

Washington Homicide Investigators Association

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Mike Don, President



To Washington State Criminal Justice Training Commission

Director Sue Rahr, WSCJTC

FROM Mike Don

President, Washington Homicide Investigators Association

DATE November 5th, 2019

SUBJECT Law Enforcement Training and Community Safety Act

Commissioners:

The passage of SHB 1064, section 5, mandated the Criminal Justice Training Commission (CJTC) to "create rules establishing criteria to determine what qualifies as an independent investigation pursuant to this section (section 5)." The subsequent process, despite the best of intentions, created what the Washington Homicide Investigators Association (WHIA) believes to be beyond CJTC's mandate and an unnecessary bureaucratic Washington Administrative Code (WAC) proposal.

In order to remain at the forefront of the most recent investigative techniques and community standards/expectations, there must be an ability to be fluid with changes as they occur in this arena. As subject matter experts in the investigation of incidents involving lethal force, it is the position of WHIA that including investigative procedure into the WAC is cumbersome and counterintuitive to the goal of the most professional investigation of lethal force incidents. Instead, WHIA believes the WAC should reference a CJTC "guidelines" or "best practices" style document(s) with a defined schedule for review and updates. This will provide the ability to be "agile" allowing for cutting edge amendments when necessary.

We fundamentally disagree with the current direction, but if the choice is made to stay on this course, WHIA has the following comments related to the proposals submitted.

Page 3, under independence, (1) (b), 1st bullet point:

"No member of the involved agency may participate in any way in the investigation conducted by the IIT".

Strike "in any way"

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Replace with: *“as a primary investigative component.”*

For the IIT to do a complete and thorough investigation they are going to need at a minimum, a liaison from the Involved Agency to advise on critical information such as training, policies, equipment, etc. Furthermore, the involved agency might have a skill set, specialized equipment or experience that would be an asset to the investigation. This becomes even more evident when you get to less populated regions of the state outside the King County metropolitan area.

Page 4, under transparency, (2) (b), 2nd bullet point:

“The names of the members, supervisors, commanders and non-law enforcement community representatives on the IIT will be available to the public”

Strike: Entire sentence

Replace with: *“The names of the members, supervisors, commanders and non-law enforcement community representatives will be available to the public pursuant to a request via the Public Records Act or other applicable laws”*

This removes any confusion of current law and is consistent language with terms used in (3) Communication.

Page 4, under communication, (3) (b), 1st bullet point:

“A family member of the person against whom deadly force has been used will be notified as soon as they can be located by either the involved agency or the IIT, whichever is faster”

Strike: *“involved agency”*. The intent of the process is to remove or limit the involved agencies role in the investigation. Keeping consistent with the intent, the involved agency should not be involved in this task.

Strike: *“A family member of the person against whom deadly force has been used”*

Replace with: *“A family member of the person who is deceased or incapacitated as a result of deadly force”*

There are many different components to family dynamics and some people choose not to communicate with family for various reasons. Unless an individual is deceased or incapacitated it is inappropriate (and possibly a litigation risk) for police to release that information.

Page 4, under communication, (3) (b), 2nd bullet point:

“A member of the IIT team will be assigned as a family liaison within the first twenty-four hours and keep the family, or a representative of the family's choice, apprised of all significant developments in the independent investigation and will give the family and the involved agency advance notice of all scheduled press releases”.

Strike "significant developments". A family liaison is an obligation; however, the integrity of the investigation must be the primary goal. Depending on circumstances it might be a necessity to not provide public information about a case to protect against loss of evidence, witness statement objectivity, etc.

Page 4, under communication, (3) (b), 4th bullet point:

"If the person against whom deadly force is used is, or is believed to be a member of a federally recognized tribe"

Change: *"If the person against whom deadly force is used is **deceased or incapacitated and is**, or is believed to be a member of a federally recognized tribe." This change is for the same reason as listed above.*

"A member of the IIT will be assigned as a tribal liaison within the first twenty-four hours and keep the tribe (or representative of the tribe's choice) apprised of all significant developments of the investigation"

Strike: "significant developments". Same reason as above

Lastly, on page seven, top of the page under basic and advanced training classes, Basic Homicide Investigation and Officer Involved Shooting Investigation courses are listed. We can't help but see the irony in the fact WHIA provides the instruction for both of those classes but has yet to be proactively contacted by CJTC for any input and/or comments on these documents.

As stated in previous communications, WHIA does not represent or speak for any political or activist groups. Our organization's stated and executed mission is to further the training and education of the investigator. Our organization does not have a single paid employee yet we have a membership of over one thousand. These suggestions are based on years of collective experience and keeping in the spirit of a thorough, complete, fair and independent investigation.

For more information on WHIA, our Executive and Advisory Board, and members, please visit our web site at www.wahomicide.org.

Please feel free to contact me to discuss this further,

Respectfully,



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cc: WACOPS, COMPAS, WASPC, WAFOP

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