

INDEPENDENT FORCE INVESTIGATIONS TEAM KING COUNTY PROTOCOL AND GUIDELINES

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1. GOVERNANCE AND AGREEMENT

The creation and operation of the Independent Force Investigations Team–King County (IFIT-KC) will be governed by an Inter-Local Agreement signed by the Chief, Sheriff or lead Executive of all of the participating agencies. These IFIT-KC Protocol and Guidelines will identify operational aspects of the unit.

2. IFIT- KC PURPOSE

The purpose of the Independent Force Investigations Team–King County is to provide a structured and independent investigation for officer-involved incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm, occurring within the boundaries of the member law enforcement agencies of this agreement. In accordance with [RCW 10.114.011](#), IFIT-KC shall conduct an independent criminal investigation to determine the facts of the incident. The results of the IFIT-KC investigation shall be forwarded to the King County Prosecuting Attorney’s Office (KCPAO) for review at the conclusion of the investigation. The prosecutor’s office, not IFIT-KC, will interpret statutory law as it pertains to the incident and determine if there were any criminal violations.

The IFIT-KC shall meet the definition and criteria of Independent Investigative Team (IIT) as defined by Chapter [139-12 WAC](#). The IFIT-KC unit commander is responsible for ensuring IFIT-KC complies all with relevant RCW’s and WAC’s.

IFIT-KC criminal investigations shall follow the rules of law established by Washington State Statute, Federal Statute, applicable criminal investigation case law and State and Federal Constitutions. The independent investigation shall be performed in a manner that provides objective, thorough, fair, complete and professional investigation free of conflicts of interest. IFIT-KC shall only conduct the criminal investigation of an incident. The IFIT-KC shall not conduct administrative investigations/reviews of incidents.

3. IFIT - KC MISSION

In accordance with state law, to include RCW 10.114.011 and Chapter 139-12 WAC, the mission of IFIT-KC shall be:

- A. To perform the criminal investigation of officer-involved incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm;
- B. To apply best-practice methods for a thorough and complete criminal investigation;
- C. To conduct objective, professional, consistent, independent, multi-jurisdictional investigations of officer-involved incidents involving substantial bodily harm, great bodily harm or death, utilizing principles that lead to enhanced public trust-independence, transparency, communication, credibility of process and credibility of investigators;
- D. To maximize the availability and sharing of the latest technological equipment and techniques;
- E. To consolidate and share the skills of the most experienced and qualified commanders, supervisors and investigators;
- F. To conduct thorough investigations in a timely fashion.

4. ADMINISTRATIVE REVIEW

While IFIT-KC does not investigate administrative concerns, the employer agency retains the ability to conduct administrative investigations. It is recognized the criminal investigation results are of interest to the venue and employer agencies for their internal review and evaluation.. The results of the IFIT-KC criminal investigation will be fully available to the venue and employer agencies for that purpose unless otherwise prohibited by law. The employer agency shall be responsible for any administrative investigation review of officer-involved incidents. The IFIT-KC criminal investigation has investigative priority over the administrative investigation review. No IFIT-KC member of the employer agency, to include personnel conducting an administrative investigation review, will be involved in an IFIT-KC criminal investigation.

5. FINANCIAL OBLIGATION

Each member agency shall be responsible for their employees' wages and associated personnel costs of IFIT-KC operations and investigations.

The IFIT-KC will not be responsible for handling claims of damage to private property as a result of the officer-involved incident; such claims will be addressed by the employing agency. Claims of subsequent damage directly resulting from IFIT-KC investigations shall be referred to the IFIT-KC unit commander. The Executive Board will direct the claim to the responsible agency or agencies. Any liability for claims will be determined consistent with the ILA.

6. DEFINITIONS

COMMUNITY REPRESENTATIVE:

Pursuant to Chapter [139-12 WAC](#), non-law enforcement community representatives will be assigned as non-investigative participants of the IFIT-KC.

DEADLY FORCE:

As defined by [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.

EMPLOYER AGENCY:

The member agency that employs the involved officer, or employs an officer(s) who used deadly force. In many cases, the venue agency will also be the employer agency.

FATAL INJURY:

Injury resulting in death.

GREAT BODILY HARM:

Great bodily harm is defined as provided 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

INVOLVED OFFICER:

A Peace Officer who used deadly force, or whose act in connection with an incident is reasonably believed to be a "proximate cause" of an incident involving a death, substantial bodily harm, or great bodily.

LETCSA:

The Law Enforcement Training and Community Safety Act as set forth in Chapter 10.114 RCW and Chapter 139-12 WAC.

MEMBER AGENCIES:

The agencies having reviewed and agreed to the terms of the Inter-Local Agreement that adopts the IFIT-KC protocols.

VOTING MEMBER AGENCY:

A member agency that has a representative assigned to IFIT-KC. These agencies will be allowed to vote on matters related to IFIT-KC (i.e. proposed revisions to the IFIT-KC Protocol).

OFFICER INVOLVED INCIDENT:

Incidents in which an employee of a member agency is an involved officer, or the victim of an action, that involves death, substantial bodily harm or great bodily harm. The incident may include but is not necessarily limited to:

1. Intentional or accidental shootings.

2. Intentional or accidental use of any other dangerous or deadly weapons.
3. Serious assaults upon law enforcement officers, or serious assaults on other law enforcement employees who are on duty or are acting in a law enforcement capacity.
4. Attempts by law enforcement employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
5. Any death, substantial bodily harm, or great bodily harm received while a person is in police custody, including custodial trauma or custodial suicide, but excluding fatal injuries of prisoners which occur while the inmate is under a physician's treatment for a disease or other natural condition which has been diagnosed prior to death.
6. Vehicular collisions
 - a. Specifically including any vehicle fatality which occurs:
 - i. After, although not necessarily as a result of, police gunfire directed at a suspect or the suspect vehicle.
 - ii. In connection with the use of vehicle(s) by police as a "legal intervention" technique intended to apprehend a suspect. "Legal intervention" includes vehicle ramming, roadblocks, or forcing a vehicle to alter its course by cutting in front of it or by contact.
 - iii. As a result of a police pursuit.
 - b. Excluding any vehicle fatality involving:
 - i. Single vehicle collisions in which the only injury is suffered by a law enforcement employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle.
 - ii. Off-duty non-sworn law enforcement employees who are not involved in official police activity at the time of the fatality collision.

POLICE EMPLOYEE:

This protocol applies to employees and to certain other people affiliated with the member agencies, such as:

1. Full-time, part-time, Commissioned Officers, Deputies, Troopers or other Certified Law Enforcement Officer whether on-duty or off-duty, who are acting for a law enforcement purpose at the time of the incident.
2. Reserve law Enforcement Officers, Specially Commissioned Officers, Limited Commissioned Officers or Corrections Officers who are on-duty and are acting for a law enforcement purpose at the time of the incident. [RCW 10.93.020](#)
3. Temporary employees and volunteers, whether paid or unpaid, who are on-duty or who are acting for a law enforcement purpose at the time of the incident.

PROXIMATE CAUSE:

Cause which in direct sequence, unbroken by any new independent cause, produces the death, substantial bodily harm, or great bodily harm in question and without which such death, substantial bodily harm, or great bodily harm would not have happened. There may be one or more proximate causes of a death, substantial bodily harm, or great bodily harm

SUBSTANTIAL BODILY HARM:

As defined by [RCW 9A.04.110](#). “Substantial Bodily Harm” means any 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.

SUBSTANTIALLY INVOLVED OFFICER:

Any involved officer who had a significant tactical or decision-making role in the incident or was involved in the incident but was not involved in the use of deadly force. To avoid conflict, employer agencies of substantially involved witness officers are prohibited from having participating investigators.

VENUE AGENCY:

The geographical jurisdiction of the agency where the officer-involved incident occurs. When an officer-involved incident occurs in part or within two or more jurisdictions, each of those jurisdictions is a venue agency. When an incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute, the venue agency should be:

1. The employer agency if the involved officer is employed by either boundary agency, or:
2. The agency with the greater interest in the case by virtue of having the predominant police involvement in the incident or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction, or
3. Either agency by mutual agreement or consent.

For custodial deaths, the agency having custody of the person at the time the distress was first discovered is the venue agency. Also, a venue agency is the one within whose jurisdiction any fatal action was inflicted.

If the death was caused by conduct which was apparently criminal, the lead venue agency is the agency within whose geographical jurisdiction the act occurred. If there is apparently no criminal conduct involved in the cause of death, the lead venue agency is the one having custody of the victim when distress was first discovered.

If an involved officer is in an incident which occurs within the jurisdiction of another member agency, and if that officer was acting in the performance of their duty at the time of the incident, the venue agency may elect to relinquish its role in the criminal investigation.

WITNESS OFFICER:

An officer who witnessed the use of force by the involved officer, and whose action was not a use of lethal force, or potentially lethal force, in connection with an incident involving a fatal injury or substantial bodily harm. A witness officer may be substantially involved in an incident.

7. IFIT - KC COMPOSITION , STRUCTURE, AND DUTIES

IFIT-KC should be comprised of the following members. It may not be necessary to have all members activated to respond to an incident. The unit commander shall determine which IFIT-KC resources are needed for each incident.

1. **EXECUTIVE BOARD**

The governing body of IFIT-KC is the Executive Board. The Executive Board is comprised of the member agency Police Chiefs and Sheriff. From among the Member Agencies, the Executive Board shall elect one member as the Chair.

2. **IFIT-KC CHAIR**

The IFIT-KC Chair is the primary point of contact for the IFIT-KC Unit Commander.

3. **UNIT COMMANDER**

One IFIT-KC unit commander shall be selected from a member agency with the rank of lieutenant or above. The unit commander has the overall responsibility to manage and coordinate assigned incidents, as well as ensure the readiness and training of IFIT-KC. The unit commander will serve as liaison between IFIT-KC and the executive leader of the member agencies.

4. **ASSISTANT UNIT COMMANDERS**

Two assistant IFIT-KC commanders shall be selected from member agencies with the rank of commander, captain, or lieutenant. Assistant unit commanders will aid the unit commander, ensuring IFIT-KC unit readiness at all times.

5. **ADMINISTRATIVE COMMANDER**

The administrative commander shall be selected from a member agency with the rank of lieutenant or above. The responsibilities of the administrative commander include the following for the IFIT-KC unit: arranging, coordinating, and documenting all training; maintaining records of call-outs, personnel records/roster and equipment inventory; and managing financial transactions and records.

6. **INVESTIGATIVE UNIT SUPERVISORS**

Five (5) investigative unit supervisors shall be selected from member agencies with a first-line supervisory rank.

Investigative unit supervisors shall be assigned by the Incident Commander to respond to and take direct charge of an Incident scene and supervise assigned aspects of the investigation for which IFIT-KC has been activated. Investigative unit supervisors shall report directly to the Incident Commander during an

investigation. When multiple investigative unit supervisors respond, one will be designated as the Lead Supervisor. The Incident Commander may also assign investigative unit supervisors to oversee other investigative components as dictated by the complexity of the Incident or investigation. If an additional supervisor(s) is needed, the Unit Commander shall designate an acting supervisor from within IFIT-KC. Unit supervisors activated for a particular investigation should not be from the same agency.

7. **INVESTIGATORS**

Investigators shall be commissioned officers. Investigators will be employed by their respective member agency as detectives. Among the agency members, a minimum of twenty (20) investigators should be assigned to IFIT-KC.

- a. Two years of investigative experience is preferred at the time a detective becomes an IFIT-KC investigator.
- b. It shall be the responsibility of the administrative commander to obtain documentation from the member agencies ensuring that agency investigators meet the requirements set forth in WAC 139-12-030(4)(c)(iii) – (v) as applicable.
- c. The member agency employing an investigator shall ensure compliance with WAC 139-12-030(2)(b) as well as WAC 139-12-030(4)(c)(2), which requires two Community Representative be involved in the selection of investigators assigned to IFIT-KC.
- d. Investigators assigned to IFIT-KC 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: (1) discrimination of any type, based on protected classes identified under RCW 49.60.030(1); (2) theft, fraud, dishonesty, and abuse of authority including, but not limited to: theft, falsifying an official police record or making a false statement, serious ACCESS violations, obtaining or disclosing confidential information, and excessive use of force; and (3) dishonorable behavior including, but not limited to harassment, bullying, aggressive or intimidating behavior, or threats of violence including domestic violence.
- e. Investigators shall be required to commit to and attend IFIT-KC trainings as required by the unit commander.
- f. Investigators shall be willing to be on call, and reasonably available.
- g. Investigators will work specific tasks at the direction of a unit supervisor or commander.
- h. One investigator will be designated as the Lead Investigator for each Incident. In accordance with WAC 139-12-030(4)(c)(v), the Lead Investigator shall meet the requirements of and obtain a “lead investigator certificate” as available and issued by the Criminal Justice Training Center.

8. **EVIDENCE TECHNICIANS:**

Evidence technicians from member agencies may be assigned to IFIT-KC at the discretion of the member agency. Among the agency members, IFIT-KC shall have ten (10) evidence technicians available for an IFIT-KC investigation.

- a. Evidence technicians for an IFIT-KC investigation may be from a single member agency or a team assembled from multiple member agencies.
- b. Evidence technicians may help or be involved with documenting, collecting, packaging, and transporting of evidence; data collection; processing of the crime scene; and other duties assigned by IFIT-KC supervisors or commanders based on their unique training and experience.
- c. The commander of the member agency shall ensure the evidence technician meets minimum applicable standards.
- d. Evidence technicians shall be subject to training requirements as established by the IFIT-KC incident commander.

9. **COMMUNITY REPRESENTATIVES:**

Pursuant to Chapter 139-12 WAC, non-law enforcement community representatives will be assigned as non-investigative participants of the IFIT-KC. (Number to be determined by each member agency Chief, Sheriff or lead Executive)

The communities and residents within each agency may differ from their neighboring jurisdiction. Therefore, the total number of, and selection process and criteria for, community representatives shall be determined independently by each member agency. Chapter 139-12 WAC does, however, require there be at least two (2) community representatives assigned to each IFIT-KC activation.

Every attempt to utilize community representatives for the jurisdiction in which the incident occurred shall be a priority for participation in an IFIT-KC investigation. The member agency executive shall identify a pre-determined number of community representatives to be activated for any IFIT-KC activation occurring within their respective jurisdiction (minimum of two). The number of community representatives activated for an IFIT-KC investigation should be enough to satisfy the intent of Chapter 139-12 WAC, but not so large that it impairs the operation of IFIT-KC. Only the specific pre-determined number of community representatives, not the entire pool of representatives, shall be activated for participation in a specific IFIT-KC investigation.

Member agency executives for each jurisdiction shall decide how the pre-determined number of community representatives for their respective jurisdictions will be selected for IFIT-KC activation. Each member agency executive or designee shall supply an updated list to the IFIT-KC unit commander with the pre-determined names and contact information for those community representatives who would be on-call for an IFIT-KC activation. The list should include an appropriate number of alternate names and contact information should the first ones not be available.

Pursuant to Chapter 139-12 WAC, community representatives shall:

- a. Participate directly in the vetting, interviewing, and/or selection of IFIT-KC personnel;
- b. Review conflict of interest statements submitted within 72 hours of an IFIT-KC activation;
- c. Be present at the briefings with the employer and venue agency's executive;
- d. Have access to the completed IFIT-KC investigation file;
- e. Be provided a copy of all IFIT-KC media releases prior to release; and
- f. Review notification of equipment used by the employer or venue agency.

The IFIT-KC incident commander shall ensure that each activated community representative signs a binding confidentiality agreement at the beginning of each IFIT-KC activation. Confidentiality agreements shall remain in effect until the prosecutor either declines to file charges or when the criminal case is concluded.

If a confidentiality agreement is violated, the community representative may be subject to prosecution under [RCW 9A.76.020](#) (Obstructing a Law Enforcement Officer) and Chapter 10.97 [RCW](#) (Washington State Criminal Records Privacy Act). For the purpose of this section, “criminal background information” is the same as “criminal history information”, as defined in [RCW 10.97.030\(4\)](#).

10. INCIDENT COMMANDER:

Upon activation, an IFIT-KC incident commander will be appointed by the unit commander from the current roster of IFIT-KC unit commander and assistant unit commanders. The IFIT-KC incident commander becomes responsible for direct oversight of all aspects of the specific investigation for which they have been designated as IFIT-KC incident commander. The IFIT-KC incident commander will serve as liaison between IFIT-KC and the executive of the venue agency and / or employer agency, as well as the prosecutor’s office. The IFIT-KC incident commander shall determine which IFIT-KC members and other resources will be used to investigate each incident. The IFIT-KC incident commander shall also be the liaison between IFIT-KC and community representative(s).

If an IFIT-KC incident commander cannot fulfill their duties as incident commander for the duration of the assigned investigation, the IFIT-KC incident commander duties will become the responsibility of an assistant IFIT-KC incident commander. An assistant IFIT-KC incident commander should not be from the same agency as the IFIT-KC incident commander.

8. IFIT - KC APPOINTMENT, SELECTION , RETENTION AND REMOVAL

A. APPOINTED IFIT-KC POSITIONS

1. IFIT-KC commanders:

Member agency executives shall select employees to be assigned to IFIT-KC as at IFIT-KC unit commander, assistant unit commanders, or administrative commander (collectively, “IFIT-KC commanders”). IFIT-KC commanders shall have the qualifications described in section 7, 8C, and 9A. IFIT-KC commanders will be appointed by a majority of the Executive Board. The Executive Board shall give due consideration to the input provided by community representatives in the selection of the IFIT-KC commanders.

2. IFIT-KC supervisors:

The IFIT-KC supervisors shall be appointed by the member agency executive. IFIT-KC supervisors shall have the experience described in section 7, 8C, and 9A. The IFIT-KC supervisors will be appointed by a majority of the Executive Board. The Executive Board shall give due consideration to the input provided by the IFIT-KC commanders and community representatives in the selection of the supervisors.

3. Community representatives:

Each member agency executive will appoint at least two (2) community representatives from each of their respective jurisdictions. The total number of community representatives appointed by a jurisdiction, and the selection process, shall be determined independently by each agency. The representatives should have credibility with, and ties to, their communities. A transparent process shall be used for soliciting names and creating a pool of individuals willing to serve in this capacity.

B. NON-APPOINTED IFIT-KC POSITIONS

All non-appointed IFIT-PC positions (namely, the investigators and evidence technicians) shall be selected through the following process:

1. The IFIT-KC unit commander shall make written notification to the member agency executive soliciting personnel from their respective agencies for assignment to IFIT-KC.
2. The IFIT-KC administrative commander shall ensure all applicants meet prerequisites.
3. Qualified applicants shall be interviewed by a review board, as appointed by the IFIT-KC Chair or the IFIT-KC unit commander. The review board shall include a pre-determined number of community representatives.
4. All applicants shall be interviewed using criteria pertinent for the IFIT-KC position being sought. The same questions should be asked of each applicant.
5. At the conclusion of the review board process, the IFIT-KC unit commander should consider the input of the review board, including the input provided by the review board community representatives, and submit his/her recommendation to the IFIT-KC Chair for final selection.

C. PREREQUISITES

Except for community representatives, the following prerequisites should be met by personnel assigned to IFIT-KC team members:

1. The applicant's agency must be a member agency of IFIT-KC.
2. The applicant must have the recommendation from their agency executive.
3. The agency and applicant must be willing to make a commitment of 3 years of service to IFIT-KC (excludes promotion/exigent circumstances).
4. The agency and applicant should be willing to make a commitment to 8 hours of training each quarter.
5. The applicant must be available for call-out response.
6. The applicant shall be a commissioned officer, with previous experience as a detective (with the exception of civilian positions including evidence technicians).
7. The applicant should meet the basic training requirements identified in the IFIT-KC Protocol and Guidelines and in Chapter 139-12 WAC.

D. PERIODIC APPOINTMENT REVIEW

Member agency executives shall review the appointment of their IFIT-KC members who have served three years for possible rotation or replacement.

E. REMOVAL

Members can be removed from IFIT-KC by their respective member agency executive in accordance with the agency's policies or practices.

9. TRAINING

IFIT-KC members, other than evidence technicians, community representatives or other civilian members, should have received the basic training identified below prior to appointment with IFIT-KC. Some courses may be waived based upon the member's experience and/or on-the-job training, as determined by the IFIT-KC Unit Commander. The IFIT-KC unit commander shall give due consideration to the input from the community representatives prior to making a waiver. The advanced training, taken before and/or during their IFIT-KC appointment, is desirable and member agencies should make reasonable effort to provide this training within the first year of appointment.

A. BASIC TRAINING

1. Basic Homicide Investigation
2. Crime Scene Investigation
3. Interviewing and Interrogation
4. Crime Scene Photography (which may include Videography)

B. ADVANCED TRAINING

1. Advanced Homicide Investigation
2. Advanced Interviewing and Interrogation
3. Officer-Involved Shooting Investigation
4. Blood Spatter
5. Crime Scene Laboratory Services
6. DNA
7. In-Custody Death Investigation (which may include Excited Delirium and Positional Asphyxia)
8. Other related training, seminars, and conferences or on-going training as offered by WSCJTC or other training venues on an as available basis.

C. QUALIFIED LEAD INVESTIGATOR CERTIFICATION

1. The Washington Criminal Justice Training Commission shall issue an "IIT Qualified Lead Investigator" certification to ensure those assigned to lead an IFIT-KC investigation meet the training requirement.
2. Evidence technicians are not required to obtain the IIT Qualified Lead Investigator certification.

D. IN-SERVICE TRAINING

The IFIT-KC shall strive to maintain a unit of highly skilled and trained investigators. IFIT-KC commanders, supervisors, investigators, and evidence technicians should train together as a unit at least twice annually. Quarterly training should be allowed based upon need.

E. COMMUNITY REPRESENTATIVE TRAINING

Upon appointment, the IFIT-KC unit commander shall ensure community representatives receive orientation training that reviews relevant RCW's and WAC's, discuss the lawful authority and responsibility of community representatives, review the role of community representatives in an IFIT-KC activation (to include identifying not only what their role is, but also what their role is not), and discuss the responsibility of IFIT-KC in a criminal investigation, to include reviewing IFIT-KC Protocol and Guidelines. Community representatives should be familiarized with the scientific work conducted by reputable trainers as it relates to the working of the brain during critical events, the dynamics of eyewitness observations, and sensory deprivation that may occur during critical events.

10. EQUIPMENT

IFIT-KC members will provide sufficient equipment needed by its participating employees to conduct a thorough investigation.

Specialized equipment belonging to the employer agency should not be used by IFIT-KC unless:

- A. no reasonable alternative exists;
- B. The equipment is critical to carrying out the IFIT-KC investigation;
- C. The use is approved by the IFIT-KC unit commander; and
- D. The IFIT-KC incident commander can reasonably demonstrate the necessity and the steps taken to appropriately limit the role of employer agency personnel used in the facilitation of the equipment.

Pursuant to Chapter 139-12 WAC, the IFIT-KC incident commander shall notify the assigned community representatives about employer agency equipment used in the IFIT-KC investigation.

11. ADMINISTRATIVE RECORDS

IFIT-KC administrative records shall be maintained by the IFIT-KC administrative commander. These administrative records include records of all unit activity including:

- A. Selection process
- B. Personnel history
- C. Call-out activity
- D. Unit and individual training

12. PUBLIC INFORMATION

Pursuant to Chapter 139-12 WAC, the release of information to the public concerning the criminal investigation will be done only by the IFIT-KC. The venue or employer agency release of information to the public may not pertain to any aspect of the criminal investigation itself.

The release to the public of information related to IFIT-KC or an IFIT-KC investigation shall adhere to the following:

- A. The IFIT-KC should release only appropriate and necessary information about the investigation to the public. That information should normally be restricted only to the facts of what occurred, as determined by the IFIT-KC investigation. The IFIT-KC should not offer any opinions about the actions taken by, or motivation of, any involved parties in the incident. Nor should any speculation or opinions be offered about legal matters. Legal matters are the responsibility of the prosecutor's office.
- B. Public release of autopsy results by the Medical Examiner's Office should be coordinated with IFIT-KC incident commander and the Prosecutor's Office. Information that may hinder or obstruct the investigation should not be released.
- C. The IFIT-KC incident commander shall appoint an IFIT-KC public information officer (PIO). The IFIT-KC PIO shall provide their contact information to media representatives and clarify that information concerning the criminal investigation will be provided by the IFIT-KC. The IFIT-KC PIO should provide public updates about the investigation at a minimum of once per week, even if there is no new progress to report.
- D. The following shall receive advance notice of, to include a copy of, any public information released by IFIT-KC:
 1. The family representative for the person against whom deadly force was used, and
 2. The employer and venue agency executive, and
 - The employer agency shall be responsible for notifying the involved officer(s) and/or witness officer(s) if they so choose.
 3. The community representatives assigned to the IFIT-KC investigation in which media releases are applicable.
- E. In accordance with Chapter 139-12 WAC, the following shall be open to public review:
 1. The policies and operating procedures of IFIT-KC.
 2. The names of the Member Agencies.
 3. The names of IFIT-KC Administrators.
 4. The names of IFIT-KC Members, Investigators, Evidence Tech and or personnel providing assistance to an IFIT-KC investigation.
 5. The names of the Non-Law Enforcement Community Representatives.

F. Public Records Request pursuant to chapter 42.56 RCW. IFIT-KC investigation records will be released pursuant to chapter 42.56 RCW, which governs public records. Multiple agencies are involved in an IFIT-KC investigation and, as a result, multiple agencies may receive a public request for records related to an IFIT-KC investigation. Many of the following steps are noted to provide general guidance for responding to public records requests (PRRs), and this guidance may be subject to change as circumstances dictate:

1. Receipt of PRR for IFIT-KC records – Notification to IFIT-KC Commander – Response.

- i. Any time a member agency receives a public records request requesting records related to an IFIT-KC investigation, the receiving agency will provide a copy of the PRR to the IFIT-KC incident commander.
- ii. The IFIT-KC incident commander will ensure coordination between, as appropriate, the lead investigator's agency, the venue agency, the employer agency, and/or any IFIT-KC members that receive a records request related to the incident while the investigation is pending. While the IFIT-KC investigation is open and ongoing, the receiving agency will work with the public records officer or designee from the lead investigator's agency to ensure that records are not released where "nondisclosure is essential to effective law enforcement or for the protection of any person's right to privacy" under RCW 42.56.240.
- iii. The receiving agency will respond to the request per their member agency's guidelines and as required by public records statute(s). The receiving agency will also include in their written response to the requestor a statement identifying the appropriate agency as the IFIT-KC file custodian and advise the requestor to contact that agency directly to obtain a full copy of the case file, which includes all associated reports. The outcome of this process might be that requestors of IFIT-KC investigations file one PRR with the IFIT-KC file custodian instead of requesting records from all of the assisting agencies individually.
 1. Any agency generating a report contained in the final IFIT-KC case file should be given the opportunity to review a member agency's proposed response to a PRR requesting the case file and to seek an injunction or other court order under RCW 42.56.540 barring a requestor from obtaining the other agency's report, if appropriate.

2. IFIT-KC PRR Review Team – Representatives.

- i. The IFIT-KC Incident Commander may convene an IFIT-KC PRR Review Team to review the entire IFIT-KC case file to determine whether records and information are exempt from disclosure. The IFIT-KC Incident Commander may convene an IFIT-KC PRR Review Team following delivery of a completed IFIT-KC investigation to the King County Prosecutor's Office or during the investigation as deemed necessary to assist a member agency in responding to a public records request.
- ii. The PRR Review Team will consist of the public records officer or designee from the lead investigator's agency, the receiving agency, and the Public Records Officer or designee

from the King County Prosecutor's Office. At the discretion of the IFIT-KC Unit Commander as the incident or situation dictates, additional members may be added to the IFIT-KC PRR Review team, such as public records officers (or designees) from the employer or venue agency and/or other representatives from the prosecutor's office or lead investigator agency.

3. **Timelines.** Member agencies will strive to process all PRR's for IFIT-KC case files in an expeditious fashion within the public records statutory requirement(s) and state an anticipated release date. Factors such as length of the reports, notification of affected third parties, and legal action contesting disclosure may all impact the ability to meet anticipated release date targets. If the IFIT-KC PRR Review Team is convened, the target to begin reviewing records and to notify third-party agencies is 15 business days from the team's first meeting.

13. CONFIDENTIALITY

Information obtained by IFIT-KC investigations will generally be confidential while the investigation is pending. IFIT-KC members shall not voluntarily share confidential information with individuals other than IFIT-KC members. The IFIT-KC incident commander is allowed to share limited information, as defined by Chapter 139-12 WAC, with the venue and employer agencies' executive(s). Information shall not be shared with others, including non-involved agency executives. The IFIT-KC incident commander may share information with the venue and employer agency's executive, or designee, concerning the progress of the investigation so the executive can manage the internal investigation, administrative review, and/or communicate with their community about the progress of the investigation.

Once the investigation is complete, the investigation file will be subject to requests under the Public Records Act, Chapter 42.56 RCW (Refer to Section 12, PUBLIC INFORMATION).

14. IFIT - KC RESPONSE REQUEST PROCESS

The on-scene venue agency supervisor should fulfill whatever internal agency notifications are necessary, ensure the criteria for IFIT-KC activation is met, and request the services of IFIT-KC as soon as reasonably possible. The notification for IFIT-KC activation shall be made directly to the IFIT-KC unit commander, either by venue agency personnel or through Communication Center protocols. The IFIT-KC unit commander shall confirm IFIT-KC criteria is met and make appropriate notifications to activate the team.

The Protocol and Guidelines identified in this document becomes effective upon the activation of IFIT-KC.

A formal IFIT-KC activation should only be used for its intended purpose. If there is an incident that does not meet the initial IFIT-KC criteria, but a member agency executive desires the type of coordinated investigation with qualified investigators that IFIT-KC can provide, a mutual aid request can be made. IFIT-KC personnel can be activated under the authority of a mutual aid request in order to conduct a standard criminal investigation, but outside the auspices of IFIT-KC and its intended purpose.

15. IFIT - KC ACTIVATION

Upon the request for IFIT-KC, and after confirming the criteria for IFIT-KC assistance is met, the IFIT-KC unit commander shall designate the IFIT-KC incident commander to lead the investigation. The IFIT-KC incident commander, upon notification, should call the venue agency supervisor at the scene to obtain all available information. The IFIT-KC incident commander shall determine what and how many IFIT-KC resources are needed. Not all incidents may require activation of the entire IFIT-KC. The IFIT-KC incident commander shall initiate the proper IFIT-KC notification process to ensure needed personnel are notified and respond. To maintain proper objectivity, any IFIT-KC member from an involved employer agency shall not participate in the investigation of that particular incident.

Within 72 hours of activation, all involved IFIT-KC members and community representatives must complete a CJTC "conflict of interest" assessment tool regarding any connection to the involved officer(s). The conflict of interest assessment tool will be reviewed by the IFIT-KC incident commander and the community representatives activated for that particular investigation.

16. IFIT - AUTHORITY

Once the agreement has been made for IFIT-KC to investigate an incident, as requested by the venue agency, the IFIT-KC incident commander shall have sole and exclusive authority concerning the criminal investigation of the Use of Force incident. IFIT-KC will not investigate the criminal act or investigation (i.e. robbery, burglary, arrest or search warrant service) that may have preceded the officer-involved incident. The venue agency shall assume responsibility for the criminal investigation of the preceding event. IFIT-KC will limit its criminal investigation to the officer-involved incident.

The IFIT-KC criminal investigation shall adhere to IFIT-KC Protocol and Guidelines. Each member of the IFIT-KC shall ensure they adhere to the policies and practices outlined in the IFIT-KC Protocol and Guidelines.

17. NOTIFICATION AND COMMUNICATION

Upon activation of the IFIT-KC, the following standards for special communications will occur:

- A. A family member of the person against whom deadly force was used will be notified as soon as they can be located by either the venue agency or the IFIT-KC, whichever is faster;
 1. Within 24 hours of activation, a member of IFIT-KC will be assigned as a family liaison and will keep the family, or a representative of the family's choice, apprised of significant developments in the IFIT-KC investigation. The family and the employer agency shall receive advance notice of scheduled press releases.

- B. Neither the employer agency, venue agency, nor IFIT-KC shall provide the media with criminal background information of the person against whom deadly force was used, unless it is specifically requested, and the release of information is required by the Public Records Act or other applicable laws.
- C. If the person against whom deadly force was used is, or is believed to be, a member of a federally recognized tribe:
 - 1. The venue agency will notify the Governor's Office of Indian Affairs (GOIA) in accordance with [RCW 10.114.021](#)
 - 2. Within 24 hours of activation, a member of IFIT-KC will be assigned as a tribal liaison and keep the tribe (or a representative of the tribe's choice) apprised of significant developments in the IFIT-KC investigation.

18. VENUE AGENCY RESPONSIBILITIES

- A. The venue agency must be a member agency in order for the IFIT-KC to be activated.
- B. Venue or employer agency first responders should ensure that emergency life saving measures are taken.
- C. The on-scene venue agency supervisor may attempt to obtain critical information pertinent to public safety per policy department policy. Refer to the section 21. Investigations -"Obtaining Critical Information."
- D. The venue agency should ensure proper crime scene protection. This includes, but is not limited to, immediately securing the crime scene, controlling access into the crime scene, location and preservation of evanescent evidence, and recording the names of individuals who have entered the crime scene. Written reports are expected from those who enter a designated crime scene.
- E. The venue agency should attempt to identify witnesses who are present at the scene. Potential witnesses (including witness officers) should be sequestered as soon as reasonably possible. Witness officers should be directed by their employer agency supervisor or commander to not discuss details of the case with the involved officer or other witness officers until IFIT-KC has completed their interviews with those officers.
- F. If, prior to the arrival of IFIT-KC personnel, a person is transported to a hospital with life-threatening or fatal injuries, the venue agency should provide an officer to accompany that person in order to:
 - 1. Locate, preserve, safeguard and maintain the chain of custody for physical evidence.
 - 2. Obtain a dying declaration, spontaneous statement, and/or statement of then-existing, or previous, mental or physical state.
 - 3. Maintain custody of the person if he/she has been arrested.
 - 4. Provide information to medical personnel about the incident that is relevant to treatment, and obtain information from medical personnel relevant to the criminal investigation.
 - 5. Identify relevant people, including witnesses and medical personnel.

- G. If a law enforcement officer has been injured and transported to a hospital, the agency should provide or arrange for appropriate security and assistance. The employer agency should be responsible for providing necessary assistance to the officer's family at the hospital.
- H. The venue agency should provide a supervisor or incident commander who is available at the scene. That person should update IFIT-KC personnel upon their arrival at the scene.
- I. The venue agency should make department personnel available to the IFIT-KC.
- J. For incidents in which a suspect is taken into custody, the venue agency will coordinate appropriate security measures with the IFIT-KC incident commander and bear the costs of security until the suspect is available for booking. It is understood that special circumstances may dictate that another non-venue agency may provide assistance and security upon request of the venue agency's lead executive.
- K. The venue agency should turn over to IFIT-KC in a timely manner all evidence that is in their possession.
- L. The venue agency should make all documents, reports, and information on the incident available to the IFIT-KC in a timely manner.
- M. The venue agency should allow use of space and equipment as needed by the IFIT-KC.
- N. The venue agency shall provide a liaison to the IFIT-KC for venue agency policy questions and a source for document requests and screening.

19. IFIT- KC GUIDELINES

The IFIT-KC is comprised of personnel from multiple agencies, whose specific investigative roles may change from case to case. The IFIT-KC recognizes it is important to maintain consistency in the quality and type of investigation that is performed. Therefore, the IFIT-KC unit commander will maintain guidelines consisting of best-practice methods and techniques to be used during IFIT-KC investigations.

IFIT-KC members will follow the guidelines as a part of their investigation. A completed copy of the guidelines shall be filed as part of the official case file.

The IFIT-KC Guidelines are formally adopted as part of the IFIT-KC Protocol and Guidelines.

20. PLANNED POLICE ACTIONS

If the officer-involved incident is a result of a planned police action (i.e. search warrant service, arrest warrant service, tactical operation), documents and materials associated with the planning and execution of that action shall be turned over to IFIT-KC. Personnel involved in the planning of, and execution of, the planned action shall

be interviewed by IFIT-KC. Those personnel should not debrief the incident amongst themselves until the last IFIT-KC interview is conducted with those involved.

21. INVESTIGATIONS

Obtaining Critical Information

The involved officer may have information that is pertinent to the safety of officers and citizens, as well as the proper preservation of the crime scene. Such information may include, but not be limited to; medical aid that is needed, information necessary to apprehend suspect(s), and identification of evanescent evidence. For purposes of this protocol, the reasons or basis for the use of force by an involved officer, or details of that use of force, is not considered critical information.

The venue agency on-scene supervisor may, based upon that agency's training, policy or guidelines, attempt to obtain critical information from the involved officer that is reasonably necessary to aid injured persons, apprehend suspect(s) and protect perishable evidence as a public safety measure.

All member agency supervisors and commanders should be familiar with [Garrity v. New Jersey](#) and the consequences to a criminal investigation of directing or ordering an employee to answer questions.

- A. The IFIT-KC investigation shall not consider or use any compelled information provided by an involved officer who was directed or ordered to provide such information.
- B. Any supervisor or other agency member who has directed or ordered an employee to answer questions shall immediately report that fact to the first-arriving IFIT-KC investigator and the IFIT-KC incident commander upon his/her arrival at the scene.
 1. Details of the compelled information learned from the employee shall not be provided to IFIT-KC personnel.
- C. The IFIT-KC incident commander shall inquire with the venue agency and determine if the officer was directed or ordered to answer any questions.
 1. Details of the compelled information shall not be obtained by the IFIT-KC team.
 2. The IFIT-KC incident commander shall ensure that no compelled information is used as part of the IFIT-KC investigation unless authorized by the venue agency prosecutor.

Crime Scene control and transfer

The venue agency supervisor or incident commander shall turn over control of the crime scene to the IFIT-KC incident commander upon his/her arrival. IFIT-KC then becomes responsible for the crime scene and initiation of the criminal investigation. The venue agency shall maintain perimeter control of the crime scene if requested by the IFIT-KC incident commander.

A criminal act or investigation (i.e. robbery, burglary, arrest or search warrant service) may have preceded the officer-involved incident. If so, the IFIT-KC incident commander shall consult with the venue agency incident commander to determine the need for the venue agency to continue crime scene investigation of the preceding

event. The venue agency shall assume responsibility for the criminal investigation of the preceding event. IFIT-KC will limit its criminal investigation to the officer-involved incident.

Weapons Collection for Evidence

Upon arrival of IFIT-KC personnel, if an involved officer is still in possession of a firearm or other weapon used in the incident, the IFIT-KC incident commander will coordinate obtaining that firearm or weapon with the employer agency supervisor or incident commander.

The IFIT-KC incident commander shall ensure an inspection is conducted of all witness officer's (or other officers who may have been present at the time that force was applied) firearms, ammunition or other weapons. These inspections will be coordinated through that officer's employer agency supervisor or incident commander.

Recognizing Trauma

The duties and responsibilities of a law enforcement officer may place an officer in a position which may justify the need to use deadly force, or result in an officer being the victim of a crime.

Officer(s) or witness officer(s) involved in serious force incidents may encounter psychological trauma. IFIT-KC personnel will be alert for signs that indicate an officer may be suffering from such trauma. IFIT-KC personnel will treat involved officers with sensitivity and awareness as to the potential of acute stress reaction and/or other psychological trauma.

Removing Officers from a Scene

Upon arrival of IFIT-KC personnel, if an involved officer(s) or witness officer(s) are still present at the scene, the IFIT-KC incident commander will coordinate with the venue and employer agency supervisor or incident commander the removal of those officers from the scene.

To assure witness credibility, involved witness officers should be kept separated from each other until statements are obtained by IFIT-KC, whether they are removed from the scene prior to or after IFIT-KC arrival. Witness officers should be directed by their employer agency supervisor or commander to not discuss details of the case with the involved officer or other witness officers until IFIT-KC has completed their interviews with those officers.

Peer Support

It is recognized that the employer agency may have guidelines in place that allow peer support group counselors who are not involved in the incident to have access to the involved or witness officers. These discussions are considered privileged communications pursuant to [RCW 5.60.060\(6\)\(a\)](#). IFIT-KC will allow peer support group counselor involvement per the employer agency's policy or guideline.

Documenting Involved Officer Condition

IFIT-KC members should photograph and document any injuries the involved officer, or any other officer, may have received. The involved officer's clothing will also be photographed and documented. The clothing may be seized as evidence.

Interviewing Employees

It is recognized that officers who justifiably use deadly force as a part of their official duties and responsibilities may be subject to civil litigation. It is acknowledged that the IFIT-KC criminal investigation interview with involved officer(s) and witness officer(s) may be used by the employer agency in the administrative investigation/review of the incident to determine if any policy violations may have occurred. However, employer agency personnel conducting an administrative investigation/review should not be involved in an IFIT-KC investigation, nor will they normally engage in IFIT-KC interviews with involved or witness officers.

With the officer's consent, formal interviews by IFIT-KC members with the involved officer(s) and witness officer(s) will be digitally video recorded and audio transcribed.

A. Voluntary interview with the involved officer.

1. Unless the involved officer is a suspect involving possible criminal charges, the interview with the officer should be treated as a witness interview balancing the need to obtain all necessary information with sensitivity for the circumstances of the necessity of the interview. This approach is to be consistent with similar interviews with members of the public who are not law enforcement officers. An example would be interviewing the parents of a deceased child when there is no probable cause to believe that a parent has committed a crime.
2. Research indicates an involved officer's memory often will be helped by revisiting the crime scene and doing a walk through after evidence and evidence markers have been removed, but before the officer has been interviewed. It is recognized this process can be instrumental in separating a true picture of the event from perceptually distorted recollections, and that the officer may recognize things in the scene that will stimulate recall. Consequently, if requested by the involved officer, IFIT-KC will generally allow the officer, with only his/her legal counsel, to do a walk-through of the scene prior to a formal interview. The legal right to do a walk-through after investigators have left the scene (i.e. public property crime scene versus private property crime scene) will need to be considered. The same approach is often used in homicide cases involving witnesses or suspects who are not law enforcement officers.
3. It is recognized the interview may take place as soon as practical after the incident occurred.
4. The involved officer should be allowed to provide a written statement prior to the interview if they so desire.
5. The involved officer will be treated with sensitivity and awareness as to the potential of acute stress reaction and/or other psychological trauma.
6. The involved officer has the same constitutional rights as any other citizen. The officer has the right to have legal counsel present during the interview. The officer should be provided a reasonable time to consult with legal counsel prior to the formal interview.
7. If the involved officer requests a guild representative (other than an attorney) be present during the interview, the IFIT-KC interviewer(s) will notify the IFIT-KC incident commander. The IFIT-KC incident commander will then consult with the venue county's prosecutor and the employer agency executive. A decision will then be made as to whether a guild representative will be allowed to be present during the interview. If a guild representative is allowed to sit in on the interview, the representative will not be allowed to interfere with, or obstruct, the interview process.

8. As determined by legal standards, advisement of Miranda Rights are generally required only when a criminal suspect is in custody or facing custodial arrest, and is subjected to interrogation. Consequently, a voluntary statement from involved officer does not require Miranda and is not compelled.
9. IFIT-KC investigators shall consult with the prosecutor's office concerning possible advisement of Miranda Rights prior to a formal interview with the involved officer. There may be case specific circumstances which may prompt the venue county prosecutor to request an involved officer be advised of Miranda Rights prior to the IFIT-KC interview. If such a request is made, IFIT-KC investigators shall advise the involved officer of Miranda Rights at the beginning of the interview.
10. Involved officers are under no legal obligation to provide IFIT-KC a statement. Should an involved officer elect to not provide a voluntary, non-compelled statement to IFIT-KC investigators, the investigation will be forwarded to the KCPAO as a complete investigation.

B. Interview with a witness officer.

1. Interviews with witness officer(s) will likely need to be arranged as soon as reasonably possible after the incident occurred. Witness officers will be interviewed separately.
2. IFIT-KC members should be alert for signs the witness officer(s) are traumatized and may need some time to decompress prior to giving a statement.
3. Generally, an officer who is a witness to the use of force and is not involved in the application of force in any manner, and is not a subject of the investigation, does not have a right to union representation during his/her interview. That is unless the witness officer reasonably believes his/her statement may result in discipline. Under such circumstances, if the officer requests guild representation, he/she may be allowed to have a guild representative present during the interview. The representative will not be allowed to interfere with, or obstruct, the interview process.
4. Witness officer(s) may, if appropriate, be asked to participate in a walk-through of the scene with IFIT-KC investigators.

Intoxicant Testing

Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant testing. If IFIT-KC members determine a law enforcement employee's state of sobriety is relevant to the criminal investigation, they may:

- A. Obtain the blood and/or urine sample by valid consent.
- B. Apply for a search warrant to obtain the samples.
- C. When applicable, utilize the provisions of the Motor Vehicle Code of state statutes for vehicle driving incidents.

Relief of involved officers

IFIT-KC does not have the authority to, and will not be involved in, relieving any involved officer(s) or witness officer(s) of their duties. Any such action will be the responsibility of the employer agency.

Release of Crime Scene

Only the IFIT-KC incident commander may authorize release of the crime scene upon completion of the criminal investigation. The IFIT-KC incident commander shall notify the employer and venue agency executive of the intent to release the scene prior to it actually being released.

Autopsy

Autopsies will be coordinated with the IFIT-KC and the King County Medical Examiner's Office. An IFIT-KC member will be present during autopsy and take all appropriate investigative steps.

Evidence Storage

All evidence should be stored under the control of, and at the evidence storage facility of the lead IFIT-KC investigator. No evidence should be stored with the venue or employer agency. The IFIT-KC evidence technician shall work with lead detective and the agency's evidence technician on details of inventorying and storage of evidence items.

Prosecutor Referral

The IFIT-KC incident commander will present the IFIT-KC investigative file to the King County Prosecutor for review of filing on any potential criminal charges.

Case Files

The venue agency incident cover page and original report will be completed by a venue agency officer, other than the involved officer. It is recognized the original report may be brief, and will be supplemented by detailed IFIT-KC reports. All original reports, statements, and other documentation of venue agency employees should be filed and maintained by the venue agency.

IFIT-KC will reference all associated reports under the assigned venue agency case number. IFIT-KC members shall file their investigative reports on a standardized supplemental report document. IFIT-KC reports will be completed outside of the home agency records management system (RMS) utilized for police incident reporting. The purpose in completing IFIT-KC reports outside the RMS is the intentional separation of information from the normal practices of police report submission. Completed IFIT-KC reports shall be submitted to the IFIT-KC incident commander only after review and approval by the designated investigative unit supervisor. IFIT-KC reports will be completed in a timely manner.

The IFIT-KC incident commander will establish a master page number index system for each page of the report. In an effort to ensure protection of the integrity of information contained in the IFIT-KC investigation, IFIT-KC investigators will not enter or otherwise index persons involved in the IFIT-KC investigation into the regional records management system. Indexing of persons involved in the IFIT-KC investigation will be the responsibility of the venue agency once the final report has been completed, and published to the venue agency.

Justifiable homicides often occur in conjunction with other criminal offenses. Once a homicide has been ruled "Justified" per [RCW 9A.16.040](#), NIBRS data entry shall be the responsibility of the venue agency. (NIBRS) data collection guidelines identify justifiable homicides must be reported as a separate incident from the other criminal offense. For the justifiable homicide case, NIBRS requires that the involved officer be listed as a "suspect," and

the perpetrator who is killed be listed as a “victim.” Other officers or civilians should be listed as “witness” or “involved other.”

Incident Debrief

An incident debriefing for IFIT-KC members will be conducted as soon as practical after each activation. The debriefing will be scheduled and conducted by the IFIT-KC incident commander. Where practical and lawful, IFIT-KC debriefings should include input provided by those officer(s) identified as involved officer(s) through the course of the IFIT-KC investigation.

22. AGENCY BRIEFING

The IFIT-KC incident commander should ensure the venue agency and employer agency’s executive is kept informed of the progress of the criminal investigation. Release of information shall comply with Chapter 139-12 WAC, to include the assigned community representatives to be present when updates are provided.

23. ORGANIZATIONAL CHART

TBD.

