WAC 139-12 Independent Investigations Criteria

FACT SHEET

Independent Investigation Team (IIT)

An independent investigation team (IIT) is made up of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any involved agency to conduct investigations of police deadly force incidents. All IIT leadership will be commissioned peace officers with previous criminal investigation experience and will be recommended by their agency to the commander. IIT leadership (chosen by the chiefs and sheriffs who support and participate in the IIT) will ensure all applicants have the correct qualifications, are interviewed by a panel that includes the community representatives, will ask each applicant the same questions, and will select those best suited for the IIT.

IIT Members (Law Enforcement)

IIT members must be employed by a member agency of the IIT. Their member appointment is up for review every three years. IIT members receive priority registration to Law Enforcement Training and Community Safety Act (LETCSA) trainings, homicide investigations training, and recertification. IIT members are expected to have a work history free of a sustained finding of serious misconduct and/or a pattern of sustained complaints, and a personal history free of demonstrable bias against members of the community that may be impacted by police use of deadly force. Policies, operating procedures, and names of all members of the IIT will be available to the public. The IIT will train together annually.

Lead Investigators

Lead investigators must obtain certification. To do so, they must provide proof of at least three years of uninterrupted law enforcement experience, proof of basic training classes (homicide investigation, interviewing and interrogation, patrol tactics), and proof of eight hours of advanced training classes.

Non-law Enforcement Community Representative

At least two non-law enforcement community representatives, who are solicited from and represent the impacted community, will be assigned to each IIT. These community representatives will participate in the selection of IIT investigators, review conflict of interest statements, be present at briefings, have access to the completed investigation file, be provided a copy of press releases and communication prior to release, and review notification of equipment use by the involved agency. Community representatives will sign a binding confidentiality agreement.

Investigation Process

Once the involved agency has rendered the scene safe and provided/facilitated lifesaving first aid, they must immediately call the IIT. The involved agency will protect and preserve the scene until the IIT arrives. Once the IIT arrives, the involved agency will relinquish control of the scene. No member of the involved agency may participate in the investigation conducted by the IIT, except for necessary sharing of specialized equipment, limited briefings given to the chief or sheriff of the involved agency, and if the involved agency requests to release body cam footage or other information of urgent public interest. No member of 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 required by law. The IIT commander will provide public updates once a week.

Other Requirements

A family member of the person against whom deadly force has been used will be notified as soon as possible. A family liaison and/or a tribal representative will be assigned within the first 24 hours, keeping the family apprised of all significant developments. Within 72 hours of the start of each investigation, IIT members, including non-law enforcement representatives, must complete a “conflict of interest” assessment tool. Information from the completed investigation will be made available to the public, consistent with state law.

Contact Info:
Dan Christman
LETCSA Program Manager
206-835-7369
dchristman@cjtc.wa.gov

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