



SPECIAL INVESTIGATIONS UNIT PROTOCOL

Benton County Sheriff's Office
 Kennewick Police Department
 Richland Police Department
 West Richland Police Department
 Prosser Police Department
 Benton County Prosecutor
 Benton County Coroner

Franklin County Sheriff's Office
 Pasco Police Department
 Connell Police Department
 Franklin County Prosecutor
 Franklin County Coroner

Walla Walla County Sheriff's Office
 Walla Walla Police Department
 College Place Police Department
 Walla Walla County Prosecutor
 Walla Walla County Coroner

Washington State Department of Fish and Wildlife

Washington State Patrol

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1. MISSION AND PURPOSE OF SIU

The purpose of the Special Investigations Unit (SIU) is to investigate officer-involved incidents occurring within Benton, Franklin and Walla Walla Counties that involve substantial bodily harm or death. In accordance with [RCW 10.114.011](#), the SIU shall conduct an independent criminal investigation to determine the facts of what occurred. The results of the SIU investigation shall be forwarded to the venue county prosecutor's office for review. The prosecutor's office, not the SIU, will interpret statutory law as it pertains to the incident and determine if there were any criminal violations.

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

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

While SIU does not investigate administrative concerns the employer agency may have, it is recognized 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.

2. MISSION OF SIU

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

- A. To perform the criminal investigation of officer-involved incidents likely to result in substantial bodily harm or death;
- B. To apply best-practice methods for a thorough and complete criminal investigation;
- C. To promote public trust by conducting independent, objective, professional, and consistent multi-jurisdictional investigations of officer-involved incidents involving substantial bodily harm or death;
- 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.

3. GOVERNANCE

The creation and operation of the Special Investigations Unit (SIU) will be governed by an Inter-Local Agreement signed by the CEO's of participating law enforcement, prosecutor and coroner agencies. SIU Protocol and Guidelines will identify operational aspects of the unit.

4. CRIMINAL INVESTIGATION AND ADMINISTRATIVE REVIEW

The SIU shall only conduct the criminal investigation of an incident. The SIU shall not conduct administrative investigations/reviews of incidents.

The employer agency shall be responsible for any administrative investigation/review of officer-involved incidents. The SIU criminal investigation has investigative priority over the administrative investigation/review. No SIU member of the employer agency, to include personnel conducting an administrative investigation/review, will be involved in an SIU criminal investigation. Any exception to this standard must have express approval of the SIU incident commander as well as the venue county prosecutor.

The results of the SIU criminal investigation may be provided to the employer agency for purposes of the administrative investigation/review. No portion of an administrative investigation/review shall be used by the SIU in their criminal investigation.

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 for a private company to transcribe SIU recorded interviews. The SIU incident 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 of 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. 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.

B. EMPLOYER AGENCY

The member agency that employs the involved officer, or employs an officer who is the victim of a fatal or substantial bodily injury. In many cases, the venue agency will also be the employer agency.

C. FATAL INJURY

Injury resulting in death.

D. INVOLVED OFFICER

1. The police employee who used lethal force, or potentially lethal force, in connection with an incident involving a fatal injury or substantial bodily harm.
2. An officer who operated a motor vehicle while on-duty that was involved in a fatal injury and meets the criteria identified in Section 6A(6), "Definitions."

E. 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 SIU. These agencies will be allowed to vote 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 SIU. These agencies may be allowed to participate in SIU discussions, but will not be allowed to vote on matters related to SIU.

F. OFFICER-INVOLVED INCIDENT

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

1. Intentional or accidental shootings, including police tactical incidents involving specialized response units.
2. Intentional or 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 or substantial 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, and specifically:
 - a. 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. Off-duty non-sworn law enforcement employees who are not, at the time of the incident, acting for an actual, apparent, or purported law enforcement purpose.
 - ii. 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.

G. POLICE EMPLOYEE

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

1. Full-time, part-time, and hourly sworn and unsworn employees, 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 who are on-duty or who are 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 acting for a law enforcement purpose at the time of the incident.

E. SUBSTANTIAL BODILY HARM

As defined by RCW [9A.04.110\(4\)\(b\) and \(c\)](#), substantial bodily harm or injury means bodily injury which involves a temporary or permanent substantial disfigurement, or which causes a temporary or permanent substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part, or creates a probability of death.

H. 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 had 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.

I. VENUE COUNTY

The county in which the incident occurs.

J. 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.

7. UNIT MEMBERS

A. UNIT COMMANDER

The SIU unit commander shall be from a member agency with the rank of commander, captain, or undersheriff, appointed by the voting member agencies. The voting member agencies shall give due consideration to the input provided by community representatives in the selection of the unit commander. The unit commander has the overall responsibility to manage and coordinate assigned incidents, as well as ensure the readiness and training of SIU. The unit commander will serve as liaison between SIU and the CEOs of the member agencies.

B. INCIDENT COMMANDER

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

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

C. ASSISTANT UNIT COMMANDERS

The assistant SIU commanders shall be from a member agency with the rank of commander, captain, or lieutenant, undersheriff, appointed by the voting member agencies. The voting member agencies shall give due consideration to the input provided by community representatives in the selection of the assistant unit commander. Assistant unit commanders will aid the unit commander, ensuring SIU unit readiness at all times.

D. ADMINISTRATIVE COMMANDER

The administrative commander shall be from a member agency with the rank of commander, captain, lieutenant, or undersheriff, appointed by the voting member agencies. The voting member agencies shall give due consideration to the input provided by community representatives in the selection of the administrative commander. The responsibilities of the administrative commander include: arranging, coordinating, and documenting all training for the unit, maintaining records of unit call-outs, unit personnel records/roster, unit equipment inventory, and managing the financial transactions/records of the unit.

E. INVESTIGATIVE UNIT SUPERVISORS

Investigative unit supervisors shall be from a member agency with a supervisory rank. SIU supervisors will be appointed by the voting member agencies. The voting member agencies shall give due consideration to the input provided by the unit commanders and community representatives.

Investigative unit supervisors shall be assigned by the incident commander to respond to and supervise assigned aspects of the investigation for which SIU has been activated. Investigative unit supervisors shall report directly to the incident commander during an investigation. If an additional supervisor(s) is needed, the incident commander shall designate an acting supervisor from within SIU. Unit supervisors activated for a particular investigation should not be from the same agency.

F. INVESTIGATORS

Investigators shall be commissioned officers from a member agency, preferably with previous experience as a detective or investigator. They shall be appointed by their respective agencies, with due consideration given to the input from the SIU commanders and community representatives. Investigators shall complete tasks assigned by SIU supervisors or commanders.

G. EVIDENCE TECHNICIAN

The evidence technician shall be from a member agency. They shall be appointed by their respective agencies, with due consideration given to the input from the SIU commanders and community representatives. The SIU evidence technician will help with documenting evidence, collecting evidence, packaging evidence, transporting evidence, data collection and other duties assigned by SIU supervisors or commanders.

H. CORONER REPRESENTATIVE

A coroner representative from each participating county will be assigned to SIU to perform the coroner's function during the investigation of an SIU incident. If not the duly elected coroner, the coroner shall appoint a representative from his/her office with due consideration given to the input from the SIU commanders and community representatives. The representative from the venue county coroner's office will be activated for incidents involving death to aid in the investigation of that particular incident.

I. PROSECUTOR REPRESENTATIVE

A prosecutor representative from each participating county will be assigned to SIU to serve as a legal consultant. If not the duly elected prosecutor, the prosecutor shall appoint a representative from his/her office with due consideration given to the input from the SIU commander and community representatives. The representative from the venue county prosecutor's office will be activated to provide legal advice in the investigation of that particular incident.

J. COMMUNITY REPRESENTATIVE

Pursuant to WAC 139-12, non-law enforcement community representatives will be assigned as non-investigative participants of the SIU.

The communities and residents within each county may differ from their neighboring counties. Therefore, for the Benton, Franklin and Walla Walla County Regional SIU the total number of, and selection process for, community representatives shall be determined independently by each county. The CEO's of the Inter-Local Agreement member agencies shall determine the means and methods for selecting community representatives for their respective counties. WAC 139-12 requires there be at least two (2) community representatives assigned to each SIU activation.

Only community representatives for the county in which the incident occurred shall be activated for participation in an SIU investigation. The member agency CEO's shall identify a pre-determined number of community representatives to be activated for any SIU activation occurring within their respective county (minimum of two). The number of community representatives activated for an SIU investigation should be enough to satisfy the intent of WAC 139-12, but not so large that it impairs the operation of SIU. Only the

specific pre-determined number of community representatives, not the entire pool of representatives, shall be activated for participation in a specific SIU investigation.

Member agency CEO's for each county shall decide how the pre-determined number of community representatives for their respective counties will be selected for SIU activation (i.e. monthly rotational list). Each member agency CEO shall supply an updated list to the SIU unit commander with the pre-determined names and contact information for those community representatives who would be on-call for an SIU activation. The list should include an appropriate number of alternate names and contact information should the first ones not be available.

Pursuant to WAC 139-12, community representatives shall:

1. Participate directly in the vetting, interviewing, and/or selection of SIU personnel;
2. Review conflict of interest statements submitted within 72 hours of an SIU activation.
3. Be present at the briefings with the employer and venue agency's CEO's;
4. Have access to the completed SIU investigation report;
5. Be provided a copy of all SIU media releases prior to release;
6. Review notification of equipment used by the employer or venue agency.

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

If the confidentiality agreement is violated, the community representative may be subject to prosecution under [RCW 9A.76.020](#) (Obstructing a Law Enforcement Officer) and [RCW 10.97](#) (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\(4\)](#).

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 shall determine which SIU resources are needed for each incident.

- A. Unit commander (1)
- B. Assistant unit commander (2)
- C. Administrative commander (1)
- D. Supervisors (4)
- E. Investigators (16)
- F. Evidence technician (3)
- G. Coroner representative (3 – one from each participating county)
- H. Prosecutor representative (3 – one from each participating county)
- I. Community representative (Number to be determined for each county by the member agency CEO's)

9. APPOINTMENT/SELECTION OF UNIT MEMBERS

A. APPOINTED MEMBERS

1. SIU commanders: Member agency CEO's shall appoint the SIU unit commander, assistant unit commander and administrative commander. SIU commanders shall be commissioned police officer(s) with previous experience in criminal investigations. Due consideration will be given to the input provided by community representatives.
2. SIU supervisors: The SIU supervisors shall be appointed by the member agency CEO's. SIU supervisors shall be commissioned police officer(s) with previous experience in criminal investigations. Due consideration will be given to the input provided by the SIU unit commander and community representatives.

3. Community representatives: The member agency CEO's will appoint at least two (2) community representatives from each their respective counties. The total number, and selection process, shall be determined independently by each county. The representatives should have credibility with, and ties to, their communities. A transparent process should be used for soliciting names and creating a pool of individuals willing to serve in this capacity.

B. SELECTED MEMBERS (All other SIU positions who are not appointed members)

All selected members should be selected through the following process:

1. The SIU unit commander shall make written notification to the member agency CEO's soliciting personnel from their respective agencies for assignment to SIU.
2. The SIU administrative commander shall ensure all applicants meet prerequisites.
3. Qualified applicants shall be interviewed by a review board, as appointed by the member agency CEO's or the SIU 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 SIU position being sought. The same questions should be asked of each applicant.
5. At the conclusion of the review board, the SIU unit commander should consider the input of the review board and submit his/her recommendation(s), to include the input provided by the community representatives, to the member agency CEO's for final selection.

C. PREREQUISITES

Except for community representatives, the following prerequisites should be met by SIU team members:

1. The applicant's agency must be a member agency of SIU.
2. The applicant must have the recommendation from their agency CEO.
3. The agency and applicant must be willing to make a commitment of 3 years' service to SIU (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 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 (with the exception of civilian positions including evidence technicians).
7. The applicant should meet the basic training requirements identified in the SIU Protocol.

D. PERIODIC APPOINTMENT REVIEW

The member agency CEO's shall review the appointment of their SIU members who have served three years for possible rotation or replacement.

10. TRANSPARENCY

SIU's Protocol, Guidelines, and team member names will be considered public information and shall be provided if requested. Members of the public may seek the information via a Public Records Request through the law enforcement jurisdiction in which they live.

11. CONFIDENTIALITY

Information obtained by SIU investigations 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 incident commander is allowed to share limited information, as defined by WAC 139-12, with the venue and employer agencies' CEO. Information shall not be shared with others, to include non-involved CEO's. The SIU incident commander may share information with the venue and employer agency's CEO, or his/her designee, concerning the progress of the investigation so that they can manage the internal administrative function, and 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. Refer to Section 33, "Release of Information/Public Information Officer."

If the CEO of the venue agency requests SIU release the body cam video or other investigative information of urgent public interest, the SIU incident commander shall honor the request if agreed to by the venue county prosecutor.

12. REMOVAL FROM UNIT

Members can be removed from SIU by their respective member agency CEO in accordance with the agency's policies or practices.

13. UNIT MEMBERS AND EQUIPMENT FROM AN EMPLOYER AGENCY

To maintain proper objectivity, any SIU member from the employer agency shall not participate in the investigation of that particular incident. An exception may apply to the Washington State Patrol, which includes the Washington State Patrol Crime Labs and Crime Scene Response Team, since they are a statewide agency.

- A. Specialized equipment belonging to the employer agency should not be used by SIU unless no reasonable alternative exists, or
- B. The equipment is critical to carrying out the SIU investigation, or
- C. The SIU 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 WAC 139-12, the SIU incident commander shall notify the assigned community representatives about employer agency equipment used in the SIU investigation.

d Sheriffs at a later date elect qualified non-law enforcement community representatives to SIU will be constructed by Chiefs a

14. TRAINING

SIU members, other than evidence technicians, community representatives or other civilian 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 Unit Commander. The SIU 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 SIU appointment, is desirable and member agencies should make reasonable effort to provide this training.

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 SIU investigation meet the training requirement.
2. Evidence technicians are not required to obtain the IIT Qualified Lead Investigator certification.

D. IN-SERVICE TRAINING

The SIU shall strive to maintain a unit of highly skilled and trained investigators. SIU 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 SIU 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 SIU activation (to include identifying not only what their role is, but also what their role is not), and discuss the responsibility of SIU in a criminal investigation, to include reviewing SIU 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.

15. SIU RECORDS

Records shall be maintained by the SIU administrative commander of all unit activity including:

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

16. REQUESTING SIU ASSISTANCE

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

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

Member agencies 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 but reasonably justifies an SIU investigation.
- B. An officer-involved incident where the injuries are not fatal or substantial, but the circumstances reasonably justifies an SIU investigation.
- C. Any other sensitive or critical event involving a law enforcement employee where criminal conduct is a possibility to be investigated.

A formal SIU activation should only be used for its intended purpose. If there is an incident that does not meet the initial SIU criteria, but a member agency CEO desires the type of coordinated investigation with qualified investigators that SIU can provide, a mutual aid request can be made. SIU 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 SIU and its intended purpose.

17. ACTIVATION

Upon the request for SIU, and after confirming the criteria for SIU assistance is met, the SIU unit commander shall designate the SIU incident commander to lead the investigation. The SIU incident commander, upon notification, should call the venue agency supervisor at the scene to obtain all available information. The SIU incident commander shall determine what and how many SIU resources are needed. Not all incidents may require activation of the entire SIU. The SIU incident commander shall initiate the proper SIU notification process to ensure needed personnel are notified and respond.

Within 72 hours of activation, all involved SIU 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 SIU incident commander and the community representatives activated for that particular investigation.

18. SPECIAL COMMUNICATIONS

Upon activation of the SIU, 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 SIU, whichever is faster;
 1. Within 24 hours of activation, a member of SIU 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 SIU investigation. The family and the employer agency shall receive advance notice of scheduled press releases.
- B. Neither the employer agency, venue agency, nor SIU 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 SIU 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 SIU investigation.

19. AUTHORITY

Once the agreement has been made for SIU to investigate an incident, as requested by the venue agency, the SIU incident commander shall have sole and exclusive authority concerning the criminal investigation of the incident.

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

20. VENUE AGENCY RESPONSIBILITIES

- A. The venue agency must be a member agency in order for the SIU to be activated.
- B. Venue 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 the safety of officers and citizens. Refer to the section "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 perishable 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 SIU has completed their interviews with those officers.

- F. If, prior to the arrival of SIU 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 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 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.
- I. The venue agency should make department personnel available to the SIU.
- J. For incidents in which a suspect is taken into custody, the venue agency will coordinate appropriate security measures with the SIU 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 chief / sheriff.
- K. The venue agency should turn over to SIU 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 SIU in a timely manner.
- M. The venue agency should allow use of space and equipment as needed by the SIU.

21. 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 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

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 SIU 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 SIU investigator and the SIU incident commander upon his/her arrival at the scene.
 - 1. Details of the compelled information learned from the employee shall not be provided to SIU personnel.
- C. The SIU incident commander shall attempt contact with the involved officer to inquire if he/she was directed or ordered to answer any questions.
 - 1. Details of the compelled information shall not be obtained.
 - 2. The SIU incident commander shall ensure that no compelled information is used as part of the SIU investigation unless authorized by the venue agency prosecutor.

22. 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 incident commander 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 crime scene if requested by the SIU incident 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 incident commander 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.

23. 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 unit commander will maintain guidelines consisting of best-practice methods and techniques to be used during SIU investigations.

SIU 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 SIU Guidelines are formally adopted as part of the SIU Protocol.

24. SEIZING AN OFFICER'S WEAPON

If, upon arrival of SIU personnel, an involved officer is still in possession of a firearm or other weapon that was used in the incident, the SIU incident commander will coordinate obtaining that firearm or weapon with the employer agency supervisor or incident commander.

The SIU 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.

25. 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(s) or witness officer(s) 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 of acute stress reaction and/or other psychological trauma.

26. REMOVING OFFICERS FROM THE SCENE

If, upon arrival of SIU personnel, an involved officer(s) or witness officer(s) are still present at the scene, the SIU 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 these officers should, whether they are removed from the scene prior to or after SIU arrival, be kept separated 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.

27. PEER SUPPORT GROUP COUNSELORS

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\(6\)\(a\)](#). SIU will allow peer support group counselor involvement per the employer agency's policy or guideline.

28. 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 as evidence.

29. INTERVIEWING LAW ENFORCEMENT 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 SIU 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 SIU investigation, nor will they normally engage in SIU interviews with involved or witness officers.

With the officer's consent, formal interviews by SIU members with the involved officer(s) and witness officer(s) will be digitally recorded and transcribed.

A. 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, SIU 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 SIU interviewer(s) will notify the SIU incident commander. The SIU incident commander will then consult with the venue county's prosecutor and the employer agency CEO. 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, an involved officer should only be advised of Miranda Rights at the beginning of an SIU interview if it these criteria exist.
9. SIU investigators shall consult with the venue county prosecutor 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 SIU interview. If such a request is made, SIU investigators shall advise the involved officer of Miranda Rights at the beginning of the interview.
10. Should an involved officer elect to not provide a voluntary, non-compelled statement to SIU investigators, the venue county prosecutor may:
 - a. Request a Coroner's Inquest be convened pursuant to [RCW 36.24.020](#) to aid in determining facts of the case and the cause of death, or
 - b. Request a Special Inquiry Hearing be convened pursuant to [RCW 10.27.170](#).

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. 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.
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 SIU investigators.

30. INTOXICANT TESTING

Law enforcement employees have the same rights and privileges that any civilian would have regarding intoxicant 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 the samples.
- C. When applicable, utilize the provisions of the Motor Vehicle Code of state statutes for vehicle driving incidents.

31. RELIEVING INVOLVED OFFICERS OF DUTY

SIU 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.

32. 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 planning of, and execution of, the planned action shall be interviewed by SIU. Those personnel should not debrief the incident amongst themselves until the last SIU interview is conducted with those involved.

33. AUTOPSY

Autopsies will be coordinated with the SIU coroner representative and will be conducted through the venue county coroner's office. An SIU member will be present during autopsy and take all appropriate investigative steps.

34. KEEPING THE VENUE/EMPLOYER AGENCY INFORMED

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

35. RELEASE OF INFORMATION / PUBLIC INFORMATION OFFICER

Pursuant to WAC 139-12, the release of public information concerning the criminal investigation will be done only by the SIU. The venue or employer agency may make their own release of information, but not pertaining to any aspect of the criminal investigation itself, to the public as deemed appropriate by the agency CEO.

The SIU release of public information shall adhere to the following:

- A. The SIU 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 SIU investigation. The SIU 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 venue county prosecutor's office.
- B. Public release of autopsy results by the venue county coroner's office should not take place until consultation with the SIU incident commander and the venue prosecutor's office. Information that may hinder or obstruct the investigation should not be released.
- C. The SIU incident commander shall appoint a SIU public information officer (PIO). The SIU PIO shall provide their contact information to media representatives and clarify that information concerning the criminal investigation will be provided only by the SIU. The SIU 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 SIU:
 1. The family representative for the person against whom deadly force was used, and
 2. The employer and venue agency CEO, and
 - a. 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 SIU investigation in which media releases are applicable.

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 incident commander will be notified by the venue agency, employer agency or any SIU members that receive a records request related to the incident while the investigation is pending.

36. RELEASE OF THE CRIME SCENE

Only the SIU incident commander, 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 incident commander shall notify the employer and venue agency chief/sheriff of the intent to release the scene prior to it actually being released.

37. REFERRAL TO THE VENUE COUNTY PROSECUTOR

In coordination with the SIU venue county prosecutor representative, the SIU incident commander will present the SIU investigative file to the venue county prosecutor for review of filing on any potential criminal charges.

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 when Garrity or other issues are raised.

38. EVIDENCE STORAGE

All evidence should be stored under the control of, and at the evidence storage facility of an SIU member agency not involved in the investigation, as designated by the SIU incident commander. The SIU evidence technician shall work with that member 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.

39. CASE FILES

All original reports, statements, and other documentation of venue agency employees should be filed and maintained by the venue agency. SIU will file reports under the assigned venue agency case number. 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 SIU reports.

Justifiable homicides often occur in conjunction with other criminal offenses. The venue agency county prosecutor has the authority to render the determination a homicide was justifiable, as per [RCW 9A.16.040](#). The [National Incident Based Reporting System](#) (NIBRS) data collection guidelines identify the justifiable homicide 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."

SIU members shall file their investigative reports on a standard supplemental report template. SIU reports will be completed outside of the standardized, multi-agency records management system (RMS) utilized for police incident reporting. The purpose in completing SIU reports outside the RMS is the intentional separation of information from the normal practices of police report submission. Completed SIU reports shall be submitted to the SIU incident commander only after review and approval by the designated SIU supervisor. SIU reports will be completed in a timely manner.

The SIU 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 SIU investigation, SIU investigators will not enter or otherwise index persons involved in the SIU investigation into the regional records management

system. Indexing of persons involved in the SIU investigation will be the responsibility of the venue agency once the final report has been completed, and published to the venue agency.

Once the SIU investigation is complete, SIU will not maintain copies of any master case files. The original master case file shall be turned over to the venue agency for filing and retention as required by law.

40. 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 incident commander. Where practical and lawful, SIU debriefings should include input provided by those officer(s) identified as involved officer(s) through the course of the SIU investigation.

41. APPENDIX

- [SIU Confidentiality Agreement](#)
- [SIU Conflict of Interest Assessment Tool](#)
- [SIU Guidelines](#)

42. ORGANIZATIONAL CHART

