

## CITY COUNCIL STUDY SESSION

Interlocal agreement between regional law enforcement agencies to provide independent investigation services in the event of an officer-involved use of deadly force in King County.

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## DIRECTION NEEDED FROM COUNCIL

### DIRECTION

Bellevue Police Department seeks Council direction to prepare a Resolution that would authorize execution of an Interlocal Agreement with regional law enforcement agencies to fulfill the Law Enforcement Training and Community Safety Act (I-940) requirements for independent investigations of officer-involved uses of deadly force that result in death or serious bodily injury.

## RECOMMENDATION

Move to direct staff to return with a Resolution authorizing execution of an interlocal agreement between regional law enforcement agencies to provide independent investigation services in the event of an officer-involved use of deadly force in King County.

## BACKGROUND & ANALYSIS

In 2018, Initiative 940 was passed by the voters of Washington and in early 2019 House Bill 1064 unanimously passed. This legislation was renamed to the "Law Enforcement Training and Community Safety Act" (LETCSA). Part of LETCSA requires that all police uses of deadly force that result in death, substantial bodily harm, or great bodily harm be investigated completely independent of the involved agency to inform 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 and policies.

On December 5, 2019, the Washington State Criminal Justice Training Center adopted rules for a completely independent investigation into officer involved uses of deadly force. The main focuses of these rules, known as WAC 139-12, are independence, transparency, community, and credibility. Some highlights of the rules are:

- The addition of community representatives to the independent investigation team;
- Training and experience requirements for the law enforcement members team;
- Certification of the lead investigators;
- Information about the role of the involved agency; and
- Details regarding how investigation information will be shared with the public.

An independent investigation team is made up of qualified and certified law enforcement 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. The Bellevue Police Department is working with our regional law enforcement partners to include Washington State Patrol, King County Sheriff's Office, Kirkland PD, Redmond PD, Clyde Hill PD, Issaquah PD, Mercer Island PD, Snoqualmie/North Bend PD, Duvall PD, Medina PD, University of Washington PD and Lake Forest Park PD to establish an independent investigation team which will be called the "Independent Force Investigation Team-King County" (IFIT-KC). IFIT-KC will investigate the use of police deadly force that occurs within Bellevue and the jurisdictions of the partner agencies. If a Bellevue officer is involved in a deadly force incident, Bellevue investigators and resources will be removed from the investigative process and the incident will be investigated completely independent of the Bellevue Police Department. However, the investigation may include two Bellevue non-law enforcement community representatives per the criteria set by LETCSA.

As stated in the LETCSA, transparency is the 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 set forth in WAC 139-12. The goal of this requirement is to enhance police accountability, to increase community trust and to improve the legitimacy of policing for an increase in safety for everyone.

The IFIT-KC will operate in accordance with the agreed IFIT-KC Protocol and Guidelines that are consistent with Chapter 139-12 WAC for independent investigations to ensure the goals of independence, transparency, community, and credibility are met.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

Chapter 39.34 RCW, and the Washington Mutual Peace Officers Powers Act as codified in Chapter 10.93 RCW authorizes the City to establish the terms and conditions pursuant to which the City will provide and receive mutual aid law enforcement services.

RCW 10.114.011, requires a completely independent investigation into the deadly use of force by a peace officer that results in death, great bodily harm, or substantial bodily harm to inform 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 and policies.

### **Fiscal Impact**

There is no fiscal impact associated with implementing these changes.

## **OPTIONS**

1. Direct staff to return with a Resolution authorizing the execution of an interlocal agreement between regional law enforcement agencies to provide independent investigation services in the event of an officer-involved use of deadly force in King County.
2. Do not direct staff to return with a Resolution and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Proposed Independent Force Investigation Team – King County (IFIT-KC) Interlocal Agreement
- B. Proposed IFIT-KC Protocol

**AVAILABLE IN COUNCIL LIBRARY**

N/A