

# Independent Investigation Criteria WAC 139-12-030

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# Independent Investigation Criteria

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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.



## The LAW/WAC were Written for a Reason

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- 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.



# Independence

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- 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 ★

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- 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

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- 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

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- 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.



## Transparency Continued...

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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



## Transparency Continued...

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- 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

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- 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...

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- 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

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- 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.



# Best Practices Document

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- 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

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- 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.

