



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
- ✓ Okanogan County Sheriff's Office

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1. MISSION AND PURPOSE OF SIU

The purpose of the Special Investigations Unit (SIU) is to investigate officer-involved incidents that occur within North Central Washington which involve great bodily harm or death. The SIU will conduct a criminal investigation to develop relevant information to allow a determination of the presence or absence of criminal liability on the part of those involved in the incident, specifically:

- A. To determine whether the nature of the involved conduct is prohibited by statutes which provide for criminal penalties upon conviction, and
- B. If criminal conduct does exist, determine the identity of the person(s) responsible, and
- C. If criminal conduct does exist, determine the degree of crime(s), the existence of any factual or legal defenses to that crime, and the presence or absence of any factors which could mitigate or aggravate punishment for that crime.

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

SIU criminal investigations shall follow the rules of law established by the state and federal constitutions and statutory and case law which apply to criminal investigations. The investigation shall be performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation that is free of conflicts of interest.

As a secondary purpose, the SIU 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 SIU.

2. GOALS OF SIU

- A. To perform the criminal investigation of officer-involved incidents likely to result in great bodily harm or death.
- B. To promote public trust by conducting professional and consistent multi-jurisdictional investigations of officer-involved incidents which involve great bodily harm or death.
- 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 and operation of the Special Investigations Unit (SIU) will be governed by an Inter-Local Agreement signed by the Chief/Sheriff of participating law enforcement agencies. SIU Protocol will identify operational aspects of the Unit.

4. CRIMINAL INVESTIGATIONS AND ADMINISTRATIVE REVIEW

The Employer Agency shall be responsible for any administrative investigation and/or review of officer-involved incidents. The SIU criminal investigation has investigative priority over the administrative investigation and/or review. Employer Agency personnel conducting an administrative investigation and/or review should not be involved in an SIU investigation, nor will they normally be present or engaged in SIU interviews with Subject or Witness Officers.

An allowable exception may be if the Involved Officer or Witness Officer makes the request to provide a single, voluntary (non-compelled Garrity) statement, and requests the Employer Agency personnel conducting the administrative investigation and/or review be allowed to observe the SIU criminal investigation interview. In such circumstances, the interview will need to take place in a facility that offers an observation room. The Administrative Investigator shall be allowed to monitor the interview from the observation room, but shall not be part of the SIU criminal investigation interview. The Administrative Investigator can then conduct the administrative interview after the SIU Investigators have completed their criminal investigation interview and left the room. All interviews with involved and witness officers will follow the guidelines contained in the officer's Collective Bargaining Agreement (CBA).

5. COSTS

Each Member Agency shall be responsible for their employees' wages and associated employee costs of the SIU.

Any necessary equipment or other associated investigative costs that are not covered by the shared resources of the Member Agencies shall be the responsibility of the Venue Agency upon the approval of the Venue Agency Chief/Sheriff. This includes potential costs to include, but not limited to, transcribing interviews, airline travel, cell phone data fees, and paid technical consultants. The SIU Commander shall consult with the Venue Agency Chief/Sheriff prior to committing to any additional costs.

The SIU 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 Venue 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 great bodily harm or death. 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; assaults on other law enforcement employees who are on duty or are acting for a law enforcement purpose.
- (4) Attempts by law enforcement employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
- (5) Any fatal injury or great 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, police gunfire 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, pit maneuver, 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 lethal force, or potentially lethal force, in connection with an incident involving a fatal injury or great bodily harm.
- (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 – Death or great bodily harm

E. 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.

F. WITNESS OFFICER

An officer who witnesses 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 great bodily harm.

G. 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.

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 the majority of acts leading up to the fatality occur within its jurisdiction.

For custodial deaths, the agency having custody of the person at the time his/her distress was first discovered is a 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 his/her duty at the time of the incident, the Venue Agency may elect to relinquish its role in the criminal investigation.

H. VENUE COUNTY – The county in which the incident occurs

I. EMPLOYER AGENCY

The Member Agency that employs the Involved Officer, or employs an officer who is the victim of a fatal or great bodily injury. In many cases the Venue Agency will also be the Employer Agency.

J. 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),
- (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 Employer 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. Deputy Unit Commander

The Deputy SIU Commander shall be from a Member Agency with the rank of Captain, Lieutenant, or equivalent, appointed by the Chiefs and Sheriffs. The Deputy SIU Commander assumes the Unit Commander's duties and responsibilities in the absence of the Unit Commander. The Deputy Commander will assist the Unit Commander with arranging for and coordinating training.

C. (3) ASSISTANT COMMANDERS

POSITION #1

POSITION #2

POSITION #3

The Assistant SIU Commanders shall be from a Member Agency with the rank of Captain, Lieutenant, 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 and or Deputy Unit Commander. The Unit Commander or Deputy 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.

D. ADMINISTRATIVE ASSISTANT

The Administrative Assistant will be a designated person from a member agency who will be assigned to the SIU when his/her agency is requested to be the evidence and records repository by the Commander. The Administrative Assistant will work directly with SIU Command staff to ensure SIU reports are submitted in accordance with SIU protocols. The Administrative Assistant will also ensure evidence collected by SIU investigators is processed into the Member Agency's property system per Member Agency protocols. The Administrative Assistant may also perform additional tasks as assigned by the SIU Command staff in accordance with his/her skills and abilities.

E. 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.

F. INVESTIGATIVE UNIT SUPERVISORS AND LEAD INVESTIGATORS

Investigative Unit Supervisors and Lead Investigator(s) shall be from a Member Agency with the rank of Sergeant or is an experienced investigator. SIU Supervisors and Lead Investigator(s) will be appointed by the SIU Command staff. SIU Supervisors and lead investigator(s) shall report directly to the SIU Commander or his/her designee

G. INVESTIGATORS

Investigators shall be commissioned officers from a Member Agency, preferably with previous experience as a Detective. They shall be appointed by their respective agencies. Investigators should work in two or more person teams to complete specific investigatory tasks at the direction of the SIU Command staff.

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

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

- A. SIU Commander (1)
- B. Deputy Commander (1)
- C. Assistant Unit Commander (3)
- D. Administrative Assistant (1)
- E. Supervisors (TBD)
- F. Investigators (TBD)
- G. Evidence Technician (1 identified by each Member Agency)

9. APPOINTMENT/SELECTION OF UNIT MEMBERS

A. APPOINTED MEMBERS

(1) The Chiefs and Sheriffs shall appoint and/or approve the SIU Unit Commander, Deputy Commander, and Assistant Unit Commander(s).

- B. SELECTED MEMBERS - SIU Investigators should 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) Qualified applicants shall be approved by SIU Command staff.

C. PREREQUISITES

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

D. PERIODIC APPOINTMENT REVIEW

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

10. CONFIDENTIALITY

Information obtained by a SIU investigation will generally be confidential while the investigation is pending. SIU Members shall not voluntarily share confidential information with individuals other than SIU Members. The SIU Commander or his/her designee is allowed to share information with the Venue and Employer Agencies' Chief/Sheriff but no other personnel, to include non-involved Chiefs or Sheriffs.

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."

11. REMOVAL FROM THE UNIT

Members can be removed from the SIU by their respective Chief/Sheriff or their designee in accordance with the agency's policies or practices.

12. TRAINING

SIU Members should have received the basic training identified below prior to appointment with SIU. Some courses may be waived based upon the member's experience and/or on-the-job training, as determined by the SIU Command Staff. The advanced training, taken before and/or during their SIU 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. IN-SERVICE TRAINING

The SIU shall strive to maintain a unit of highly skilled and trained investigators. SIU should train together as a unit at least twice (two, 4-hour trainings) annually. SIU Members are encouraged to attend the annual Washington Homicide Investigators Conference.

13. SIU RECORDS

Records shall be maintained by the SIU Command Staff of all Unit activity including:

- A. Selection Process
- B. Current Assignment Roster
- C. Personnel Assignment History

- D. Call-out Activity
- E. Unit and Individual Training

14. REQUESTING SIU ASSISTANCE

Departments are under no obligation to request the assistance of SIU. The Venue Agency may choose to investigate the incident without SIU assistance. Each department should establish their own guidelines as to when and if they will request assistance from SIU.

The Protocol identified in this document becomes effective upon activation of the SIU.

Member Agencies (voting and non-voting) may request SIU activation upon the occurrence of any sensitive or critical event involving a law enforcement employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol. Such incidents may include:

- A. A fatality which is not covered by this protocol and guideline.
- B. An officer-involved incident where the injuries are not fatal.
- C. Any other sensitive or critical event involving a law enforcement employee where criminal conduct is a possibility to be investigated.

While formed primarily to investigate officer-involved incidents, SIU may be requested for non-officer involved incidents.

15. ACTIVATION

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

16. AUTHORITY

Once the agreement has been made for the SIU to investigate an incident, as requested by the Venue Agency representative, the SIU Commander or his /her designee shall have sole and exclusive authority concerning the criminal investigation of the incident.

17. VENUE AGENCY RESPONSIBILITIES

- A. Venue Agency first responders should ensure that emergency life saving measures are taken.
- B. The on-scene Venue Agency supervisor may attempt to obtain critical information pertinent to the safety of officers and citizens. Refer to Section 18, "Obtaining Critical Information."
- C. 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, and recording the names of individuals who have entered the crime scene. Written reports are expected from those who enter a designated crime scene.
- D. The Venue Agency should identify and take reasonable steps to protect perishable evidence at the 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 reasonably possible. Witness Officers should be directed by their Employer Agency supervisor or commander to not discuss the details of the case with the Involved Officer or other Witness Officers until the SIU has completed their interviews with those officers.
- F. If, prior to the arrival of the SIU personnel, the 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 in whose jurisdiction the hospital is located should provide 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 representative should make the initial request for the SIU.
- I. The Venue 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.

- J. The Venue Agency should make department personnel available to the SIU.
- K. For incidents in which a suspect is taken into custody, the Venue Agency will coordinate appropriate security measures with the SIU Command Staff 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 Chief/Sheriff.
- L. The Venue Agency should turn over to SIU in a timely manner all evidence that is in their possession.
- M. The Venue Agency should make all documents, reports, and information on the incident available to the SIU in a timely manner.
- N. The Venue Agency should allow use of space and equipment as needed by the SIU.

18. 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 perishable evidence. For the 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), identify witnesses, and to protect perishable evidence.

- A. A supervisor or other agency member who has directed or ordered an employee to answer questions shall immediately report that fact to the first-arriving SIU investigator and the SIU Commander upon his/her arrival on scene.

19. 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 SIU Commander or his /her designee upon his/her arrival. SIU 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 SIU 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 SIU 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, SIU shall assume responsibility for the criminal investigation of the preceding event. Otherwise, SIU will limit its criminal investigation to the Officer-Involved Incident.

20. SIU GUIDELINES

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

21. SEIZING AN OFFICER'S WEAPON

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

The SIU Commander or his /her designee 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 the officer's Employer Agency Supervisor or Incident Commander.

22. RECOGNIZING POTENTIAL TRAUMA

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

It is recognized the Involved Officer or Witness Officer may encounter psychological trauma from an incident that is a result of them fulfilling their duties and responsibilities. SIU personnel will be alert for signs that indicate an officer may be suffering from such trauma. SIU personnel will treat involved officers with sensitivity and awareness as to the potential or acute stress reaction and/or other psychological trauma.

23. 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 Venue and Employer 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 statements are obtained by SIU. 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 SIU has completed their interviews with those officers.

24. PEER SUPPORT GROUP COUNSELORS

It is recognized that the Employer Agency may have guidelines in place that allow Peer Support Group Counselors (CISM) who are not involved in the incident to have access to the Involved or Witness Officers. These discussions are considered privileged communication pursuant to RCW 5.60.060. SIU will allow Peer Support Group Counselor involvement per the Employer Agency's policy or guideline.

25. DOCUMENTING THE INVOLVED OFFICER'S CONDITION

SIU 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 for evidence.

26. INTERVIEWING LAW ENFORCEMENT EMPLOYEES

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

Any interview with the Involved Officer or Witness Officer will be scheduled by the SIU Commander or his /her designee through the Employer 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.

- (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 not occur in an interview room used to interview criminal suspects.
- (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. SIU investigators will follow the guidelines within the CBA 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 will be treated with sensitivity and awareness as to the potential of acute stress reaction and/or other psychological trauma.
- (7) 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.
- (8) 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) Interviews with Witness Officer(s) should not occur in an interview room used to interview criminal suspects.
- (3) SIU Members should be alert for signs the Witness Officer(s) are traumatized and may need some time to decompress prior to giving a statement.
- (4) 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.
- (5) Witness Officers(s) may, if appropriate, be asked to participate in a walk-through of the scene with SIU investigators.

27. 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 SIU 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 statutes for vehicle driver incidents.

28. RELIEVING INVOLVED OFFICER OF DUTY

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

29. 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 SIU. Personnel involved in the action shall be interviewed by SIU. Those personnel should not debrief the incident amongst themselves until after the last SIU interview is conducted with those involved.

30. AUTOPSY

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

31. KEEPING THE VENUE / EMPLOYER AGENCY INFORMED

The SIU Commander or his /her designee should ensure the Venue Agency and Employer Agency's Chief/Sheriff is kept informed on the progress of the criminal investigation.

32. RELEASE OF INFORMATION / PUBLIC INFORMATION OFFICER

The SIU Commander or his /her designee will appoint a Public Information Officer for each investigation. Venue Agency and Employer Agency representatives should refrain from making statements to the media and refer all media requests to the SIU PIO. The SIU PIO will consult with the SIU Commander or his /her designee, Venue Agency, and

Employer Agency prior to official media releases to ensure information is accurate and ensure agencies are aware of the information being released. Under no circumstances should information be released that may compromise the SIU investigation unless required by law.

Requests for Release of Public Records of SIU investigative reports preferably would be made through the Venue Agency. However, individual agencies represented on the Unit will be required to follow applicable statutes for reports of their Unit 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 SIU 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.

33. RELEASE OF THE CRIME SCENE

Only the SIU 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.

34. 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.

35. EVIDENCE STORAGE

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

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

36. CASE FILES

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

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

All reports shall be printed and submitted to the SIU Commander or his /her designee for review upon completion. SIU members shall file their reports on standard supplemental report templates either in a Spillman format or another format approved by the SIU Command Staff. The SIU Administrative Assistant appointed to an SIU investigation will manage SIU workflow and monitor report submission to ensure full consolidation and case file integrity. The SIU Administrative Assistant shall ensure all people listed on SIU reports are correctly entered into the Spillman database. Upon completion of the investigation, the SIU 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.

SIU reports will be completed in a timely manner. The SIU Commander or his /her designee will coordinate where the original SIU 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 SIU investigative file should be made available to the Employer Agency Chief/Sheriff with the approval of the Venue County Prosecutor.

37. INCIDENT DEBRIEFING

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

38. ORGANIZATIONAL CHART

