



North Central Washington Special Investigations Unit

Protocol

Member Agencies

- **Washington State
Patrol**
- **Wenatchee Police
Department**
- **East Wenatchee Police
Department**
- **Douglas County
Sheriff's Office**
- **Chelan County
Sheriff's Office**

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1. MISSION AND PURPOSE OF SIU

The purpose of the North Central Washington Special Investigations Unit (NCWSIU) is to conduct independent investigations of officer-involved incidents where the use of deadly force by a peace officer results in death, substantial bodily harm, or great bodily harm. A secondary purpose of the NCWSIU is to conduct independent investigations regarding any in-custody death. The NCWSIU will provide services to all agencies who are party to this agreement. The NCWSIU will reflect both law enforcement and community need for independent, credible, and transparent investigations.

While NCWSIU does not investigate administrative concerns the Involved Agency may have, it is recognized the criminal investigation results are of interest to the Venue and Involved Agency for their internal use. Upon completion, the results of the NCWSIU criminal investigation will be fully available to the Venue and Involved Agencies for that purpose unless otherwise prohibited by law.

In accordance with RCW 10.114.011, the NCWSIU shall conduct an independent criminal investigation absent the involved agency to determine the facts of what occurred. The completed investigation results shall be forwarded to the prosecutor of jurisdiction for review.

The NCWSIU independent investigations shall follow the rules of law established by the state and federal constitutions and statutory and case law applicable to criminal investigations.

As a secondary purpose, the NCWSIU may be activated at the mutual request and agreement of partner member agency heads for major investigations where the scope and complexity warrant a combination of local agency resources found within the NCWSIU.

2. GOALS OF SIU

- A. To perform independent investigations of officer-involved uses of force, which result in substantial bodily harm, great bodily harm or death.
- B. To promote public trust by conducting investigations that adhere to the tenets of independence, transparency, communication, and credibility.
- C. To maximize the availability and sharing of the latest technological equipment and techniques.
- D. To consolidate and share the skills of the most experienced commanders, supervisors, and investigators.
- E. To conduct thorough investigations in a timely fashion.

3. GOVERNANCE

The creation of the NCWSIU will be governed by an Inter-Local Agreement signed by the Chief/Sheriff of participating law enforcement agencies. The operation of the NCWSIU will be governed by this protocol and all applicable Federal, State, and Local laws, rules, and regulations along with WAC 139-12-030 for Independent Investigation Criteria.

4. CRIMINAL INVESTIGATIONS AND ADMINISTRATIVE REVIEW

The involved agency shall be solely responsible for any administrative investigation and/or review of officer-involved incidents. The NCWSIU independent investigation has investigative priority over the administrative investigation and/or review. The administrative investigation of the involved agency must remain separate from the independent criminal investigation. No member of the involved agency may participate in any way in the investigation of the police use of deadly force conducted by the NCWSIU, except as allowed by WAC 139-12-030(1)(b). No information about the ongoing independent investigation of the police use of deadly force will be shared with any member of the involved agency. The Chief or Sheriff may request the Independent Investigation Unit (IIT) to release the body camera video or other investigation information of urgent public interest, the IIT commander should honor the request with the agreement of the prosecutor of jurisdiction.

5. COSTS

The NCWSIU will not be responsible for handling claims or damage to private property as a result of the Officer-Involved Incident or subsequent criminal investigation. Responsibility for handling such claims shall fall upon the Involved Agency Chief/Sheriff.

6. DEFINITIONS

A. OFFICER-INVOLVED INCIDENT

Incidents in which the member of a participating agency is an Involved Officer, or the victim of an action, that involves the use of deadly force. The incident may include but is not necessarily limited to:

- (1) Intentional and accidental shootings, including police tactical incidents involving specialized response units.
- (2) Intentional and accidental use of any other dangerous or deadly weapon.
- (3) Assaults upon law enforcement officers, or 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 fatal injury, great bodily harm, or substantial bodily harm received while 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, and specifically:
 - a. Including any vehicle fatality which occurs
 - i. After, although not necessarily as a result of, the use of deadly force directed at the 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 otherwise 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. Fatality or serious injury off-duty collisions involving off-duty sworn officers at the request of the Member Agency when Venue Agency is a SIU Member Agency.

B. POLICE EMPLOYEE

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

- (1) Full-time, part-time, and hourly sworn and unsworn employees, whether on-duty or off-duty, who are actually, apparently, or purportedly acting for a law enforcement purpose at the time of the incident.
- (2) Reserve law enforcement officers who are on-duty or who are actually, apparently, or purportedly acting for a law enforcement purpose at the time of the incident.
- (3) Temporary employees and volunteers, whether paid or unpaid, who are on-duty or who are actually, apparently, or purportedly acting for a law enforcement purpose at the time of the incident.

C. INVOLVED OFFICER

- (1) The police employee who used deadly force.
- (2) An officer who operated a motor vehicle while on-duty that was involved in a fatality or serious injury collision and meets the criteria identified in Section 6 A (6), "Definitions."

D. FATAL INJURY

- (1) Injury resulting in death.

E. DEADLY FORCE

As set forth in 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.

F. SUBSTANTIAL BODILY HARM

As set forth in RCW 9A.04.110(4)(b), 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.

G. GREAT BODILY HARM

As defined by RCW 9A.04.110(4)(c), 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.

H. WITNESS OFFICER

An officer who witnesses the use of deadly force by the Involved Officer, and whose action was not a use of deadly force in connection with an incident involving a fatal injury or great bodily harm.

I. INVOLVED AGENCY

The agency that employs or supervises the officer(s) who used deadly force. There can be more than one “involved agency.”

J. VENUE AGENCY

The Member Agency or Agencies within whose geographical jurisdiction the officer involved incident occurs.

When an officer-involved incident occurs in part in two or more jurisdictions, each of those jurisdictions is a Venue Agency.

K. MEMBER AGENCIES

Those agencies that have reviewed and agreed to the terms of the Inter-Local Agreement that adopts this Protocol.

- (1) **Voting Member Agency:** A Member Agency that has a representative assigned to the SIU. These agencies will be allowed to vote (one vote per agency) on matters related to SIU (i.e., proposed revisions to the SIU Protocol). For voting purposes and for decision making in administering this agreement, it will be a simple majority vote of the Chiefs and Sheriffs. Four of the five voting member agencies will establish a quorum. A vote may be cast in person, via telephone or online meeting platform, or a separate non-simultaneous meeting. A Chief or Sheriff's designee may cast a vote in their absence.
- (2) **Non-Voting Member Agency:** A Member Agency that does not have a representative assigned to the SIU. These agencies may be allowed to participate in SIU discussions, but will not be allowed to vote on matters related to SIU.

7. UNIT MEMBERS

A. UNIT COMMANDER

The SIU Commander shall be from a Member Agency with the rank of Captain or equivalent, appointed by the Chiefs and Sheriffs. The Unit Commander has the overall responsibility to manage and coordinate assigned incidents as well as ensure the readiness and training of the Unit. The Unit Commander will serve as liaison between the Unit and the Chief/Sheriff of the Venue and/or Involved Agency. The Unit Commander shall determine which SIU Members and other resources will be used to investigate each incident. The Unit Commander will arrange for and coordinate all training.

B. ASSISTANT COMMANDERS

The Assistant SIU Commanders shall be from a Member Agency with the rank of Captain or equivalent, appointed by the Chiefs and Sheriffs. The Assistant Commander assumes the Unit Commander's duties and responsibilities in the absence of the Unit Commander. The Unit Commander will assign the Assistant Commanders to keep all unit records to include documenting training, assigned personnel, SIU call-out logs, unit equipment inventory, and the financial transaction/records of the unit.

C. NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVE

A citizen who has credibility with and ties to the community impacted by the police use of deadly force. They are responsible for reviewing conflict of interest statements filed by investigators, review investigative files when completed, be provided copies of all press releases and communication to the media prior to release and review notification of equipment use of the involved agency. This position does not investigate or supervise any team members. A person selected for this position must sign a confidentiality agreement and pass a background investigation to the satisfaction of the Unit

Commander. The community representative for any incident shall complete their own conflict of interest statement to be reviewed by the Unit Commander.

D. PUBLIC INFORMATION OFFICER (PIO)

A Public Information Officer will be appointed by the Commander or his/her designee for any investigation conducted by the SIU. The Public Information Officer will be the primary point of contact for media during the investigation.

E. TEAM SUPERVISOR

Supervisors will hold the rank of Corporal or higher, and are appointed by the Team Commander. Supervisors are responsible for the investigative response, including investigative assignments, managing resources for the investigation, reviewing reports, evaluating the progress of the investigation, and providing operational leadership.

F. LEAD INVESTIGATORS

Lead Investigators shall be from a Member Agency and possess a CJTC issued Lead Investigator certificate. Lead Investigators will be appointed by the SIU Command staff. Lead Investigators shall report directly to the SIU Commander or his/her designee.

G. INVESTIGATORS

Investigators must be employed by a member agency of the SIU. Shall be a commissioned peace officer in the State of Washington with previous experience as a detective or investigator, or have special skills or experience necessary for the team.

H. EVIDENCE TECHNICIAN

The Evidence Technician shall be from a Member Agency as determined by the SIU Commander or his/her designee on a case-by-case basis. The Evidence Technician will help with documenting evidence, collecting evidence, packaging evidence, transporting evidence, data collection and other duties as assigned.

8. UNIT COMPOSITION

NCWSIU should be comprised of the below-listed members. It may not be necessary to have all members activated to respond to an incident. The SIU Commander or his/her designee shall determine which NCWSIU resources are needed for each incident.

- A. SIU Commander
- B. Assistant Unit Commander

- C. Non-Law Enforcement Community Representative
- D. Supervisors
- E. Lead Investigator
- F. Investigators
- G. Evidence Technician (1 identified by each Member Agency)

9. APPOINTMENT/SELECTION OF UNIT MEMBERS

A. SELECTED LEADERSHIP TEAM

- (1) The Chiefs and Sheriffs shall appoint the SIU Commander, Assistant Commander, or co-commander(s).
- (2) All NCWSIU leadership shall be commissioned peace officer(s), with previous experience in criminal investigations.

B. APPOINTED NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES

- (1) The Chiefs and Sheriffs shall appoint at least two non-law enforcement community representatives in accordance with the procedure outlined in this chapter.

a. PROCESS:

Non-Law Enforcement Community Representatives shall be selected through the following process:

- (1) The Chiefs and Sheriffs shall solicit applicants for the position of non-law enforcement community representative via public announcement and application.
- (2) The SIU commander shall establish a roster of individuals willing to serve in this capacity.
- (3) The Chiefs, Sheriffs, and community members must choose the non-law enforcement community representatives from this list.
- (4) The SIU commander shall submit a roster to the Washington State Criminal Justice Training Commission.

b. PREREQUISITES: NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVE

- (1) Has credibility with and ties to communities impacted by police use of deadly force.

C. SUPERVISORS

- (1) SIU supervisors shall be recommended by their agency to the SIU commander.

D. INVESTIGATORS

a. PROCESS: SIU Investigators shall be selected through the following process:

- (1) The SIU Commander or his/her designee shall make written notification to the Member Agency's Sheriffs and Police Chiefs soliciting personnel from their respective agencies for assignment to SIU.
- (2) The SIU Deputy Commander shall ensure all applicants meet prerequisites.
- (3) The applicant shall be interviewed by a panel.
- (4) The interview panel shall submit their recommendations to the SIU commander.
- (5) The SIU commander shall consider the recommendations of the panel and the qualifications of the applicant.
- (6) Qualified applicants best suited for the needs of the SIU shall be approved by the NCWSIU command staff.

b. PREREQUISITES: INVESTIGATOR APPLICANT

- (1) The applicant shall be a commissioned peace officer in the state of Washington.
- (2) The applicant shall have previous experience as a detective or investigator, or have special skills or experience necessary for the SIU.
- (3) The applicant's agency must be a Member Agency of SIU
- (4) The applicant must have the recommendation from their Chief/Sheriff or their designee.
- (5) The agency and applicant must be willing to make a 2-year commitment of service to SIU (excludes promotion/exigent circumstances).
- (6) The agency and applicant shall be willing to make a commitment of to a minimum of 8 hours of required training each year.
- (7) The applicant must be willing to be on call and reasonably available for call-outs.
- (8) The applicant shall meet the basic training requirements identified in the SIU protocol.

c. INVESTIGATOR APPLICANT INTERVIEW PANEL

- (1) The interview panel shall include the non-law enforcement community representatives and other members of the IIT.
- (2) Interview panel members shall be selected by the SIU commander.
- (3) Interview criteria shall be pertinent for the position of an SIU investigator.
- (4) The same questions should be asked of each applicant.

d. DISQUALIFICATION

- (1) Investigators assigned to the SIU are expected to have a work history free of:
 - a. A sustained finding of serious misconduct.
 - b. A pattern of sustained complaints.
 - c. A personal history free of demonstrable bias or prejudice against community members that may be impacted by police use of deadly force.

- (2) Examples of disqualifying sustained misconduct and/or personal history include, but are not limited to:
 - a. Discrimination of any type, based on protected classes identified under RCW [49.60.030](#)(1).
 - b. 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.
 - c. Dishonorable behavior including, but not limited to: Harassment, bullying, aggressive or intimidating behavior, or threats of violence, including domestic violence.

E. PERIODIC APPOINTMENT REVIEW

The Chief/Sheriffs shall review the appointment of their SIU Members who have served three years for possible rotation or replacement.

10. CONFIDENTIALITY

Information obtained, related to on-going investigations, will generally be considered confidential while the investigation is pending. Members shall not voluntarily share confidential information with Non-members. The NCWSIU Commander or his/her designee will facilitate limited briefings given to the involved agency's Chief/Sheriff, command staff, and Non-Law Enforcement Community Representative. Per WAC 139-12-030 (1)(b) limited briefing will be about the progress of the investigation so that they can manage the internal administrative investigation.

Once the investigation is complete, the investigation file will be subject to requests under the Public Records Act. Refer to Section 33, "Release of Information/Public Information Officer." Once completed the Non-Law Enforcement Community Representative will be provided access to the case file and their confidentiality agreement will be considered terminated.

11. CONFLICT ASSESSMENT

Within 72 hours of activation, all NCWSIU investigators and non-law enforcement community representatives must complete a "conflict of interest" assessment tool regarding any connection to the officer(s) being investigated. The conflict assessment

will be reviewed and discussed by the non-law enforcement community representatives and the NCWSIU commander.

12. REMOVAL FROM THE UNIT

Members can be removed from the NCWSIU by their respective Chief/Sheriff or their designee in accordance with the agency's policies or practices. Due to rotation of assignment, members may remain at request of their agency's Chief/Sheriff, or they may ask to be removed.

Any non-law enforcement representative or law enforcement officer found to have violated the confidentiality agreement will be subject to immediate removal from the NCWSIU.

13. TRAINING

NCWSIU Members should have received the basic training identified below prior to appointment with NCWSIU. Some courses may be waived based upon the member's experience and/or on-the-job training, as determined by the NCWSIU Command Staff. The advanced training, taken before and/or during their NCWSIU appointment, is desirable and Member Agencies should make reasonable effort to provide the training.

A. BASIC TRAINING

- (1) Basic Homicide Investigation
- (2) Crime Scene Investigation
- (3) Interviewing and Interrogation

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) Crime Scene Photography
- (8) In-Custody Death Investigations (Which may include Excited Delirium and Positional Asphyxia)
- (9) Computer/Cell Phone Analysis Investigations
- (10) Other related training, seminars, and conferences or on-going training as offered by WSCJTC or other training venues on an as available basis.

C. ANNUAL TRAINING

NCWSIU will maintain the minimum training qualifications set forth by WAC 139

A. COMMUNITY REPRESENTATIVE TRAINING

Upon appointment, the NCWSIU 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 NCWSIU activation (to include identifying not only what their role is, but also what their role is not), and discuss the responsibility of NCWSIU in a criminal investigation, to include reviewing NCWSIU Protocol and Guidelines. Community representatives should be familiarized with the scientific work conducted by the Force Science Institute 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.

14. ACTIVATION

- A. The Chief of Police/Sheriff, or their designee, should make the request for the NCWSIU through their respective communications center.
- B. The communications center shall contact the SIU Commander or his /her designee per NCWSIU call-out instructions.
- C. The NCWSIU Commander or his /her designee should call the Venue Agency supervisor at the scene to obtain all available information.
- D. The NCWSIU Commander or his /her designee shall determine what and how many SIU resources are needed. Not all incidents may require activation of the entire NCWSIU.
- E. Call-out instructions for the NCWSIU shall be provided to communications centers by the NCWSIU Commander or his /her designee.

15. AUTHORITY

Once the agreement has been made for the NCWSIU to investigate an incident, and transfer of the scene has occurred, the NCWSIU Commander or his /her designee shall have sole and exclusive authority concerning the criminal investigation of the incident.

16. VENUE AGENCY RESPONSIBILITIES

- A. Involved Agency first responders should ensure that emergency life saving measures are taken. Once the scene is rendered safe the involved agency will call SIU immediately.

- B. The Involved Agency should ensure proper crime scene protection. The primary focus will shift to the protection and preservation of evanescent evidence in order to maintain the integrity of the scene. This includes, but is not limited to, immediately securing the crime scene, controlling access into the crime scene, and recording the names of individuals who have entered the crime scene. Written reports are expected from those who enter a designated crime scene. This will maintain until SIU has arrived and has the appropriate resources to relinquish control of the scene to SIU.
- C. If, prior to the arrival of the NCWSIU personnel, the person is transported to a hospital with life-threatening or fatal injuries, the Involved Agency should provide an officer to accompany that person in order to:
 - (1) preserve, safeguard and maintain the chain of custody for physical evidence.
 - (2) Maintain custody of the person if he/she has been arrested.
 - (3) Provide information to medical personnel about the incident that is relevant to treatment.
- D. If a law enforcement officer has been injured and transported to a hospital, the agency in whose jurisdiction the hospital is located should be requested to assist with security. The Involved Agency should be responsible for providing necessary assistance to the officer's family at the hospital.
- E. The Involved Agency should provide a Supervisor or Incident Commander who is available at the scene. That person should update SIU personnel upon their arrival at the scene.
- F. The Involved Agency should turn over to SIU in a timely manner all evidence that is in their possession.
- G. The Involved Agency should make all documents, reports, and information on the incident available to the SIU in a timely manner.
- H. Any specialized equipment belonging to the involved agency may not be used by SIU unless there are; no other reasonable alternative exists, the equipment is critical to carrying out the independent investigation, and the use is approved by the SIU commander. If the equipment is going to be used the non-law enforcement community representative must be notified why it is being used and the steps taken to limit the role of the involved agency personnel.

17. TURNING OVER CONTROL OF THE CRIME SCENE TO SIU

The Venue Agency Supervisor or Incident Commander shall turn over control of the crime scene to the NCWSIU Commander or his /her designee upon his/her arrival. NCWSIU then becomes responsible for the crime scene and initiation of the criminal investigation. The Venue Agency shall maintain perimeter control of the scene if requested by the NCWSIU Commander.

A criminal act or investigation (i.e., robbery, burglary, search, or arrest warrant service) may have preceded the Officer-Involved Incident. If so, the NCWSIU Commander or his

/her designee shall consult with the Venue Agency Incident Commander to determine which agency should investigate that preceding event, to include pursuing criminal charges related to that event. If so requested, NCWSIU shall assume responsibility for the criminal investigation of the preceding event. Otherwise, NCWSIU will limit its criminal investigation to the Officer-Involved Incident.

18. SIU GUIDELINES

The NCWSIU is comprised of personnel from multiple agencies, whose specific investigative roles may change from case to case. The NCWSIU recognizes it is important to maintain consistency in the quality and type of investigation that is performed. Therefore, the NCWSIU Commander or his /her designee will devise guidelines to be used during NCWSIU investigations. NCWSIU members will follow the guidelines as a part of their investigation.

19. SEIZING AN OFFICER'S WEAPON

If, upon arrival of NCWSIU personnel, an Involved Officer is still in the possession of a firearm or other weapon that was used in the incident, the NCWSIU Commander or his /her designee will coordinate obtaining that firearm or weapon with the Employer Agency Supervisor or Incident Commander.

20. REMOVING OFFICERS FROM THE SCENE

If, upon arrival of SIU personnel, an Involved Officer or Witness Officer is still present at the scene, the SIU Commander or his /her designee will coordinate with the Involved Agency Supervisor or Incident Commander the removal of those officers from the scene. To assure witness credibility these officers should, whether they are removed from the scene prior to or after SIU arrival, be kept separate from each other until they are contacted by an NCWSIU Investigator and are given the opportunity to provide a statement. Witness Officers should be directed by their Involved Agency supervisor or commander to not discuss details of the case with the Involved Officer or other Witness Officers until SIU has completed their interviews with those officers.

21. INTERVIEWING LAW ENFORCEMENT EMPLOYEES

NCWSIU recognizes that each agency's collective bargaining agreements (CBA) may establish guidelines for interviewing the Involved Officer(s) and Witness Officer(s). NCWSIU members will familiarize themselves with the Involved Agency's CBA as it pertains to this topic.

Any interview with the Involved Officer or Witness Officer not obtained upon the initial NCWSIU response will be scheduled by the SIU Commander or his /her designee through the Involved Agency within the guidelines of the employee's CBA.

SIU investigators do not have the authority to issue "Garrity" orders to Involved Officers. This can only be done by the Involved Officer's agency appointing authority or designee.

With the Officer's consent, formal interviews by SIU Members with the Involved Officer and Witness Officer(s) will be recorded and transcribed.

Interviews with the Involved Officer

- (1) SIU investigators will follow the involved officer's CBA and or department policies in regards to interviews. If the involved officer is not represented and or covered by a CBA, the involved officer will be allowed enough time to consult legal counsel if requested.
- (2) Involved Officer interviews should be audio and video recorded.
- (3) SIU investigators have the option of doing a walk-through of the scene with the involved and or witness officers after the scene has been processed for evidence. This also includes review of audio and video evidence relevant to the involved or witness officer's perspective. NCWSIU investigators will follow the guidelines within the CBA and agency policy of the involved and witness officers.
- (4) It is recognized the interview may take place one to several days after the incident occurred.
- (5) The Involved Officer should be allowed to provide a written statement prior to the interview if they so desire.
- (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 reasonable time to consult with legal counsel prior to the formal interview.
- (7) As determined by legal standards, the Miranda Rights are generally required only when a criminal suspect is in custody and is subjected to interrogation. Consequently, an Involved Officer should only be advised of Miranda at the beginning of an SIU interview if it meets this standard.

A. Interview with Witness Officer.

- (1) Interviews with Witness Officer(s) will likely need to be arranged on the same day that the incident occurred. Witness Officers will be interviewed separately.
- (2) Involved Officer interviews should be audio and video recorded
- (3) SIU investigators will follow the witness officer's CBA and or department policies in regards to interviews. If the witness officer is not represented and or covered by a CBA, the witness officer will be allowed enough time to consult legal counsel if requested.
- (4) Witness Officers(s) may, if appropriate, be asked to participate in a walk-through of the scene with SIU investigators.

22. INTOXICANT TESTING

Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant testing. The involved officer's CBA will also be reviewed prior to any testing. If NCWSIU 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 samples
- C. When applicable, utilize the provisions of the Motor Vehicle Code of state statues for vehicle driver incidents.

23. RELIEVING INVOLVED OFFICER OF DUTY AND RETURN TO DUTY

NCWSIU will not be involved in relieving any Involved Officer or Witness Officer of their duties. Any such action will be the responsibility of the Involved Agency.

24. PLANNED POLICE ACTION

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 NCWSIU. In addition to obtaining and reviewing individual officer reports, personnel involved in the action may be interviewed by NCWSIU. An incident debrief should not be conducted until after the NCW lead investigator has provided notification that all interviews are completed.

25. RELEASE OF THE CRIME SCENE

Only the NCWSIU Commander or his /her designee, in consultation with and approval from the Venue Agency Prosecutor, may authorize release of the crime scene upon completion of the criminal investigation. The SIU Commander or his /her designee shall

notify the Employer and Venue Agency Chief/Sheriff of the intent to release the scene prior to actually being released.

26. AUTOPSY

Autopsies will be coordinated and conducted through the Venue County Coroner's office as directed by the coroner. An NCWSIU investigator will be present during the autopsy and take all appropriate investigative steps.

27. RELEASE OF INFORMATION / PUBLIC INFORMATION OFFICER

The SIU Commander or his /her designee will appoint an NCWSIU Public Information Officer for each investigation. Venue Agency and Involved Agency representatives should refrain from making statements to the media and refer all media requests to the NCWSIU PIO. The NCWSIU PIO will consult with the NCWSIU Commander or his /her designee, prior to official media releases to ensure information is accurate. Under no circumstances should information be released that may compromise the NCWSIU investigation unless required by law.

NCWSIU PIO 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.

Requests for Release of Public Records of NCWSIU investigative reports should be made through the Venue/ Involved Agency. However, individual agencies represented on the NCWSIU will be required to follow applicable statutes for reports of their NCWSIU members should a request for public records be filed with that agency. Release of any reports or records will follow the policy or guideline of the respective agencies. The NCWSIU Commander or his /her designee will be notified by the Venue Agency, Employer Agency or any Unit Members that receive a records request related to the incident while the investigation is pending.

Absent a specific request or a required release through the Public Records Act or other applicable laws, the ITT team will not release criminal background information about the person whom deadly force was used.

28. REFERRAL TO THE COUNTY PROSECUTOR

Upon completion of the investigation, the SIU Commander or his /her designee will present the SIU investigative file to the Venue County Prosecutor for review

The Venue County Prosecutor shall also be available for consultation on search warrants, special inquiry proceedings, special inquiry subpoenas, and issues regarding statements by law enforcement officers with Garrity or other issues raised.

29. EVIDENCE STORAGE

All evidence should be stored under the control of, and at the evidence storage facility of the Lead Investigator Agency designated by the NCWSIU Commander or his /her designee. Preferably, the NCWSIU Evidence Technician assigned to the team should be from the same Lead Investigator agency where the evidence is to be stored. In the event items relevant to the investigation are collected and/or stored by the involved Agency, the SIU Evidence Technician shall work with the Involved Agency's Evidence Technician on details of inventorying and storage of evidence items.

The Lead Investigator Agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.

30. CASE FILES

All original reports, statements, and other documentation of the NCWSIU investigation should be filed and maintained by the Lead Investigator Agency. Copies of those reports, statements, and other documentation shall be submitted to the NCWSIU Commander or his /her designee in a timely manner.

NCWSIU will file reports under the assigned Lead Investigator Agency case number. The Lead Investigator Agency face sheet and original report will be completed by the NCWSIU Lead Investigator.

All reports shall be printed and submitted to the NCWSIU Commander or his /her designee for review upon completion. NCWSIU members shall file their reports on standard supplemental report templates either in a Spillman format or another format approved by the NCWSIU Command Staff. The NCWSIU Administrative Assistant appointed to an NCWSIU investigation will manage NCWSIU workflow and monitor report submission to ensure full consolidation and case file integrity. The NCWSIU Administrative Assistant shall ensure all people listed on NCWSIU reports are correctly entered into the Spillman database. Upon completion of the investigation, the NCWSIU Commander or his /her designee shall ensure the completed report is provided to the prosecuting attorney having jurisdiction over the incident. Reading and access capabilities to the report will be restricted and locked until the criminal investigation and administrative review is complete. It shall be unrestricted only with authorization from the Venue and employer Agency Chief/Sheriff.

NCWSIU reports will be completed in a timely manner. The NCWSIU Commander or his /her designee will coordinate where the original NCWSIU investigative file will be

stored. Upon completion of the investigation and after the case has been referred to the Venue County prosecutor's office, copies of the NCWSIU investigative file should be made available to the Employer Agency Chief/Sheriff with the approval of the Venue County Prosecutor.

31. INCIDENT DEBRIEFING

An incident debriefing for NCWSIU members will be conducted as soon as practical after each activation. The debriefing will be scheduled and conducted by the NCWSIU Commander or his /her designee.

32. ORGANIZATIONAL CHART

