committee to review stakeholder input and to receive any requested edits from commissioners.

Follow up from the annual review meeting was provided to the ad hoc committee on Tuesday, August 13, 2024, and no additional discussion or meeting was necessary.

Stakeholder Input & Response

The input period for 2024 ended on May 31, 2024.

LETCSA staff received input from the following stakeholders:

- Captain Brian Chance, Commander of the North Central Washington Special Investigations Unit (NCWSIU)
- Lieutenant Ryan Durbin and Lieutenant Scott Davis, Washington State Patrol (WSP)

Document Section	Stakeholder Input	Response
Page 2 - Definitions, “Involved Officer”	This definition does not specify that the officer was the one the utilized deadly force, only that they were involved in an incident where deadly force was used. Proposed Change: “..., whether on or off duty if he or she is exercising his or her authority as a peace officer and uses deadly force resulting in death, substantial bodily harm, or great bodily harm.”	Language will remain as is since it is identical to RCW 43.102.010 and WSCJTC is required to match this RCW.
Page 3 - Definitions, “Public Safety Statement”	This should be an uninvolved supervisor. Add: uninvolved...Add: “Due to the exigent nature of this information, the statement may be taken from the officer	Keep definition as is. The public safety statement may only be taken by the involved agency. The information they are suggesting to add is

	<p>without the benefit of representation. Public Safety Statements which are ordered, directed, or compelled cannot be shared with the OII or IIT.”</p>	<p>already in the best practices document in the procedures section.</p>
<p>Page 5 - Section B Involved Agency Responsibilities, #2</p>	<p>This language is worded as though ALL agencies take a public safety statement, which is not true. There are MANY challenges related to taking these statements under the current model involving IITs. And there are many unanswered questions, interpretations, and assumptions being made by agencies, teams, and other stakeholders regarding these statements. The language in BPs should be more along the lines of how to handle them, IF taken.</p>	<p>Modify language</p>
<p>Page 5 - Section B Involved Agency Responsibilities, #2</p>	<p>Inappropriate to have "best practices" which determine or influence individual agency administrative processes. The "best practices" should be narrowly focused on how an OIS is investigated, not</p>	<p>No additional edits. The language for the public safety statement does not cause any influence and the details are regional protocols or agency policy, not a</p>

	<p>including how an agency goes about collecting information. Additionally, the compelled statement portion is somewhat misleading and does not go into detail how an agency firewall system should work to prevent this information from making it to the IIT/OII.</p>	<p>statewide determination.</p>
<p>Page 6 - Section B Involved Agency Responsibilities, #5</p>	<p>Who gets to identify the agency? Who has authority to make these determinations?</p>	<p>This is answered in the first part of guideline #5. WSCJTC does not determine jurisdictional authority.</p>
<p>Page 10 - Section D Independent Investigation Team Responsibilities</p>	<p>These should mirror the SAO's audit expectations, or provide some sort of standard which would meet/exceed the audit standards.</p>	<p>The SAO bases their audit standards off of WSCJTC's administration & authority over the IIT program.</p>
<p>Page 11 - Section D Independent Investigation Team Responsibilities, #1. c.</p>	<p>Having the IIT commander hand over control of the scene to the OII lead investigator is problematic. The OII lead investigator is focused on the investigation, not overall Incident Command. Suggestion: IIT Commander should hand over control of</p>	<p>Keep language as is. This language was provided to WSCJTC by OII and is based on geographic reality and practices when responding to an OIS.</p>

	<p>the scene to the OII regional supervisor, once on scene.</p>	
<p>Page 12 - Section D Independent Investigation Team Responsibilities, #7</p>	<p>This language requires vetting by an IIT commander, received from and involved Chief or Sheriff, on EVERY investigation within 72 hours. I know the attestation from the Chief or Sheriff is required for members of the team and WAC also calls for a review of members every 3 years. This seems sufficient when combined with the language in the current BP regarding any disqualifying act being reported immediately by the agency head, if the person is a member. To ask for this from our Chiefs and Sheriffs on EVERY investigation, for EVERY investigator who is a member of their agency will be VERY cumbersome and is unnecessary.</p>	<p>Keep language as is. This language was vetted and approved by the Commission.</p>

Page 16 - Section
E Family Liaison
Responsibilities

There should be some allowance for a family or subject to waive communications the family liaison. What if there is an adult subject against whom force is used and either don't want or don't consent to us having contact with their family? They should be able to waive this. What if the family doesn't want contact from LE because LE just killed their loved one and they don't want the constant reminder their loved one is dead, from LE who took their loved one's life? The family should be able to waive this. This question also connects to getting the press releases each week. It is not uncommon for either of these scenarios to occur and we have no way around the require to establish and persist with weekly, frequent communications.

Modify language