

EXECUTIVE ORDER 98-02

TRAINING AND PROTOCOLS FOR STATE INVESTIGATORS

WHEREAS, Chapter 378, 1997 Laws, created a committee, known as the Investigative Study Group, to study and develop training programs, policies, and procedures for state employees who conduct investigations.

WHEREAS, the Investigative Study Group completed its study and submitted its report and recommendations to the Governor and the Legislature in December of 1997. The Study Group found that training for many state investigators is inadequate, and there are no recognized standards for training. The Study Group also found that many state agencies lack written policies and procedures for the conduct of investigations.

WHEREAS, the Investigative Study Group established the following basic principles regarding state investigators, which shall be guiding principles for the implementation of this executive order:

- Those who conduct investigations on behalf of state agencies should receive appropriate training.
- Any civil enforcement action taken by the state should be based on proper investigation of pertinent facts.
- Investigators should know the scope of their authority and stay within it.
- Investigators should know what matters lie beyond their authority, and when, how, and to whom those matters should be referred.
- Investigators should know and respect the rights of those they investigate and those from whom they gather information.
- As public servants, state agency investigators have a duty to maintain the highest standards of ethics and respect for the public.
- Investigators should know how to competently gather and preserve evidence of wrongdoing.
- Sound management practices are essential to effective and fair investigations.
- Civil investigators perform an essential service to the people of the state. They comprise a profession that ought to be recognized and appreciated.

For purposes of this executive order, "investigator" means any state employee whose duties include interviewing witnesses, obtaining documents, or otherwise gathering information that may be used in enforcement or disciplinary actions or proceedings where there is a potential for substantial civil or criminal remedies to be imposed on a person or business. The following employees are not considered investigators for purposes of this executive order: (a) Commissioned law enforcement officers whose duties consist exclusively of investigating criminal matters; (b) employees who conduct checklist inspections or review application materials for eligibility purposes; and (c) employees whose investigative duties involve only obtaining documents or data under the supervision of an investigator.

NOW THEREFORE, I, Gary Locke, Governor of the State of Washington, in keeping with these principles, by virtue of the power vested in me, hereby order and direct the following actions:

1. The Department of Personnel shall establish and implement an investigator training program. In carrying out the program, the department shall:
 - A. Develop and provide training programs for state agency investigators and other employees with investigative responsibilities. The department shall also develop standards for training programs that are provided by other agencies for their own investigators. The department shall use curricula recommendations of the Investigative Study Group as a source for the development of these programs and standards.
 - B. Create a committee to be known as the State Investigator Resource Team, to be appointed by, and serve at the pleasure of, the Director of Personnel. The Resource Team shall consist of members from state agencies, including higher education institutions, and shall include, but not be limited to, representatives of the Washington State Patrol and the Office of the Attorney General. Members must have expertise in the conduct of investigations. The Resource Team shall advise the department and state agencies on investigator training programs and provide peer review and comment on external investigative policies and procedures developed by agencies. The Resource Team may advise agencies on their internal investigative policies and procedures.
 - C. Establish a process for the review and certification of agency investigator training programs, consistent with standards and curricula developed by the department.
 - D. Establish a process to certify that an employee has attended and successfully completed training for investigators that meets standards established by the department. Such training may include training offered under this executive order or other equivalent training that an investigator has received. The State Investigator Resource Team shall advise the department in the development of the certification process.
 - E. Designate a position within the department to coordinate the investigator training program.
 - F. Ensure that each state agency is provided with information necessary to carry out the requirements of this executive order, including the report and recommendations of the Investigative Study Group.
2. Each state agency shall:
 - A. Review its existing internal and external investigation policies and procedures in light of model policies and procedures developed by the Investigative Study Group. Agencies shall establish policies and procedures, if none exist, or modify them so that they are generally consistent with the model policies and procedures. Agencies shall submit their investigation policies and procedures to the Department of Personnel for review and comment by the investigative training coordinator and the State Investigator Resource Team. Timelines for submitting policies and procedures shall be established by the Director of Personnel.
 - B. Review its existing grant of authority to conduct investigations and other related statutes to determine if they provide sufficient guidance and clarity to its

investigators. If the agency's statutes relating to investigations require modification, the agency should seek corrective legislation.

- C. Make every effort to ensure that its employees who conduct investigations promptly receive training commensurate with their level of investigative responsibilities. If appropriate and feasible, agencies should coordinate their training with other governmental agencies and jurisdictions with similar responsibilities to fully utilize existing training resources.
3. In implementing this executive order, the Department of Personnel and state agencies shall, to the extent possible, use existing employees and resources.
4. In implementing this executive order, the Department of Personnel and state agencies shall consult with employee organizations, as appropriate.
5. This executive order shall take effect immediately. The Director of Personnel shall make every effort to ensure that requirements of this executive order are implemented as soon as is feasible, with due consideration to the timelines contained in the Investigative Study Report.
6. This executive order does not create any rights, substantive or procedural, which are enforceable by any party in litigation with any state agency. This executive order is not intended to modify the provisions of any collective bargaining agreement.
7. No later than June 30, 2002, the Director of Personnel shall submit a report to the Governor that contains an assessment of the effectiveness of the investigator training program. The report shall also include a recommendation for the continuation, modification, or rescission of this executive order.

IN WITNESS WHEREOF, I Additional
have hereunto set my hand
and caused the seal of the
State of Washington to be
Affixed at Olympia this 11th
day of June A.D., Ninteen
hundred and ninety-eight.

GARY LOCKE
Governor of Washington

BY THE GOVERNOR:
Secretary of State