



# **Capital Metro Independent Investigation Team (CMIIT)**

**Standard Operating Procedures (SOP) and Guidelines**

**For**

**Officer-Involved Deadly Force Incidents**

(Updated January 2023)

The following SOP's are in accordance with established guidelines developed for the CMIIT. Nothing presented is intended to be considered policy unless specifically adopted by an agency. In any conflict between agency policy and/or CBA, the agency-specific policy and/or CBA will prevail unless specifically otherwise authorized by agency command.

## **CMIIT Standard Operating Procedures and Guidelines**

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## **SECTION 1. INTRODUCTION**

- The purpose of this document is to provide protocols for multijurisdictional independent investigations of officer-involved use of deadly force incidents that result in death, substantial bodily harm, or great bodily harm and in-custody deaths as required by the Law Enforcement Training and Community Safety Act (LETSCA) and agreed to by the signatory law enforcement agencies in the Capital Metro Independent Investigation Team (CMIIT) Memorandum of Understanding. The roles delineated in these protocols for Team Commander, Team Supervisor, Lead Investigator, and Investigator are intended to reflect responsibilities during the investigation, not necessarily their assigned rank within their respective agencies. Agencies assigning members to the CMIIT may appoint Sergeants, Officers, Detectives, etc. The Team Commander(s) will determine their roles within the investigation, irrespective of their rank.

- The CMIIT consists of the following partner agencies:

- Lacey Police Department
- Olympia Police Department
- Tumwater Police Department
- Yelm Police Department
- Supporting Organizations
  - Thurston County Sheriff's Office
  - Washington State Patrol Crime Scene Response Team

- The goal is to investigate officer-involved deadly force incidents, to enhance accountability and increase trust to improve the legitimacy of policing for an increase in safety for all, using the following five (5) principles of independent investigations:

- Independence
- Transparency
- Communication
- Credible process
- Credible Investigators

- To maximize the availability of the latest technological equipment and techniques to bring about the most professional and transparent investigation using best practices. To ensure thorough investigations are conducted in a timely manner and independent of the Involved Agency in all facets (unless no other reasonable alternative exists to their use in the most limited of ways). To provide an independent investigation of facts to the Prosecutor's Office for review.

## **SECTION 2. DEFINITIONS**

- **Best Practices:** Best practices are defined as methods, techniques, and procedures that have consistently shown by research and experience to produce superior results and are established or proposed as a standard suitable for widespread adoption in the law enforcement profession.

- **Completed Investigation:** The final work product of the CMIIT is to inform the prosecuting attorney's charging decision. An independent investigation must be completed to ensure any

determination of whether the use of deadly force met the good faith standard established in RCW 9A.16.040 and satisfied other applicable laws.

- **Critical Incident:** An incident involving an employee(s) while in performance of their official duty, where the incident involves an employee of a member agency where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm. Any other incident deemed appropriate by any Chief within the CMIIT.

- **Deadly Force (RCW 9A.16.010):** "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

- **Employee:** A commissioned or non-commissioned employee of a member agency of the CMIIT.

- **Evanescent Evidence:** Physical evidence that may be degraded or tainted by human or environmental factors if left unprotected or unpreserved.

- **Good Faith Standard:** As outlined in RCW 9A.16.040, "good faith" is an objective standard that shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

- **Great Bodily Harm:** As outlined in RCW 9A.04.110, "great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ.

- **Independent Investigation:** A team of qualified and certified peace officer investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate entirely independent of any involved agency to conduct investigations of police deadly force incidents. CMIIT is created when multiple law enforcement agencies enter into a written agreement to investigate police use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function, provided it is not the involved agency.

- **Initial Incident Response:** This is the period in time immediately following a police use of deadly force incident and prior to the arrival of the CMIIT when involved agency personnel on-scene and other first responders immediately take actions to render the scene safe and provide or facilitate life-saving first aid to persons at the scene who have life-threatening injuries.

- **Involved Agency:** The agency that employs or supervises the officer(s) who used deadly force. There can be more than one "involved agency."

- **Lead Agency:** The rotational agency assigned the responsibility to manage and activate the CMIIT for a critical incident.

- **Lead Investigative Office:** The member agency that is assigned to lead the investigation and has assigned the lead investigator on a CMIIT critical incident. The lead investigator cannot have any involvement in the investigation if their agency is involved in the critical incident.

- **Liaison Officer:** The Liaison Officer (assigned by Team Commander and/or Supervisor) is a member of CMIIT and assigned to the affected family or their representative of the critical incident whom deadly force has been used against.

- **Member Agency:** Each of the agencies that enter into a written agreement to investigate police use of deadly force in their geographical region. Member agencies are made up of the four municipalities of Thurston County with the support of the Washington State Patrol. Member agencies are signatories to this agreement.

- **Necessary RCW 9A.16.010:** "Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

- **Prosecutor's Review:** The period of time when the CMIIT presents a completed investigation to the conflict prosecutor, who then reviews all the facts and makes a charging decision. The Thurston County Prosecutor's Office selects the conflict prosecutor to ensure independence in the review.

- **Substantial bodily harm:** As outlined in RCW 9A.04.110, "substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ or which causes a fracture of any bodily part.

- **Team Commander:** The Team Commander is a Lieutenant or above from one of CMIIT's partner agencies. This person will be responsible for the overall management of CMIIT and critical incident investigations.

### **SECTION 3. TEAM STRUCTURE, SELECTION, AND DUTIES**

- **Team Structure:** The formal structure of the CMIIT will consist of a commander, supervisor, lead investigator, detectives, evidence custodians, non-law enforcement community members, prosecutor, coroner, and any other resources deemed necessary to complete a thorough, transparent and impartial investigation. This manual is a guide for participation but does not bind or obligate member agencies to a specific level of commitment or participation with a CMIIT activation. It is understood that member agencies will provide what personnel and resources they can based on staffing and time commitments.

- **Recommendations for Agency Participation:** This manual recognizes that not all member agencies are the same size, structure, or financed alike. With that understanding, the goal is to identify the needs of the CMIIT and encourage member agencies to participate in the level that is recommended or level that they can accommodate. The following are recommendations only:

- **Commander** – Each agency will identify (1) one person (prefer command personnel – Lieutenant or above) to represent their agency in this role.
- **Supervisor** - Each agency will identify (1) one person to represent their agency in this role.
- **Lead Investigator** – Each agency will identify a qualified and CJTC-certified investigator to represent their agency in this role. These individuals will be trained and part of the

CMIIT. Agencies will have the ability to only send the number of personnel that they can during an activation.

- Liaison Officers – The Team Commander or Supervisor selects the Liaison Officer from within responding members of CMIIT.
- Evidence Technician - Each agency should identify (1) one person to represent their agency in this role. These individuals will be trained and part of CMIIT during activation. Each agency's Evidence Technician should be used during their rotation as the Lead Agency in a CMIIT activation/response and will be responsible for evidence storage. Other agency Evidence Technicians may assist if available as deemed necessary by the Team Commander.
- Specialty – Each agency will identify any specialty or tool that their agency possesses, including, but not limited to: crime scene forensics, crime scene mapping, aerial photography, scene reconstruction, inside storage, etc.
- Non-Law Enforcement Community Representative – The Cities of each member agency shall create a transparent process for selecting, naming, and creating a roster of individuals willing to serve in this capacity.
  - Requirement - minimum participation of (2) two non-law enforcement representatives to participate in each CMIIT event.
  - Requirement - must have credible ties to the impacted community.
  - Recommendation: Each member agency will create a list of at least (4) four Non-Law Enforcement Community Representatives.
- Prosecutor – while not an official member of CMIIT, the Prosecutor's Offices will be notified by the CMIIT supervisor or Lead Investigator (when needed) in the jurisdiction where the critical incident occurred.
- Coroner – while not an official member of CMIIT, the Coroner's Offices will be notified by the CMIIT supervisor or Team member (when needed) in the jurisdiction where the critical incident occurred as soon as practical.

• **Team Commander:** The Team Commander is a command position for CMIIT. They are responsible for overall command, control, and oversight of all team members. They will ensure that all requirements are followed as outlined in RCW 9A.16.040 and WAC 139.12.030 (which require the CMIIT shall have: Independence; Transparency; Communication; a Credible Process; and Credible Investigators). The Commander should be aware of all aspects of the investigation. Their job is to manage, coordinate and supply resources to the supervisor and/or CMIIT.

• Requirements and/or Preferences:

- Lieutenant or above (requirement)
- Experience in investigations (requirement)
- Experience in CMIIT investigations (preference)
- Public Information Officer (PIO) training and experience (preference)
- Must be an employee of a CMIIT member agency (requirement)

• Each member agency Chief or designee may identify and select a candidate to fill the role of Team Commander.

- Rotation/Commitment: The commander position is a rotational position that allows all member agencies the ability to lead/command the CMIIT upon their turn and/or ability.

- Duties/Responsibilities

- Member Selection – The Commander will ensure that all team members meet the requirements as outlined by RCW and WAC.
- Obtain, retain and review supervisor, investigator, and non-law enforcement community member resume or bios for participation in the CMIIT.
- Select qualified candidates.
- Training – Ensure that all members meet the basic training as outlined by WAC and receive ongoing training as needed and/or required.
- Maintenance of this manual – the Commander and Supervisor(s) will meet annually to review the contents of this manual and make changes/updates as needed. Changes may be needed to meet current standards, changes to the laws, or updates in investigative practices. The CMIIT manual will be available to the public.

- Develop and Distribute the CMIIT membership list – The team Commander will develop and maintain a current call-out/contact list of all qualified and active members of CMIIT. The list will be made available to command staff, team supervisor(s), CMIIT members, CMIIT non-law enforcement community representatives, and others deemed necessary by the Commander. The CMIIT list of all members will be available to the public upon request and will be posted on CJTC’s website and the Lead Agency’s website.

- PIO Functions – The commander or other assigned representative of the CMIIT will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.

- Written Press Release – all press releases will be written and provided by the CMIIT Commander and contain case updates and significant development. The document will be reviewed for content, grammar, and punctuation prior to release.
- A copy will be provided to Non-Law Enforcement Community Representatives prior to release.
- The Commander will provide the affected family and the involved agency advance notice of all scheduled press releases.
- Once approved and notifications complete, released to Press via approved methods.
- On Camera/Audio Press Briefing – on camera or audio briefing will be provided at the discretion of the CMIIT Commander. It is important that the CMIIT remain open and transparent in the investigation. Providing timely and updated briefing will assist in this.
- Only trained and competent PIO(s) will provide on-camera or audio interviews. This can be the commander or a designated PIO.

- Conflict of Interest Statements – The Commander will ensure compliance with all members completing the conflict of interest statements within 72 hours from the time of activation.

- All members of CMIIT (including Non-Law Enforcement Community Representatives) will fill out a conflict of interest statement and turn it in to the Team Commander.

- The Commander will provide the Non-Law Enforcement Community Representatives with a copy of all members' conflict of interest statements for review. They will make a recommendation to the Commander as to the member's ability to participate in a fair and non-biased way.
  - The Commander will review all conflict of interest statements, review the Non-Law Enforcement Community Representative's recommendations and make a determination if a member can be part of and conduct a non-biased investigation.
- **Initial On-Scene Command** – The Commander should respond to all initial requests for a CMIIT deployment. The role will be to facilitate the smooth transition from Initial Response to the CMIIT investigation. The Commander may oversee and assist the Team Supervisor; however, his/her role is not to investigate or direct personnel if possible.
    - Investigation Presentation – The CMIIT Commander will review and participate in the final PowerPoint presentation of the investigation.
    - Review of Final Case Report – The Commander will review the final report for content and correctness prior to submission to the Prosecutor's Office for review and determination of whether probable cause exists for charge(s) or no charge(s).
  - **Supervisor:** The CMIIT Supervisor should be a sergeant from one of the member agencies. As directed by the CMIIT Commander, this person will be responsible for calling out the team when activated by the Team Commander, maintaining the CMIIT roster and phone lists, and coordinating training. The primary function of the CMIIT Supervisor is to lead, direct, and coordinate investigations and to supervise the CMIIT investigators in the field during CMIIT activations. The supervisor will assist the Team Commander in developing, updating, and distributing a yearly activation list to all team members and command staff of the member agencies.
    - **Duties/Responsibilities**
      - Member Selection – The Supervisor assists the Team Commander in ensuring that all team members meet the requirements as outlined by RCW and WAC.
      - Training – Ensure that all members meet the basic training as outlined by WAC and receive ongoing training as needed and/or required.
      - Activation of the CMIIT – Assist in all CMIIT activation requests as directed to the CMIIT Commander.
      - Determine the Scale of Response – Assist the commander in determining which resources he/she deems necessary.
      - Upon Activation – Respond directly to the scene. The supervisor will assign, direct and coordinate the overall investigation and assignment of personnel.
      - Activate CMIIT Team Members – Upon direction of the Team Commander, the supervisor will notify CMIIT members of an activation and response. He/she will provide the type of incident, the location of the incident, and where to respond.
      - List of Responding CMIIT Members – Assist the commander in creating a list of all responding activated members and make the list available for distribution in accordance with WAC.
      - Direct and Assign Personnel – The supervisor's role is to direct the investigation and assign investigator roles in the CMIIT event.

- Communication – The Team Supervisor will keep the Team Commander apprised of the direction of the investigation and any significant breaks of news/information.
- Conflict of Interest Statements – Will assist the Commander to ensure compliance with all members filling out the conflict of interest statements.
- Initial On-Scene Briefing/Response – The CMIIT Supervisor should respond to the scene and contact the Duty Commander for the incident. They will be briefed on the critical incident and ensure that scene security is in place and all evanescent evidence is preserved. The supervisor will facilitate the transition from Initial Response to the CMIIT investigation.
- Investigation Presentation – The CMIIT Supervisor will review and participate in the final PowerPoint presentation for the investigation.
- Review of Final Case Report – The Supervisor will review the final report for content and correctness before submission to the Team Commander, who will forward it to the Prosecutor’s Office for review.
- Facilitate and Coordinate all Training – The Team Supervisor will identify needed training and CMIIT needs and facilitate team training. The training should occur at a minimum of once a year.

• **Investigators and Lead Investigators:** The CMIIT Investigators should be experienced Detectives from the CMIIT member agencies. The investigators will be responsible to conduct thorough investigations into the critical incident fairly and without bias as directed by the CMIIT Supervisor.

• **Credibility Standards:** Equally important is the credibility of the investigators. Therefore, the following are critical to maintaining confidence in the investigation:

- Training
- A history of ethical behavior
- Demonstrated impartiality.

The credibility of an individual assigned to the CMIIT is grounded in two elements: training and experience in criminal investigations. CMIIT members who do not meet the training requirements are eligible to participate in the CMIIT but not in a lead position.

• The CMIIT leadership shall:

- Ensure all applicants meet all time, rank, and training prerequisites described in the WAC.
- Ensure that qualified applicants are interviewed by a panel, which includes the non-law enforcement community representatives and other members of the CMIIT selected by the CMIIT commander.
- Interview Questions - All applicants shall be interviewed using criteria pertinent to the position of a CMIIT investigator. The same questions should be asked of each applicant.

• **Basic Requirements for CMIIT Investigators:**

- Applicants for the investigator position must be employed by a member agency of the CMIIT.

- The applicant shall be a commissioned peace officer in the State of Washington with previous experience as a detective/investigator or have special skills or experience necessary for the team.
- Demonstrated a History of Honorable Behavior. Investigators assigned to the CMIIT 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 or prejudice against community members that may be impacted by the police use of deadly force. Examples of disqualifying sustained misconduct and/or personal history include, but are not limited to:
  - Discrimination of any type (RCW 49.60.030(1))
  - Theft, fraud, dishonesty, and abuse of authority
  - Serious ACCESS violations
  - Obtaining or disclosing confidential information
  - Excessive use of force
  - Dishonorable behavior
  - Harassment
  - Bullying
  - Aggressive or intimidating behavior
  - Threats of violence, including domestic violence
- Credibility Standards: - Basic Training
  - Basic Homicide Investigation
  - Interviewing and Interrogation
  - LETCSA Violence De-escalation and Mental health training (Patrol Tactics Instruction)
  - Police Chiefs and CMIIT Commanders are encouraged to promote continuing education as a best practice for all members assigned to the CMIIT.
  - A minimum of (8) eight hours of training annually may include, but is not limited to, the following criminal investigation topics:
    - Advanced Homicide Investigation
    - Officer-Involved Shooting Investigation
    - In-Custody Death Investigation
    - Advanced Interview and Interrogation
    - Crime Scene Photography
    - Excited Delirium
    - Bloodstain Pattern Analysis
    - Other Related Training
  - CMIIT will train at least one day annually as a team. The lead agency will coordinate the annual training day.
- Lead Investigator Requirements: The CJTC will issue a "CMIIT Qualified Lead investigator certificate" to ensure that those assigned to a lead investigator role for a CMIIT meet the training requirements listed below. To obtain a CMIIT Qualified Lead Investigator certificate:

- Candidates must provide proof of at least (3) three years of uninterrupted experience as a certified peace officer, crime scene investigator, or related expertise in a discipline relevant to investigations.
- Proof of prescribed training classes:
  - Basic Homicide
  - Interviewing and interrogation
  - LETCSA Violence De-Escalation and Mental Health training (PTI)
- Civilian CMIIT Members: Civilian CMIIT Members (i.e., Crime Scene Investigators, Evidence Technicians, etc.) – are not required to obtain the Qualified Lead Investigator certificate, but the CMIIT leadership shall establish reasonable non-commissioned training requirements through their CMIIT protocol.
- Non-Law Enforcement Community Representatives:
  - The individual member agencies establish a process for Selection.
  - Participate directly in the vetting, interviewing, and/or selection of IIT investigators.
  - Review conflict of interest statements submitted within 72 hours of the commencement of each investigation by the investigators.
  - Be present at the briefings with the involved agency(s) Command staff.
  - Have access to the investigation file when it is completed.
  - Be provided a copy of all press releases and communication to the media prior to release.
  - Review notification of equipment use of the involved agency.
  - Activation: The Chief or designee of the involved agency will provide Non-Law Enforcement Community Representative’s information to the CMIIT Commander for notification/activation of the Non-Law Enforcement Community member(s).
  - The non-law enforcement community representatives will:
    - Sign a binding confidentiality agreement at the beginning of each police use of deadly force investigation that remains in effect until the investigation is complete and referred to the conflict Prosecutor.
    - If the confidentiality agreement is violated, the non-law enforcement member may be subject to removal from the CMIIT.
    - For the purpose of this chapter, “criminal background information” is the same as “criminal history information” as defined in RCW 10.97.030(4).
    - Service Commitment: This is a voluntary commitment, and there are no requirements for the length or duration that a member wishes to serve in this role. The Team Commander who establishes the list may remove a subject at his/her choosing. It would be recommended that a non-law enforcement member who is currently activated not be removed until after the completion of the CMIIT investigation. However, a Commander can remove an individual anytime they deem necessary and/or appropriate

#### **SECTION 4. ACTIVATION/METHOD OF NOTIFICATION**

- The agency which employs or supervises the officer(s) who used deadly force resulting in substantial bodily harm, great bodily harm, or death shall request the use of the CMIIT through Thurston County Communications (TCOMM) utilizing their own established procedures.
- The Involved Agency shall immediately notify the Office of Independent Investigation through their established procedures.
- TCOMM shall contact the CMIIT Commander(s) identified on the CMIIT phone contact list that will be made available to TCOMM. This contact list should be updated anytime there is a change in the CMIIT leadership structure and reviewed annually by the CMIIT Supervisor and TCOMM Supervisor.
- The CMIIT Commander will initiate established team callout procedures utilizing the organization notification system with the assistance of TCOMM. Callout groups will be established to prevent investigators from the involved agency from responding. Investigators or crime scene processors shall not be from the involved agency.
- Team member contact information will be made available to all team members in the event special notifications need to be made through direct contact.
- Either a CMIIT Commander, Supervisor, or a Lead Investigator will determine team member roles and responsibilities once the team has arrived collectively at the scene.

#### **SECTION 5. INVOLVED AGENCIES RESPONSIBILITIES**

- The involved officer(s) and agency shall take initial steps to render the scene safe, protect the safety of themselves and others, render immediate aid to all injured parties where necessary, and preserve evidence.
- The involved agency will immediately secure the crime scene(s). This responsibility includes the preservation of the integrity of the scene(s), controlling access to the scene(s), and the identification and separation of witnesses. The use of surrounding area agency resources may be necessary to accomplish this task.
- Public Safety Statements should be taken with consideration of the Involved Agency's policies, procedures, and documents. Normally, these statements will be asked by the involved agency prior to CMIIT's arrival. Information received from the statements will be relayed to the investigative team. The public safety statement may include the following:
  - o Any outstanding suspects
  - o Location of evidence
  - o Location of potentially injured people
  - o Any general public safety concerns

- Involved officers and witness officers should be separated and transported from the immediate area and assigned a support officer to ensure the physical needs of the involved officer(s) are met.

- Depending on where the incident occurs and what resources are available for use at the transport location, the CMIIT Commander, Supervisor, and/or Lead Investigator reserve the option of relocating the officers to a secondary location that is more conducive to investigative needs.

- Involved officers' vehicles should remain on-scene, whether inside the formal crime scene or not. CMIIT personnel will determine upon arrival on-scene whether any vehicle can be removed.

- The keys to all vehicles remaining on scene will be left at the scene to facilitate the documenting of the vehicles as well as their removal at the appropriate time.

- A Sergeant or designee from the involved agency will provide responding members of the CMIIT with a detailed briefing of events preceding the team activation.

- Details provided during the briefing should include the following information:

- o Time of call and relevant details related to the call. This includes initial information provided by TCOMM, involved officers, what course of action officers took when arriving on scene, location of known evidence, etc.

- o Full names and DOB of involved people if known by patrol to include witnesses.

- o Exact location of witnesses.

- o Name of hospital(s) in which victims or suspects have been transported to.

- o Any other information available at the time relevant to the call.

- The venue agency shall make facilities and resources available as needed by the CMIIT.

- The involved agency shall provide a command-level liaison and make appropriate department personnel available.

- Special Considerations

- o Union Representation- Each involved agency will be responsible for notifying their respective labor groups of a deadly force incident involving one or more of their members following their already established policy.

- o Peer Support- Each involved agency will be responsible for notifying their respective peer support personnel following their already established policy.

- o Firearms - The involved officer(s) will normally retain their weapons until they are secured under the direction of the CMIIT investigative team subsequent to forensic processing. The weapon will be documented and collected by an investigator as part of the crime scene investigation itself.

- o Firearm Replacement – Involved agencies will be responsible for providing a replacement weapon, if necessary, to their own involved members.

o In cases where an officer is injured, involved agencies will follow their already established policies relating to response to the hospital, emergency notifications, etc. The involved agency will ensure that any clothing or evidence (including the officer's weapon) is secured at the hospital for documentation and/or collection by CMIIT personnel.

## **SECTION 6. LEAD INVESTIGATORS**

- The CMIIT Commander and/or Supervisor will select the Lead Investigator. The Lead Investigator will be a qualified and certified investigator with experience in criminal investigations.
- The Lead Investigator must have strong leadership and organizational skills.
- The Lead Investigator may be tasked with assuming command of the scene in the absence of the CMIIT Commander/ Supervisor and should have a working knowledge of the Incident Command System (ICS).
- The roles and responsibilities of the Lead Investigator may fluctuate depending on the demands of the investigation.

## **SECTION 7. INVESTIGATORS**

- Investigators will be experienced officers with a background in criminal investigations and be adept at working with multiple agencies.
- The CMIIT Commanders will select the Investigators with the permission of the investigators' chief executive or designee and in accordance with mandates established through LETSCA.
- Each investigator will be assigned specific roles after the initial briefing provided by the involved agency utilizing best-known practices for a complete and comprehensive investigation. Depending on the personnel responding to investigate, those roles may be assigned by either the CMIIT Commander, Supervisor, or Lead Investigator. Those roles include but are not limited to, the following assignments:

- o Lead Investigator
- o Crime Scene Investigator/ Evidence manager
- o Area Canvass
- o Officer and Witness Interviews
- o Family Liaison
- o Tribal Liaison

## **SECTION 8. EMPLOYEE RIGHTS/OFFICER INTERVIEWS**

- Law enforcement employees have the same rights and privileges regarding criminal interviews that any other community member would have, including the right to remain silent, the right to consult with an attorney prior to an interview, and the right to have an attorney present during the interview.
- Witness officers will be requested to either provide a written report or a recorded interview as deemed appropriate by the Lead Investigator.
- Statements from the involved officer(s) usually occur in the days following the incident.
- Statements from the involved officer(s) using force must be completely voluntary. Under no circumstances are investigators to take a compelled statement from the involved officer(s).
- Dates and times of the involved officer(s) interviews will be scheduled through either the CMIIT Commander, Supervisor, and/or Lead Investigator in consultation with the involved officer(s) legal representative.

## **SECTION 9. CRIME SCENE**

- Strict adherence to crime scene preservation shall be maintained at all times. Access to the crime scene shall be limited.
- Special consideration for access to the crime scene should include considerable explanation and justification.
- Only individuals with a need to enter the crime scene shall be allowed to do so. Examples of such people may include:
  - o Investigators assigned as Leads
  - o Investigators assigned to the crime scene itself
  - o Forensics personnel
  - o Members of the Thurston County Prosecutor's Office
  - o Coroner's Office Personnel
  - o Fire and Medical Personnel

## **SECTION 10. PHYSICAL EVIDENCE COLLECTION, PRESERVATION, AND ANALYSIS**

- Prior to the final relinquishment of the scene, the CMIIT Commander, Supervisor, Lead Investigator, and investigators assigned to the crime scene will confer to determine if the collection of evidence is complete.
- Evidence Storage: All evidence shall be stored at a non-involved agency property room as designated by the CMIIT Commander, Supervisor and/or Lead Investigator. The CMIIT Commander shall

coordinate with the member agency's chief executive or designee to ensure compliance with that agency's policies and procedures.

- Evidence Retention: Evidence shall remain in the custody of the designated, non-involved agency property room until the Thurston County Prosecutor or assigned Conflict Prosecutor has reviewed the case and made a charging determination or has authorized the release of evidence.

- o If no charges are filed, all evidence will be transferred to the involved agency's property room and/or designee.

- o If charges are filed, all evidence will remain in the custody of the designated, non-involved agency property room until the completion of the criminal prosecution. Once the criminal prosecution is completed, all evidence will be transferred to the involved agency's property room and/or designee.

- Special Considerations

- o Member agencies having the capability to assist CMIIT Investigators in the documentation of the scene(s) and to assist in the collection, preservation, and analysis of physical evidence may do so, providing they possess the requisite training and experience.

## **SECTION 11. PROSECUTOR PROTOCOL**

- The CMIIT Commander, Supervisor, and Lead Investigator will contact the Thurston County Prosecutor's Office as soon as practicable following an officer-involved use of deadly force incident.

## **SECTION 12. CASE FILES**

- All original reports, statements, and other documentation related to the investigation will be electronically filed and firewall-protected, as required.

- Access to the electronic case files will be restricted to personnel conducting the investigation.

- Under no circumstances will reports or other case materials be disseminated without the written consent of a CMIIT Commander.

- The complete investigation will be sent to the selected conflict Prosecuting Attorney's Office for review in accordance with their guidelines.

- Once the investigation is complete, the involved agency will be briefed by the lead Investigator and granted access to the case files to conduct their administrative investigation.

## **SECTION 13. REPORT WRITING**

- All individuals participating in the criminal investigation will write reports documenting their participation.

- The Investigators will allocate and divide among themselves the responsibility for documenting interviews and observations.

#### **SECTION 14. MEDIA RELATIONS**

- CMIIT: Once the CMIIT has initiated an investigation, all media releases related to the investigation shall be made by the CMIIT Public Information Officer (designated by the CMIIT Commander). The CMIIT may release information typically on the day of the incident, a weekly press release, and then a release when the complete investigation has been sent to the Prosecutor.

- The Involved Agency: The involved agency's Public Information Officer ("PIO") or other official designee will release information in coordination with CMIIT Commander. It shall be the responsibility of the involved agency to determine when the involved officer's name will be released to the public, pursuant to their policies and procedures.

- Neither the involved agency nor the CMIIT will provide the media with criminal background information of the person against whom deadly force has been used unless it is specifically requested and the release of such information is required by the Public Records Act or other applicable laws.

#### **SECTION 15. INVESTIGATIVE PRIORITY**

- The criminal investigation has investigative priority over the administrative investigation, and it begins immediately after an incident has occurred.

#### **SECTION 16. INVESTIGATIVE GOALS**

- The goal of the investigation is to develop all available relevant information about the incident. The case will be submitted to the Conflict Prosecutor when the investigation is completed. The Conflict Prosecutor will make a final determination as to whether the use of deadly force satisfies the statutory "good faith" standard and on the presence or absence of criminal culpability on the part of the officers involved in the incident.

- No information about the ongoing independent investigation will be shared with any member of the involved agency, except limited briefings given to the designated command-level liaison of the involved agency about the progress of the investigation.

- If the chief of the involved agency requests that the CMIIT release the body cam video or other investigation information of urgent public interest, the CMIIT commander should honor the request with the agreement of the prosecutor.

- The investigation may incidentally provide factual information to the involved agency's management for its internal use. While the Criminal Investigators do not direct their investigative attention to administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

## **SECTION 17. INVESTIGATIVE REQUIREMENTS**

- The investigation is required to follow the rules of law, which apply to all criminal proceedings; these include constitutional, statutory, and case law. Investigators will maintain the integrity of the investigation by following the rules of evidence throughout the investigation.
- The investigation will be performed in a manner that provides a thorough, fair, complete, and professional investigation, free of conflicts of interest.

## **SECTION 18. COMMAND STAFF BRIEFING**

- The purpose of this briefing is to advise the Command Staff from the involved agency on the status of the incident and to determine what information is appropriate for media releases.
- In addition to the Command Staff from the involved agency, the attendees to this meeting typically will consist of the Community Representatives, CMIIT Commander, Supervisor, and/or the Lead Investigator.
- A Command Staff briefing will occur at the earliest convenience once relevant facts have been gathered to present an informed investigative assessment as to what occurred.

## **SECTION 19. VEHICLE INCIDENTS**

- When requested, the CMIIT will investigate incidents in which the use of a vehicle is an intentional use of force that causes substantial bodily harm, great bodily harm, or death.
- In these investigations, the CMIIT may utilize experienced Collision Reconstructionist and other appropriate resources deemed necessary to the investigation.
- This section does not imply that the CMIIT will be activated in a police officer-involved collision causing great bodily harm or death where the collision was not a result of an intentional use of force.

## **SECTION 20. TRAINING**

- Member agencies will strive to ensure that personnel assigned to CMIIT either have or will complete classes in the following core areas:
  - o Criminal Investigations
  - o Crime Scene Investigations
  - o Basic Homicide Investigations
  - o Interview and Interrogation
  - o Officer-Involved Shooting Investigations

- o LETCSA Violence De-escalation and Mental health training
- Assigned personnel are expected to complete all the core classes within two years of being assigned.
- In addition, member agencies are encouraged to provide their investigators with advanced training courses. These courses may include the following areas:
  - o Advanced homicide investigation
  - o Bloodstain pattern analysis
  - o Crime scene photography/videography
  - o And any other classes relevant to their assignment with the CMIIT
- Annual training, as required by the LETSCA, will be planned and coordinated by CMIIT Commander and/or Supervisor.

**SECTION 21. FORENSIC PROCESSING OF INVOLVED OFFICERS**

- All officers directly involved in the use of deadly force will be processed by investigators in the following manner:
  - o Photographs of the involved officer(s) will be 360 degrees (all four sides) with close-ups of the duty belt, firearm in the holster, magazine pouch, the location of magazines, and location of any backup weapons.
  - o All weapons will then be turned over to designated CMIIT investigative personnel to be downloaded and photographed.
  - o Rounds from each magazine should stay with that magazine, and the magazine removed from the weapon should remain with the weapon.
  - o Non-involved weapons will be returned to the officers, while weapons used in the use of force application will be retained as evidence.

**SECTION 22. NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES**

- A minimum of two non-law enforcement community representatives will be assigned to each CMIIT investigative response. The CMIIT Commander or designee will make certain the community representatives review conflict of interest statements submitted within 72 hours of the CMIIT's initial activation.
- Community representatives will be provided a copy of all press releases and communication to the media prior to release.
- Community representatives will have access to the investigative file when it is completed.

## **SECTION 23. SPECIALIZED EQUIPMENT**

- Specialized equipment belonging to the involved agency may not be used by the CMIIT unless 1 – No reasonable alternative exists; 2 – the equipment is critical to carrying out the independent investigation; 3 – the use is approved by the CMIIT Commander or designee.
- If the equipment is used, the non-law enforcement community representatives on the CMIIT must be notified about: 1 – why it needs to be used; and 2 – the steps taken to appropriately limit the role of any involved agency personnel in facilitating the use of that equipment.

## **SECTION 24. INFORMATION SHARING**

- No information about an ongoing CMIIT investigation will be shared with any member of the involved agency.
- If the chief of the involved agency requests that the CMIIT release body cam video or other information of urgent public interest, the CMIIT Commander or designee should honor the request with the agreement of the prosecutor of jurisdiction.
- The CMIIT Commander or designee will provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.

## **SECTION 25. FAMILY LIAISON**

- A family member of the person against whom deadly force has been used will be notified as soon as they can be located by either the involved agency or the CMIIT, whichever is faster.
- A member of the CMIIT will be assigned as a family liaison within the first 24 hours and keep the family (or a representative of the family's choice) apprised of all significant developments in the investigation. In addition, they will give the family and the involved agency advance notice of all scheduled press releases.
- The Family Liaison or assigned designee should keep track of all contacts with the family or their representative on the CMIIT Family Liaison Log or similar tracking protocol.

## **SECTION 26. TRIBAL MEMBERS**

- If the person against whom deadly force is used is a member of a federally recognized tribe (or is believed to be), the involved agency will notify the governor's office of Indian Affairs (GOIA) in accordance with RCW 10.114.021. A member of the CMIIT will be assigned as a tribal liaison within the first 24 hours and keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.

## **SECTION 27. ADMINISTRATIVE INVESTIGATION/FIREWALLS**

- To allow the involved agency to move forward with an administrative investigation in a timely fashion, the independent investigation by the CMIIT must be conducted in a manner that does not inhibit the involved agency from doing so.

- The CMIIT Commander or designee must create and reinforce firewalls, which is a process to prevent information sharing between the CMIIT and the involved agency, and train team members to observe them to ensure that no member of the CMIIT receives any compelled statements of the involved officer(s) or any investigative content that was informed by such compelled statements.

- The firewall system and training must ensure that the involved agency is affirmatively advised not to furnish “prohibited content” to the CMIIT.

- If any member of the CMIIT receives prohibited information, the investigator receiving the information must immediately report it to their supervisor, and the member must discontinue participation in the investigation.

- The information will be removed and/or isolated from the remaining investigation unless the prosecutor deems such action unnecessary.

## **SECTION 28. INVESTIGATIVE FOLLOW-UP**

- Attend autopsy
- Obtain all radio exchanges from TCOMM dispatch
- Processing of all appropriate evidence collected by forensics personnel
- Ballistic analysis of all involved firearms, bullets, and casings by WSP Crime Lab
- Involved Officer Interviews with the Union Attorney present
- Follow-up interviews as needed
- Development of PowerPoint presentation to involved agency and CMIIT Command
- Final report showing case clearance