Independent Investigation Criteria
WAC 139-12-030

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Independent Investigation Criteria

Five principles fundamental to enhancing public trust in the integrity of independent investigations:

- **Independence** – No member of the involved agency may participate in any way in the investigation.
- **Transparency** – This is CRITICAL. This is where the trust is built or lost.
- **Communication** – The key to transparency is communication.
- **Credible Process** – There are many good investigators in law enforcement. Credibility hinges on the three points above.
- **Credible Investigators** – Credible investigators come from great training, experience and demonstration of the first bullet three points.
Standards are necessary for the involved agency and the public to assess whether the actions taken by the Independent Investigation Team (IIT) are independent, transparent, credible and communicated in a manner that results in a compliant and complete investigation and BUILDS PUBLIC TRUST.

- To provide guidance and expectations of what the citizens and law enforcement (LE) believe will assist in bridging gaps between LE and communities.
- If the five principals are used we could/will potentially experience healthier relationships between the community and LE.

The LAW/WAC were Written for a Reason
Independence

• Independence is essential to the integrity and objectivity of the investigation.

• No member of the involved agency may participate in the investigation.

• No information shall be shared with the involved agency EXCEPT limited briefings with the chief or sheriff. The information shared should be limited to the progress of the investigation.

• Specialized equipment of the involved agency shall not be used unless no reasonable alternative exists.
• Communication is important to establish and enhance trust.

• Family member(s) should be contacted by the involved agency or the Independent Investigation Team (IIT) as soon as possible.

• An IIT member will be assigned as the family liaison within the first 24 hours of the incident.

• If the person against whom deadly force was used is a member of a federally recognized tribe the involved agency shall notify the Governor’s Office of Indian Affairs (GOIA).

• A member of the IIT will be assigned as a liaison to the tribe within 24 hours.

• Neither the involved agency nor the IIT will provide the media with criminal history information of the person against whom deadly force has been used unless specifically requested.
Credibility

• In order for the investigations to be viewed as credible it is critical to demonstrate that the procedures followed are consistent and known to the public.
• Equally important is the credibility of the investigators.
• Training for the officers is important.
• The **Conflict of Interest document** should be utilized. (more about that later)
• *At least two non-law enforcement community representatives who have credible with ties to the communities impacted by police use of deadly force. (this is said in two places for a reason)*
Transparency

- Critical element of procedural justice that allows community members to assess whether the process of the investigation is conducted in a trustworthy manner and complies with the standards for the five listed principles.
- The policies and operating procedures of the IIT will be available to the public.
- *A minimum of two non-law enforcement community representatives will be assigned to each IIT.
The two non-law enforcement community representatives shall do the following:

- Participate directly in the vetting, interviewing and or selection of the IIT investigators.
- Review Conflict of interest statements which should be submitted by the investigators within seventy-two hours of the commencement of each investigation.
- Be present at the briefings with the involved agency chief or sheriff.
- Have access to the investigation file when it is completed.
- Be provided a copy of the press releases and communication to the media prior to the release.
- Review notification of equipment use of the involved agency.
The non-law enforcement community representative must sign a binding confidentiality agreement at the beginning of each police use of deadly force investigation.

If the agreement is violated the representative could be prosecuted.

The commander or representative of the IIT will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.

When an independent investigation is complete the information will be made available to the public in a manner consistent with applicable state law.
Conflict of Interest Assessment

• Within 72 hours of the commencement of each investigation, investigators and non-law enforcement community representatives, must complete a Conflict of Interest Assessment (CIA) form.

• The CIA will be reviewed and discussed by the IIT Commander and the community representative.

• The CIA form was scheduled to be developed at the March and June 2020 Summit.

• COVID 19 happened...
Conflict of Interest Assessment Continued...

• WSCJTC shared the document with the Ad Hoc Committee and requested feedback.

• We are currently in the process of incorporating the feedback from the Ad Hoc Committee.

• Director Rahr will provide the document to the Commission at the September meetings for approval.

• If/when the documents are approved they will be available on WSCJTC’s website.
Involved Agency Responsibility

- After securing the scene, provide first aid.
- CALL IIT.
- Preserve evanescent evidence.
- Once the IIT Commander arrives and enough support is on scene the involved agency will relinquish control of the scene to the IIT.
- Specialized equipment belonging to the involved agency may not be used by the IIT unless no alternative exist.
WSCJTC was required to create a Best Practices for Homicide Investigations Document.

This document was sent to the Ad Hoc Committee for feedback.

Director Rahr will present the document to the Commission for approval at the September meeting.
First Aid Guidelines

- WSCJTC was required to create First Aid Guidelines for distribution to agencies.
- Director Rahr will present the document to the Commission at the September meeting for approval.